

**3/14/1121/FP – Change of use of storage land and demolition of existing buildings. Erection of 1 No.four bedroom house with detached garage and workshop at Buryholme, Hunsdonbury Lane, Hunsdon, Ware, Hertfordshire, SG12 8PW for Mr and Mrs P Dixon**

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**Date of Receipt:** 24.06.2014

**Type:** Full – Minor

**Parish:** HUNSDON

**Ward:** HUNSDON

**RECOMMENDATION:**

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

1. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The proposed development would result in harm to the character and appearance of the Rural Area and would be contrary to policy GBC3 of the East Herts Local Plan Second Review April 2007.

**Summary of Reasons for Decision**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, 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.

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**1.0 Background**

- 1.1 The application site is shown on the attached OS Map. It is located within the Rural Area beyond the Green Belt, within Hunsdonbury.
- 1.2 The site is occupied by four single storey concrete buildings and a 1 ½ storey timber building. The applicant has stated that the buildings were originally used to accommodate WAAF Officers serving the nearby Hunsdon Aerodome during World War 2.
- 1.3 The site benefits from its own unmade access track. The existing

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single storey concrete buildings are set back approximately 50 metres from the shared access road to the front of the site that serves the neighbouring properties.

- 1.4 The site is enclosed by brick walls with open wire fencing to the front.
- 1.5 Adjoining the site to the west and south is the Bury Plantation, an area of woodland that is designated as a Wildlife Site. Adjoining the site to the east is Buryholme, a commercial site used for plant hire, storage and maintenance purposes. To the north and north west of the site are a cluster of 10 dwellings, 6 of which are Grade 2 Listed.
- 1.6 The proposal is for the demolition of the existing concrete single storey buildings and the erection of a two storey detached dwelling house with a detached outbuilding. The dwelling would be positioned on the footprint of the existing buildings and the existing unmade track would continue to be used to access the site. The existing timber 1½ storey outbuilding would be retained and used for storage purposes.
- 1.7 The application is being reported to Committee at the request of Councillor M Newman.

### **2.0 Site History**

- 2.1 The relevant planning history for the site is as follows:
- 2.2 In 1966 permission was refused for the use of the land and buildings for storage purposes (LPA reference 3/66/0756/FP).
- 2.3 Temporary planning permission was granted for the use of the buildings within the site for the storage of furniture in 1969 (LPA reference 3/69/2422/FP).
- 2.4 In 1976 planning permission was refused for the permanent change of use of the site for storage and distribution (following an earlier temporary use), under LPA reference 3/76/1034/FP.
- 2.5 The Council's records show that enforcement action was taken against the use of the site for storage by a construction company in 1999 and this use was reported to have ceased in 2000.
- 2.6 The adjoining site to the east (also known as Buryholme) was refused planning permission in 2007, under LPA reference 3/07/0864/FP, for the redevelopment of the existing commercial yard to provide two dwellings. Planning permission was refused by the Council due to the

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inappropriate development in the Rural Area and its failure to provide a rural exceptions site of affordable housing and the loss of employment. This proposal was dismissed at appeal in April 2008. The Inspector in their decision stated as follows:

*'The site contains a number of buildings of rudimentary construction and the open storage of a variety of plant and materials. There is also scope for the height of the plant and stored materials to be increased. However, a working yard is not intrinsically inappropriate in the rural area and the buildings and use share some characteristic of a working farm. Furthermore, the site is largely enclosed by brick walls and screen planting and is not prominent in the landscape.'* (Paragraph 6).

*'The redevelopment of the yard by the subdivision of the land into two plots, each with a new house and double garage of the same design would represent a more prominent and somewhat suburban form of built development which would contrast with the varied design and character of existing development. On balance, I do not consider that the development would offer a material benefit to the character or landscape of the area or to the setting of the nearby listed buildings'* (Paragraph 7).

*'In conclusion, the development would be harmful in that it would result in the loss of local employment and a local employment site, contrary to LPR Policy EDE2. It would also create housing in an inappropriate location contrary to LPR Policy GBC3. I do not consider that the uncertain and limited benefits in terms of highway safety and living conditions in the area outweigh that harm.'* (Paragraph 9).

### **3.0 Consultation Responses**

- 3.1 Environmental Health have recommended conditions in respect of construction hours of working, contaminated land and piling works.
- 3.2 County Highways do not wish to restrict the grant of permission. They comment that in view of the commercial nature of the existing use of this site and the associated traffic generation there is no justifiable highway reason why the dwelling should not be permitted.
- 3.3 The Council's Landscape Officer recommends approval and states that there would not be an unacceptable impact upon trees and the proposal is non-contentious in landscape terms.

**4.0 Parish Council Representations**

4.1 Hunsdon Parish Council has raised no objections.

**5.0 Other Representations**

5.1 The application has been advertised by way of a discretionary site notice and neighbour notification.

5.2 5No. representations have been received from neighbouring residents, 4 of which state that they are in support of the proposal. The representations received which raise the following matters:

- The proposal would improve the site however, hope that this would not set a precedent for subsequent development;
- The development should not use the existing delicate and old water and drainage service and should include a long-term solution to the deteriorating drain under the lane;
- The existing buildings have been derelict for at least 35 years and the site has served no useful purpose for decades;
- A development in keeping with its surroundings would seem the best solution at the same time as enhancing the immediate area;
- The proposal would enhance the area considerably and would dispose of some unsightly buildings;
- The applicant has failed to explain why the existing buildings are no longer viable for continued use;
- The two precedents relied upon (by the applicant in their submission) bear no comparison to the current proposal and this could set a precedent for new buildings in the countryside including those previously refused at neighbouring sites under LPA references 3/07/0864/FP (Buryholme) and 3/09/1490/FP (rear garden of Woodlands).

**6.0 Policy**

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

GBC3	Appropriate Development in the Rural Area Beyond the green Belt
TR2	Access to New Developments
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping

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ENV14	Local Sites
ENV16	Protected Species
EDE2	Loss of Employment Sites

6.2 The provisions of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also of relevance to this application.

## **7.0 Considerations**

7.1 The determining considerations for the current application are as follows:

- The principle of the development and whether there are material considerations that would outweigh the harm caused by the inappropriate development within the Rural Area beyond the Green Belt;
- Loss of an employment site;
- The size, scale, layout and design of the proposal;
- Impact upon neighbour amenity;
- Parking and access arrangements.

### Principle

7.2 The site is located within the Rural Area beyond the Green Belt, wherein Policy GBC3 of the Local Plan allows for specific types of appropriate developments. New residential development is not allowed for within this policy and as such forms inappropriate development in the Rural Area. Where inappropriate development is proposed, other material considerations must be demonstrated that would outweigh the harm caused by the departure from policy.

7.3 The NPPF promotes sustainable development and Paragraph 55 states that new isolated homes in the countryside should be avoided. The application site is within an isolated location away from the settlement of Hunsdon and adjacent to a small cluster of ten dwellings. Furthermore, the site is considered to form an unsustainable location for residential development, as it is located away from local services and facilities, the nearest village of Hunsdon being located some 1km away, the proposal is therefore considered to be contrary to the aims of the NPPF.

7.4 The applicant considers that the existing buildings within the site detract from the appearance of the surrounding area and questions whether

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the continued use of the site for storage purposes would be suitable due to the poor means of access and the impacts upon the amenities of neighbouring occupiers.

- 7.5 Officers consider the existing buildings to have a limited impact upon the rural character of the area. The existing buildings are low lying, set back by over 50 metres from the front of the site and are screened by mature trees close to all of the site's boundaries. The proposed new dwelling would also be set back from the front of the site and would benefit from some screening from the existing nearby mature trees. However, the proposed new building would be two storeys in height, which together with the clearing of the site, the formation of new hard standing for the driveway and the large outbuilding that is proposed would appear far more prominent within the landscape than the existing low lying buildings.
- 7.6 Whilst the site currently appears to be used for some limited/ad hoc storage purposes by the applicant, the Council's records show that there is no lawful commercial use for the site. The existing storage activity associated with the site appears to be very minimal and Officers consider that any increase in this use could constitute a material change of use requiring planning permission. Therefore, the applicant's suggestion that the existing buildings could be used for a continued or more intensive commercial use that would be harmful to the amenities of neighbours and the character of the area should be given limited weight. It is noted that no enforcement action has been taken against the commercial use of the site since the year 2000 and based upon the information that is currently available, the existing use appears to be very limited and does not appear to cause any significant harm to the amenities of neighbours, highway safety or to the character of the area in fact one local resident in their representation comments that the existing buildings have been derelict for at least 35 years. Therefore, the presence of the existing building and the limited storage use that currently occurs within the site is not considered to result in harm to the Rural Area that would outweigh that caused by the introduction of a new residential use within this inappropriate and unsustainable location.
- 7.7 The comments that were made by the Inspector in respect of the appeal at the adjoining site to the south east of the of the application site (LPA reference 3/07/0864/FP) are relevant to the consideration of the current application. The Inspector commented that the working yard was not *'intrinsically inappropriate in the rural area and the buildings and use share some characteristic of a working farm. Furthermore, the site is largely enclosed by brick walls and screen planting and is not prominent in the landscape.'* The existing site does

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not benefit from a lawful commercial use and the very limited and small scale use of the building for storage purposes is not considered to be inappropriate. Whilst the original purposes of the buildings for the RAF are noted, the buildings are low lying with pitched roofs which, similarly to those within the adjoining site, do share some characteristics with buildings within a working farm. This site is also largely enclosed by brick walls and mature trees which, together with the buildings being set back from the front of the site, ensure that they do not appear prominent within the landscape, as was the case with the dismissed appeal at the adjoining site.

- 7.8 The Inspectors conclusions for the adjoining site, that the proposed development would; *'represent a more prominent and somewhat suburban form of built development'*, is also relevant to the current application. The proposed two storey dwelling and large garage building to replace the existing low lying inconspicuous buildings would appear more prominent and would form a suburban form of built development.
- 7.9 Officers attach very limited weight to the approved planning applications that have been referred to by the applicant at Bromley Farm, Much Hadham (LPA reference 3/13/2067/FP) and the A10 Autoworld, High Cross (LPA reference 3/05/0178/FP). Every planning application must be considered on its own merits. Furthermore, Members felt in the case of the proposal at Bromley Farm that the benefits of the demolition of an existing large scale building would outweigh the harm caused by the proposed new dwellings. In the case of the A10 Autoworld site, which it is noted was determined over 9 years ago and under the previous Local Plan, the car sales and petrol garage buildings that were previously on the site formed prominent and unattractive features within the landscape and the benefits of their removal and the decontamination of the land were considered to outweigh the harm caused by the new dwellings.
- 7.10 Having regard to the considerations that the applicant has put forward in this case, Officers are of the view that these would not be sufficient to outweigh the harm that the proposal would cause by reason of the inappropriate and harmful development within the Rural Area.

#### Loss of an employment site

- 7.11 The applicant has confirmed that no one is currently employed at the site and therefore as there does not appear to be a lawful commercial use for the site, the proposal would not result in the loss of employment

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premises. Therefore, the proposal does not conflict with the aims of Policy EDE2.

#### Size, scale, layout and design

- 7.12 Notwithstanding the concerns raised above that the new development would appear more prominent within the landscape than the existing buildings, Officers consider the detailed design and layout of the site to be acceptable. The new dwelling is designed to a high standard with traditional features such as gable ended projections and chimneys which are reflective of the style of the neighbouring dwelling houses.
- 7.13 Officers do have some concerns in respect of the scale and height of the proposed outbuilding. This building would reach a ridge height of 6.7 metres, which when compared that the ridge height of the main dwelling, of 7.4 metres, could appear somewhat prominent in relation to the main dwelling. Officers consider that this concern could be overcome by a reduction to the height of the building and, given the other concerns in respect of the principle of the development, do not recommend that planning permission is refused specifically for this reason.

#### Impact upon neighbour amenity

- 7.14 The adjoining site to the west, Buryholme yard is in commercial use. The development would retain distances of some 40 metres from the boundaries to the nearest residential properties, which is considered sufficient to ensure that the development would not have an unacceptable impact upon the amenities of neighbouring occupiers.

#### Parking and access

- 7.15 County Highways have raised no objections to the use of the access for the proposed single dwelling house. Whilst it is noted that they have had regard to an existing commercial use at the site, which is considered to be unlawful, Officers nevertheless consider that the proposed single dwelling at the site would not have a severe impact upon highway safety.
- 7.16 Sufficient parking spaces would be available within the driveway and the proposed garage to accommodate the needs of the occupiers of the dwelling.

**Other Matters**

- 7.17 The concerns that have been raised by neighbouring residents in respect of the potential damage that could be caused to the road and the drain are noted. However, these are matters that would need to be dealt with between the developer, the land owner and the water company that serves this area.
- 7.18 The Ecological report that has been submitted with the application states that there is no evidence of roosting bats within the existing buildings, that nesting birds could be present within the surrounding hedgerows and woodland and that reptiles could be present within a strip of vegetation adjacent to the neighbouring meadow. Having regard to this report, there is no evidence that the proposal would have a detrimental impact upon protected species. If planning permission were to be granted then suitably worded conditions and directives would be appropriate to mitigate any impact the development may have.
- 7.19 The site is located adjacent to a Wildlife Site, which covers the neighbouring Bury Plantation. Taking into account the extent of development proposed and its location in relation to the Wildlife Site, Officers do not consider that the proposal would result in any significant harm to the Site.

**8.0 Conclusion**

- 8.1 The proposed residential development forms inappropriate development within the Rural Area beyond the Green Belt. Officers consider that the other considerations that the applicant has put forward in this case, would not be sufficient to outweigh the harm that the proposal would cause.
- 8.2 Having regard to the above considerations it is recommended that planning permission is refused for the reason given at the head of this report.