

- 5b (a) 3/12/1075/FP – Renovation and extension of 4 existing dwellings, erection of 4 new dwellings, change of use, alterations and extensions to existing agricultural buildings to provide 7 dwellings, demolition of existing agricultural buildings, associated parking, landscaping and publically accessible parkland with nature area; and
(b) 3/12/1076/LB – Change of use, renovation, extension of existing listed and curtilage listed building and demolition of existing listed and curtilage listed buildings at Home Farm, Moor Place, Kettle Green Road, Much Hadham, for Foxley Builders
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Date of Receipt: (a) 27.06.2012
(b) 27.06.2012

Type: (a) Full – Major
(b) Listed Building Consent

Parish: MUCH HADHAM

Ward: MUCH HADHAM

RECOMMENDATION:

(a) That planning permission be **REFUSED** for the following reason:

1. The application site lies within the Rural Area, as defined in the East Hertfordshire Local Plan where development will only be allowed for certain specific purposes. The erection of 4 new build dwellings is not appropriate development within the Rural Area and the Council is not satisfied that there is sufficient justification for the proposed dwellings. The proposal would thereby be contrary to the aims and objectives of policy GBC3 of the East Herts Local Plan Second Review April 2007.

(b) That listed building consent be **GRANTED** subject to the following conditions:

1. Listed Building three year time limit (1T14)
2. Samples of Materials (2E12)
3. Listed Building (timber structure) (8L01)
4. Listed Building (new window) (8L03)
5. Listed Building (new door) (8L04)
6. Listed Building (new brickwork) (8L06)
7. Listed Building (new boarding) (8L07)

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8. Listed Building (new rainwater goods) (8L09)
9. Listed Building (making good) (8L10)
10. Prior to the commencement of any works, a detailed recording of the existing buildings and an itemised schedule of repairs to each building, including the garden wall and apple store, shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with national planning policy guidance set out in section 12 of the National Planning Policy Framework.

_____ (107512FP.EA)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The site forms part of the wider Moor Place estate, which currently extends to some 781 acres, and is located to the west of the settlement of Much Hadham. Home Farm is located centrally within the Moor Place estate, and is some 85 metres to the south east of the main Grade I listed house. Home Farm is currently occupied by a number of estate buildings (some of which are listed (Stable block and adjoining cottage Grade II* and the kitchen garden wall Grade II) or curtilage listed), agricultural structures and a walled kitchen garden as well as 5 dwellings including the Dairy Cottage, Stable block flat and house, Garden House and Farm Cottage which are currently occupied. The buildings vary in their architectural character and historic significance with the oldest dating from around the mid 17th century through to a proliferation of 20th century utilitarian structures situated beyond the historic enclosure of the farmyard.
- 1.2 These applications seek permission and listed building consent for the renovation and extension of 4 existing dwellings; the erection of 4 new dwellings, the change of use; alterations and extensions to existing agricultural buildings to provide 7 dwellings; the demolition of existing agricultural buildings; associated parking, landscaping and publically accessible parkland with a nature area. The development would therefore result in a net increase of 11 dwellings on the site and a total of 1 2-bed dwelling, 8 3-bed dwellings, 3 4-bed dwellings and 3 5+-bed dwellings.

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1.3 The application site extends to some 8.2 hectares, and is designated within the East Herts Local Plan as being within the Rural Area Beyond the Green Belt and an Area of Archaeological Significance. The Moor Place estate is also listed in the Council's Historic Parks and Gardens SPD as a locally important historic park and garden.

2.0 Site History:

2.1 The site has an extensive planning history, but none which is wholly relevant to the consideration of this application.

3.0 Consultation Responses:

3.1 Thames Water has commented that with regard to sewerage infrastructure they have no objection to the application. With regard to surface water drainage they comment that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the received public network through on or off site storage.

3.2 The Crime Prevention Design Advisor, Herts Constabulary has commented that the development could be conditioned for full Secured by Design accreditation, although they understand there may be problems with this due to several of the buildings being listed. They also comment that they don't have any major concerns regarding the development but would encourage the developer to consult and work with the police design service to ensure that the properties are safe and secure.

3.3 Natural England has commented that in respect of the impact of the proposed development on bats, planning permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats. In respect of great crested newts they comment that the developer should consider promoting biodiversity enhancements for great crested newts (e.g. creation of new water bodies and suitable terrestrial habitat) in accordance with the NPPF and Section 40 of the NERC Act.

3.4 Herts Biological Records Centre has commented that the submitted protected species report and recommended mitigation gives the Local Planning Authority sufficient information for a fully informed planning decision to be made. They comment that the Local Planning Authority will need to apply the 3 derogation tests when making a decision. They

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further comment that work on building 1 (large barn) and building 17 (Dairy Cottage) must not start until an EPS licence has been obtained from Natural England.

- 3.5 The Environment Agency has commented that the development is located in an area of serious water stress due to limited water resources in the local area and high demand for water, and they therefore suggest that the applicant investigates the use of water efficiency measures. They comment that they find the proposed development acceptable if conditions relating to dealing with the risks associated the contamination of the site, the submission of a surface water drainage scheme and no infiltration of surface water drainage into the ground are attached to any grant of permission, to address their concerns relating to groundwater and flood risk.
- 3.6 The Council's Environmental Health Team has commented that any permission given shall include conditions relating to construction hours of working, soil decontamination and piling works.
- 3.7 Veolia Water has comments that the site is located within the groundwater Source Protection Zone of Hadham Mill Pumping Station. The construction works and operation of the proposed development site should therefore be done in accordance with the relevant British Standards and Best Management Practices to reduce the groundwater protection risk.
- 3.8 The Historic Environment Unit, Herts County Council has commented that the site is partly within an Area of Archaeological Significance and the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological and historic significance. It is therefore recommended that a condition is attached to any grant of permission requiring a programme of archaeological works to be secured.
- 3.9 The Council's Engineering Team has commented that the site is situated within Flood Zone 1, there are no historic flood incidents recorded for the site and that the site is partly within surface water inundation zones. They comment that the submitted drawings show some existing impermeable areas are being removed and the permeable area of the site is being increased. This could provide flood risk reduction benefits to the site and surrounding area. They go on to comment that the site is incorporating sustainable drainage systems into the design and these include above ground/green infrastructure features which are recommended within the EHDC Strategic Flood Risk Assessment. They comment that once installed these measures will

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provide an improvement to flood risk reduction in the site and surrounding area. They comment further that some of these sustainable drainage systems appear to be shown as being located within areas that could be adopted by the Council, and they therefore question whether it would be possible for these features to be maintained by the Council.

- 3.10 The Planning Obligations Officer, Herts County Council has commented that the County Council would seek the following contributions to minimise the impact of the development on Herts County Council services for the local community:

Secondary Education	£42, 957
Youth	£813
Libraries	£2,516

- 3.11 The Council's Landscape Officer has commented that the application is non-contentious in landscape terms, and that they recommend approval subject to a condition for detailed landscape proposals.
- 3.12 The Council's Conservation Officer initially recommended refusal of the application as they were concerned about the impact that the development would have on the long term historical viability of Moor Place as a Grade I listed building (i.e. the future of the house to be retained as a single dwelling). However, additional information was received from the applicant during the consideration of the application which set out that there is a potential buyer for Moor Place as a single dwelling subject to the redevelopment of the farmstead (a letter has been received from that potential purchaser). It appears that potential purchasers of the main house have been concerned about the liability of the farmstead and its buildings. Following the receipt of this information, the Conservation Officer has confirmed that they do not now have any objections to the application.
- 3.13 The Conservation Officer has made the following comments on the details of the proposed development:

Plot 1 (Garden Cottage)

The proposed works are considered to have little impact on the interpretation of the building or the fabric of the garden wall. The proposed garden room would have a limited impact on the setting of the garden and would encourage an interactive relationship between the historic garden and garden cottage.

Plot 2 (Estate Office and Gardeners Store)

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The impact of the proposed works to convert the building would have a limited impact on the existing planform or interpretation.

Plots 3, 4 and 5 (Grade II* Stable Block)
See comments from English Heritage

Plot 6 (Farm Cottage)

The proposal to continue the domestic use of the building is considered the most sympathetic approach, and the mass, scale and design of the side extension is considered to have a limited impact on the architectural or historic fabric.

Plot 7 (Granary)

The proposal to convert the barn into a residential dwelling as proposed would have little impact on its future interpretation as an agricultural barn with immediate setting.

Plot 8 (New Build House)

The proposed replacement dwelling for an existing C20th dutch timber framed barn is of a similar scale but on a slightly different alignment. The replacement dwelling is considered to be in keeping with the existing linear pattern and is of an agricultural design which is consistent with the architectural character and appearance of the immediate setting.

Plots 9 and 10 (Threshing Barn)

The proposed conversion of the barn to residential would realise its wholesale repair and long term viable use as a significant heritage asset.

Plots 11 and 12 (New Build Houses)

The scale and mass of the new houses has been balanced against the mass and scale of the existing modern agricultural dwellings which are of poor historic and architectural significance. Whilst the new dwellings are larger in footprint and scale, they are of higher design quality and continue to provide the agricultural character and appearance of the site.

Plot 13 (Dairy House)

The continued use of the building as a residential development is considered the most appropriate albeit with a substantial extension, which has been designed and orientated to address the gateway and wider farmstead.

Plot 14 (Engine House)

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The scale, mass and design of the proposed extension to the existing building would allow the existing building to be interpreted as a functional agricultural building which forms part of the wider setting.

Plot 15 (New Build House)

The mass, scale and design of the proposed dwelling provides an introduction to the wider character and appearance of the farmstead and the proposed development. The immediate setting of this building includes an applestore which is of considerable significance, and the repair, restoration and long term maintenance of which should form part of any proposed for the site.

- 3.14 In respect of the use of the existing access to Moor Place from the High Street to access the proposed development site, the Conservation Officer considers that the use of this access would detract from the Manor House as a single residential dwelling and would have a detrimental impact on the listed buildings within the farmyard. The point at which the road accesses the farmyard is the most sensitive in terms of historic value, and an access in this position would detract from the considered design, layout and approach of the site.
- 3.15 The Conservation Officer concludes that the proposed repair and re-use of those buildings of significance would ensure their long term viable use as heritage assets. Furthermore they consider that the design approach is in keeping with the agricultural, historic and architectural character and appearance of the immediate site. They go on to state that following the additional information about the potential buyer for Moor Place, they consider that their initial concerns about the longevity of the Grade I Manor House as a single residence are no longer valid.
- 3.16 English Heritage has commented that the proposals for Home Farm at Moor Place are complex and ambitious, and they consider that both the conversion of the historic buildings and the development of new buildings in place of the modern farm buildings would erode the historic character of the place. They understand that the Council is assessing the enabling case put forward by the applicants, and in doing so it will also consider the justification for the works to the historic buildings. English Heritage considers that these works would be damaging but may be justified if they would secure the buildings' optimum viable use. They would not be justified if their historic use as ancillary buildings for Moor Place could continue. They go on to state that should the Council conclude that either the conversion of the historic buildings, or the construction of the proposed new buildings, or both would be justified they recommend that amendments are made to both elements of the scheme to make the proposals more sympathetic to the historic

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character and interest of the place. English Heritage has set out a series of amendments which are detailed below, and they attach particular importance to the proposed works to the stables.

Historic Buildings

- The insertion of glazed screens in the carriage openings would detract from the character of the buildings, but forms a necessary part of the scheme. The design of the screens, however, is less sympathetic than it should be, as the cruciform pattern of their heavy framing, with its central mullion, emphasises the alien nature of the insertions. It would be better either to use frameless glazing, so as to minimise the screens' presence, or to replace central mullions with a mullion to either side. (Central verticals in openings are alien to the classical tradition to which the building belongs.)
- It is proposed to replace the existing external door to the proposed first floor living room of Plot 3 with glazed French doors. These would at odds with the character of the building. While it is understandable that the applicants should wish to introduce some glass into this opening, this should be restricted to the upper part of the doorway so as to avoid incongruity.
- It appears to be proposed to replace the external door to Plot 4 (see drawing 65311.304). If this is a historic door it should be retained.
- It is proposed to create a new external door from the living room in this unit to the garden. The 19th century stalls in this part of the building form the most important feature of the building's interior. Although care has been taken to work with their fabric and character in the planning of the scheme the creation of a door through the stalls would be harmful. If there is to be a door here, however, it should at most be half-glazed: the fully glazed door shown in the drawing (65311.405) would be entirely incongruous.
- The extent of works to the staircase in Plot 4 is not clear from the drawing (65311.304). As noted prior to the application, the flights from ground to first floor are modern and could be replaced but the upper flights are historic and should be retained.

New Development

- As noted prior to the submission, the construction of new housing to resemble converted barns (Plots 11 and 12 in particular) would dilute the historic character of the site by denying its historical development. A more appropriate model for new housing would be the model housing of the 18th, 19th and 20th centuries typically

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associated with country houses and their estates.

- The brick walls with which it is proposed to divide the development would be detrimental to the historic character of the site. There are substantial historic brick walls, notably defining the walled garden, and with the historic buildings these are essential to the site's present character. While it is right that any new development should be sympathetic to the character of the old, to imitate the historic walls with new brick walls would dilute the historic character of the site and give undue importance to the new development. Something of more deferential character, such as hedging or simple post and rail fencing would be more appropriate.
- Gravel may be the most appropriate material with which to treat the drives and other hard surfaces. The introduction of granite setts - somewhat arbitrarily arranged - would be likely to emphasise the new and residential character of the development. They suggest that these should be omitted.

3.17 Following receipt of the initial comments made by English Heritage (detailed above), the applicant has made some amendments to the scheme to attempt to overcome their concerns, namely in relation to the works to the listed stable block. Further comments have been received from English Heritage. They state again that they consider that the proposed works would harm the significance of the historic buildings that make up the Home Farm, and perhaps also the wider setting of Moor Place itself. They consider that it is for the Council to assess the justification for the proposals in the light of this conclusion. In response to English Heritage's previous comments, the applicants have pointed out that the proposed new housing is not put forward or justified as enabling development, as they had suggested it was. English Heritage comment that there seems to be some confusion about this, as the applicants' planning agent has – in discussion - stated, first, that the proposed development is not enabling development, and, second, that it would be contrary to planning policy and is justified as being necessary to make the scheme as a whole viable. If so, it would seem to be enabling development; but again, it is for the Council to determine how to assess the proposals.

3.18 The revisions made to the proposed works to the stables answer English Heritages earlier comments, and they consider that the proposed conversion would now be acceptable. They comment that it would erode the special interest of the building, but they believe that it would do so only to the degree necessary to secure the buildings' reuse (assuming the justification for the scheme as a whole is accepted). They state that the proposals for the new development have not been amended in response to their previous comments, and that the

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applicant has stated that the Council's officers have accepted the approach taken towards the design of this. English Heritage's assessment - that it would be inappropriate to build new houses imitating barns and add extensive new brick walling to the site, and that the treatment of road surfaces would be unsympathetic - remains unchanged.

- 3.19 County Highways initially recommended refusal to the application commenting that the use of the existing access onto Kettle Green Road was unacceptable. However, further discussions have been had with County Highways and the application now proposes surfacing of existing passing places on Kettle Green Road and trimming of existing hedgerows along the roadside. County Highways have now commented that on the proviso that the use of the war memorial access is not acceptable in planning terms, there is no increase in traffic generation on Kettle Green Road and no accident record at the junction of Widford Road and Kettle Green Road, the highway authority would support the proposals put forward, although the developer would need to carry out the hedge works within their land ownership and pay the financial contributions for the work and the cost of a temporary road closure to undertake the works. Furthermore, County Highways have confirmed that they will not be seeking a contribution towards sustainable transport measures provided the contribution/works for Kettle Green Road is accepted in full.

4.0 Parish Council Representations

- 4.1 Much Hadham Parish Council has commented that they support the application but do have the following comments to make on it:
- They appreciate that the proposed construction of four new houses is against the Council's policy, but they consider that the plans in total should nonetheless be approved. They state that the old barn, though apparently not listed, is a building worth preserving as part of our heritage, and they expect that the fact that it is not listed is an oversight. The old barn is in a bad state of repair and so are some of the other buildings on the site. The early 20th century farm buildings are of no architectural significance, and as no farming will ever take place on what is left of the Moor Place Estate, they consider that their demolition would be welcome. They comment that the four new houses are required to make the proposal financially viable. If the proposal proceeds, then the old barn will be preserved and so will the other buildings worth preserving on the site. They consider that the benefits of the development, in their view, outweigh the disadvantages. They do

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not consider that if the four new houses are approved, the departure from Council policy will lead to pressure for other departures from Council policy in the vicinity;

- They consider that it would be in accordance with Council policy for a development of this nature to contain some affordable or social housing. The Parish Council has met the developer and he has explained why building such housing on the site would make the development unviable. The Parish needs more affordable or social housing, but on this occasion the Parish Council is prepared not to press for any such housing as part of the development. However, the Parish Council expects, in return, that the Parish Council will receive a contribution under the Community Infrastructure Levy;
- The developer has proposed a nature reserve between the site and Walnut Close. The plans show paths running through the nature reserve. The Parish Council would like to see these paths become formal footpaths over which the public will have a right of way. One of the proposed paths leads up the development site. The Parish Council does not want to see the development become a gated community. They therefore request that from the point where the path joins the development site to the point where the main entrance drive exits on to Kettle Green Road should be made a public right of way on foot only;
- Kettle Green Road is narrow and steep, particularly the section, which leads from the exit of the main drive down to the High Street. The corner where Kettle Green Road joins the High Street is dangerous; traffic emerging from Kettle Green Road has to come out into the High Street before the driver can see whether or not there are vehicles coming from the north or the south on the High Street. The wall of Yew Tree Cottage means that drivers going south on the High Street cannot see vehicles emerging from Kettle Green Road until those vehicles have started to enter the High Street. Furthermore, drivers emerging from Walnut Close on to Kettle Green Road cannot see vehicles coming from the left until they have started to enter Kettle Green Road. In heavy rain, water flows down Kettle Green Road into the High Street, and in winter the water sometimes freezes making the section of Kettle Green Road treacherous. If the development goes ahead, there will be more traffic using Kettle Green Road, particularly the dangerous section between the exit from the main drive and the High Street. As a result, many residents have raised objections to the development. The Parish Council do not consider that the likely increase in traffic justifies the rejection of the application, but they do suggest that steps are taken to make the exit from the main drive on to Kettle Green Road safer, for example by improving the

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sight lines. Traffic on Kettle Green Road approaching Much Hadham goes sharply downhill before the exit from the main drive and cannot see the exit until a short way from it because at this point there is a corner on Kettle Green Road. They consider that a sign ought to be put up to warn the traffic on Kettle Green Road about the exit;

- The plans show what appears to be a secondary drive leading from the main drive running parallel to Kettle Green Road and emerging on to Kettle Green Road beside Back Lodge. This is the route of the old drive up to Moor Place House. The Parish Council comment whether it is the intention that this secondary drive should be used by vehicles as well as by pedestrians? If so, care will need to be taken to ensure that the exit from the secondary drive on to Kettle Green Road is made safe;
- Many residents have also expressed concern about lorry traffic using Kettle Green Road during the course of construction. The Parish Council understand that the developer has a site at the top of New Barns Lane where building materials may be stored and that the developer intends to approach the owner of the track, which leads from the top of New Barns Lane along to Brands Lane, and ask for permission to take building materials along the track and into the site without using Kettle Green Road. If this turns out to be possible, it would be welcome. In any event, they consider that a condition should be imposed preventing lorry access to the site during rush hours in the morning (say between 8.00 am and 9.30 am) and during rush hours in the evening (say between 5.00 pm and 6.30 pm);
- The Parish Council owns the sports field. There is a gate, which is at present always locked, between the sports field and the field behind, which is part of the Moor Place Estate; the developer has entered into a contract to purchase this field. There is an existing public footpath, which crosses this field near the gate. The Parish Council should like to see a public footpath leading from this existing footpath to the gate and for the gate to remain open, so that the public may as of right gain access to the existing public footpath through the gate in the sports field. At present the only access from the High Street to the existing public footpath is through the main gates leading to Moor Place House;
- They appreciate that Moor Place House has existing mains drainage and that the proposal is to use the existing pipes for the drainage of soil and water from the development site. The Parish Council do not know whether the existing pipes will be adequate for the increased flow. They appreciate that this is a building regulation issue, not a planning issue, but if consent for the

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development is given, the pipes must be checked;

- There is a bell tower on the Grade II stable block on the site. The Parish Council understand that the bell is in working order. Though this is not a planning or building regulation issue, they should like the bell to continue to strike the hours once the development has been completed.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 5 letters of representation have been received which can be summarised as follows:

- Concern regarding and objection to the impact that the development would have on the intensification of traffic using Kettle Green Road, and at its junction with the main street of Much Hadham. The use of the access onto Kettle Green Road is not considered to be acceptable;
- Access to the site should be provided by the existing drive to Moor Place;
- Do not consider that the suggested levels of traffic movement associated with the development are accurate;
- There are existing problems with being able to pass on Kettle Green Road and the existing informal passing places which have been created along there have in places resulted in the erosion of the existing hedgerow;
- Query whether the sale price of the main house is reduced, whether a party would be forthcoming to take on the renovation of the existing buildings without having to resort to extensive development in the countryside. The economics of the proposal should not be allowed to override policy;
- The erection of 4 new houses outside of local policy would set a dangerous precedent;
- The number of houses proposed seems excessive;
- The size of the proposed dwellings is large and there would not be any cottages or affordable homes;
- The redevelopment of the site would destroy an equestrian business which is currently operated from one of the buildings on the site;
- If permitted, construction of the development should only take place during the week and not at weekends, as construction traffic movements on Kettle Green Road would be a danger to the public

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and children and unsociable and disruptive to residents who live directly on Kettle Green Road, as would the noise from construction on the site;

- The removal of a number of the existing buildings on the site would create much additional noise;
- Request written assurances that the land surrounding Home Farm is not developed in the future;
- The proposed planting of trees and copses on the nature land would impact on the outlook for nearby residential properties and result in loss of sunlight;
- Concern that unrestricted access to the publically accessible nature reserve could result in the land becoming derelict and misused with little value for wildlife;
- Question why a wider access is required to the nature reserve land;

5.3 A petition signed by 15 people has also been received which states that they are opposed to construction activities at weekends; opposed to the access to the site from Kettle Green Road and consider that the access to the site should be from the main drive to Moor Place and that they require written assurances that no planning permission is given for further new dwellings on the Moor Place estate, as the current application already breaches planning policy and they will not tolerate further development of the land surrounding Moor Place.

6.0 Policy

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

SD1	Making Development More Sustainable
HSG6	Lifetime Homes
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC9	Adaptation and Re-use of Rural Buildings
GBC10	Change of Use of an Agricultural Building
TR1	Traffic Reduction in New Developments
TR7	Car Parking Standards
TR8	Car Parking – Accessibility Contributions
TR14	Cycling – Facilities Provision (Residential)
TR20	Development Generating Traffic on Rural Roads
EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping

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ENV3	Planning Out Crime – New development
ENV5	Extensions to dwellings
ENV6	Extensions to dwellings - Criteria
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
BH1	Archaeology and New Developments
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH16	Historic Parks and Gardens
LRC9	Public Rights of Way
IMP1	Planning Conditions and Obligations

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

7.0 Considerations

7.1 The determining issues in relation to the consideration of these applications are:

- The principle of development;
- Impact of the development on existing Listed Buildings and the setting of those buildings;
- Highways considerations;
- Impact of the development on the character and appearance of the landscape;
- Protected Species;
- Planning Obligations;
- Other Matters.

Principle of Development

7.2 The site lies within the Rural Area Beyond the Green Belt as designated within the East Herts Local Plan. Policy GBC3 of the Local Plan sets out the types of development which are considered to be appropriate within the Rural Area. The proposed development can be separated into three elements, the erection of 4 new dwellings (plots 8, 11, 12 and 15), the change of use of existing buildings to form 7 dwellings (plots 2, 3, 4, 7, 9, 10 and 14) and the extension of 4 existing dwellings (plots 1, 5, 6 and 13). The three elements of the proposed development all have different policy considerations, and it is therefore necessary to consider them separately.

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Change of use of buildings to form 7 dwellings

- 7.3 Turning firstly then to the proposed change of use of some of the existing buildings on the site to residential, policy GBC3 of the Local Plan sets out that the adaptation and re-use of rural buildings in accordance with policies GBC9 and GBC10 is considered to be appropriate development in the Rural Area. Policy GBC9 sets out a number of criteria that must be met for the residential use of a building to be permitted.
- 7.4 Firstly, the buildings in question must be worthy of retention and the introduction of a residential use not detract significantly from the rural character and appearance of the area. In considering this part of the policy, it is important to note that many of the buildings in question are either listed in their own right or curtilage listed. By virtue of their listing therefore, these buildings are considered to be worthy of retention. Their listing means that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Officers therefore consider that the buildings are worthy of retention.
- 7.5 Turning then to whether the proposed change of use of the buildings would detract significantly from the rural character and appearance of the area, the buildings form part of the existing farmyard which is an established feature within this rural landscape. The proposed alterations to the buildings to facilitate their use for residential purposes are considered to be appropriate and are of an appropriate design such that the agricultural character and appearance of the buildings will be retained. Taking these matters into account, and comments of the Council's Landscape Officer who raises no objection to the application, it is considered that the proposed change of use of the buildings would not detract significantly from the rural character and appearance of the area.
- 7.6 Policy GBC9 requires that permission will only be given if the retention of the building is unable to be facilitated by conversion to a business use or part of a scheme for business re-use, leisure, tourism, community or other purposes compatible with the rural area. The application is supported by an Economic Viability Statement which sets out that all the buildings on the site were advertised to let "for commercial uses, including leisure (holiday lets) or community uses, subject to planning" from around November 2010 for a minimum of 13 months. During that period of marketing only nine enquiries about the site were received. Of these enquiries, some did not pursue their

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enquiry following receipt of the marketing details or the buildings were not deemed to be suitable by the interested party for the use that they were seeking. It is therefore evident, having regard to the amount of time that the buildings were advertised for and the very low number of enquiries, that there is a clear lack of demand to use these buildings for commercial purposes. It is therefore considered that in this case that the retention of the building is unable to be facilitated by conversion to a business use or other use/purposes compatible with the rural area. It is noted from the representations received from a local resident in respect of the application, that there may be an equestrian business which is currently being operated from the site. No details of this have been submitted to the Council by the applicant, nor has the operator of that business contacted the Council during the consideration of the application. Taking this into account and what would seem to be the limited scale of the business, Officers do not consider that the existence of this business would outweigh the other matters set out in relation to the consideration of this part of policy GBC9.

- 7.7 Policy GBC9 also requires consideration as to whether the proposed buildings could make a contribution to the local affordable housing needs in the area. Of importance to this consideration is the historic importance of these buildings and in many of the buildings, their listed status. The alterations permitted to the buildings to facilitate their use for residential purposes will be restricted due to the listed status of the buildings, and therefore it is unlikely that the internal layout of the buildings would not be acceptable to a Registered Provider. It is therefore considered that in this case, the buildings could not make a contribution to local affordable housing needs.
- 7.8 Finally policy GBC9 requires, in the case of listed buildings, that the historic value of the structures has been assessed in a historic building assessment and appropriate mitigation of any impact on the structure had been put in place. The application was supported by structural surveys and a Heritage Statement. The Heritage Statement identified the historical significance of many of the buildings within the site. Furthermore, it should also be noted that the Council's Conservation Officer raises no objection in principle to the proposed re-use of these buildings, and whilst English Heritage do have some reservations about the impact of the proposed development on the historic character of the estate, they do comment that the works may be justified if they would secure the buildings optimum viable use. As has already been considered in this report, a marketing campaign has been undertaken which did not secure any demand for the buildings for use used for commercial or other purposes (such uses may not require such significant alterations to the building). It is therefore clear from the

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marketing exercise that the residential re-use of the buildings appears to be the only viable alternative, and would therefore seem to be the optimum viable use for the buildings.

- 7.9 In conclusion, it is therefore considered that the proposed re-use of some of the existing buildings on the site for residential purposes would accord with policy GBC9 of the Local Plan. Furthermore, it is considered that this element of the proposal would accord with policy GBC10 of the Local Plan. Those buildings which were originally erected to serve a genuine agricultural need (many of the buildings were stables or other buildings used in the operation of the estate), are no longer required for those purposes and there is very little (if any) agricultural business which occurs any longer on the site. Much of the surrounding agricultural land which previously formed part of the estate has now been sold to neighbouring farmers, and thus the demand/need for agricultural buildings has diminished. Furthermore, due to the age, size and listed status of many of these buildings, it is very likely that they would no longer be deemed suitable for use for modern agricultural practices.

Extensions to 4 existing dwellings

- 7.10 Turning now to the proposed extensions to existing dwellings, Policy ENV5 of the Local Plan states that an extension to a dwelling (outside of the six main settlements and category 1 and 2 villages) will be expected to be of a scale and size that would either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area. Extensions and/or alterations of varying sizes and scales are sought to the existing dwellings on the site (plots 1, 5, 6 and 13). Whilst the extensions/alterations proposed to plots 5 and 6 are relatively modest, those proposed to plots 1 and 13 are more substantial, and would result in an increase in the floorspace of the dwellings over the original dwelling by some 84% and 111% respectively. Extensions of this size and scale are considered to go beyond the requirements of policy ENV5, and it is therefore necessary to consider whether any material considerations exist in this case which would warrant a departure from policy.
- 7.11 Turning firstly to the design of the proposed extensions, it is the opinion of Officers that the extensions proposed are, in all cases, of an appropriate size, scale and design such that the character and appearance of the existing dwelling is not significantly affected to its detriment. Furthermore, the resultant size and scale of the dwellings would not in the opinion of Officers, intrude into the openness or rural

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qualities of the surrounding area. It is therefore considered that whilst the proposed extensions would disproportionately alter the size of plots 1 and 13, there are circumstances in this case which would allow a departure from policy ENV5.

Erection of 4 new dwellings

- 7.12 Finally, consideration needs to be given to the acceptability of the proposed new dwellings. Policy GBC3 of the Local Plan does not specify new residential development as being appropriate development within the Rural Area. This element of the proposal would not therefore accord with Policy GBC3 of the Local Plan and would represent inappropriate development. It is therefore necessary to consider whether material considerations exist in this case to warrant a departure from policy.
- 7.13 The applicant has set out in their Planning Statement and Economic Viability Statement reasoning why permission should be granted in this case contrary to policy GBC3. The submitted statements set out that the price paid for the site (including the main house) in July 2010 was reasonably based on the state of the property market at that time. However, since the site was acquired, the property market and economy in general has unexpectedly worsened which has had an adverse impact on the value of the proposed scheme and in particular the value of the main house. The loss in value of the main house means that converting the farmyard buildings without any new build is no longer viable, and the only way to achieve a viable scheme is via the construction of new build units. The applicants accept, however, that the development does not constitute 'enabling development' in that it does not meet the relevant English Heritage tests. There are considered to be no listed buildings at risk on the site.
- 7.14 The Council has had the applicants Economic Viability Statement independently assessed and this assessment commented that the original purchase price for the site was considered to be fair. They commented that it is clear that the developer has been unable to sell the main house for its original valuation price, and a shortfall would therefore occur. They went on to comment that the only way that this shortfall can be recovered is for additional value to be generated from any of the existing property sales including the main house, or for new units to be built as part of the farmyard redevelopment. However, they go on to state that recent planning appeal decisions make it quite clear that it is for the developer to take the risk on land values, etc. and not the local authority. In addition they comment that viability assessments are to be carried out on the basis of current values and not historic

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prices or prices paid.

- 7.15 Whilst Officers understand the situation that the applicant finds themselves in, it is not considered that the loss in the value of the site that has occurred since the applicant purchased the site in July 2010 is sufficient justification to warrant a departure from policy in this case. This situation is unlikely to be dissimilar to that which other people (developers and homeowners) find themselves in across the District and the country. Officers do not consider that a drop in the value of the site due to the current economic situation that the country is in should justify the grant of permission for 4 new dwellings within the Rural Area, where permission would not normally be forthcoming for such a development. It is noted that the view of Officers is shared by some of those who have made representations on the application. Whilst Officers note the Parish Council's comments that they do not consider that the approval of 4 new houses in this case would lead to pressure for other departures from the Council's policy in the vicinity, it is considered that there may be many other sites across the District that are at this time unviable to development due to the current economic circumstances. It is very likely therefore that the arguments made in favour of developing this site could be made elsewhere, and if this application were to be approved it may lead to other developments coming forward which are contrary to policy GBC3 of the Local Plan.
- 7.16 The historic value of the site is acknowledged, as is the desire to secure the long term future of these listed buildings. However, this is not a case of enabling development where the new dwellings have been shown to be required in order to save a listed building that is at risk and the scheme doesn't meet the relevant tests of enabling development. The development is required only to offset the potential losses to the developer.
- 7.17 Officers do not consider that, at this time, the scale of development proposed is genuinely needed to secure the long term future of these buildings, nor is that consideration of such weight that would outweigh the harm caused by the inappropriate development proposed. The submitted Structural Surveys Statement outlines that the condition of majority of the buildings on the site is good, with the exception of the main barn. However, it is considered that remedial works could be undertaken to this building to improve its condition without the need for permission for the redevelopment of the site being granted.
- 7.18 In conclusion therefore, whilst Officers acknowledge the circumstances that the applicant finds themselves in, it is not considered that sufficient justification exists in this case to warrant a departure from policy.

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Officers do not consider that the benefits of developing this site outweigh the harm to the Rural Area created by the erection of 4 new dwellings. It is considered that inappropriate development should not be permitted to allow the applicant to recoup any losses made on the value of the site due to the current economic circumstances.

Impact of the development on existing Listed Buildings and the setting of those buildings

- 7.19 The NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It is clear from the comments of the Council's Conservation Officer that they do not now raise any significant concerns with the proposed development. They consider that the proposed alterations to the existing buildings on the site are appropriate and that the size, scale, siting and design of the proposed new dwellings would not harm the existing heritage assets. This view however is not shared by English Heritage. Whilst English Heritage no longer have concerns about the proposed alterations to the Grade II* stable block (plots 3, 4 and 5) to secure the buildings re-use, they have commented that the proposed development as a whole would harm the significance of the historic buildings on the site and the wider setting of Moor Place itself.
- 7.20 It is clear from the consideration of the application against policy GBC9 of the Local Plan, that the residential re-use of the existing buildings on the site appears to be the only viable option, and whilst the concerns of English Heritage are noted in this respect, Officers consider that achieving a viable use for these buildings outweighs the concerns expressed by English Heritage.
- 7.21 Turning then to the proposed new build element of the proposal, it is clear from English Heritage's comments that they do not consider that the design approach used for these buildings is appropriate for the site, and in their opinion it would dilute the historic character of the site. Notwithstanding the Council's in principle objection to these dwellings, it is the view of Officer's (supported by the Conservation Officer) that the design approach adopted i.e. the agricultural character and appearance of the proposed dwellings, is appropriate in this context and would not be harmful to the historic character of the site. In support of these comments, it should also be noted that the scale and siting of the proposed dwellings are such that they would appear as subservient to the key historic buildings on the site.

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- 7.22 Taking into account all of the above considerations, it is the view of Officers that the proposed development as a whole would not be harmful to the significance of the heritage assets on the site and would therefore accord with Section 12 of the NPPF.

Highways considerations

- 7.23 County Highways originally objected to the application raising concerns with the use of the existing access onto Kettle Green Road. However, during the consideration of the application discussions have continued with Highways to ascertain whether these concerns could be overcome. Firstly, it was considered whether access to the site could be achieved via the existing access to the main house from the High Street. However, as already set out in this report, the Council's Conservation Officer considers that the use of this access would detract from the Manor House as a single residential dwelling and would have a detrimental impact on the listed buildings within the farmyard. The point at which the road accesses the farmyard is the most sensitive in terms of historic value, and an access in this position would detract from the considered design, layout and approach of the site. It is therefore considered that the use of this access would not be acceptable.
- 7.24 In response to the initial concerns expressed by County Highways, the applicant has put forward some highway improvements to be undertaken to Kettle Green Road, which include the hardsurfacing of some of the existing informal passing places along Kettle Green Road between the access to the site and the junction with Tower Hill/Widford Road to the east. The proposed works have been indicated on a plan submitted by the applicant, and have confirmed that all works would be within the highway boundary. Furthermore, the applicant has also indicated that the costs of undertaking these works will be covered by a £15,000 s106 contribution, and that the applicant agrees to undertake responsibility for the required trimming of hedgerows and to underwrite costs incurred through the temporary road closure during the time of works. County Highways have confirmed that the proposed works and suggested contribution is acceptable.
- 7.25 From visiting the site, it is clear to Officers that the access to the site is poor in terms of visibility, and the concerns initially expressed by Highways is understood. The submitted Traffic Note states that comparisons of the traffic flows for the existing and proposed use of the site indicate that they both generate broadly similar levels of traffic during the typical weekday AM and PM peak hours, and during the 12 hours period between 0700 and 1900 on a weekday the proposed development would be likely to attract less traffic than the existing on

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site uses. Officers do question these conclusions, particularly having regard to the limited activities that currently occur on the site. However, County Highways have not raised any concerns in relation to this conclusion. Therefore taking into account the submitted information and the comments from County Highways, it is concluded that the proposed development would not increase the amount of traffic using this junction, and therefore not worsen the existing situation. Furthermore the proposed works to Kettle Green Road would help to improve the existing problems with traffic passing along this road.

- 7.26 It is noted that concerns have been expressed by a number of local residents about the existing problems with Kettle Green Road and the impact that the development would have on the intensification of traffic using Kettle Green Road. However, notwithstanding the concerns of Officers and local residents in respect of the impact of the development on Kettle Green Road, taking into account the above comments and the lack of objection from County Highways it is concluded that the proposed access to the site is acceptable and the level of traffic generation associated with the development would not result in a worsening of existing conditions on Kettle Green Road.
- 7.27 Further concerns have been raised about the existing general repair, safety and signage along Kettle Green Road. These concerns however relate to existing conditions on the road, and it is not considered that the proposed development would lead to a worsening of these existing problems. These concerns are therefore outside of the remit of this application and are issues which County Highways need to deal with separately. The applicant has investigated whether they are able within this application to address any of the concerns raised. However the majority of them are outside of their control and proposals which have been put to Highways in respect of improving drainage on the Road (by connecting an existing land drain to a highways gully) was not viewed favorably by Highways.
- 7.28 Finally the use of Kettle Green Road for access to the site for constructions purposes has been raised. This matter is discussed in more detail later in the report.
- 7.29 Taking all of the above considerations into account it is considered that the highways implications of the development are considered to be acceptable.

Impact of the development on the character and appearance of the landscape

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- 7.30 The landscape character of the site is considered to consist of two elements, the farmyard and its parkland setting. As already outlined earlier in this report, it is considered that the proposed alterations to the existing buildings within the farmyard and the proposed new dwellings would not unacceptably harm the existing character of the site. Furthermore, it is considered that the proposed residential element of the development would not result in unacceptable harm to the parkland within which the site is situated. The application does not propose the removal of any significant landscape features. The comments of the Council's Landscape Officer are noted, and they consider that the proposed development is non-contentious in landscape terms. It is considered however that if permission were to be granted, conditions should be attached to require further details of boundary treatments and landscape proposals to be submitted to ensure the Council retains control over these elements.
- 7.31 The application also proposes the creation of a publically accessible parkland with nature area to the east of the existing farmyard. Only pedestrian access is proposed onto this land. It is proposed that the existing parkland is retained and enhanced with mown footpaths and parkland tree planting. A dry pond is also proposed which would provide stormwater attenuation. Whilst the concerns of some local residents in respect of this element of the application are noted, it is considered that allowing public access to this land would not result in the land becoming derelict or misused. It is considered that the proposed landscaping proposal would enhance the existing parkland and the landscape character of this part of the site.

Protected Species

- 7.32 The submitted Protected Species Survey identified that, following a site assessment and species specific surveys, just one protected species was found within the site and that was bats. Great Crested Newts were not found, and neither were nesting birds. In respect of bats, the surveys indicated that a low conservation status non-breeding summer roost of three common species were found in two of the buildings on the site, the large barn and Dairy Cottage.
- 7.33 Policy ENV16 of the Local Plan states that development and other land use changes which may have an adverse effect on badgers and other species protected by the relevant Acts will only be permitted where harm to the species can be avoided. Hertfordshire Biological Records Centre has commented on the application and has raised no objection. They have concluded that the protected species report and recommended mitigation gives the Local Planning Authority sufficient

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information for a fully informed planning decision to be made.

7.34 Herts Biological Records Centre do comment however that the Local Planning Authority will need to apply the 3 derogation tests when making a decision on the application. The Local Planning Authority has a statutory duty under the Habitats Regulations 2010 to apply the following tests in respect of European Protected Species:

- The proposals must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative;
- The favourable conservation status of the species in their natural range must be maintained.

7.35 It is considered that in this case there are reasons of overriding public interest. The proposed development would allow the repair and retention of a number of the existing buildings on the site which are either listed or curtilage listed and would ensure the long term future of these buildings is protected. There are no satisfactory alternative as the works are required to these specific buildings to ensure their long term future. Finally the application proposes mitigation measures such as bat boxes, bat access points into the new roof voids and ridge ventilator tiles to allow bat access into the new roof voids, to allow for the favourable conservation status of the bats to be maintained.

7.36 Taking the above into account, it is considered that whilst the proposed development would have an impact on an existing bat roost, adequate mitigation measures are proposed and the development would not therefore adversely impact upon protected species.

Planning Obligations

7.37 Policy IMP1 of the Local Plan states that the Council will use planning obligations to require developers to provide, or to finance the cost of, provisions which will fairly and reasonably relate in scale and kind to the development, and are necessary to the grant of planning permission. The Council's Planning Obligations SPD sets out in more detail the Council's approach to planning obligations.

7.38 Turning firstly to the issue of affordable housing, the site is located outside of the six main settlements in the District (as identified in policy SD2 of the Local Plan) and a Category 1 or 2 Village. Therefore policy HSG3 of the Local Plan is not relevant in this case. In respect of this, there are further considerations relevant to this proposal which also

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impact upon the consideration as to whether affordable housing should be sought i.e. the change of use of listed buildings which may not be considered to be suitable for use by a Registered Provider, the viability of the development and the comments of Much Hadham Parish Council who do not consider that affordable housing should be provided as part of this development.

- 7.39 The Council's Planning Obligations SPD would also require contributions for open space (in this case only outdoor sports and facilities and provision for children and young people), recycling facilities and community centres and village halls. It has however not been identified during the consideration of this application whether there is a deficiency with these facilities locally, and therefore whether financial contributions are necessary in this case to make the development acceptable. Discussions are continuing in relation to this matter, and Officers will update Members at the Committee meeting.
- 7.40 Turning now to transport related contributions, it has already been discussed earlier in this report the financial contribution that is proposed for works to Kettle Green Road. The Council's Planning Obligations SPD states that as well as traditional S106 contributions for specific off-site improvements related to the development, accessibility contributions may also be sought to fund a different range of accessibility measures which are aimed at making an impact towards achieving a modal shift away from the private motor vehicle. However, County Highways have indicated that in this case such a contribution would not be sought.
- 7.41 Hertfordshire County Council is responsible for ensuring the provision of a range of services and seeks contributions or facilities from development which would have an additional impact on the services they provide. Having regard to the development proposed and the impact that this would have on their services, the County Council consider that in this case financial contributions should be sought for secondary education, youth facilities and libraries. They also request that fire hydrant provision should be sought. The Council County have put forward justification for the requested contributions and consider that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development. Officers agree that the requested contributions are necessary and fully justified.

Other Matters

- 7.42 The existing farmyard is located some 130 metres from Dell Cottage to

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the south, and 260 metres to the closest properties to the east in Kettle Green Road and Walnut Close. Having regard to the distances between these properties and the site, it is considered that the proposed development would not result in any unacceptable impacts in relation to overlooking, loss of light or similar. It is noted that concern has been expressed by some local residents about the impact of demolition and construction noise and construction traffic movements. It is considered that if permission were to be granted for the proposed development, having regard to the scale of development proposed it should be subject to conditions restricting the hours of working on the site (as recommended by the Council's Environmental Health Team) and the submission of details relating to construction traffic movements.

- 7.43 It is also noted that a concern has been expressed by local residents in relation to the proposed tree planting on the land to the east of the farmyard and the impact that this would have on the outlook from their property and resultant loss of sunlight. Whilst those concerns are acknowledged, planning permission is not required for the planting of trees. Therefore if the applicant wished to plant trees across this part of the site, the Council would have no control over this. Taking this into account and the distance between the residential properties to the east of the site and the tree planting shown on the submitted plans, it is considered that limited weight should be attached to this concern when considering the application.
- 7.44 The comments of the Environment Agency and the Council's Engineer's Team have been noted when considering the impact of the proposed development on the water environment and drainage. It is considered, taking into account these comments, that the site is located within Flood Zone 1 and that the proposed development would result in an increase in the permeable area of the site, the development would not result in any unacceptable harm on the existing water environment. The proposed stormwater attenuation pond is welcomed, and if permission is forthcoming the applicant is encouraged to enter into discussions with the Council about the future maintenance of this pond and whether it should be maintained by the Council.
- 7.45 The comments of the Historic Environment Unit at Herts County Council have been noted, and it is considered that subject to an appropriate condition requiring a programme of archaeological works to be submitted and agreed, the proposed development would not result in any unacceptable harm on heritage assets of archaeological and historic significance.
- 7.46 There is an existing public footpath which crosses the site to the east of

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the farmyard. It is considered that the proposed development would not impact upon this existing footpath. No representations have been received from the Countryside Access Officer, East Herts Footpath Society or the Ramblers Association.

8.0 Conclusion

- 8.1 Taking into account the above considerations, whilst there is no objection to the change of use of some of the existing buildings on the site to residential, or the extension and/or renovation of the existing dwellings, it is considered that the erection of 4 new dwellings on the site represents inappropriate development and would be contrary to policy GBC3 of the Local Plan. Whilst the financial circumstances of the site are noted, Officers do not consider that these material considerations would outweigh the policy objection to the development.
- 8.2 The development in all other respects i.e. impact on listed building, landscape, highways, etc. is considered to be acceptable.
- 8.3 It is therefore recommended that planning permission be refused, but listed building consent for the alterations and extensions to existing buildings on the site be granted.