

5e 3/13/2067/FP – Construction of 2 no. detached dwellings following demolition of existing barns at Bromley Farm, Bromley Lane, Much Hadham, SG11 1NY for Chaldean Estate

Date of Receipt: 12.12.2013

Type: Full – Minor

Parish: STANDON

Ward: THUNDRIDGE AND STANDON

RECOMMENDATION:

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

1. The application site lies within the Rural Area as defined in the East Herts Local Plan Second Review April 2007 wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to the rural area. The location of the site for residential dwellings is not considered to be sustainable and is contrary to policies GBC2 and GBC3 of the Local Plan and the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

_____ (206713FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The site is located along a rural road which links the villages of Standon and Much Hadham. The site is to the south east of a small collection of buildings within the hamlet of Bromley. To the immediate north west of the application site are three dwellings, two of which are grade II listed buildings; Bromley Hall and Bromley Manor.
- 1.2 The application site itself forms a collection of agricultural buildings set on an irregular shaped parcel of land. To the north of application site is

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a large agricultural shed with a footprint of some 3000 square metres. To the south of that main shed are two open sheds, a silo and other agricultural structures. A concrete and gravel hard surfaced area runs around the buildings and site.

- 1.3 The application proposes the demolition of the existing agricultural buildings and the erection of two large detached four bedroom dwellings with garages and parking areas. The proposed dwellings are located around 20 metres to the south of the existing dwellings to the north of the application site, utilising the existing access which serves the agricultural units. The proposed dwellings are of barn type appearance with gable roofs and timber cladding.

2.0 Site History:

- 2.1 The only relevant planning history relates to a withdrawn planning application (LPA reference 3/02/2144/FP) for an agricultural workers dwelling.

3.0 Consultation Responses:

- 3.1 The Environmental Health Officer advises that planning conditions relating to construction working hours, soil decontamination and piling be attached with any permission.
- 3.2 County Highways comment that they do not wish to restrict the grant of planning permission. Suitable levels of parking remain and traffic generation is not likely to increase significantly over the existing use. They have raised concern with the width of the proposed access and should suggest this be reduced which could be controlled through a planning condition.
- 3.3 Hertfordshire Ecology comments that the lack of roosting places and absence of any evidence of the presence of bats and barn owls means that no further surveys are required for the proposed development. Furthermore, a protected species license issued by Natural England will not be required for the proposed development.
- 3.4 The Historic Environment Unit comments that the site is adjacent to the historic buildings of Bromley Hall Farm which date to the C17 and C18. The site itself is a medieval manorial site and is documented from the C15. The site is also adjacent to the Hadham kilns which produced Roman tile and pottery on an industrial scale from the C1 – C4. Large amounts of Roman pottery have been recorded across the three fields which contain the kiln sites. The position of the proposed development

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is such that it should be regarded as likely to have an impact on heritage assets of archaeological significance and a planning condition requiring further archaeological work is considered to be necessary and reasonable.

4.0 Parish Council Representations:

4.1 No representations have been received from Standon Parish Council.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 Three letters of representation in support of the application have been received. The comments received set out that in principle there is no objection to the development, subject to appropriate access being maintained to the neighbours property and further details in respect of sewerage/waste and boundary treatments. One letter of representation considers that the barns are unsightly and are in poor condition; the yard is untidy; the farm generates considerable noise and; there are vermin within the buildings.

6.0 Policy:

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

- GBC2 The Rural Area Beyond the Green Belt
- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt
- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV11 Protection of existing Trees and Hedgerows
- ENV16 Protected Species
- TR7 Car Parking - Standards
- BH1 Archaeology and New Development

6.2 The National Planning Policy Framework is a material consideration in the determination of this application.

7.0 Considerations:

7.1 The main considerations of this application relate to the following

matters:

- The principle of development;
- Whether the proposal represents a sustainable form of development;
- The impact on the character and appearance of the surroundings;
- Neighbour amenity considerations.

Principle of development

- 7.2 The site is located within the Rural Area beyond the Green Belt as designated in the Local Plan. Policy GBC3 of the Local Plan is therefore relevant and this sets out a range of developments that are considered to be appropriate within that designated area. The construction of residential dwellings (other than replacement dwellings and adaptation and reuse of rural buildings) does not represent an appropriate form of development, as defined in policy GBC3. The proposal, comprising the demolition of agricultural buildings and the erection of two new dwellings is therefore in direct conflict with policy GBC3 of the Development Plan.
- 7.3 The applicant considers that the policy support within policy GBC 9 of the Local Plan and paragraph 55 (third bullet point) of the NPPF provides a justification for the erection of two new dwellings in this case. This is because they consider that it is not viable to convert the existing buildings to dwellings and therefore the erection of new dwellings should be permitted in their place.
- 7.4 However, Officers do not agree with that approach in principle and neither the Local Plan nor the NPPF lend policy support for that view. Indeed, both Policy GBC3 of the Local Plan and the NPPF specifically seek to restrict isolated new dwellings in the countryside.
- 7.5 In any event, policy GBC9 of the Local Plan (regarding the re-use of buildings) has a selective approach to determining which buildings are suitable for residential conversion – and buildings must be ‘worthy of retention’. The reasoning for the policy is set out in the preface to the policy and the Council’s Guidance Note ‘Farm Buildings’. That document indicates that, to be worthy of retention, buildings should have architectural or historic interest. Having regard to that consideration, and the preface to policy GBC9, Officers consider that the existing buildings are not worthy of retention. This accords with paragraph 157 of the NPPF.

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- 7.6 As such, no weight can be attached to policy GBC9 of the Local Plan or paragraph 55 of the NPPF, in support of this proposal. On the contrary, policy GBC3 of the Local Plan and paragraph 55 of the NPPF clearly seek to restrict isolated new dwellings in the countryside on sustainability grounds. Officers consider therefore that there is no policy support for the proposed development.
- 7.7 It is a material consideration that the Council have been unable to demonstrate a five year housing land supply and the NPPF states, at paragraph 49, that the Development Plan should not be considered up to date if a five year housing land supply cannot be demonstrated. The Council must therefore attach weight to the provision of residential dwellings – any such weight should however be tempered against number of dwellings proposed (just two in this case) and whether the proposed development represents a sustainable form of development (which is discussed below).

Sustainable development

- 7.8 The economic and social benefits of the proposed development rest solely on the provision of two additional dwellings in the District. Some limited weight should be attached to the provision of these dwellings but, as set out above, that contribution to housing supply is very limited and must be weighed against other harm associated with the proposed development.
- 7.9 Paragraph 28 of the NPPF sets out that, in order to support a strong rural economy, local plans should support sustainable economic growth and expansion of all types of business and enterprise through conversion of existing buildings. The proposed development would see the loss of existing buildings which could be used for alternative business, community or tourism purposes or continued agricultural use and this proposal will not therefore support the potential for sustainable growth and expansion of rural businesses. Whilst Officers therefore acknowledge the short term economic gain of constructing two dwellings – this should be considered against the conflict with paragraph 28 of the NPPF and the potential reuse of the buildings for business purposes.
- 7.10 With regard to environmental sustainability, Officers consider that the key consideration relates to the impact of a residential development in terms of neighbour amenity impact and the character and appearance of the surrounding rural environment, and transport matters.
- 7.11 The applicant considers that the existing buildings are of an overall size and design which is harmful to the character of the rural setting and that

this justifies the proposed development. Officers acknowledge that the existing buildings are significant in terms of their proportions and are prominent from the road. However, they are of a typical agricultural design and appearance that is common and expected within the countryside and this argument could be used all too often throughout the district, in similarly unsustainable locations, resulting in significant harm to the Councils adopted development strategy.

- 7.12 Officers acknowledge that the removal of the buildings and their replacement with smaller buildings may result in reduced impact on openness and prominence from the road. However, the provision of residential dwellings and the associated paraphernalia, curtilages and structures would also be likely to have a significant, albeit different kind of, impact which would, in Officers opinion, be equally harmful to the openness and character of the rural setting. Officers do not therefore consider that any significant weight should be attached to any enhancement of the site associated with the removal of the existing buildings and their replacement with other buildings.
- 7.13 The application site is not in a sustainable location in transport terms – it is some distance from any village community and access to associated facilities. There are no public amenities within walking or easy cycle distance and no public transport provision. The site is not therefore sustainable in transport terms and it is likely that private motor vehicles would be the only source of transport for future occupiers which is contrary to the thrust of sustainable transport, as set out in section 4 of the NPPF. The unsustainable location of the site in transport terms is therefore a material consideration which weighs against the development proposal.
- 7.14 In considering sustainability matters further, it is important to note that the NPPF seeks a move towards low carbon development and support for energy efficiency and the use of renewable resources. The applicant has submitted information demonstrating the building credentials of the development and has indicated that the building design will utilise an integrated approach to solar gain, access to daylight, insulation, thermal materials, ventilation heating and control systems. The proposed dwellings will therefore include a number of sustainable features including renewable energy technologies and this adds some moderate weight in favour of the development proposals.
- 7.15 The overall layout and relationship between the proposed dwellings and other development is generally acceptable and the design, utilising a barn-type approach with the provision of gable roof profiles and weather boarding and large openings mimicking barn doors, is sympathetic to

the rural surroundings and the character of other dwellings within the immediate setting. The proposal incorporates the provision of a large detached garage building adjacent to the road which is considered to be appropriate taking into account the proportions of other such buildings in the immediate locality, including the large garage building serving Bromley Barn.

- 7.16 With regards to neighbour amenity impact, Officers acknowledge the comments from neighbours and understand the view that the replacement of the agricultural buildings with dwellings has the potential to result in an improved relationship with those neighbours. Although Officers understand that the agricultural buildings proposed to be demolished are not currently being used for agricultural purposes nor have they for some time, their re-use for agricultural purposes does have the potential to cause some noise and nuisance impact for adjacent residential dwellings. Some weight should be attached to that consideration. However, in Officers opinion this does not outweigh the harm caused by the departure from Rural Area policy; the impact of the proposal on the openness and character of the area; the provision of two isolated dwellings in the countryside; the unsustainable nature of the development, or the lost potential for the economic re-use of the existing buildings.
- 7.17 Turning to matters of parking and highway access, Officers consider that the existing access is acceptable and that an appropriate level of parking is provided within the site in accordance with policy TR7 of the Local Plan. The comments from the Highways Officer are noted and it is considered that a planning condition could be attached with any permission relating to the width of the access serving the proposed dwellings.
- 7.18 There are some trees and other landscape features within the application site. Whilst none of those features are protected, they are not located in close proximity to the development and there will therefore be no significant impact on them.

8.0 Conclusion:

- 8.1 The proposed development is a departure to the Development Plan and would also not accord with the policies of the NPPF which seek to restrict isolated new dwellings with the countryside. It represents an inappropriate form of development within the Rural Area.
- 8.2 Whilst it is acknowledged that the proposal would have some benefits in terms of a small contribution to the Councils five year land supply; the

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removal of large existing buildings; the green credentials of the new buildings, and the potential for improved neighbour relationships, it would nevertheless result in development in an unsustainable location, heavily reliant on motor transport and would, in itself, have an impact on the character and appearance of the surrounding area. Furthermore, it would be in direct conflict with paragraph 28 of the NPPF which seeks the reuse of buildings for business purposes and would result in the provision of isolated new residential development in the countryside contrary to policy GBC3 and the NPPF.

- 8.3 No support for the demolition of the buildings and their replacement with dwellings can be found in paragraphs 28 or 55 of the NPPF. The NPPF expressly discourages isolated new homes in the countryside and the site is considered to be isolated, being some distance from the main settlements and villages within the District.
- 8.4 Whilst there are acknowledged to be positive aspects of the proposal, these are not considered to outweigh the harm caused by the departure from Rural Area policy and the other harm identified above. Officers consider that the development would not represent a sustainable form of development in social, economic and environmental terms and it is therefore recommended that planning permission be refused.