

3/14/1283/FP – Alteration of existing motor repair work shop including removal of rear projection and change of use to a 2 bed dwelling at land at Kenton House, Hare Street, SG9 0EA for Mr Madden

Date of Receipt: 27.08.2014

Type: Full – Minor

Parish: WYDDIAL

Ward: BUNTINGFORD

RECOMMENDATION:

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

1. The existing building, by reason of its design, form and appearance is not worthy of retention, and the conversion of the building would require extensive alterations to enable conversion. The proposal is therefore contrary to the requirements of policy GBC9 of the East Herts Local Plan Second Review April 2007 and would result in an inappropriate and unsustainable form of development in this rural location.
2. The Council are not satisfied that sufficient evidence has been submitted to demonstrate whether the reuse of the building for purposes other than residential, including business, leisure, tourism or other purposes compatible with the rural location has been fully assessed. The proposed development therefore conflicts with policy GBC9 of the East Herts Local Plan Second Review and Section 3 of the National Planning Policy Framework.

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.

_____(141283FP.MP)

1.0 Background

- 1.1 The application site is shown on the attached OS extract and is located within the category 3 village of Hare Street. The application site comprises a detached building which was formally used as a motor

3/14/1283/FP

vehicle servicing and repairs workshop. That use has ceased but remains the lawful use of the building.

- 1.2 The building is set back from the main road which runs through the village by around 20 metres and features a gable constructed of red/brown brick. The front (west) elevation of the gable contains a garage door and window. Attached to that brick building is a timber barn type structure, which has a roof of modern corrugated metal. This part of the building is partially clad in weatherboarding and has two projections from it – a 5 metre projection to the rear serving a store and a 2 metre projection to the side serving a reception space for the garage use. Those projections to the barn structure are clad in modern corrugated metal sheets.
- 1.3 The proposed development involves the removal of the side and rear projections to the barn, and building works to change the use of the building to a two bedroom dwelling. The plans indicate that the shell of the building will be retained with the provision of an ‘inner’ partition for what Officers understand to be insulation. The building will be divided internally to provide a living/kitchen space and two bedrooms.
- 1.4 The application is reported to the Committee at the request of Councillor Mrs R Cheswright.

2.0 Site History

- 2.1 Planning permission was originally granted for the provision of a detached dwelling (now known as Kenton House) under LPA reference E/541/48.
- 2.2 Planning permission was granted for petrol pumps and alterations to the garage forecourt under LPA references E/854/58, E/510-66, E/3948-72, and 3/1204-77.
- 2.3 Planning permission was granted in LPA reference 3/95/0412/FP for a change of use of garden shed and storage ancillary to the garage.

3.0 Consultation Responses

- 3.1 The Environmental Health Officer advises that any planning permission granted should include conditions relating to soil decontamination, construction hours of working and piling.
- 3.2 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. Traffic generation is likely to

3/14/1283/FP

reduce from the current commercial use and an appropriate level of parking and turning is provided.

- 3.4 The Historic Environment Unit comment that the proposed development is unlikely to have an impact upon heritage assets of archaeological interest.

4.0 Parish Council Representations

- 4.1 No objections are raised by Hormead 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 Two letters of representation have been received during the process of the application. One letter raises concern in respect of the impact on the setting of listed buildings and neighbour amenity. The representation also comments that they do consider that a few extra houses built on land as infill would benefit the village and bring new life to the village as a whole with the hope that maybe a shop or the existing store would also benefit from the extra number of villagers.
- 5.3 A further representation received makes reference to covenants on Kenton House in relation to the provision of boundary treatments and the location of the existing bus stop and the access to the site.
- 5.4 Four letters of support were submitted with the planning application setting out that the building will improve the visual amenity of the village and concerns are raised with the re-establishment of a garage or business use of the site.

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
GBC9	Adaptation and Re-use of Rural Buildings
GBC10	Change of Use of an Agricultural Building
EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality

3/14/1283/FP

ENV16 Protected Species
BH1 Archaeology and New Development

6.2 The NPPF (National Planning Policy Framework) is also material to the determination of the application.

7.0 Considerations

7.1 The main planning consideration relates to whether the proposed development represents an appropriate and sustainable form of development in the rural area in accordance with policy GBC3 and GBC9 of the Local Plan and the NPPF.

Reuse of the building

7.2 The application site is located within the Rural Area beyond the Green Belt wherein policy GBC3 of the Local Plan does allow for the adaptation and reuse of rural buildings. In principle therefore, the adaptation and reuse of the building(s) is considered to be acceptable.

7.3 In determining whether the proposal would be acceptable, policy GBC9 contains four criteria which need to be met. These criteria are not included in the NPPF. However, as is set out in the NPPF, the role of the Local Plan is to add detail to reflect local circumstances. Paragraph 157 of the Framework specifically identifies that Local Plans, supported by a clear explanation, should identify areas where it may be necessary to limit the change of use of buildings. Whilst the Local Plan and policy GBC9 of the Local Plan predate the Framework the Local Plan is considered to be consistent with it and this view has been reflected by Inspectors in determining recent appeals to the Planning Inspectorate. The four criteria of policy GBC9 are important and are considered below:

Criterion (II) (a) – whether the building is worthy of retention and the introduction of a residential use would not detract from the rural character and appearance of the area

7.4 Policy GBC9 has a selective approach to determine which buildings are suitable for residential conversion; buildings must be worthy of retention. The justified 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 reasoning behind this policy is clear, in accordance with para 157 of the NPPF.

3/14/1283/FP

- 7.5 In Officers opinion, the existing building is of very limited architectural or historical significance and is considered to fall outside the scope of the kind of building envisaged in the above mentioned guidance note and policy GBC9 as being 'worthy of retention'. The building's core does form a barn structure – however, this element is of limited interest and has been altered significantly with modern extensions and materials of construction. The building is therefore not considered to be worthy of retention.
- 7.6 The plans submitted indicate that extensive works to the building will be required in order to convert the building into a dwelling – such extensive works will mean that very little of the building will be retained as part of the conversion and the provision of a new dwelling in this location does represent an inappropriate form of development in the rural area.
- 7.7 The building as exists is not of a high standard of design and appearance and Officers acknowledge that the proposed works to alter the external appearance of the building, including recladding of the external elevations to implement a residential use has the potential to assimilate more sympathetically with the predominantly residential character of the street than the existing use. Whilst some weight may be attached to that consideration, Officers are fundamentally concerned that the building is not worthy of retention and represents an inappropriate form of development in the rural area and category three village.

Criterion (II)(b) - Business use of the building

- 7.8 The approach of policy GBC9 is to consider whether existing rural buildings can be used for business, leisure, tourism, community or other purposes compatible with the rural area before considering whether residential use is acceptable. Paragraph 4.11.5 of the Local Plan provides a clear explanation for this approach, consistent with para 157 of the NPPF, "In pursuing a policy that is intended to assist economic activity and protect the countryside, the conversion and reuse of buildings for residential purposes, besides often being visually harmful to the buildings and its surroundings, has little or no positive effect on the rural economy." This approach is, in Officers opinion, in accordance with paragraph 28 of the NPPF which supports the growth and expansion of businesses in rural areas in order to support a prosperous rural economy.
- 7.9 In relation to the requirements of this criteria of policy GBC9, the application is supported by a letter from a local estate agent. The letter from the agent sets out that the site is not in a particularly accessible

3/14/1283/FP

location which would deter potential business use. The site lies in proximity to larger business centres of Stevenage, Royston, Bishop's Stortford and Hertford where there is a supply of light industrial or warehouse accommodation. The applicant considers that, in light of that information that the premises would be likely to receive little interest on the open market as a workshop.

- 7.10 The estate agent's letter is a material consideration which weighs in favour of the application and would indicate that there is likely to be limited interest in the continued workshop use or business use of the building.
- 7.11 In addition, however, policy EDE2 of the Local Plan states that development which would cause the loss of an existing employment site, or one that was last in employment use, will only be permitted subject to specified criteria, including that the retention of the site or premises for employment use has been explored fully without success, evidence of which must be provided.
- 7.12 Whilst the correspondence from the estate agent is acknowledged, Officers do not consider that the evidence set out in this letter is sufficient to satisfy the requirements of policy EDE2.
- 7.13 The policy requirements of EDE2 and GBC9 II) b) are clear and are reinforced through the NPPF. Officers are concerned that insufficient evidence has been submitted to demonstrate whether the buildings are redundant to business use and other non-residential uses compatible with the rural area. Officers acknowledge that a marketing exercise is not specifically required in policies EDE2 and GBC9, but is a common exercise used in planning related matters and referred to by Planning Inspectors in recent appeal decisions to demonstrate the limitations of the use of a particular building. Without that information and given the reasons behind policies EDE2, GBC9 and the NPPF, Officers do not consider that the requirements of policy have been fully met and that the retention of the site for employment use has been fully explored without success.
- 7.14 In reaching this view, Officers have considered the Council's lack of five year housing land supply, but consider that only limited weight can be attached to this consideration given that the application is for a single dwelling only.

Criterion (II) (c) – Affordable housing

- 7.15 The buildings are not considered to be suitable for making a

3/14/1283/FP

contribution to affordable housing.

Criterion (II) (d) – Listed Buildings

7.16 The buildings are not listed and this criterion does not therefore apply.

Other matters

7.17 With regards to matters of highway safety and parking, having regard to the comments from the Highways Officer and, taking into account the space within the site for parking, Officers consider that the development proposal is acceptable in relation to these matters.

7.18 With regards to archaeological matters, having regard to the advice from the County Historic Environment Unit Officers do not consider that there will be significant harm to archaeology.

7.19 The application site does form a previous garage use and there is therefore potential for contamination. However, having regard to the comments from the Environmental Health Officer, it is considered that any risk associated with contamination could be dealt with through a planning condition.

7.20 With regards to the impact on neighbour amenity, it is considered that the main consideration relate to the impact on the donor property, Kenton House and Oak Cottage.

7.21 The building proposed to be altered and adapted to a dwelling is at single storey and limited openings are proposed which would front onto Kenton House or its amenity space. In any event, a boundary fence or wall could be erected between Kenton House and the application site which would ensure no harmful impact on Kenton House in terms of overlooking, or loss of privacy. Having regard to the siting and lawful use of the existing building there will be no overbearing impact.

7.22 The proposed building works do not incorporate any openings which would look onto Oak Cottage which is, in any event, around 15 metres to the south west of the building the subject of this application. Having regard to that relationship, and the lawful use of the building, Officers do not consider that there will be a harmful impact on the amenity of Oak Cottage.

8.0 Conclusion

8.1 In accordance with the above considerations, the Council's Local Plan

3/14/1283/FP

Policy GBC9 is considered to be up to date and in accordance with the NPPF. Full weight should be attached to that policy in the determination of this planning application.

- 8.2 Whilst acknowledging the support for the application from third parties for the reasons set out above, the buildings are not considered to be worthy of retention and the development of the site represents an inappropriate form of development, contrary to policy GBC9 IIa) of the Local Plan. A selective policy approach for reuse of rural buildings is required by policy GBC9 which is reflected in the approach for securing sustainable economic development in rural areas as set out in para 28 of the NPPF. Officers are of the opinion that insufficient evidence has been submitted to demonstrate whether economic reuse of the building is possible. The proposed development therefore conflicts with policies GBCII)b) and EDE2 and the NPPF.
- 8.3 For the reasons set out above Officers therefore recommend that planning permission be refused.