

5b 3/12/0108/FP – 3 bed roomed detached dwelling at Ashendene Stud, White Stubbs Lane, Bayford, SG13 8PZ for Sally Fitzgerald

Date of Receipt: 30.01.2012

Type: Full – Minor

Parish: BAYFORD

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION:

That planning permission be **REFUSED** for the following reason:

1. The proposed development amounts to inappropriate development within the Green Belt. The harm by its inappropriateness and additional harm identified by its size and siting adversely impact on the openness of the Green Belt and the rural character of the surroundings and are not clearly outweighed by the need accepted in principle for an equestrian worker's dwelling at the site. The very special circumstances necessary to grant planning permission do not therefore exist and the development is thereby contrary to policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007 and the considerations of the National Planning Policy Framework.

_____ (120108.LP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is located approximately 2km southwest of Bayford village in a rural area characterised by predominantly agricultural and equestrian uses. The site is accessed from White Stubbs Lane with the buildings set back approximately 130m from the road.
- 1.2 The site was formerly known as Four Fields Farm and has been in equestrian use for a number of years. The current owner uses the holding as a full livery, as a breeding stud and as a centre for competitive training, particularly in respect of dressage. The site currently comprises 16 available stables for livery (the owner has a further 4 horses of her own) with associated tack rooms, feed stores and 5 no. grazing/training fields.
- 1.3 This application seeks permission for the erection of a 3 bedroom permanent dwelling for occupation, including a new office and tack room in association with the commercial operations of the livery and stud, to replace the lawful temporary planning permission for the mobile home

3/12/0108/FP

currently on site.

- 1.4 The site lies in the Metropolitan Green Belt wherein the provision of new residential accommodation is inappropriate by definition. The application has been referred to Committee at the request of Councillor Ashley.

2.0 Site History:

- 2.1 A temporary 3 year planning permission for a mobile home on site was initially granted (lpa. 3/08/1080/FP) and more recently a further application under LPA reference 3/12/0111/FP for the retention of the mobile unit for a further 3 years - determined 21st March.
- 2.2 In 2008 (3/08/0159/FP) permission for a mobile home was refused for the reason of constituting inappropriate development in the Green Belt. Officers were not convinced that the circumstances presented in the application constituted very special circumstances to outweigh the harm by reason of inappropriateness.
- 2.3 The applicant had submitted an earlier application for a permanent dwelling and garage (3/07/1360/FP), but this was withdrawn following Officer advice that a temporary residential use would be looked upon more favourably. This followed the then guidance of Annex A of PPS7, now cancelled by the new National Planning Policy Framework (NPPF), which set out that a new dwelling should initially be of a temporary nature, particularly where a business is not yet well-established.
- 2.4 Previous applications for residential use on site (when known as Four Fields Farm) were also refused by the Council and dismissed at appeal. This included an application in 1994 for a single storey dwelling for a groom (3/94/1633/FP), and an application in 1997 to continue residential use of an existing building (3/97/0204/FR). A corresponding enforcement notice was also upheld by the Inspector.

3.0 Consultation Responses:

- 3.1 Hertfordshire Highways comment that they do not wish to restrict the grant of permission.
- 3.2 Campaign to Protect Rural England comment that they do not object to the application per se, but comment that the Council should only permit it on the condition that the dwelling house be used exclusively to support the functional need of the stud business and should that business cease and cannot be replaced by another of equal standing and no very special circumstances be demonstrated then the development should be

removed.

4.0 Parish Council Representations:

4.1 Bayford Parish Council made the following comments:

'This council is opposed to the implication that the granting of a mobile home, automatically presumes that planning for a permanent residence will later be granted.

- The reason for this is that we would not like to set a precedent and thereby enable the possibility of seeing a house in every field within the parish. This would degrade the most important thing we are trying to preserve; that precious survival of a truly rural parish. As an example there are many expanding villages such as Cuffley and Hertford Heath, but Bayford, Little Berkhamsted and Brickendon represent the unique village concept amid the increasing urbanisation and ribbon development of Hertfordshire.*

We recognise that Ashdene Stud has proved to be a substantial and committed business. In addition, they have had considerable security problems, which apparently the mobile home has resolved.

We therefore cautiously acknowledge that the applicant has thus so far demonstrated a commitment to the parish, but oppose the granting of full planning permission for a permanent detached dwelling'.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 No letters of representation have been received.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC1 Appropriate Development in the Green Belt
GBC6 Occupancy Conditions
ENV1 Design and Environmental Quality

6.2 In addition, the recently published National Planning Policy Framework is relevant and replaces previous guidance in PPG2 and PPS7.

7.0 Considerations:

7.1 The main planning considerations relevant to this development proposal are:

- The principle of development and the appropriateness of a permanent dwelling;
- The appropriateness of the size and design of the dwelling and impact on the surrounding area.

The Principle of Development

7.2 The site lies in the Green Belt wherein Policy GBC1 outlines that the erection of dwellings constitutes inappropriate development. The material change of use of land is also inappropriate unless it does not conflict with the purposes of including land in the Green Belt. The new National Planning Policy Framework (NPPF) states that new isolated houses in the countryside should be avoided with exceptions such as when ' the essential need for rural workers to live permanently at or near their place of work in the countryside' (Para 55), it should be noted that much of the detailed guidance in PPS4 and PPS7 on occupational dwellings referred to by the applicants in justifying the dwelling has now been removed and replaced by the more succinct considerations of the NPPF. However, officers accept that a worker for equestrian purposes would meet the above criteria. Nonetheless the NPPF is referring to the countryside, not the Green Belt specifically and therefore Green Belt policy restrictions still apply. Very special circumstances must therefore be demonstrated to override Green Belt policy objections.

7.3 As noted above, planning permission was initially granted for a mobile residential unit for a temporary period of 3 years (lpa. 3/08/0159/FP) and a recent application under LPA reference 3/12/0111/FP granted consent for the retention of the mobile unit for a further 3 years. The Council has therefore accepted the principle of a temporary residential dwelling for agricultural workers on this site and the reasoning for this was based on animal welfare. This previously amounted to the required very special circumstances and, given the very recent date of the latest decision for the mobile home (21st March 2012), it is considered this would still provide justification in principle for a permanent dwelling on site, albeit contrary to Green Belt policy.

The appropriateness of the size and design of the holding and its impact on surrounding area/amenity.

7.4 I turn now to comment on the impact on the character and amenity of the

surrounding area. The proposed dwelling involves a 1½ storey dwelling at a height of 7.1 metres to the roof ridge line with 3 large dormers within the front and rear roofslope. The building would be of face brickwork with a pitched tiled roof. The roof eaves would be raised at the rear. The form and appearance of the dwelling is more urban than rural in character and does not appear to support local distinctiveness, contrary to Local Plan policy ENV1 and the NPPF. In terms of siting, the dwelling would be located within an open paddock 50 metres to the north east of the existing barns on site - approximately 100m from White Stubbs Lane.

7.5 The siting of the dwelling, detached from other buildings on site, would result in a significant spread of development on site that would be detrimental to the openness of this Green Belt location. The existing mobile home is located nearer to the horses so attention can be given to their welfare, and is a single storey building which has much less impact on the openness of the Green Belt. The size of the proposed dwelling with a floor area of 230 square metres and a height of 7.1 metres, would be visually intrusive and harmful to the openness of the Green Belt. The level of internal accommodation is significant; it is the overall size, scale and form of the building in conjunction with the isolated siting of the dwelling that results in greater harm. Should a dwelling of reduced scale be proposed with a different siting, then Officers would be more supportive of the proposal.

7.6 Whilst the wider site boundary of Ashdene Stud is landscaped, the dwelling, by virtue of its siting within an open paddock detached from the existing building on site, and together with the size and scale of dwelling, would be prominent. Furthermore there is a footpath to the north and the west of the site where further public views of the dwelling would be viewed.

8.0 Conclusion:

8.1 To conclude, the proposal is contrary to the National Planning Policy Framework which states that the 'essential characteristics of Green Belts are their openness and their permanence.' Whilst the principle of a residential dwelling for occupation in association with the commercial operations of the livery and stud has been accepted, there is concern that the size, siting and form within an open paddock would have a detrimental impact upon the openness and character and appearance of the Metropolitan Green Belt. Additional harm is identified by the general appearance of the dwelling which appears unrelated to existing buildings, fails to support local distinctiveness and by its size and siting impacts on the openness of the Green Belt. Some support for a permanent dwelling can be attributed by the two permissions for a mobile

3/12/0108/FP

home at the site, but these are not considered to amount to the very special circumstances that would clearly outweigh the harm caused to the Green Belt by the form, size and siting of this particular detailed proposal.