

5c 3/10/2019/FP - Use as recreational fishing lake - retrospective application for Mr Robert Sheriff at Bayford Hall Farm, Bayford Lane, Bayford.

Date of Receipt: 12.11.2010

Type: Full – Major

Parish: BAYFORD

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:

1. No external lighting shall be provided at the site without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenity and rural character of the site and surroundings within the Green Belt and in accordance with the provisions of PPG2 and Policies ENV23 and GBC1 of the East Herts Local Plan Second Review April 2007.

2. Within two months of the date of this permission, detailed plans shall be submitted to and approved in writing by the local planning authority to show the existing car parking areas, toilet and any other ancillary storage facilities to be made available for users of the fishing lake. The use of the lake for fishing shall thereafter only proceed on the basis that these facilities remain available for its users.

Reason: To ensure the associated needs for facilities are met without harm to the visual amenity and rural character of the site and surroundings within the Green Belt and in accordance with the provisions of PPG2 and Policy GBC1 of the East Herts Local Plan Second Review April 2007.

3. Approved Plans (2E10) 100701-01, 100701-02

Directive:

1. The applicant is reminded that planning permission would be required for development of buildings, access or car parking areas that support the approved use, although the use is approved on the basis that these are satisfactorily provided for already as stated in the applicant's submissions.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV2, ENV23 and PPG2. The balance of the considerations having regard to those policies and the other material considerations in this case is that permission should be granted.

_____ (201910FP.TH)

1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located within the Metropolitan Green Belt, near to the village of Bayford approximately 3km to the south west of Hertford. The application site lies to the rear of Bayford Hall Farm and is accessed from Bayford Lane.
- 1.3 The lake at the site was created some time before 2005 and due to the passage of time is now deemed to be lawful development and immune from enforcement action. The applicant's statement says that a shallow depth was excavated with material being used to re-grade land around the lake. The lake is of irregular shape but approximately 130m in length and of varying width but usually between 30 and 40m.
- 1.4 The proposal is retrospective to authorise the use of the site for recreational fishing. The planning statement says the use has taken place since 2007 with year round coarse fishing, the lake is stocked with carp and catfish which are returned to the lake at the end of each day.
- 1.5 No additional buildings or other works of development works are proposed in association with the application as the complex of farmyard buildings and equestrian uses at Bayford Hall Farm provides toilet and parking facilities that it is stated can meet the needs of anglers.
- 1.6 The application covers an area of 1.6ha including land around the lake up to the boundary of adjoining park land to Bayford Hall, a Grade II listed house which lies to the west .
- 1.7 Although the statement refers to 8 anglers pitches at the site there are no physical provisions of platforms for anglers to the lake and much of the lakeside is easily accessible to anglers.

3/10/2019/FP

2.0 Site History

2.1 There is a long history of planning applications at Bayford Hall Farm for agricultural and equestrian development including Bed and Breakfast facilities. None is directly relevant to the current proposal.

2.2 The most recent planning applications are

- 3/05/2213/FP. Change of use of barns to self catering and Bed and breakfast use for horse riders. Approved with conditions 3 Feb 2006.
- 3/06/1853/FP. New stables to replace obsolete stables. Approved with conditions 2006.

2.3 It is aerial photos taken with the 2005 application which provided evidence of the construction of the lake at that time.

3.0 Consultation Responses

3.1 The Landscape Officer has advised that the application is non contentious in landscape terms.

3.2 County Highways has no objection. The lake is considered to be of a size with limited fishing plots and sufficient parking is available within the farm complex.

3.3 The HCC County Development Unit comments that the presence of the lake was highlighted by a previous investigation into importation of waste materials to an existing lake to the east of Bayford Lane. They have no evidence that mineral was extracted from the site and it is noted the application says the lake was a cut and fill with no importation of materials. They therefore took no active interest in the lake and have no further observation in respect of the current application.

4.0 Parish Council Representations

4.1 Bayford Parish Council would like to raise the following points: -

- The application is not to regularise the facility but seeks an extension of the existing area
- As fishing will be all day every day then more than 8 pitches is likely
- Need to consider noise of radios playing, fishing beepers. Lights will be required at night

3/10/2019/FP

- A considerable area will be converted from farmland to commercial undertaking
- The council disapproves of retrospective applications.

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 objection have been received from residents, one of which is a neighbour of the site at Bayford Hall and another nearby at 10 Broad Green Wood.
- 5.3 The resident of Bayford Hall objects on behalf of the residents of The Coach House as well that the use will become a 1.6ha commercial site. The current use is of only 60% of the lake edge whereas the proposed use will substantially increase this and take the use up to their boundary and that of the Coach House.
- 5.4 They object that the change of use from grazing land to commercial recreational use could cause a dramatic loss of privacy. Existing hedges screen the existing activity away from their homes and their listed property. If anglers bring their families then up to 4 times the number of people could be there.
- 5.5 They request conditions to limit the number of fishing points to 8 and the extent of the fishing area, to prevent night time fishing, camping and cooking.
- 5.6 The resident of 10 Broad Green has no objection to the current use of the lake but does to the perceived extension of the use; they are particularly concerned about parked vehicles at the site and the impact this could have on the countryside.

6.0 Policy

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

GBC1	Green Belt
GBC8	Rural Diversification
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV19	Development in Areas Liable to Flood

3/10/2019/FP

ENV23 Light pollution and flood lighting
LRC5 Countryside Recreation

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Guidance 2: Green Belts

7.0 Considerations

7.1 The main issues to consider with this application are firstly whether the use proposed is acceptable in principle in the Metropolitan Green Belt and then whether the use will result in any adverse harm to the rural character of the site and surroundings, the setting of the listed Bayford Hall or the amenity of its occupants.

Principle of use

7.2 Both PPG2 and Local Plan Policy GBC1 outline specific types of development that is held to be appropriate within the Green Belt, these include agriculture and forestry and essential small scale facilities for outdoor sports and recreation.

7.3 In this case no facilities are being proposed or are anticipated to be necessary to support the use. The implication of the policy wording of GBC1 is that the use of sites in the Green Belt for outdoor recreation without facilities is generally appropriate, indeed PPG2 (para 1.6) highlights access for outdoor recreation and sport as one of the land use objectives for the Green Belt. PPG2 and GBC1 state further that the change of use of land will be appropriate as long as it maintains openness and does not conflict with the purposes of including land within the Green Belt.

7.4 The use of the site for fishing will normally result in anglers walking to the lake and pitching for fishing. This provides access to the countryside and will not result in any loss of openness. Although a concern is raised about cars, the existing car parking is conveniently close to the lake; no proposal is made to provide additional roads or parking areas nor would it be desirable as it would damage the attractiveness of the area. In any event such engineering works are subject of planning control as they would require planning permission. As the use does not result in encroachment of the countryside it does not otherwise conflict with the purposes of the including land in the Green Belt (paragraph 1.5 PPG2). Furthermore the use relates to the diversification of an existing farming enterprise and rural diversification, and provides countryside recreation, which are supported by Local Plan Policies GBC8 and LRC5 respectively. I therefore consider that there will be no harm to the openness of the Green Belt, that the use is

“appropriate development” and acceptable in principle having regard to local plan policies.

Landscape Character

- 7.5 The neighbour’s concerns, to an extent reflected by the Parish Council, are that the use is to be extended and will have an adverse impact on the character of the area.
- 7.6 Your landscape officer has assessed the application and considers it is non contentious in landscape terms.
- 7.7 The only likelihood of such a use causing harm to the character of the area would be if the fishing were to require additional support facilities, buildings, parking areas which in this case it does not because they are available within the farm complex. The access of anglers to the site alone will not cause any harm and it is estimated that this will only be for 8 angling pitches although potentially more than that could access the lake edge. Generally the size of the lake and its fishing offer is modest so Officers consider the proposal should be viewed as a low impact use in the countryside.
- 7.8 I therefore conclude that there will be no adverse impact on the character of the rural area or the visual amenity of the Green Belt.

Impact on setting of Bayford Hall

- 7.9 The local planning authority has a statutory duty to consider the impact of planning proposals on listed buildings and their settings.
- 7.10 The proposal may bring more people onto the Bayford Hall side of the lake. However their presence would not be likely to result in harm to its setting as the open field will be retained. In any event the listed house is at a considerable distance from the fishing activity.

Neighbour Amenity

- 7.11 The final consideration is that of neighbour amenity. The site outlined includes land to the west of the lake which adjoins the ownership of land and gardens of Bayford Hall and The Coach House. The distance of the lake, where the fishing is to take place, from the garden boundary of these homes is about 125m.
- 7.12 Fishing is a quiet activity that is appropriate in both the countryside and in land use planning terms as an outdoor sport and recreation within the Green Belt. I can therefore see no case for saying that there will be harm to

neighbour amenity as a result of the proposed use even if it does exceed in extent the current use of the lake.

8.0 Conclusion

- 8.1 The proposed use will not harm the openness or compromise the purposes of the Green Belt. It is an appropriate use in Green Belt and rural area and promotes outdoor recreation and public access for the enjoyment of the countryside.
- 8.2 The use has become active over recent years without any obvious issues and although concerns have been raised now as part of the public consultation about the extent of land involved, the use effectively can only relate to the lake whose extent is of course fixed. This area in my view remains comfortably separated from existing neighbours. No harm to neighbours or the setting of the listed building at Bayford Hall will result.
- 8.3 Although no lighting for the use is proposed or anticipated, a condition is nonetheless recommended to safeguard against the potential harm that would result from external lighting. A further condition is needed to clarify the provision of facilities with the use and that these be available avoiding the need for additional buildings and other harmful incursions of the surroundings.
- 8.4 Accordingly the application is recommended for permission subject to the proposed conditions as set out above.