

5L E/14/0009/B – Breach of Condition 3 (restriction of use) of planning permission reference 3/06/0604/FP, following the provision of office accommodation within the upper floor of the detached garage at Longcroft, Monks Green Lane, Brickendon, Hertfordshire, SG13 8QL

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION:

That no further action be taken in regard to the breach of condition.

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1.0 Background:

- 1.1 The site is shown on the attached OS extracts. It is located on the western edge of a complex of buildings forming Monks Green Farm and is within the Metropolitan Green Belt. Access to the farm is via Mangrove Lane to the north of the site and the site the subject of this report comprises a detached garage building located within the immediate grounds of Longcroft, a residential dwelling located on the farm.
- 1.2 Planning permission was granted for the dwelling known as Longcroft in 2005 (see following planning history section) and this included a small office in one room to enable its use as a live/work unit. A basement was also permitted to provide a storage area in connection with the office use. The permission granted did not, however, specifically require the use of the building as a live/work unit and there were no conditions imposed on the permission requiring the office element of it to be retained.
- 1.3 The detached garage building the subject of this report was subsequently granted planning permission in 2006 under reference 3/06/0604/FP. That permission was subject, inter alia, to the following condition:
1. *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.*
- 1.4 The purpose of the garage was said to provide secure vehicle parking

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at ground floor and additional storage for the adjacent live/work unit at Longcroft within the upper floor.

- 1.5 However, Members may recall that the Council became aware that the tenant of Longcroft was using the upper floor of the detached garage as an office to carry out administrative functions associated with their car sales business. This business also currently involves the unauthorised storage of cars elsewhere within the farm but this is a separate matter that is the subject of separate enforcement action.
- 1.6 Having reminded the owner of the above condition, a retrospective application was submitted in August 2013 seeking planning permission, under reference 3/13/1513/FO, to vary the above condition to permit the use of the first floor as an office. Again, Members may recall that the application was reported to the Development Management Committee on the 6th November 2013 when Officers recommended that planning permission be granted for the variation of the condition. However, Members resolved to defer a decision on the application in order to enable officers to consider further information relating to the use of the garage and the associated house at Longcroft.
- 1.7 However, on the 19th December 2013 the applicant withdrew the application.
- 1.8 The use of the garage has, however, continued and it is therefore necessary to determine whether it is expedient in the public interest to take enforcement action to secure the cessation of the use of the first floor of the garage for office purposes.
- 1.9 Officers have sought additional information from the applicant about the use of the dwelling at Longcroft and whether there is any office use remaining within the dwelling itself. However, the owner has advised Officers that he is unable to provide that information as he is currently in a legal process with the tenant of the property and he does not wish to jeopardise that process. The owner is unaware himself as to which particular rooms in the house are used, if any, as an office area.

2.0 Planning History:

- 2.1 Planning permission was granted in 2004, under reference 3/04/0249/FP, for the conversion of two existing barns on the farm to live/work units. Later in 2004, planning permission was granted, under reference 3/04/1564/FP, to dismantle the two barns and re-erect them as a live/work unit further away from the listed farmhouse.

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- 2.2 A later revised application was submitted for the dwelling known as Longcroft under reference 3/05/0221/FP. That application sought permission for a dwelling, although the submitted plans included the provision of a small office and a basement for storage purposes for the office element of the proposal. No conditions were imposed on the dwelling to restrict its use as a live/work unit however and none to require the retention of the office space within the property.
- 2.3 The garage, the subject of this report, was approved planning permission in 2006, under reference 3/06/0604/FP and was subject to the condition referred to in paragraph 1.3 above.
- 2.4 Application 3/13/1513/FO to vary condition 3 of the permission ref: 3/06/0604/OP was withdrawn on 19th December 2013.

3.0 Policy:

- 3.1 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

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

4.0 Considerations:

- 4.1 The main planning issue to consider in this case is whether the use of the first floor of the garage building as an office is acceptable in this location.
- 4.2 The site lies 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) sets 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.
- 4.3 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

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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.

- 4.4 The building is a modern build and officers consider it to be of permanent and substantial construction. At the time of a site visit by a planning officer, the office was being used to desk 3 staff within the upper floor and appeared reasonably spacious and functional. Existing dormers provide natural light. During another visit by an enforcement officer it appeared that there were four desks. 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. Planning officers note that any wider use of the building, or extension of it, would require planning permission.
- 4.5 In respect of whether the use of the building is sympathetic to the rural character of the building and surroundings, it is noted that use of the office has not resulted in the need for any additional hard standing, 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.
- 4.6 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 the existing hard standing 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.
- 4.7 With regard to whether use of the upper floor of the building as an office impacts 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

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and expansion of all types of business and enterprise in rural areas.

- 4.8 The NPPF supports the expansion of business and enterprise in rural areas. The re-use of rural buildings is considered 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.
- 4.9 During the consideration of the above-mentioned application ref:3/13/1513/FO, Hertfordshire Highways were consulted. They did not wish to restrict the grant of permission. They commented 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.
- 4.10 Hertfordshire Biological Records Centre was also consulted on the earlier application. They did not formally comment although they verbally indicated that they did not wish to restrict the grant of permission. Although bats had been recorded in a local barn, there was no record to suggest the garage had been used as a bat roost. In any case, given the upper floor was already in use as an office, any impact on bats would already have taken place.
- 4.11 Natural England did not wish to restrict the grant of permission.
- 4.12 Brickendon Liberty Parish Council noted that the application was retrospective but registered no objections.
- 4.13 Officers cannot confirm whether or not there is any office use remaining within the dwelling itself. However, it is important to note that there is no planning requirement for an office use to continue within the dwelling and therefore, even if the building is currently used entirely for residential purposes, this would not be a breach of planning control and is not a material consideration in the determination of this matter relating to the garage.

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5.0 Recommendation:

- 5.1 In summary, the use of the first floor of the existing building is supported in principle by the policies of the Local Plan and national policy set out in the NPPF.
- 5.2 The resulting office is of limited size and is unlikely to provide accommodation for more than 4 people. The Highway Authority does not object to this limited scale of office use as it is most unlikely to result in any significant increase in traffic generation to and from the farm. Given the farm use, and the other established businesses on the farm site, Officers concur with this view and consider that the service of an enforcement notice on these grounds would not be justified.
- 5.3 Similarly, the building is not located in proximity to any other residential properties, except those owned by the farm and therefore it would not be possible to sustain an objection to the use on neighbour amenity grounds.
- 5.4 The use is low key and does not involve any external alterations to the building. There is also ample provision for parking at the site and therefore Officers can see no objection to the use on the grounds of visual impact.
- 5.5 It is therefore recommended that no enforcement action be taken in respect of the breach of condition 3 of application reference 3/06/0604/FP.