

**5c 3/12/0145/FP – Change of use from residential to D1 (use as a meeting hall) temporary consent for 3 years at The Bungalow, Ermine Street, Colliers End, SG11 1ET for Hertford Gospel Hall Trust**

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**Date of Receipt:** 01.02.2012

**Type:** Full – Major

**Parish:** STANDON

**Ward:** THUNDRIDGE AND STANDON

**RECOMMENDATION:**

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

1. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The proposed development would be prejudicial to this policy, set out at policies GBC2 and GBC3 within the East Herts Local Plan Review April 2007.
2. The proposed use in a location which is away from a centre of population results in an unsustainable form of development which is heavily reliant on motor vehicles and results in additional traffic movements within the rural area. The proposal is thereby at odds with the Councils strategy for development in the District as set out in Policy SD2 of the East Herts Local Plan Second Review April 2007 and is not in a sustainable location, contrary to the National Planning Policy Framework.
3. The proposed parking area is not of a high standard of design and layout and would create a form of development which is out of keeping with and detrimental to the open, rural character of the site and surroundings, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located to the north of the village of Colliers End. It is accessed via a narrow access road off Ermine Street. The dwelling is set around 90 metres from the main road and is of fairly modest

proportions with two larger gable projections on the flank elevation centred on a smaller subordinate element. The dwelling has flat roofed projections to the rear. The property is surrounded by open land which forms mainly meadow land. To the immediate south of the dwelling is a garden space associated with the dwelling.

- 1.3 This application seeks consent to change the use of the existing dwellinghouse to a meeting hall for a temporary period of time. The applicant sets out that the Hall will be used to serve as a small meeting hall for local Brethren attendance, which is expected to be around 30-40 people. The building will be used for around five hours in a given week and will be closed and secured for the rest of the week. Further details on the way in which the building will be used are set out later in the report.
- 1.4 The application also proposes the provision of a parking area to facilitate the proposed use. This has been modified during the process of the application, which is also explained below. However, 12 parking spaces are proposed within the existing garden area to the south of the dwelling, together with a turning circle and the provision of a hard standing. The applicant proposes to strengthen the existing landscaping around the existing garden/proposed parking area with additional planting.

## **2.0 Site History:**

- 2.1 There is no relevant planning history relating to the site.

## **3.0 Consultation Responses:**

- 3.1 County Highways comment that they do not wish to restrict the grant of planning permission. The application is similar to the use granted at a property in Buntingford. Times of worship are limited and are outside of peak hours of traffic flows and the number of worshipers is not likely to be significant. The property is remote from the public highway served by an existing access and ample parking provision is made within the site.

Works have been undertaken to improve the existing access, along with considerable hedge trimming and cutting back of vegetation to increase visibility for and of vehicles emerging from the public highway. However, additional trimming of the hedgerow to achieve visibility appropriate to the speed limit will be required.

The Highways Officer confirms that there is no technical reason to

object to the proposals in a highways context.

However, the Highways Officer comments that, given the remoteness of the property and lack of sustainable transport, permission should be for a temporary three year period and limited to the hours of worship. From a highway safety view, this would provide an opportunity to reconsider whether the existing access, being single width at present, adequately accommodates the actual traffic.

- 3.2 Herts Biological Records Centre (HBRC) comment that the site of The Bungalow is identified as a Wildlife Site. The meadow supports a range of natural grassland and plant species with a wet area in the north dominated by rushes and Meadow Sweet. There is an orchard and an area of scrub in the south west corner and a hedgerow surrounds the site.

However, HBRC comment that the access road, the garden associated with the dwelling and area of trees to the south of the building will be removed from the wildlife site, but the rest of the site will remain as an identified wildlife site.

HBRC have commented on the amended plans that leaving the width of the access road as it currently is will not result in the loss of the Wildlife Site grassland.

## **5.0 Other Representations:**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 One letter of representation has been received which comments that the proposed development will not give anything back to the community owing to the way in which the Brethren community operates. The letter also comments that the proposed development will result in significant traffic movements to the detriment of highway safety.

## **6.0 Policy:**

- 6.1 The relevant 'saved' Local Plan policies in this application include the following:
- SD2 – Settlement Hierarchy
  - GBC3 – Appropriate Development in the Rural Area Beyond the Green Belt

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- ENV1 – Design and Environmental Quality
- ENV14 – Local Sites
- TR7 – Car Parking – Standards

6.2 The National Planning Policy Framework is also relevant in the consideration of this application.

### **7.0 Considerations:**

7.1 The main planning considerations in this application relate to the following:

- The principle of development and any material considerations;
- The impact of the development on the character and appearance of the site and locality;
- The impact on the wildlife site;
- Highway safety matters.

#### The principle of development

7.2 As mentioned in the consultation response from the Highways Officer, the Council have relatively recently granted planning permission for a similar form of development in Buntingford. LPA reference 3/11/0497/FP granted a temporary permission for the change of use of a dwellinghouse for three years. The circumstances of that planning application are however different to this application as the Buntingford site is located within the built up area of that town and Local Plan policy SD2 raises no objection, in principle, with development.

7.3 The site subject of this planning application is however within the Rural Area wherein Local Plan policy places a constraint against development. Policy GBC2 sets out that, within the northern part of the District a Rural Area beyond the Green Belt will be maintained wherein inappropriate development will not be permitted. Policy GBC3 does set out some exceptions to this – criterion h) does allow for ‘other essential small scale facilities, services or uses of land which meet a local need, are appropriate to a rural area and which assist rural diversification’.

7.4 The applicant has provided some information to assist the Council to better understand their needs and how they operate. This has been briefly shown above – however, to expand, the applicant sets out that they (Hertford Gospel Trust) are a charitable organisation on behalf of the Christian fellowship known as the Brethren. The Brethren is a gospel based Church open to all members of the public to attend

meetings. It operates a Christian community where fellowship and integration are vital components so that the social fabric of society and families can be supported and nurtured. The Brethren rely on assembling to support their prime life objectives of Christian worship, Faith, fellowship, teaching and social values. To this end, they require a suitable place of Assembly. An Assembly consists of a Brethren living in a town and nearby villages all within easy reach of each other. Within this area there are a number of smaller meeting halls used twice a week (the Brethren already have such meeting halls in Hertford, Ware and Buntingford) and a larger 'Main Hall' (currently there are halls in Cheshunt, Cambridge and Biggleswade) where the congregations from the smaller meeting halls gather to meet together. This is the normal practice for the Brethren both nationally and internationally.

- 7.5 As set out above the Brethren already have three meeting halls in the District (Hertford, Ware and most recently Buntingford) – however, the applicant states that those meeting halls are over capacity and a further meeting hall is required for those members of the congregation living between Buntingford and Ware. A meeting hall at the application site would meet that need and reduce journey and travel times for the congregation. The Brethren community in the area totals 156 (having doubled in the last 5 years) with the existing 3 meeting hall only being able to accommodate 30-40 people means that there is a need for a new meeting hall. The applicant has also provided some information to show that the potential membership of the congregation who might use the Colliers End site do reside in-between Buntingford and Ware.
- 7.6 Officers acknowledge the information submitted by the applicant and would comment that there would appear to be a 'local need' for the provision of a further meeting hall. Weight should be attached to this consideration. However, given the size of the building involved and the potential numbers of the congregation meeting, Officers do not consider that this represents an 'essential' small scale service. Furthermore, given the existing rural location of the site, remote from nearby settlements, Officers do not consider that the provision of a meeting hall at the application site to be appropriate in this location.
- 7.7 In accordance with the above considerations, Officers consider that the proposed development represents an inappropriate form of development within the Rural Area, contrary to policies GBC2 and GBC3 of the Local Plan. Officers attach significant weight to the inappropriateness of the proposed development within the rural area and the conflict with the above mentioned policies.
- 7.8 Linked to this matter is the appropriateness of the application site in

sustainability terms. Policy SD2 of the Local Plan seeks for development to be concentrated in the main settlements. The applicants existing meeting halls in Hertford, Ware and Buntingford are all located in the main towns of the District wherein policy SD2 allows for such development. Those towns are located where the main concentrations of people live and have the greatest and most flexible access to public transport and highway connections. The application site however is not in a sustainable location in transport terms. The applicant has commented that it is the Brethrens normal practice to 'car share' and the users of the application site are from the locality, in-between Ware and Buntingford along the A10 corridor. Some weight should be attached to the potential for car sharing, which is a more sustainable mode of transport and Officers have previously identified above that some weight should be attached to the applicants 'need' for a meeting hall in this general locality. However, what is important to consider is that the Council would have limited control over any car sharing arrangements and what is being applied for in this application is a meeting hall, not necessarily specifically for the Brethren. What the Council must consider is whether the application site is in a sustainable location in transport terms. The Highways Officer identifies that this is not the case and, for the reasons set out above, Officers consider that there is conflict with policy SD2 and that the site is not in a sustainable location in transport and accessibility terms. Officers also attach weight to that consideration.

- 7.9 In accordance with the above considerations then, Officers are of the opinion that the proposed development does not represent an appropriate form of development within the rural area and, linked to this, that the site is not a sustainable location in transport terms, contrary to policies GBC2, GBC3 and SD2 of the Local Plan.
- 7.10 The applicant has also commented that the site represents previously developed land that would benefit from refurbishment that could improve the visual amenity of the site and area. Officers considerations in respect of the impact of the development on the character and appearance of the site and surroundings are discussed below. In any event, Officers do not consider that the site can reasonably be considered as representing previously developed land. The National Planning Policy Framework (NPPF) specifically excludes private residential gardens as previously developed land. Officers therefore do not consider that the site represents previously developed land and no weight can therefore be attached to this consideration.
- 7.11 However, in considering the principle of the proposed development in this location, Officers are mindful that there are material considerations

which must be balanced against the above concerns. The issue of 'need' for the meeting hall has been identified and considered above – some weight should be attached to that consideration. Furthermore, the applicant also provided information to show that there are no more sequentially preferable sites and has made reference to the latest national planning policy guidance from the Government as contained within the NPPF.

7.12 The applicant sets out that they have been actively searching for a site within 6 miles of Colliers End since 2004. The Brethren have particular requirements for their meeting halls in terms of internal layout which, together with the site size, independent access requirements generally precludes a number of existing buildings. The applicant states that the application site is the only suitable site which meets their needs and requirements. The applicant comments that their failure to secure a more sequentially preferable site is based on the following factors:

- The absence of any allocations for meeting halls/places of worship in the Local Plan;
- The limited supply of large, previously developed sites that meet the applicants requirements;
- The fact that the majority of previously developed sites that would be suitable within the settlement boundaries and urban areas are allocated for alternative uses, such as housing and employment, and the policy presumption against these sites being used for any other uses.
- The applicants fiscal constraints and their inability to compete with residential developers for available sites.

7.13 Officers acknowledge that work has been undertaken to consider whether there are any more sequentially preferable sites. It is not however clear from the information submitted why particular sites have been excluded or discounted. Officers do however appreciate the difficulties that the Brethren and other Church/charity groups may have, in terms of competition for more sequentially preferable sites within the built up areas where planning policy is not generally as restrictive as it is in rural areas, such as the application site. On that basis Officers are of the opinion that the lack of more sequentially preferable sites is a matter which should weigh in favour of the development proposal.

7.14 Turning to the NPPF – this document is a material consideration that should be considered in the decision making process. It is a recent document and sets out the Governments approach in dealing with planning matters.

- 7.15 The NPPF sets out at paragraph 28 that, in considering development proposals in the rural area (such as the application site) planning should, *inter alia*, promote development of local services and community facilities in villages, such as meeting places and places of worship. The key matter here is that the approach is for encouraging development for meeting places and places of worship within *villages*. The application site is in proximity to Colliers End but could not reasonably be considered as being within the village. In this respect, I do not consider that the development proposal accords with this particular element of the NPPF. This supports Officers above considerations that the development represents an inappropriate form of development and is not located in a sustainable location. Given the recent publication of the NPPF, Officers consider that significant weight should be attached to this consideration.
- 7.16 The NPPF does seek, in chapter 8, to encourage the provision of meeting places and places of worship. However, that chapter is not specific to the rural area and Officers therefore consider that greater weight should be attached to paragraph 28 of the NPPF as referred to above, which relates specifically to the rural area wherein the site is located.
- 7.17 In accordance with the above considerations, Officers consider that whilst some weight should be attached to the need arguments put forward by the applicant and that there are no other more sequentially preferable sites, Officers do not consider that such matters are, in this case, sufficient to outweigh the inappropriateness of the development in the rural area, the unsustainable location of the application site, and the commitment to locate places of worship/meeting halls within villages, as required in the NPPF.

#### Character and appearance

- 7.18 The proposed development involves very limited alterations to the external fabric of the building. Some limited internal alterations are proposed to facilitate the change of use, however the impact of the development on the character and appearance of the building will not, in Officers opinion be significantly detrimental.
- 7.19 Externally, however, significant alterations are proposed. The access road leading to the building was originally proposed to be altered/widened to accommodate parking associated with the development. However, for reasons relating to the impact on the Wildlife Site, this has been amended. Now proposed is the

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development of the garden to the south of the dwelling to provide a car park area and a turning circle. Planting is proposed around the area to help screen the development.

- 7.20 Policy ENV1 of the Local Plan requires that all development be of a high standard of design and layout. The NPPF places a high regard on the importance of ensuring high standards of design and layout. Officers therefore attach significant weight to policy ENV1 of the Local Plan.
- 7.21 The proposed development, involving the change of the garden space to a car park cannot, in Officers opinion, reasonably be considered as a high standard of design. The existing open, grassed and landscaped area would be almost completely replaced with a form of hardstanding, turning circle and the parking of cars. Such a form of development would, in Officers opinion, be at odds with the general character, openness and rural character of the site and immediate locality. Officers acknowledge the potential for planting around the car park which, to some extent may help to screen the development. However, this would not entirely address the poor design and layout of a large parking area within the site. This element of the proposed development is therefore contrary to policy ENV1 of the Local Plan and Officers attach significant weight to that consideration.

#### Impact of Wildlife Site

- 7.22 As set out above, the proposed development relating to the car parking area has been amended through the process of the application to address concerns raised with regards to the impact on the Wildlife Site. The parking area was previously proposed along the existing access which would have required an extension of the hard standing resulting in impact to the Wildlife Site. However, the parking is now proposed in the garden of the existing dwellinghouse. HBRC comment that this is acceptable as the garden area does not form part of the Wildlife Site. In accordance with those considerations the proposed development will not, in Officers opinion, result in significant harm to the Wildlife Site in accordance with policy ENV14 of the Local Plan.

#### Highway safety matters

- 7.23 The comments from the Highways Officer and third party are noted. Whilst Officers recognise that the existing access road to the building is limited in terms of its width, given the comments from the Highways Officer, it is considered that the development proposal will not result in significant harm to highway safety, subject to the imposition of

appropriate planning conditions.

Other matters

- 7.24 Officers have made reference above to the development for a meeting hall for the applicant granted in Buntingford. Planning conditions were attached to that site in terms of a temporary use and hours of operation, in order to control the impact of the development. Officers have considered whether similar planning conditions could be attached with this application. However, given the above mentioned concerns relating to the inappropriateness of the development and conflict with the NPPF and the unsustainable location of the site, such conditions would not, in Officers opinion, fully overcome such concerns, in this case.

**8.0 Conclusion:**

- 8.1 The planning considerations relating to this planning application are, in Officers opinion, finely balanced. Your Officers acknowledge that there is an identified need for the Brethren as a meeting hall and that the applicant has encountered difficulties in finding more sequentially preferable sites within the more built up and sustainable locations in the District. Officers attach weight to those considerations, but consider that the impact of the development in terms of its inappropriateness, the unsustainable location of the application site and the commitment within the NPPF to ensure places of worship and meeting halls are located in villages, outweigh those other planning considerations. Furthermore, additional weight is attached to the impact of the proposed parking area on the character and appearance of the site and rural surroundings.
- 8.2 In accordance with the above considerations Officers therefore recommend that planning permission is refused.