

5g 3/13/1513/FO – Variation of Condition 3 (restriction of use) of Planning Approval Ref 3/06/0604/FP to provide office accommodation within the upper floor of the detached garage at Longcroft, Monks Green Lane, Brickendon, Hertfordshire, SG13 8QL for William Ashley and Partners

Date of Receipt: 19.08.13

Type: Removal of Onerous Condition
- Other

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following condition:

1. Use of the garage shall be restricted to purposes incidental to the enjoyment of the adjacent dwellinghouse known as Longcroft and/or, in respect of the upper floor only, for activities falling within Use Class B1(a) Offices of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that no alternative use is made of the building which may be detrimental to the character and amenity of the area in accordance with Policies GBC1 and ENV1 of the East Herts Local Plan.

Directive:

1. Other Legislation (010L)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the permission granted under ref: 3/06/0604/FP is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £85 per request (or £25 where the related permission was for extending or altering a dwelling house) for the discharge and/or confirmation of compliance with a condition. To avoid any

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unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is located on the western edge of a complex of buildings forming Monks Green Farm and is within the Metropolitan Green Belt. It comprises a detached garage building located within the immediate grounds of Longcroft, a residential dwelling.
- 1.2 The subject garage was granted planning permission in 2006 (Ref: 3/06/0604/FP) subject to condition 3, which read as follows:
 - (3) *The building hereby permitted shall only be used for the housing of private vehicles and for purposes incidental to the enjoyment of the dwellinghouse and not for any living accommodation or commercial activity without the prior written consent of the Local Planning Authority.*
- 1.3 The purpose of the garage was to provide secure vehicle parking at ground floor and to provide additional storage for an adjacent live work unit within the upper floor. However, the resident of Longcroft operates a business and wishes to use the upper floor of the detached garage to carry out administrative functions associated with the business. Retrospective consent is now therefore sought to vary condition 3 of the above permission.
- 1.4 The application is being reported to Committee as the applicant is a Member of the Council.

2.0 Site History:

- 2.1 The garage the subject of this application was approved planning permission in 2006 (3/06/0604/FP).
- 2.2 Prior to this, planning permission was granted in 2004 (3/04/0249/FP) for the conversion of existing barns on the wider site to dwellings. Later in 2004 planning permission was granted (3/04/1564/FP) to dismantle the barns and re-erect them further away from the listed farmhouse. One of these barns was Longcroft. A basement was added to Longcroft as part of a 2005 planning permission (3/05/0221/FP).

3.0 Consultation Responses:

- 3.1 Hertfordshire Highways do not wish to restrict the grant of permission. They comment that given the relatively modest size of the garage there is unlikely to be any significant impact on the free and safe flow of traffic on the public highway. The stretch of highway/right of way network accommodates a farm and other businesses with various different types of vehicles coming and going quite regularly throughout the day. Any additional traffic associated with the office is unlikely to cause a danger or inconvenience when compared to the existing situation. In addition there appears to be sufficient parking and turning space for vehicles within the site.
- 3.2 Hertfordshire Biological Records Centre have not formally commented although they have verbally indicated that they do not wish to restrict the grant of permission. Although bats have been recorded in a local barn, there is no record to suggest the garage has been used as a bat roost. In any case, given the upper floor is already in use as an office, any impact on bats will already have taken place.
- 3.3 Natural England do not wish to restrict the grant of permission.

4.0 Town Council Representations:

- 4.1 Brickendon Liberty Parish Council notes that the application is retrospective but register no objections.

5.0 Other Representations:

- 5.1 The application has been advertised by way of the written neighbour notification procedure. No letters have been received from third parties.

6.0 Policy:

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

GBC1	Appropriate Development in the Green Belt
TR2	Access to New Developments
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV16	Protected Species

- 6.2 In addition, the National Planning Policy Framework is relevant, particularly Section 3.

7.0 Considerations:

- 7.1 The main planning issue to consider in this case is whether the variation of the condition to allow for the first floor of the garage building to be used for office accommodation is acceptable in this location.
- 7.2 The application site is within the Green Belt where there is a presumption against inappropriate development. Policy GBC1 and paragraphs 89 and 90 of the National Planning Policy Framework (NPPF) set out some exceptions to this presumption. The NPPF allows for the re-use of buildings provided they are of permanent and substantial construction and they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.
- 7.3 The Local Plan supports the re-use of rural buildings for business use through Policy GBC9, provided the existing building is in keeping with its surroundings, is permanently and soundly constructed, the use is sympathetic to the rural character of the building and surroundings not requiring extensive alterations and that the conversion would not lead to dispersal of activity on such a scale as to prejudice town and village vitality.
- 7.4 The building is a modern build and Officers consider it to be of permanent and substantial construction. At the time of the site visit the office was being used to desk 3 staff within the upper floor and appeared reasonably spacious and functional. Existing dormers provide natural light. As it is being used successfully in its current form as an office, Officers do not consider there would be a need for substantive alteration or extension. Officers note that any wider use of the building, or extension of it, would require planning permission.
- 7.5 In respect of whether use of the building is sympathetic to the rural character of the building and surroundings, Officers note that use of the office has not resulted in the need for any additional hardstanding, signage or other commercial paraphernalia that may have impacted upon the open character of the Green Belt. This is unlikely to be necessary in the future because the modest size of the unit would restrict the scope of the office use to expand which in turn restricts the number of people capable of working or visiting the site.
- 7.6 Whilst the residential dwelling Longcroft is located nearby, the office use is a daytime activity unlikely to impact significantly on the amenities of this occupier through levels of noise or late night comings and goings. Parking for two cars is available in the ground floor of the garage and

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the existing hardstanding adjacent to Longcroft is of sufficient size to locate any other staff or visitor vehicles without a significant impact on openness or the need for additional encroachment into the rural area. Accordingly, use of the upper floor of the garage as an office would have a very limited impact on the surroundings and is considered by Officers to be sympathetic to the rural character of the building and surroundings.

- 7.7 With regard to whether use of the building as an office would impact upon town and village vitality, Officers consider that this would not be the case. The scale of the use is very limited and is unlikely to have any material impact on the economic vitality of Hertford, the nearest town. Furthermore, the NPPF supports economic growth in rural areas to create jobs and prosperity. Paragraph 28 states that to support a strong rural economy, local plans should support the growth and expansion of all types of business and enterprise in rural areas.
- 7.8 With regard to highway safety, Officers note that the application is supported by County Highways. They comment that given the relatively modest size of the garage there is unlikely to be any significant impact on the free and safe flow of traffic on the public highway. Any additional traffic associated with the office is unlikely to cause a danger or inconvenience and the parking and turning of vehicles can be accommodated within the site.
- 7.9 With regard to ecological matters, neither HBRC or Natural England have recorded an objection to the works. There are no records of bats within the garage. If bats had been roosting in the upper floor of the garage, the conversion to an office would already have impacted upon them and cannot therefore be mitigated for.

8.0 Conclusion:

- 8.1 The NPPF supports the expansion of business and enterprise in rural areas. The re-use of rural buildings is considered to be an appropriate form of development in the Green Belt. Use of the first floor of this building as an office would have no harmful impact on the openness of the Green Belt or the character of the area, the amenities of surrounding neighbours, highway safety or ecological matters.
- 8.2 Officers consider that the unrestricted removal condition 3 could have a harmful effect if, for example, a more industrial use were allowed to operate from the site. Accordingly, a condition is suggested to restrict the use of the building to purposes incidental to the enjoyment of the dwelling and/or, in respect of the first floor only, as an office (Use Class

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B1(a).

- 8.3 It is recommended that the application to vary condition 3 of application ref 3/06/0604/FP is approved subject to this condition.