

3/14/1102/OP – Outline planning permission for the erection of 4 no 4 bedroomed dwellings at Ideal Farm, Braughing Friars for R Rafferty, 2 Agriculture Ltd

Date of Receipt: 05.08.2014

Type: Major – Outline

Parish: BRAUGHING

Ward: BRAUGHING

RECOMMENDATION:

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

1. The proposed dwelling in the southern part of the site, by reason of its siting, would be out of keeping with the pattern of development in the surrounding area which is characterised by residential development only on the northern side of Friars Road, and would be harmful to the landscape character of the area contrary to policies ENV1 and GBC14 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) 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.

_____ (110215OP.HI)

1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises a large 2.8 hectare site formerly used as a poultry farm. The site is split across both the north and south sides of Friars Road which is a single track narrow lane and bridleway, becoming just bridleway to the east of the site access. Braughing Friars is a hamlet located to the east of Braughing and comprises of approximately 16 dwellings, all on the northern side of the road.
- 1.2 The site is no longer used as a poultry farm and comprises a number of large derelict poultry sheds with associated hard-standings, ancillary buildings, and fuel tanks. The applicant states that existing buildings

3/14/1102/OP

amount to a floor area of some 12,000m², although the majority are dilapidated. The northern part of the southern plot comprises of mature planting that has established itself amongst the old buildings. The boundaries of the site, both north and south, comprise of established trees and planting.

- 1.3 The application is in outline form with all matters reserved for 4 no. 4 bed dwellings – with 3 no. 4 bed detached dwellings and garages within the northern part of the site, and 1 no. 4 bed detached dwelling and garage within the southern part of the site. Although access is a reserved matter, access could only be achieved from Friars Road.
- 1.4 The application has been amended from the original submission following discussions with Officers. It was originally proposed to construct 2 no. dwellings to the north and 2 no. dwellings to the south. Following Officer site visits and consultation with the Council's Landscape Officer it was considered that the dwellings on the southern part of the site would represent a detached and harmful form of development out of keeping with the surrounding landscape and pattern of development. Officers suggested that if 4 dwellings were required to offset the costs of the site clearance and remediation, then these should all be located within the northern part of the site. The applicant was advised that the southern part of the site should still be cleared, but turned over entirely to woodland. The applicant chose to amend the plans to provide 3 dwellings to the north and 1 dwelling to the south, and has been advised by Officers that this would not be looked upon favourably. The application is now referred to Members for determination.

2.0 Site History

- 2.1 The site has been used since about 1930 as a poultry farm, but currently lies unused and derelict. Planning permission was granted for 7 no. replacement poultry barns in 1999 under planning reference 3/99/1371/FP and it is understood that this was lawfully implemented but not carried out. The applicant states that the site is not well placed for processing factories in Norfolk and Suffolk and there are a number of issues regarding access to the site. They have therefore decided to propose a residential redevelopment.

3.0 Consultation Responses

- 3.1 The Council's Landscape Officer recommends refusal. He comments that the site lies in Landscape Character Area 89 which comprises a simple, coherent and productive landscape which is ancient and

3/14/1102/OP

tranquil and largely untouched by the 21st century, and apart from the loss of field boundaries and 20th century arable intensification, the hamlet of Braughing Friars retains its character and provides historic focus. Residential dwellings in the area are confined to the north side of Friars Road and the proposed development for three additional dwellings with paddocks and woodland on the northern site, is within the landscape capacity of the site and can be assimilated into the hamlet settlement of Braughing Friars without causing unacceptable harm or adverse impact on the surrounding landscape character.

- 3.2 However, they comment that the southern site is different. The historic grain and pattern of residential development is on the north side of Friars Road with agriculture and pasture remaining to the south. The change to residential use on the southern site will have an adverse impact on the (at present unified) landscape by the introduction of a residential dwelling and use into a pastoral and farmed landscape where none exist at present.
- 3.3 The Highway Authority do not wish to restrict the grant of permission. They comment that the lane to Braughing Friars is an unclassified narrow lane which changes to bridleway at the eastern end. Traffic generation will not significantly increase over and above the existing use and HGV movements will be reduced. They have concerns with the HGV movements in relation to demolition and construction and recommend a condition to submit a Construction Management Plan prior to the commencement of development. They also comment that there is a pending public footpath, bridleway and restricted byway claim adjacent to this development, therefore a suitable bridleway width of at least 4m should be retained along the current line of footpath 33 to the south and east of the proposed development. Easement rights for vehicle access over the current bridleway will also need to be investigated and transferred to the deeds of the new dwellings. The applicant should contact the Rights of Way Officer for further detail. No further comments have been made on the amended plans.
- 3.4 The Ramblers Association have not had access to the precise layout of the proposed development but bring attention to the location of footpaths 21, 33 and bridleway 23 adjacent to Ideal Farm. The development should not encroach onto these public rights of way and access should be available to the public at all times during and after construction.
- 3.5 The East Herts Footpath Society have no objection in principle to the development provided it leaves room for the claimed public Rights of Way. They support the comments from the Highway Authority and

3/14/1102/OP

Ramblers Association.

- 3.6 The Environment Agency (EA) initially objected on the grounds that the proposal involved the use of a non-mains foul drainage system with no assessment of the risks of pollution to groundwater and surface waters having been carried out. Following the submission of an acceptable Foul Drainage Assessment Form, the EA now recommend consent subject to conditions on contamination and drainage. No further comments have been made on the amended plans.
- 3.7 Hertfordshire Ecology comment that they have no records for the site in respect of any habitats present; however the location is well known to be of considerable importance locally for moths. There has also been a locally valuable bat roost for a number of years (1995 record) of 40 roosting bats from the bungalow immediately adjacent to the site; however Herts Ecology are unable to provide full record details. They do not consider it reasonable to require further survey work prior to determination, and also comment that the dilapidated buildings on site do not represent good opportunities for bats. They therefore recommend a condition that a final check of the buildings be undertaken prior to commencement.
- 3.8 They also suggest that the grassland should be sown with an appropriate wildflower mix and that the northern woodland area should be planted as an orchard to re-create some of the traditional character of the area. The impact on local moth populations could be reduced through the submission of more detailed landscaping proposals. They have no reason to consider that there are any other ecological constraints associated with the proposals and support the mitigation measures proposed. The development should therefore be carried out in accordance with the submitted Construction Ecological Management Plan, and the woodland mix should include an element of hazel to replace the silver birch.
- 3.9 The NHS East and North Hertfordshire CCG (Clinical Commissioning Group) comment that the population increase from this development is unlikely to create a significant impact on healthcare, but set against any future developments in the region it may well do so. The CCG would like to engage further with the Local Authority and NHS England to assist with the mapping of additional health infrastructure that would need to be established, and the requirements for a Section 106 or CIL obligation.
- 3.10 Environmental Health raise no objection subject to conditions on construction hours of working and contamination.

4.0 Town/Parish Council Representations

4.1 Braughing Parish Council has no objection to 4 dwellings only to offset the costs of clearance of the site; however it would not support any more dwellings on the site. They comment that the applicant has offered the woodland area to the Parish Council through a Section 106 legal agreement whereby the freehold of the wooded area, once cleared of buildings and debris, would be transferred to the ownership of the Parish Council. The Parish Council would support such a transfer once the land is appropriately cleared.

5.0 Other Representations

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

5.2 2 no. letters of representation have been received which can be summarised as follows:

- Friars Road is in a bad state of repair and was previously maintained by Ideal Farm. It has not been maintained in recent years and is unsuitable for any increased volume of traffic, including works traffic;
- Braughing has had many recent developments that have spoiled the village and it would be a shame to do the same for this hamlet of 16 dwellings;
- Development is only of benefit to the building companies involved;
- Local support is conditional on the woodland being passed to the Parish Council to be protected in perpetuity, and to avoid any further development in the future, and local support has only been given for 4 dwellings, no more;
- Suggest that any planning consent be restricted to 4 houses;
- It is essential that the health of neighbouring residents, children and livestock are all considered and protected during intrusive environmental assessments and during construction.

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
- GBC14 Landscape Character

3/14/1102/OP

TR2	Access to New Developments
TR7	Car Parking – Standards
TR15	Protection of Equestrian Routes
TR20	Development Generating Traffic on Rural Roads
EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage

6.2 In addition to the above the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also a consideration in determining this application. Members will be aware that, due to the draft nature of the District Plan, limited weight can currently be applied to its policies.

7.0 Considerations

Principle of Development

7.1 The site lies in the Rural Area beyond the Green Belt wherein new residential developments represent inappropriate development contrary to Local Plan policy GBC3. It is acknowledged that the Council currently lacks a 5 year housing supply and therefore paragraph 14 of the NPPF applies. This states that ‘where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.’ Paragraph 14 commences with a presumption in favour of sustainable development, and this is defined in the preamble as comprising of three parts – an economic role, social role, and environmental role.

7.2 In terms of an economic role it is recognised that the development would result in the loss of a site that was previously used for employment purposes. Local Plan policy EDE2 states that development that would cause the loss of an existing employment site, or one that was last in employment use, will only be permitted if the retention of the site for employment purposes has been fully explored without success. Although the site is currently derelict and not providing any employment use, it has the capacity and lawful use to provide a number of local employment opportunities. This loss therefore results in an economically unsustainable form of development contrary to policy EDE2 and the NPPF. However, given the location of the site and the

3/14/1102/OP

access constraints discussed in more detail below, it is not considered reasonable or appropriate to require continued employment use of the site. The applicant has carried out extensive local consultation and this has identified major traffic and highway issues, and overall support for a part re-use of the site. The loss of employment land therefore carries little weight in the overall balance of considerations and Officers do not consider the economic impact of the development to be harmful.

- 7.3 In relation to social sustainability, the development will provide new dwellings within the hamlet, and although it would make little contribution to the housing mix in the area it would improve the social sustainability of the existing site. No affordable housing is proposed as part of the development but is not required under local or national policy.
- 7.4 In respect of environmental sustainability, the site lies outside the designated villages and within a small hamlet which has no services or public transport connections. There are existing services in Braughing, approximately 3km to the west, however future residents would be dependent on private cars for all their daily needs. Given the location of the site Officers therefore consider that there are unsustainable elements to the proposal. However, the development will result in a number of environmental improvements, particularly through the clearance of the site and planting of new woodland.
- 7.5 The development will make use of previously developed land, and although the definition of previously developed land in the NPPF specifically excludes land that has been used for agricultural purposes, it is of course preferable to develop a brownfield site over a greenfield site in this location. The proposal will also make a small contribution towards the Council's housing supply, and allow for the tidying up of an unsightly and derelict site. Therefore, although the proposal represents an inappropriate form of development in the Rural Area and is deemed unsustainable in some areas, Officers consider that there is some potential for development on this site. It is the scale and siting of the development that is discussed in more detail below.
- 7.6 Finally, the applicant refers to permitted development rights to change the use of the existing buildings to residential; however Schedule 1, Part 3, Class MB permitted development rights do not apply where the cumulative floor space of the existing buildings within an established agricultural unit exceeds 450m². The floor area of the existing buildings is approximately 12,000m² and therefore substantially exceeds this limit. Officers are also not satisfied that the condition of the existing buildings allows for a conversion rather than re-build. There is therefore

no realistic fallback position in respect of permitted development.

Scale and Design

- 7.7 The application is in outline form with only indicative layout drawings submitted. This identifies 3 dwellings within the northern part of the site designed to face south towards the rear of existing dwellings, and one single dwelling within the southern part of the site, designed to face west. In respect of the northern part of the site, the site area is large and therefore enables a spacious form of development that respects the existing pattern of development in the area. The dwellings are proposed to comprise of large detached two storey dwellings with traditional pitched roofs and detached double garages. Full details would be required through a reserved matters application but are considered to be acceptable in principle and in-keeping with the character and appearance of the surrounding area. The proposed plot sizes are considered to be in-keeping with the pattern of development in the surrounding area, and additional paddock areas are proposed to the rear of the dwellings that would not be harmful to the landscape character of the area. Extensive woodland planting is proposed to the northern boundary which will significantly improve the appearance of the site and its environmental sustainability. It is noted that the neighbouring dwellings to the west have long rear gardens that extend to be level with the northern boundary of the site, and therefore the residential use proposed would not represent a harmful incursion into the countryside.

Landscape Impacts

- 7.8 The Council's Landscape Officer has recommended refusal of the application on the grounds that the proposed dwelling within the southern part of the site would be out of keeping with the historic grain and pattern of development in the area. It would sit detached from existing dwellings at a distance of approximately 100m from the road. It is not possible to re-position the dwelling further north due to the presence of mature landscaping that has established itself amongst the redundant poultry buildings, including large trees growing through the buildings. This area would need to be tidied up and allowed to revert to woodland.
- 7.9 Officers concur with the objection from the Landscape Officer. The existing and historic pattern of development within this hamlet comprises of spacious and detached dwellings on the northern side of Friars Road. The southern side of the road remains in agricultural or equestrian use, and the introduction of a new dwelling in this area

3/14/1102/OP

would harm the landscape character of the surrounding area. It is acknowledged that this part of the site is reasonably well screened; however the introduction of a residential use would undermine the character of the area and set a harmful precedent for any future development on the southern side of the road.

- 7.10 The site lies in Landscape Character Area 89 which is characterised by open and gently undulating farmland with clusters of settlements and few roads. One of its distinctive features is identified as the 'largest uninterrupted plateau area in South Hertfordshire', and Braughing Friars is identified as a very open, large-scale arable area. The introduction of a residential use, with a large detached dwelling, detached garage and domestic paraphernalia within this arable landscape is therefore considered to be harmful and contrary to Local Plan policy GBC14.
- 7.11 In terms of the proposed woodland areas to the north and south of the site, the Council's Landscape Character Assessment SPD encourages the planting of small woodland areas, of mixed species, and to increase opportunities for biodiversity. The provision of such woodland areas in place of the existing derelict buildings therefore weighs in favour of the application. Officers note that reference has been made to the woodlands being transferred to the Parish Council for future protection. Whilst this is considered to be a worthy proposal it is not reasonable for the planning process to stipulate or control land ownership. The transfer of the land could therefore not be required through a Section 106 legal agreement. It would be reasonable and necessary, however, to control the future maintenance of this woodland through condition or obligation.

Ecology

- 7.12 Given that the site currently comprises of derelict buildings it is not considered to provide a suitable habitat for protected species and this has been confirmed through a Phase 1 Habitat and Protected Species survey report. The marginal habitats are of greater ecological value and likely to provide some habitat for nesting birds, bats, badgers and amphibians; however these areas are to be retained. There are also records of protected species within the vicinity of the site, and the ecological improvements proposed in the application will serve to benefit those species, and this weighs in favour of the application.
- 7.13 Herts Ecology have raised no objection but comment that there are historic records of bat roosts in the area and further survey work should be carried out. They are satisfied that this work is not necessary prior to determination. Herts Ecology also mention moths within the local area;

however these are not protected species and any impact on this species is not considered to be harmful. Overall, subject to the mitigation measures proposed in the submitted ecology report, Officers are satisfied that the development would result in no harm to protected species and would in fact improve biodiversity on the site. The proposal is therefore in accordance with Local Plan policy ENV16.

Highway Impacts

- 7.14 The site is accessed by a single track narrow lane that is partly un-made and becomes bridleway at its eastern end. The track has apparently been poorly maintained in recent years. The development will have some impact on the lane as a result of construction and new residents being dependent on private vehicles. However, the use of the site as a poultry farm remains extant and has not been abandoned. The lawful use of the site would therefore involve significant traffic movements, including heavy goods vehicles (HGVs), which are considered to be excessive for the use of this lane. The proposed development would not result in significant traffic movements, and the reduction in use by HGVs compared to the lawful use would represent a considerable benefit in developing this site. Neighbour comments regarding the condition of the lane are noted; however this is not a material planning consideration.
- 7.15 Although the application is in outline form, Officers are satisfied that adequate parking provision could be provided on site. The indicative layout plans identify a double garage per 4 bed dwelling with additional frontage parking. This is considered to be in accordance with Local Plan policy TR7.
- 7.16 Overall Officers are satisfied that the proposal will result in no harm to the local highway network and no objection has been raised by the Highway Authority.
- 7.17 Concerns have been raised regarding protection of existing public Rights of Way adjacent to the site. The access road itself is a designated bridleway and Local Plan policy TR15 requires the needs of horse riders to be taken into account when development may affect a bridleway. Given that the proposal would result in a reduction in the scale and volume of traffic as discussed above, Officers consider that the needs of horse riders would be maintained. There are also existing public footpaths to the north of the site (footpath 21), and southeast (footpath 33), with an application being considered to extend FP33 to become a bridleway. Users of these public Rights of Way should therefore be protected through any planning permission, and Officers

3/14/1102/OP

are satisfied that adequate space is proposed to be retained between the development and designated Rights of Way.

Residential Amenity

- 7.18 The three houses within the northern part of the site would be located to front onto the rear of existing dwellings The Poultry Farm Bungalow, High View and Rivendell. However, given the distance of at least 38m that would be retained to the rear of these neighbours Officers do not consider that any overlooking or change to outlook would be harmful to their amenities. Adequate space is also proposed between the new dwellings, and any reserved matters application would ensure that the design of the new dwellings prevents any harmful loss of light or overlooking. The indicative plans also make provision for extensive external amenity space. Officers are therefore satisfied that the proposal complies with the amenity considerations of Local Plan policy ENV1.
- 7.19 The proposed dwelling within the southern part of the site would be remote from any other neighbouring dwelling and would therefore have no impact on residential amenity.

Drainage and Contamination

- 7.20 The site lies in floodzone 1 and would therefore result in no harm by way of flood risk. A full Flood Risk Assessment has been submitted as the application is a 'major' development given its site area. This concludes that the development will significantly reduce the extent of built development on site and result in no flood risk.
- 7.21 A number of conditions have been recommended by the Environment Agency and Environmental Health team given the previous use of the site and the sensitivity of local groundwater. The EA had originally objected to the application but removed their objection following the submission of further information on foul water drainage. Conditions to secure further work in relation to contamination and surface water drainage would be considered reasonable and necessary in the event of an approval.

8.0 Conclusion

- 8.1 In conclusion Officers consider that there are a number of unsustainable elements to the scheme given its rural location and loss of employment use. However, given the improvements proposed through a contribution towards the Council's housing supply, removing

3/14/1102/OP

HGV traffic on a narrow rural lane, removing existing unsightly buildings and tidying up a derelict site, biodiversity benefits, and providing extensive woodland planting that could be secured and protected for the future, Officers consider that there are merits in the proposed scheme and a potential for some development on the northern part of the site.

- 8.2 However, the single dwelling proposed on the southern part of the site is considered to be harmful as it would undermine the landscape character of the area and is out of keeping with the existing pattern of development in the area. This harm is considered to significantly and demonstrably outweigh the benefits, and therefore in accordance with paragraph 14 of the NPPF, planning permission should not be forthcoming.
- 8.3 The application is therefore recommended for refusal for the reason set out above.