

5g a) 3/11/1093/FP – Alterations to agricultural building for use as an indoor cricket school and b) 3/11/1094/LB – Adaptation, alterations and extension of redundant agricultural buildings for use as an indoor cricket school at Tharbies Farm, Rook End, High Wych, CM21 0LL for Mr and Mrs B Humphrey

Date of Receipt: a) 06.07.2011
b) 06.07.2011

Type: a) Full – Minor
b) Listed Building Consent

Parish: HIGH WYCH

Ward: MUCH HADHAM

RECOMMENDATION:

a) That planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T121)
2. Within 3 months of the date of this permission details of a modified junction between the access road leading to the site and public highway, to provide a single point of access in a location where appropriate visibility splays for vehicles visiting and leaving the facility can be achieved, shall submitted to and approved by the Local Planning Authority. The submitted details shall include a timetable for the works and the approved scheme shall take place in accordance with the agreed timetable.

Reason: To ensure the provision of an access appropriate to the development in the interests of highway safety.

3. The building shall be used as a Cricket School only and for no other purposes including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987.

Reason: To ensure that no alternative use is made of the premises which may involve harmful development within the Green Belt

4. Notwithstanding the existing materials used on site, samples of materials for the shed building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the

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rural surroundings in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. No development hereby permitted shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Those details shall include a) planting plans, b) written specification of plants, c) schedules of plants noting species, planting sizes and proposed numbers and densities where appropriate. The development shall thereafter be implemented in accordance with the agreed details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

6. All planting, seeding or tuning comprised in the approved details of landscaping shall be carried out in the first available planting and seeding season following the grant of planning permission. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

7. Details of any external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the rural surroundings in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

8. The development hereby approved shall be carried out in accordance with the bat mitigation measures as detailed within appendix 6 of the Bat Survey Report by Greenwillows Associates Ltd dated September 2012.

Reason: In the interests of the conservation and enhancement of protected species in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy

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Framework

9. Approved plans (2E102) (insert:- CS_047634/01 A, BA/2220.01/205, BA/2220.01/206 C, BA/2220.01/207 D, BA/2220.01/208, BA/2220.01/209, BA/2220.01/210, BA/2220.01/209).

Directives:

1. You are reminded that the current unauthorised development on the site is subject to the requirements of an extant Enforcement Notice. Failure to fully implement and complete the works hereby permitted within a reasonable timescale will result in legal proceedings being taken for non-compliance with that notice.
2. Other Legislation (01OL)
3. Highway Works (05FC2)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies GBC1, GBC9, TR20, ENV1, ENV2, ENV16) and the National Planning Policy Framework. The balance of the considerations having regard to those policies, and the alterations proposed to the existing unauthorised building following the comments from the Planning Inspectorate in relation to LPA reference 3/08/2151/FP is that permission should be granted.

_____ (111093FP.MP)

b) That, subject to the signing of a s.106 agreement requiring the repairs schedule for the listed barn to be implemented in accordance with an agreed timetable and that listed building be used as an integral part of the Cricket School, Listed Building Consent be **GRANTED**, subject to the following conditions:

1. Listed Building three year time limit (1T141)
2. The works to the Listed Building hereby approved, shall be carried out in accordance with the Schedule of Repairs document reference BA028 Rev3, submitted with the application.

Reason: To ensure that the development is carried out with that

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document to ensure that the historic and architectural significance of the building is retained, in accordance with Planning Policy Statement 5: Planning and the Historic Environment.

3. Making Good (8L104)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007) and Section 12 of the National Planning Policy Framework. The balance of the considerations having regard to those policies, and the alterations proposed to remedy the unauthorised works to the listed building and its connection and integration with the Cricket School building/use, following the comments from the Planning Inspectorate in relation to LPA reference 3/08/2152/LB, is that permission should be granted.

_____ (111094LB.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The site lies to the west of the settlement of Sawbridgeworth, within an open rural area with agricultural fields encompassing the site. Access to the site is gained by means of a track, leading off a small lane to the west of the site. That track leads to a collection of buildings - the red outline of these applications now being considered relates to the group of buildings to the west of the site. To the east of these buildings is a further collection of barns and agricultural buildings. However, those buildings do not form part of the application site.
- 1.2 In respect of the barns on the western edge of the site which form part of this application, there are two barns, the southern barn (Grade II Listed, hereafter referred to as the Listed Barn) and the northern barn. The listed barn and northern barn consist of dark timber weatherboarding and have been linked centrally by a large shed building, which is approximately 47metres in length by 19 metres in width. It is a utilitarian portal-framed shed with corrugated metal sheet cladding. It is used to house an indoor cricket school, the entrance of which is through the northern barn, where there is reception, shop and administration area for the cricket school. Within the shed building, at the northern end are block built changing rooms and an area for video recording. The remainder of the shed building forms a large open area

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which can be used as an indoor cricket pitch or as practice nets. The listed barn, which is to the south of the shed building, whilst attached to the shed building, is not currently used for any purpose.

- 1.3 Some Members may recall that the shed building which serves the cricket pitch and the use of the northern barn do not currently benefit from planning permission and listed building consent has not been granted for the alterations to the listed barn in relation to its connection with the shed building. Planning permission and listed building consent were sought retrospectively within LPA references 3/08/2151/FP and 3/08/2152/LB – however, consent was refused for the reasons set out in section 2 below. In addition, Enforcement Notices were served on the site requiring that the shed building be removed and disconnected from the listed building. That Enforcement action was authorised by the Development Control Committee on 14th March 2009.
- 1.4 The above mentioned applications and Enforcement Notices were appealed by the applicant and a Public Inquiry took place on 24th – 25th November 2009. The Inspector dismissed the appeals, however, and a copy of the Inspectors report is attached as Appendix A to this report.
- 1.5 Within the Inspectors decision, the applicant was given 12 months to comply with the Enforcement Notice and to enter into discussions with the Local Planning Authority in order to seek possible ways to address the concerns related to the unauthorised development.
- 1.6 Those discussions have taken place which resulted in the submission of these applications on 06 July 2011 which are now presented to Members.
- 1.7 Members will note that a significant period of time has elapsed since the Inspectors decision and the submission of the application. Officers can advise that the negotiations were lengthy and complex, owing to the nature of the works and the listed building matters. Members will also note that these applications are now being reported to the Committee over a year since their original submission in July 2011. Officers can also advise that this was because bats (a European protected species) have been found in the listed barn and further survey work, which can only be undertaken during spring and summer months, was required to be undertaken prior to the applications being determined.
- 1.8 A significant period of time has therefore elapsed since the unauthorised erection of the shed building and use of the land as a cricket school and the related appeals. The building and use of the land remains unauthorised which is in breach of the Enforcement Notice and the applicant has been reminded of this. Whilst Officers have been

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aware of the continued breach of planning control, given that discussions between the applicant and the Council have been ongoing and that there is a protected species at the site, Officers have not considered it to be expedient to pursue legal action, during this time.

2.0 Site History:

2.1 As set out above, planning permission and listed building consent have previously been refused for the cricket school and associated development. LPA reference 3/08/2151/FP was refused planning permission for the following reasons:

- 1 *The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein permission will not be given, except in very special circumstances, for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for outdoor sport and outdoor recreation or other uses appropriate to a rural area. Both the operational development and the unauthorised use are considered to be inappropriate development and no very special circumstances are apparent in this case to warrant a departure from Green Belt policy. The development is thereby contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.*
2. *The unauthorised change of use has resulted in extensive and damaging alterations and extension of the buildings on the site, which are unsympathetic and detrimental to the rural character and appearance of the site and its surroundings. The development is thereby contrary to policies GBC9 and ENV1 of the East Herts Local Plan Second Review April 2007.*
3. *The unauthorised extension of the Grade II listed building on the site is, by reason of its size, scale, design and materials of construction, detrimental to the setting of the listed building and is thereby contrary to policy BH12 of the East Herts Local Plan Second Review April 2007.*
4. *The unauthorised use results in a significant increase in traffic to and from the site on rural lanes of inadequate width and construction and at a point where visibility for turning traffic is restricted. The unauthorised development has therefore resulted in conditions detrimental to highway safety contrary to policy TR20 of the East Herts Local Plan Second Review April 2007.*

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5. *The unauthorised use has the potential to result in conflict between users of the shared public footpath and vehicular access to the site and is thereby detrimental to the safety and convenience of walkers on the footpath. It is thereby contrary to policy LRC9 of the East Herts Local Plan Second Review April 2007.*

2.2 LPA reference 3/08/2152/LB was refused consent for the following reason:

1. *The unauthorised extension of the Grade II listed building on the site is, by reason of its size, scale, design and materials of construction, detrimental to the historic character, appearance and setting of the building and is thereby contrary to policies BH10; BH11 and BH12 of the East Herts Local Plan Second Review April 2007.*

2.3 As indicated above, those planning decisions were subject to appeal and the Inspectors Decision letter is attached at the end of this report as Essential Reference Paper A.

2.4 Members should also note that prior to the submission of these applications now being considered, a planning application and listed building application were submitted within LPA references 3/11/0326/FP and 3/11/0327/LB. However, the Council declined to determine those applications as the proposals were considered to be substantially the same as that previously considered within LPA references 3/08/2151/FP and 3/08/2152/LB.

3.0 Consultation Responses:

3.1 Hertfordshire County Council Highways comment that it is unclear whether the previously agreed (through the Public Inquiry) off-site highway improvements works are still proposed as part of the application. Without such works the Highways Authority would be concerned with the unsustainable location of the site and the physical condition of the access route which is over a public footpath and will impact on the safety and convenience of walkers on the footpath. Concern is also raised with the physical construction of the access and the location of the access on the inside of a relatively sharp bend where vehicles turning right into the site cannot see or be seen by vehicles approaching from around the bend. The right turning manoeuvre increases accident potential.

3.2 However, the Highways Officer comments that, if the previously agreed works to the highway are undertaken, no objection would be raised

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subject to a planning condition requiring that works are undertaken to the access and junction within an agreed period of time.

- 3.3 The Conservation Officer recommends that the application be approved. The Officer sets out that the listed barn is currently in a poor state of repair with an undefined use as part of the 'cricket school'. This application therefore realises the conservation led repair of the listed barn and its integration with the cricket school as an educational centre which will ensure its internal form is retained and ensure the long term viable use of the building.
- 3.4 The mass of the shed building has been the subject of much discussion; the current proposal is considered to be the most sympathetic to the listed barn. Whilst the shed building will always pose a mass, its architectural treatment as proposed is considered to reduce the overall impact of the mass and is considered in keeping with immediate and wider agricultural character and appearance of the site.
- 3.5 The proposed repair and long term viable use of the listed barn is welcoming and the treatment of the shed building and links are acceptable in terms of its architectural appearance which reflects the character and appearance of the immediate and wider setting.
- 3.6 Herts Biological Records Centre (HBRC) have been consulted on the submission of additional ecological work relating to the site which was submitted on the 17 September 2012. The ecologist comments that surveys were conducted in 2011 which found evidence of bats and roost sites. Additional bat surveys were conducted as Brown long-eared and Common Pipistrelle bats were recorded. Bats were not however recorded in the shed building or the northern barn. The ecological report sets out that a European Protected Species license would be required before work to the listed barn can commence.

HBRC recommend that the bat mitigation strategy as set out in appendix 6 of the Bat survey be conditioned as part of any approval in its entirety. HBRC also recommend that the mitigation strategy is delivered under supervision of an ecologist.

- 3.7 Natural England have also been consulted on the submission of further ecological work which has been submitted to the Council. They comment that the ecological survey has identified that a European protected species may be affected by the proposal. Natural England refer the Council to their standing advice which indicates that planning permission may be granted subject to appropriate planning conditions including a detailed mitigation and monitoring strategy for bats.

4.0 Parish Council Representations:

4.1 No comments have been received from High Wych Parish Council.

5.0 Other Representations:

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

5.2 The applicant has provided correspondence from 33 users of the Cricket School who seek the retention of the School. The letters of representation set out the Cricket Schools positive aspects in providing and encouraging sporting activities for a range of people and age groups and the benefits to the users and local community.

6.0 Policy:

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

GBC1 Green Belt
GBC9 Adaptation and Reuse of Rural Buildings
TR20 Development Generating Traffic on Rural Roads
ENV1 Design and Environmental Quality
ENV2 Landscaping
ENV16 Protected Species

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

7.0 Considerations

7.1 The planning considerations relating to this application relate to whether the concerns raised by the Planning Inspector in appendix A, as part of the previous appeal of LPA references 3/08/2151/FP and 3/08/2152/LB have been addressed.

7.2 In respect of that appeal, the Inspector considered there to be three main issues:

- 1) The effect of the development on the special interest and setting of the listed building;

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- 2) The effect of the development on the character and appearance of the appeal site and its countryside surroundings and;
- 3) Whether the development is appropriate within the Green Belt and whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances to justify the development.

- 7.3 With regards to the first matter, the Inspector considered that the mass of the shed building as it currently exists results in significant harm to the setting of the listed building and that the junction and materials of construction of the shed building which abut the listed building are highly incongruous.
- 7.4 With regards to the second issue, the Inspector raised significant concern with the mass of the shed building and resultant impact on the openness and rural character of the Green Belt and views of the site from the surroundings and the public footpath which runs to the immediate south of the site.
- 7.5 With regards to Green Belt matters, the Inspector accepted that the development represents inappropriate development and causes significant harm to the openness of the Green Belt.
- 7.6 However, at paragraph 45 of the Inspectors Decision letter the Inspector accepts that the cricket school does have a beneficial impact and makes an important contribution to the sports facilities of the District. The Inspector also felt that the location of the Cricket School also provided a sustainable location for such a facility, given the distance to other similar facilities which are outside of the District.
- 7.7 Whilst the Inspector therefore considered that the use of the shed building as a Cricket School to be beneficial, he identified that such a material consideration did not *clearly* outweigh the harm to the listed building and the Green Belt.
- 7.8 The main planning consideration of this application is therefore whether the harm identified by the Inspector has been overcome through the alterations that are now proposed to the physical structure of the shed building to reduce the degree of impact on the listed building and on the openness of the Green Belt and the rural surroundings of the site.

Impact on Listed Building

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7.9 The proposal now provides the following alterations to the shed building:

- A link structure to the northern barn and grade II listed barn. The link to the listed building is 'set in' from the flank elevations of the listed building to give the link a width of just under 5metres and a projection of 3.6metres. The link to the northern barn is less significant, and it is 'set in' just two metres from the flank elevation of the northern barn to give a width of 17metres and a modest depth of under a metre.;
- The provision of an entirely glazed central bay (other than a brick plinth) to replace the existing bay where there is currently a slightly lower roof ridge to the main shed building. The proposed glazed bay projects to the existing roof ridge height;
- Articulation to the flank elevations of the building with the provision of louvered vents and mock ventilators projecting forward of the building line;
- The provision of mock vents within the roof ridge;
- The provision of a schedule of repair for the listed building;
- The use of the listed building in association with the Cricket School as a lecture/meeting room.

7.10 The Planning Inspector essentially considered that the existing shed building in-between the two barns was highly incongruous and unsympathetic in terms of scale, bulk and design. Concern was raised with the crude junction of the shed building with the listed building and the materials of construction of the shed building.

7.11 It is considered that the development, as now proposed, goes a significant way in addressing those concerns. The provision of the link to the listed building, which has followed specialist Conservation advice (as was required by the Inspector at paragraph 47 of the Inspectors letter), now provides a greater and more appropriate degree of separation between the listed building and the shed building. This separation and the design and proportions of the link reduce the degree of dominance of the shed building on the listed building.

7.12 The overall mass and bulk of the shed building has not, however significantly reduced. This is attributed to the limited opportunity to accommodate a significant shift in the proportions of the shed building, owing to the nature of the use it serves (cricket school) and the space and dimensions that are required for such a use.

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- 7.13 There are however other alterations to the building relating to the design which have, in Officers opinion, gone some way to address the Inspectors concerns. The elevations now appear to offer a far greater level of detail and articulation which adds character to the existing blank walls which serve the shed building. The provision of a fully glazed section in the middle of the shed building reflects the previous historic opening between the two original buildings on the site and provides added relief to the elevation. In addition, the provision of vents within the roof ridge line also break up the existing unbroken ridge and provides a greater level of interest within the roofscape. The proposed amendments to the flank elevations of the building are considered to result in a less harmful impact in terms of the relationship with the listed building and design of the building in its setting.
- 7.14 As noted above, the scale, mass and bulk of the building has not, in the view of Officers, significantly reduced. That scale of building does, in Officers opinion, still appear somewhat dominant of the listed building and could not be said to be subservient to the listed building either – a concern raised by the Inspector. However, the provision of the link now means that there is a greater degree of separation between the two buildings which enables the listed building to be perceived and viewed in its own right, rather than in direct juxtaposition with the shed building. In this respect and, having regard to the improvements to the design of the new building, as set out above, Officers are of the opinion that the amended scheme has a less harmful impact on the special interest and setting of the listed building than the existing shed building.
Impact on character and appearance of site and surroundings
- 7.15 Turning now to the second of the Inspectors considerations, the effect of the development on the character and appearance of the site and surroundings. The Inspector considered that the existing shed building represented a monolithic mass which is a highly conspicuous feature in the surroundings and the impact of the shed building is exacerbated by the way in which it occupies the entire space between the two buildings with no central gap. The Inspector felt that such a building is readily visible from the public footpath which runs to the immediate south of the listed barn and from the road to the west.
- 7.16 The amended design of the shed building has, as noted above, not significantly altered in terms of its scale and proportions, as a result of the required dimensions for an indoor cricket pitch and nets. In this respect, the overall scale and proportions of the amended scheme will continue to create harm to the rural setting, especially given the proximity of the building in relation to the public footpath.

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7.17 However, the design treatment to the shed building, involving the provision of two links, the central glazed bay (which will replicate the previous opening that there used to be at the site) and the articulation to the façade and roof ridge which is described above, does provide a building which results in a reduced impact on the character and appearance of the site and surroundings, when compared to the existing shed building.

Green Belt

7.18 The Inspector considered that the cricket school use represents inappropriate development within the Green Belt (para 31 of Appendix A) which, by definition is harmful to the Green Belt. Since the Inspector's decision national planning policy has been updated with the National Planning Policy Framework. However, the general thrust of policy remains broadly the same, and the cricket school continues to represent an inappropriate form of development within the Green Belt. The NPPF sets out that substantial weight should be attached to any harm to the Green Belt.

7.19 The application now before Members still involves the provision of a cricket school building and the development proposal therefore remains inappropriate development within the Green Belt, contrary to local and national policy.

Openness

7.20 As has been set out above, the proposed development does not, in the view of Officers, involve a significant reduction in the overall mass and scale of the building. In considering the impact of the development on the openness of the Green Belt and the countryside, the Inspector raised concern with the monolithic mass of the building, the lack of a central gap and views of the building from the nearby public footpath (para 26-28 of appendix A).

7.21 The amendments to the design, including the provision of a glazed central link and links to the barns together with the provision of vents to the roof and greater articulation to the elevations, do break up the mass of the elevations, in Officers opinion. The scale of the building as proposed will nevertheless still cause material harm to the openness of the Green Belt, in Officers opinion. Whilst the NPPF considers that substantial weight should be attached to any such harm, Officers do consider that any weight attributed to the impact on openness should be tempered against the alterations proposed in this application to the shed building, which will result in reduced harm to openness than the

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existing shed building.

Other harm

- 7.22 The proposed development represents inappropriate development within the Green Belt which, by definition, is harmful. It is demonstrated above that harm to openness remains. The Council must nevertheless consider whether there is any other harm (other than the impact on the listed building and character and appearance of surroundings which is set out above) associated with the development, which is discussed below:

Highways matters

- 7.23 Members will note that within LPA reference 3/08/2151/FP, planning permission was refused for reasons relating to the impact of the development on highway safety and on the users of the public footpath. However, in the lead up to the Public Inquiry in respect of the aforementioned refused application, the applicant negotiated with County Highways and the matter was resolved. That reason for refusal was not therefore advanced at the Public Inquiry,
- 7.24 The agreement involved the provision of a planning condition requiring an increase in the radius on the left hand side of the existing access to ensure that vehicles leaving the site and turning south towards Sawbridgeworth can provision of a new surface and means of drainage up to as a minimum, the existing gates and the provision of visibility splays for both vehicles entering and exiting the site.
- 7.25 The Highways Officer has confirmed within this application that such matters are still relevant and the applicant has confirmed that the imposition of a planning condition to cover such matters would be acceptable to them.
- 7.26 Having regard to those considerations, Officers are of the opinion that, subject to the provision of a planning condition requiring that details of a modified junction are submitted and implemented by the applicant, then the development will not result in significant harm on highway safety.

Protected species

- 7.27 Submitted with the application is an ecology report which sets out that the northern barn and existing shed structure are assessed as having a 'nil/negligible' potential for bat interest.

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- 7.28 The listed barn is identified in the bat report as having features that support bat roosts and the survey indicates that bats are indeed roosting within the building, albeit in low numbers. The bat report identifies that, provided that the enhancements to the bespoke 'bat loft' (as are proposed in the amended plans) are undertaken, the favourable conservation status of the local bat population is likely to be maintained and may even be enhanced.
- 7.29 HBRC advise that a license would be required by Natural England for the works to the listed building and the Local Planning Authority is also required to apply the three derogation tests in accordance with the Habitat Regulations April 2010.
- 7.30 These tests are as follows: first, the proposal must be for imperative reasons of overriding public interest or for public health and safety. The proposal being considered by Members is an investment into a grade II Listed Building, a heritage asset, which will ensure the long term viable use of the listed building. The use of the building as part of the cricket school will also provide a facility for sport and recreation which will meet the requirements of section 8 of the NPPF in contributing to the health and well being of communities. Officers therefore consider that the proposed development is of overriding public interest and the first test is therefore considered to be met.
- 7.31 Secondly, there must be no satisfactory alternative. Submitted with the application is a sequential assessment to show that there are no alternative sites for a Cricket School available within East Hertfordshire or adjacent local authorities. The Cricket School is not new to this area and has been functioning for many years and the buildings at the site are generally acknowledged to provide good facilities for cricket training. In accordance with those considerations Officers therefore consider that the second test is met.
- 7.32 Third, the favourable conservation status of the species must be maintained. Within the bat report the applicant sets out a range of mitigation measures. The applicant's ecologist comments that, subject to those mitigation measures being implemented, the conservation and possible enhancement of bats may be possible through this application. HBRC and Natural England raise no objection to the mitigation measures. Provided the mitigation measures and provision of replacement bat roosts and lost habitat is secured by condition, then it is considered that the conservation status of the species would not be affected by this development. In accordance with those considerations, Officers consider that the third test to be met.

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7.33 Accordingly, the proposals have been considered in relation to the three derogation tests as is required in the Conservation of Habitat and Species Regulations 2010.

Conclusion – other harm

7.34 In terms of the consideration of 'other harm', it is considered that the impact of the development on highway safety, sustainable transport measures and protected species can be adequately dealt with through the provision of a planning condition, which the applicant is amenable to. In this respect, no other harm is associated with those elements.

Very Special Circumstances

7.35 Given the harm caused by the development it is necessary to consider whether that harm and the other harm relating to the impact on the character and appearance of the surroundings and listed building, as identified above, is *clearly* outweighed by other considerations and therefore whether very special circumstances exist. It is for the applicant to show why permission should be granted.

7.36 Within the Inspectors decision, the Inspector considers this issue and sets out that the cricket school does make an important contribution to sports facilities in the District. Having regard to that consideration and taking into account the level of support for the application and, given the requirements of section 8 of the NPPF, Officers do consider that such matters weigh in favour of the application.

7.37 Whilst weight may be attached to the positive use of the building as a sporting venue, as noted by the Planning Inspector such a use is not 'realistically separable' from the operational development – the physical structure of the shed building itself.

7.38 It has been demonstrated above that the existing physical structure is to be amended through the proposals in these applications. Although such alterations to the buildings are considered to cause some continued harm to the openness of the Green Belt and the character and appearance of the site and setting of the listed building, the impact has been identified by Officers to be reduced when compared to the existing shed building. Having regard therefore to the comments from the Inspector in relation to the harm caused by the shed building, the alterations proposed to the building are considered to represent a very special circumstance which should, on balance, weigh in favour of the application.

7.39 Officers have mentioned above the work the applicant has undertaken

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to assess whether there are any sequentially more preferable sites for the provision of a Cricket School within the District and within neighbouring Authorities. The applicant has concluded that there are no other more sequentially preferable sites for this use and the particular requirements of a Cricket School in terms of size of accommodation. The Inspector comments in paragraph 43 that the application site represents a more sustainable site for such a use than the other alternatives. Having regard therefore to the submissions made by the applicant and, taking into account the comments from the Inspector, this consideration is one which represents a very special circumstance which adds weight in favour of the development.

- 7.40 In addition, Members should also take into account the works proposed to the listed barn which, together with the alterations to the unauthorised structure, would significantly improve its appearance. The proposals involve the incorporation of that building to form part of the Cricket School use. The restoration and use of that building will see that building put to good use and will encourage the long term viability of that heritage asset. Such a consideration represents a material consideration which would also weigh significantly in favour of the development. The works to the listed building and its continued use as part of the Cricket School would, in Officers opinion, need to be controlled through condition and a legal agreement.
- 7.41 Furthermore, the works associated with the listed building now also involve bat mitigation measures which have been identified by the applicants ecological consultant to potentially result in the enhanced conservation status of protected species. This also is a matter which represents a special circumstance and weighs in favour of the application.
- 7.42 Accordingly, some very special circumstances have been identified which, as indicated above do weigh in favour of the proposed development.

Conditions

- 7.43 Members will note that Officers have recommended that planning conditions be imposed on any grant of planning permission and listed building consent. With regards to the conditions relating to the planning application, given the Inspectors considerations relating to the Cricket School and the benefits it provides and, given that the applicant proposes to retain this use and provides justification in relation to such a use, Officers consider that a planning condition restricting the use to that circumstance – the provision of a cricket school, is both necessary

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and reasonable. Officers have also recommended planning conditions seeking further information in respect of materials of construction and landscaping and a restriction on lighting. Given, the rural location of the site and the proximity to public views of the building, Officers consider that such conditions are also reasonable and necessary in this case.

- 7.44 With regards to the conditions relating to the Listed Building application, a schedule of repairs has been submitted with the application which, in conjunction with the proposed plans is considered to be acceptable. To ensure that those works are properly carried out in accordance with that repairs schedule, a condition requiring this is considered to be necessary and reasonable.

8.0 Conclusion:

- 8.1 In accordance with the above considerations, the proposed development represents an inappropriate form of development within the Green Belt which, by definition is harmful. Officers are of the opinion that the amended scheme does go some way to address the concerns raised by the Planning Inspectorate in terms of the impact of development on the special historical and architectural significance of the listed building and to the impact on openness. Whilst the proposed development in these applications is less harmful than the existing development, some harm remains which does not weigh in favour of the applications. Officers therefore attach significant weight to both the inappropriateness of the development and harm to the setting of the listed building, openness and rural character of the site and surroundings.
- 8.2 Very special circumstances have been identified above however which do weigh in favour of the development proposals. Officers acknowledge that the provision of a Cricket School which has much support from local sports groups and schools, will provide a valued sporting location for Cricket in the District. Furthermore, there are not considered to be any more sequentially preferable sites for such a use and the site is acknowledged to be in a sustainable location when compared to the location of other similar uses. Significant weight should be attached to those considerations. Officers further consider that greater significant weight should also be attached to the positive way in which the proposed development will provide a long term viable use of the listed building and the potential enhancement of a protected species.
- 8.3 In accordance with the above considerations, whilst Officers do attach significant weight to the inappropriateness of the development and harm to openness, rural character and appearance of the site and

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setting of listed building, in this case, it is considered that there are very special circumstances which do clearly outweigh that harm. Officers therefore recommend that planning permission and listed building consent be granted subject to the legal agreements and conditions set out above.