

**5b 3/10/0512/OP – Demolition of all existing structures and residential redevelopment at Birch Farm and Hunt Kennels, White Stubbs Lane, Broxbourne, EN10 7QA for Mr and Mrs L. Barnes.**

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**Date of Receipt:** 22.03.10

**Type:** Outline – Major  
(previously deferred)

**Parish:** BRICKENDON LIBERTY

**Ward:** HERTFORD HEATH

**RECOMMENDATION**

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

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case that clearly outweigh the harm, and the proposal is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The proposed development, by reason of its scale and layout, would erode the landscape character of the surrounding area contrary to policy GBC14 of the East Herts Local Plan Second Review April 2007.

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**1.0 Background**

- 1.1 Members may recall the report to Development Control Committee on 2<sup>nd</sup> June 2010, attached as Appendix A, when it was resolved to defer the application to enable a bat survey to be undertaken, and to invite the applicant to submit a full detailed application to establish greater certainty with regard to the extent of the development proposed. A copy of the minutes of that meeting is attached as Appendix B for Members' reference.
- 1.2 A bat survey has now been submitted, and agreed to be acceptable; this is discussed in further detail below. A full planning application was also submitted (reference 3/10/1377/FP) for 4 no. dwellings, and Members may recall that this was refused at Committee on 22<sup>nd</sup> September 2010. The reasons for refusal related to the development being inappropriate in the

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Green Belt with no very special circumstances evident, and the scale, height and layout of the development being out of keeping with the grain of development in the surrounding area and landscape character area. This refusal has not been appealed to date.

- 1.3 This is not a fresh application, but amendments to an outline application that remains current. The applicant has chosen to submit amended drawings reducing the number of units from 5 to 3 with an amended layout, and reducing the extent of development to the south of the site. The application has also been amended to include both access and layout for determination at this stage. Landscaping, appearance and scale remain as reserved matters; however Members will note that fully indicative drawings have been submitted and should be considered as part of this submission.
- 1.4 The site area has also been reduced because the former hunt kennels no longer form part of the proposal. Members may be aware that Officers are currently considering a separate planning application from this adjacent landowner to develop the site for kennels (reference 3/10/2154/FP).

### **2.0 Consultation Responses**

- 2.1 Previous consultation responses are contained within the report attached as Appendix A. Subsequent re-consultation responses are summarised below.
- 2.2 County Highways again do not wish to restrict the grant of permission subject to conditions.
- 2.3 Environmental Health confirm that their previous comments still stand (no objection subject to conditions).
- 2.4 The Archaeological Officer has no further comments to make on the amendments.
- 2.5 The Broxbourne Woods Area Conservation Society refer to their previous comments but add that they would prefer the restoration of the equestrian use. They comment that “if this site is unable to successfully function as equestrian or agricultural purposes so presumably the need for residential accommodation has also gone.” They are also concerned that the application is once again in outline form and question whether this would set a precedent for future similar applications resulting in a ‘creeping urbanisation.’
- 2.6 Hertfordshire Biological Records Centre confirm that a bat survey has been undertaken and although some bat activity was recorded, no bats were seen flying in the buildings or observed emerging from the buildings. They

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conclude that bats do not roost in the buildings at the farm, and the proposed development will not impact on the local bat population.

- 2.7 The Council's Landscape Officer again objects to the proposal on the grounds that the proposed change of use will further dissimilate the distinctiveness of the surroundings. The landscape character of the area and its surroundings it not typified by residential housing developments of this type, and housing development is not in line with the Strategy and Guidelines for Managing Change given in the East Herts Landscape SPD.

### **3.0 Parish Council Representations**

- 3.1 Brickendon Liberty Parish Council continue to support the proposed development; please refer to their previous comments summarised in the Appendix A report.

### **4.0 Other Representations**

- 4.1 A summary of previous letters of representations is contained within the previous report attached as Appendix A. 19 no. letters of support have been received from the same addresses again, raising the following points:-
- The development has been scaled back quite considerably and a lot of land returned to 'Green Belt';
  - The proposal will provide a more productive use for the current disused riding stables;
  - Existing buildings are untidy and dilapidated;
  - Proposals will enhance the area;
  - Development complies with Government policy to get our economy back on track and support local business;
  - Scheme is similar to an approved scheme at Potters Hall, Potters Green which allowed redevelopment for seven dwellings;
  - Proposal would be more sustainable and reduce traffic movements;
  - There are very special circumstances for this development;
- 4.2 1 no. letter of objection has been received stating that the Green Belt should be protected, and this should not be undermined through granting permission for an inappropriate use when a previous use happens to fail.
- 4.3 The NFU continue to support the application. They comment that "the revised plans maintain the high standards of construction proposed during previous applications, remain attractive in their own right and seem to enhance the locality whilst making excellent use of a brownfield site." They go on to say that Mr. and Mrs. Barnes have listened to planners throughout the process and reduced the number of dwellings to three, returning 50% of

the existing footprint to Green Belt. The roof lines have been lowered and more sight lines created with extensive greening and tree planting. The existing barns are unusable and the site almost derelict. They state that “this proposal would seem to represent an admirable plan for the location, fitting in with existing council policy and creating a development in keeping with nearby developments, whilst maintaining the visual integrity of the current buildings.”

## **5.0 Considerations**

- 5.1 Officers will not repeat the history of the site here, or the considerations previously put forward by the applicant to justify very special circumstances; Members are directed towards Appendix A to recall this information.
- 5.2 This application now proposes 3 no. detached dwellings with layout and access to be determined at outline stage. 1 no. 4 bed detached dwelling is proposed at the site entrance in place of an existing large barn, with the other 2 no. 3 bed units taking the form of lower rise barn-like units to the rear. The access remains as previously proposed with a central drive through the site and a turning head between units B and C. This provides sufficient space for large vehicles to manoeuvre, and meets the requirements of County Highways.
- 5.3 The building to the front of the site (plot A) is indicatively shown to be similar to that previously proposed in application 3/10/1377/FP, but reduced in width by 2.5m, and the roof has been fully hipped. Unit A has also been positioned 2m further back into the site. When comparing this dwelling to the existing barn, the footprint would be reduced by some 19m in length and 16m in width, and the ridge of the new dwelling would sit approximately 1.8m below the ridge of the barn. This would therefore improve openness in this part of the site, when viewed from White Stubbs Lane. Full details of the building would be assessed as reserved matters; however Officers consider the design to be acceptable in principle.
- 5.4 Unit B is proposed in place of an existing hay barn (stated in the applicant’s submissions as 7.2m high), although positioned slightly further west, with a detached garage proposed adjacent to the boundary of the former hunt kennels owned by the neighbouring property. This unit, like Unit C, will be accessed via the existing central drive over which the neighbour has a right of way.
- 5.5 Unit C is of the same indicative design as Unit B and is proposed to face north with a detached garage to the northeast. The indicative drawings propose a ridge height of 7m. A number of buildings will be demolished in this area including stables, mobile homes and storage buildings. Garden

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areas are proposed to the side and rear of each unit with land further south again proposed as paddocks.

- 5.6 Units B and C are indicatively shown as 1½ storey structures (up to 7m high) with basements, front rooflights and rear two storey gables. It is also proposed to include rear balconies and solar water heating systems. Again, full design and scale details would be required at reserved matters stage, but Officers consider the indicative details to be acceptable.
- 5.7 The spread of development to the south of the site has been reduced by some 40m since the most recent planning refusal (3/10/1377/FP) and the previous deferral. This therefore provides for a much larger proportion of land to be landscaped to the benefit of the Green Belt. The applicant estimates that this amounts to 5000m<sup>2</sup> of buildings and hard-standing to be landscaped, which clearly weighs in favour of the proposal.
- 5.8 The applicant has also submitted revised figures on the reduction in footprint and volume of built development as a result of this proposal. This shows that the proposed development would result in a 62% decrease in the amount of built footprint on site, and a 54% reduction in overall volume of built form. This is clearly a substantial reduction in the amount of built development on site, and would improve openness to the Green Belt. Officers have no reason to dispute these figures. The question still remains whether these benefits amount to such very special circumstances to outweigh the harm by reason of inappropriateness, and any other harm.
- 5.9 Officers had previously advised Members that the existing buildings could be re-used for some commercial purpose (see paragraphs 7.15-7.16 of the Appendix A report) and that marketing would be required to fully explore alternative uses. A structural report based on a 'limited visual inspection' had been submitted by DRH Associates, and Officers were not satisfied that the buildings were beyond reasonable repair.
- 5.10 Further information has now been provided from DRH Associates confirming that the term 'limited visual inspection' is a general structural engineering term for an inspection without removing fixtures or fittings, or digging trial pits. In respect of the barn, he confirms that the visible elements of the barn were sufficient to conclude the extent of deterioration and concrete cancer (alkali-silica reaction - AAR). The applicant has submitted extensive information on AAR; this is a chemical process in which alkalis in the cement combine with silica in the aggregate, in the presence of moisture. This causes an expansion and cracking of the concrete, causing deterioration of a concrete building. The structural engineer confirms that in his opinion, "the barn has gone beyond its reasonable serviceable life."

- 5.11 The original structural report also stated that The Cover stables building and the Tack Room were, in the opinion of the engineer, beyond reasonable repair. Officers have made a more recent visit to the site and note that the buildings have further deteriorated and would require substantial works to enable re-use for alternative uses. It is therefore now accepted that the re-use of these buildings for alternative commercial purposes would be unlikely.
- 5.12 However, this in itself is not considered to be a reason to allow for the re-development of a Green Belt site for residential purposes. The site could well be used for alternative uses more in-keeping with a rural area than for residential purposes. The applicant states this is the only non-residential property left in this part of White Stubbs Lane, but again this is not considered to be a reason to justify inappropriate development in the Green Belt.
- 5.13 Overall, Officers note that this application offers substantial improvements when compared to the most recently refused applications, and the previously deferred scheme. The overall built form on site would be substantially reduced in both volume and footprint, and the extent of built form would also be reduced by some 40m to the south of the site with extensive landscaping and tree planting proposed throughout. Officers also note that there is limited potential to re-use the existing buildings based on information received from the structural engineer.
- 5.14 However, the principle of establishing a residential use on this Green Belt site remains to be inappropriate and will further erode the landscape character of this part of the district. Although the existing buildings are run-down, they are relatively unobtrusive in their surroundings and wholly in-keeping with the surrounding rural area. Officers therefore do not consider that the benefits proposed through this application are sufficient to override Green Belt policy and allow inappropriate residential development in this location. Officers have previously advised the applicant through pre-application discussions that the provision of 1 or 2 no. dwellings may be justified in this case, but not 3 as currently proposed.

### **Landscape and Character**

- 5.15 This application was originally recommended for refusal on the grounds of harm to the landscape character of the surrounding area, and this was also a reason for refusal on the previous applications. The Council's Landscape Officer has again objected to the proposal on the grounds that further expansion of housing should be discouraged in this part of the district. Although the site comprises previously developed land, the proposed

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change of use is likely to further dissimilate the local distinctiveness of the surroundings. It is noted there is housing to the south of this Landscape Character Area (outside East Herts) and this has been criticised in the SPD. Officers therefore continue to consider that the proposal conflicts with the surrounding rural landscape and character area contrary to policy GBC14.

- 5.16 It is noted that substantial planting is proposed in the application including 62m of native hedging to the eastern and southern boundaries, 124m of hornbeam hedging within the site, and the planting of 40 standard trees across the site. These environmental improvements are welcome, but it is not considered that they amount to a very special circumstance to allow further erosion of the Green Belt in this location.

#### **Ecology**

- 5.17 A bat survey has now been undertaken and submitted. This indicates that there is no evidence of bats roosting within the existing buildings, and no objection has been raised by Herts Biological Records Centre. The proposal is therefore considered to comply with policy ENV16.

### **6.0 Conclusion**

- 6.1 Overall, Officers acknowledge that a number of improvements have been made through this latest proposal. Nonetheless, the restriction on residential development in the Green Belt remains to be a strong policy restraint, and it is still not considered that the benefits in this case amount to such very special circumstances to outweigh the in-principle harm, and the landscape harm, to allow for the proposed residential development of this site.
- 6.2 The application is therefore recommended for refusal for the reasons set out above.