

5h 3/10/1838/FP - Demolition of Dutch barn and erection of three dwellings at Land at Tinkers Hill, The Street, Furneux Pelham, SG9 0LJ for AD and SF Collins

Date of Receipt: 03.11.2010

Type: Full – Minor

Parish: FURNEUX PELHAM

Ward: LITTLE HADHAM

RECOMMENDATION

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

1. The application site lies within the Rural Area beyond the Green Belt as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than that required for agriculture, forestry, small scale local community facilities, limited infill development in Category 2 Villages or other uses appropriate to a rural area. The proposed development would be prejudicial to this policy, set out at policies GBC2 and GBC3 within the East Herts Local Plan Review April 2007 and would be harmful to the open rural character and appearance of the area.

_____ (183810FP.NB)

1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site forms an area of land that is located to the south of Tinkers Hall Farm. The site is accessed from a driveway that leads off of the street and serves Tinkers Hall Farm, Chapel House and Tinkers Barn. In addition to these neighbouring buildings there are some small chicken sheds which are adjacent to the west boundary of the site.
- 1.3 Tinkers Hall Farm and the Chapel House are both Grade II Listed Buildings and Tinkers Barn is considered to be a curtilage Listed Building, which has recently benefited from a residential conversion.
- 1.4 The existing site is occupied by a dilapidated Dutch barn and various items of machinery and other equipment. The planning statement that has been submitted in support of the application states that the Dutch barn has, in recent times, been used for storage purposes in association with the use of the site as a wood yard. However, there is no record of any permission being granted at the site for any alternative use to agriculture.

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- 1.5 The current application proposes the erection of three dwellings at the site. Houses A and B are 2 storey semi-detached dwellings, comprising of 1No. 2 bedroom and 1No. 3 bedroom units. These dwellings would be sited close to the position of the existing Dutch barn which is to be demolished. House C is a single storey, 3 bedroom dwelling which would be sited at a right angle to Houses A and B with the flank of the building within 3 metres of the boundary of the site with Tinkers Hill Barn.
- 1.6 Houses A and B have been designed to reflect a barn conversion. The building is designed with front and rear projecting gable end features and would have a hipped roof reaching a ridge height of 8.7 metres. The proposal is to clad the building with dark stained timber boarding and plain clay roof tiles.
- 1.7 House C is a single storey L-shaped building that would reach a ridge height of up to 4.8 metres. This building is intended to be clad with dark stained timber boarding and would have a slate roof.
- 1.8 Parking spaces for 2 vehicles are proposed for each dwelling within the site.
- 1.9 The applicant has indicated that if the Council considers that there is a policy requirement for affordable housing at the site, then one of the three dwellings would be offered as affordable housing.
- 1.10 The application is being reported to the Development Control Committee at the request of Councillor Tindale.

2.0 Site History

- 2.1 In April 2010 Conservation Area Consent was granted for the demolition of the Dutch barn at the site under lpa reference 3/10/0254/LC.
- 2.2 In April 2010 planning permission was refused under delegated powers for the erection of three dwellings under lpa reference 3/10/0253/FP for the following reasons:
 1. The application site lies within the Rural Area beyond the Green Belt as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than that required for agriculture, forestry, small scale local community facilities, limited infill development in Category 2 Villages or other uses appropriate to a rural area. The proposed development would be prejudicial to this policy, set out at policies GBC2 and GBC3 within the East Herts Local Plan Review April 2007 and would be harmful to the open rural character and appearance of the area.

2. The proposed development by reason of its size, scale, form, siting and design would be detrimental to the setting of the adjacent Listed Buildings and out of keeping with the rural character of the area contrary to policies BH12, GBC3 and OSV2 of the East Herts Local Plan Second Review April 2007.
3. The proposed development by reason of its size, scale, height, form, siting and design would have an impact upon wider views that are important to the Conservation Area. The development would therefore be detrimental to the character and appearance of the surrounding rural area and the Conservation Area, contrary to Policies ENV1, GBC3, OSV2 and BH6 of the East Herts Local Plan Second Review April 2007.

3.0 Consultation Responses

- 3.1 Environmental Health have recommended conditions in relation to noise, air quality and contaminated land.
- 3.2 The Conservation Officer has recommended approval and has commented that the revised courtyard layout is acceptable and that the revised design of the buildings are less domestic than the previous proposal and are considered to be more in keeping with the character and appearance of their immediate and wider setting.
- 3.3 County Highways do not wish to restrict the grant of permission subject to conditions that relate to visibility splays, hard surfacing and wheel washing facilities.
- 3.4 The County Historic Environment Unit have commented that the development is likely to have an impact upon heritage assets of archaeological and historical interest and therefore a condition is recommended to require a programme of archaeological work to be carried out at the site.
- 3.5 The Council's Landscape Officer recommends approval and has commented that their previous objection over the visual impact of the development has been overcome due to the reduction in height to House C.

4.0 Parish Council Representations

- 4.1 Furneux Pelham Parish Council supports the application, however they have stated that during the public meeting there was a small majority

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against the proposal. The points that were raised are summarised as follows:

- The development is effectively infill by default due to the neighbouring barn conversion;
- The development goes against the Local Plan, however does provide 3 new homes at a time when the Council has to find provision for a large number of homes;
- Concerns that the remainder of the adjoining land may be considered for development at a future date under the pretext of further infill which would potentially lead to a loss of amenity land;
- Concerns that if the applicant is unsuccessful that he may develop the site for a light industrial use;
- It is recognised that to support the application goes against local policy.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 5 letters of objection have been received which can be summarised as follows:

- The site is within a Conservation Area and forms an important gap between the two built up areas of the village, development at the site would undermine this separation;
- The development would result in the loss of employment as the site is currently used as a base for rural/agricultural services;
- A conflict of access would occur with existing users of the buildings and land adjacent to the site;
- Close proximity to livestock buildings;
- Parish Council surveys identify no housing need;
- The neighbouring occupiers do not consider that the development would improve their amenity;
- Concerns have been raised in relation to how the Parish Council meeting was conducted;
- The development will lead to further infilling in the field behind the Brewery Tap;
- Future pressure from new residents to remove trees which would effect the views of residents in Violets Lane;
- The proposal has not overcome the previous reasons given for refusal.

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
GBC14	Landscape Character
OSV2	Category 2 Villages
SD2	Settlement Hierarchy
ENV1	Design and Environmental Quality
ENV2	Landscaping
BH6	New Development in Conservation Areas

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

Planning Policy Statement 3: Housing
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Guidance 7: Sustainable Development in Rural Areas

7.0 Considerations

7.1 The determining issues in relation to this application are:

- Whether the site is located within the built up area of the Category 2 Village of Furneux Pelham and constitutes infill housing development;
- Whether very special circumstances exist to allow residential development to occur outside of the built up area of the Category 2 Village;
- The progress that has been made in overcoming the previous reasons for refusal.

Principle of development

7.2 The site is located within Furneux Pelham, a Category 2 Village, as identified by Policy OSV2. Policy OSV2 allows for infill housing development within the built up area of the village subject to compliance with the remaining criteria of the Policy. The Council has previously taken the view that the application site is outside of the built up area of the village and that therefore the residential development is inappropriate. There have been no changes in circumstances since this decision made in April 2010 that warrant a different decision being made in respect of the current application.

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- 7.3 Furneux Pelham comprises of two distinct built up areas to the east and west of the application site. The site sits in between the two built up areas and except to the north of the site where it is adjoined by a chapel and a residential barn conversion, the site is surrounded by undeveloped rural land. Officers consider that the site is outside of the built up area of Furneux Pelham and therefore fails part (II) of Policy OSV2. As the site is not considered to be within the built up area of the Category 2 Village then infill housing development would not be appropriate in principle at this site and would form inappropriate development within the Rural Area beyond the Green Belt contrary to Policy GBC3
- 7.4 The text that follows OSV2 defines infill housing as the erection of up to 5 small dwellings on a site within the built up area of the village and that infill development does not constitute the linking of two separate built up areas within a settlement, separated by a significant gap. Whilst there are existing buildings to the north of the site i.e. the chapel and Tinkers Barn, the proposed residential development would be adjoined by open undeveloped countryside to the south, east and west. Officers therefore consider that the development would not represent infill development. Furthermore, the existing site, together with adjoining land, forms a significant gap between the two built up parts of the village which, due to the precedent that the proposed development would set if approved, could lead to further residential development resulting in the loss of this gap and the linking of the two built up parts of the village.
- 7.5 The applicant argues that the site is within the built up area of the Category 2 Village and that it forms a historic part of the village. Whilst accepting that the site may previously have been of historic relevance Officers consider that it is the current situation of the site in relation to the existing built development within the village that must be considered. The Policy seeks to prevent the coalescence of settlements and the urbanisation in the Rural Area Beyond the Green Belt and Officers consider that the approval of the proposed development would set an undesirable precedent for development at neighbouring sites which would lead to the coalescence of the two distinct parts of Furneux Pelham, contrary to the fundamental aims of Policy OSV2.
- 7.6 A housing needs survey which was conducted for Furneux Pelham in October 2005 revealed that there was a small but significant need for affordable housing and it was recommended that sites are found where small developments of between 4 and 6 units can be provided. The applicant has commented that few residential developments have been approved within Furneux Pelham, since its designation as a Category 2 Village in April 2007, and that having regard to the prevalence of Listed Buildings and the Conservation Area status that there are limited locations

where housing need could be met. Officers consider that the contribution of 1 dwelling that the site would make towards affordable housing in Furneux Pelham would not be of such benefit that it would outweigh the harm that the proposed development would have upon the openness of the Rural Area. Furthermore, the Council has previously determined that the site is within the Rural Area and outside of the built up areas of the Category 2 Village and should Members feel that there are special circumstances in this case to grant planning permission for the development within the Rural Area then policy GBC3 indicates that only affordable housing for local needs would be appropriate in accordance with policy HSG5. The application however is not submitted on this basis and whilst the applicant has offered one affordable unit this would not comply with either policy HSG5 or GBC3 and equally would not be acceptable in Officers view.

- 7.7 The applicant claims that the development at the site would be a positive enhancement to the character and appearance of the locality. The existing structure at the site is an agricultural building that is appropriate to an agricultural site within the rural area. Whilst improvements have been made to the appearance of the proposed dwellings, which will be discussed in more detail below, Officers do not consider that the removal of the agricultural building at the site and the associated equipment would be of any significant benefit to the appearance of the area and would not justify the residential development that is proposed. Furthermore, notwithstanding the improved design of the development, the proposed buildings would be cumulatively be significantly greater in their size and scale than the existing Dutch barn and would form solid and permanent buildings compared to the existing open Dutch barn. The proposal would therefore be harmful to the open rural character and appearance of the area and this concern is reflected in the suggested reason for refusal.

Setting of the adjacent Listed Buildings

- 7.8 Following the previous refusal of the proposed residential development at the site the applicant has met with Officers and as a result of discussions has revised the design of the proposed dwellings. Officers were concerned that the previous building designs were more typical to a village or town centre and would not have followed the character of the existing farmstead which would have been detrimental to the setting of the adjacent Listed Buildings. The current proposal is for buildings that are of a form, materials and detailed design that would allow them to appear as converted barns.
- 7.9 In accordance with the comments that have been received from the Conservation Officer, the appearance of the proposed dwellings has been significantly improved and are now more sympathetic to the character of the

site. The proposed buildings are no longer considered to be detrimental to the setting of adjacent Grade 2 Listed Buildings, and the previous reason for refusal in this respect has been overcome.

Impact upon views that are important to the Conservation Area

- 7.10 The previous application raised concerns in relation to the views of the site that are important to the character of the Conservation Area, of which those from the east were identified as most prominent.
- 7.11 House C, which is positioned adjacent to an existing opening in between existing trees at the site has now been reduced from a 2 storey dwelling to a single storey dwelling and is of a design and materials that would allow it to appear similar to a barn conversion. The resulting dwelling would therefore appear less prominent and intrusive when viewed from outside of the site to the east.
- 7.12 Notwithstanding the concerns that Officers maintain in relation to the impact that the development would have upon the open and rural character of the area, the impact that the proposed buildings would have upon the views that are important to the Conservation Area has now been substantially reduced and improved. Officers consider that the changes that have been made to the design, height and materials of the proposed dwellings are sufficient to overcome the previous reason for refusal that related to the impact that the development would have upon important views within the Conservation Area.

Other Matters

- 7.13 The concerns that have been raised by local residents and the Parish Council that if approved the proposed development would set a precedent for further development to occur at the neighbouring sites are duly noted. Officers in fact share these concerns and consider that if Members were to determine, contrary to the Council's previous decision, that this site is within the built up area of the Category 2 Village that this would set a precedent for further development to occur at neighbouring sites that also occupy the gap between the two areas of Furneux Pelham. The result of such further development would be the merging of the two existing distinct parts of the village and development occurring that would be of a scale that is inappropriate for a village of this size and given the services that are available. If Members were to determine that the site is not within the built up area of the Category 2 Village but that there are very special circumstances in this case to outweigh the harm that the inappropriate development within the Rural Area would have then Officers would remain concerned by the harmful precedent that this could set for other similar

agricultural sites within the local area. Furthermore, Officers consider that only affordable housing for local needs would be appropriate in these circumstances in accordance with policy GBC3.

- 7.14 The concern that was raised by the Parish Council in relation to the potential use of the site for light industrial purposes, should planning permission be refused, has been considered. Whilst some of the representations that have been received suggest that the existing site is used for commercial purposes, the site is currently occupied by an agricultural building and machinery and equipment that it would appear could be used for purposes in relation to agriculture. The lawful use of the site is considered to be for agriculture and there is no record of the site benefiting from planning permission for any alternative uses. Without the submission of evidence to demonstrate the extent of the use of the site for non-agricultural purposes and for how long this has occurred, limited weight should be given to the existing use of the site in the consideration of the current planning application. However, Members are advised that if a non-agricultural use was proven to have taken place at the site for a period in excess of 10 years, then the site would only benefit from a lawful use for the exact purposes and intensity that the applicant could prove was already occurring at the site. Therefore, in the event that a non-agricultural use of the site could be shown to have become established, it could not substantially intensify or develop into a different light industrial use without the benefit of planning permission.
- 7.15 House C would be single storey in height and would retain a distance of 3 metres to the boundary of the site with the neighbouring dwelling house, Tinkers Hill Barn. Having regard to the siting, size, scale and distance that would be retained to neighbouring dwellings, Officers consider that the proposed development would not have an unacceptable impact upon the amenities of neighbouring occupiers.

8.0 Conclusion

- 8.1 Sufficient improvements have been made to the proposed development at the site to overcome the reasons for refusal that related to the impact upon the setting of the Listed Buildings and the views that are important to the Conservation Area, which applied to the planning permission refused in April 2010. Officers consider that the impact that the proposed development would have upon the setting of the listed buildings and the views within the Conservation Area to be acceptable, in accordance with the aims of PPS 5.

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- 8.2 The site is within the Rural Area beyond the Green Belt and in accordance with the Council's previous decision, Officers maintain that the site is outside of the built up areas of the Category 2 Village. The proposed residential development therefore forms inappropriate development within the Rural Area, contrary to the aims of Policies GBC2 and GBC3. The applicant has failed to demonstrate that very special circumstances exist that would be sufficient to outweigh the harm that the inappropriate development would have.
- 8.3 Having regard to all of the above considerations it is recommended that planning permission is refused.