

**5L 3/11/0347/FP - Erection of Scaffold storage building, office building and change of use of part of site for associated parking with site landscaping at Foxholes Farm, London Road, Hertford,SG13 7NT for Colin Smith**

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**Date of Receipt:** 01.03.2011

**Type:** Full - Minor

**Parish:** HERTFORD

**Ward:** HERTFORD - CASTLE

**RECOMMENDATION:**

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

1. Three Year Time Limit (1T12)
2. Approved Plans: 2E10: FF/01, CS1, NH/422/01, NH/422/02, NH/422/03, 140.09.1D, 140.09.2D, 140.09.3E, 140.09.4B.
3. Materials of construction (2E11)
4. External timberwork (2E16)
5. External lighting details (2E27)
6. Retention of parking space (3V20)
7. Landscaping works implementation (4P13) – insert ‘ as shown on drawing no. 140.09.2D
8. Landscape maintenance (4P17)
9. Retention of landscaping (4P21)
10. Restriction of use (Buildings B8) (5U02)
11. Prior to the first use of the buildings hereby approved all existing buildings and structures marked for demolition on the approved plan 140.09.1D shall be demolished and the debris removed from the site.

**Reason:** Having regard to Green Belt policy and the needs of very special circumstances to justify the development; and in the interests of the appearance of the site in accordance with policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.

**Directive:**

1. Other Legislation (01OL)

**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, ENV1, ENV2, GBC7, GBC8, GBC14, TR7 and TR20 and national planning guidance PPG2. The balance of the considerations having regard to those policies and the withdrawn application 3/09/1653/FP is that permission should be granted.

\_\_\_\_\_ (034711FP.SD)

**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. It comprises a large 0.45 hectare rectangular shaped parcel of land with a south-westerly projection to the end of the application site, located to the west of the main farm complex of modern farm buildings. The site is located within the Green Belt comprising of large parcels of arable or grazing fields/land surrounding a centrally located complex of farm buildings, outbuildings and farmhouse with large modern portal barns situated adjacent to the northern boundary of the application site.
- 1.2 Access to the site is via a concrete drive, marginally wide enough for two-way traffic, from the B1157 London Road to the south of the site. There are public footpaths, RUPP 43 and Footpath 44, that pass adjacent to the site leading from the London Road junction.
- 1.3 The application site at present is partially occupied as a scaffolder's yard with a scaffolding compound abutting the northern boundary, and a large open area of hard surfacing with various structures and metal fencing separating the site from the surrounding farm.
- 1.4 There are two access points, one to the west and one from the northern boundary, adjacent to the weighbridge. All the surrounding land is within the ownership of the applicant. There are various commercial operations on the larger farm complex as a whole that are of a non-agricultural nature.
- 1.5 On the southern boundary abutting the fields is an earth track running east along the field boundary to a second unauthorised scaffolding

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compound structure. At the western end of the site is a parcel of land previously used for unauthorised plant and vehicle storage enclosed by grassed raised earth bunds.

- 1.6 There is a change in levels of up to approx. 2.0m across the site with an elevated area at the western access, and the land almost level with the farm yard at the northern boundary.
- 1.7 The existing scaffolding yards at the eastern boundary, comprise two structures, the larger is of approximately 245.0sqm at a height of 4.0m to its ridge. The smaller (unauthorised) structure 110.0sqm, 3.5-4.0m height to ridge is more pronounced and intrusive due to its siting on the edge of the open fields.
- 1.8 The weighbridge adjacent to the northern boundary access and central farm access was installed in 2008 and is used in conjunction with the storage of bread feedstock for the existing beef herd managed on the site.
- 1.9 Following the demolition of the existing structures, the proposed development envisages the construction of a single replacement scaffolding storage building of portal frame construction, backing onto the eastern boundary of the site with an open frontage and a shallow pitch roof. This building would also house the farm's bread shredder, and the internal workable scaffold storage space would be approximately 341sqm.
- 1.10 The proposal also includes the construction of a separate weatherboard and tile roofed office building, 15.0m x 6.0m, with ridge height of 3.8m situated against the northern boundary where the existing access would be closed off and the land reinstated to landscaping.
- 1.11 Storage space for the roll-on and roll-off containers for bread feedstock would be provided next to the retained weighbridge enclosed by palisade fencing.
- 1.12 18 parking spaces for staff would be provided facing along the northern boundary of the site with 13 echelon parking spaces for the scaffold delivery lorries on the opposite southern boundary of the site. To the eastern end of the site the main single gated access would be retained with an internal turning head for site vehicles within the gated access.
- 1.13 All the site boundaries and other adjacent areas of land around the application site would be subject to significant and substantial landscape improvements providing screening and additional tree and

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shrub planting to enhance the rural locality and screen the compound.

#### **2.0 Site History:**

- 2.1 The site was granted a Certificate of Lawful Use in 2006 under reference 3/02/2197/CL which established that approximately 0.2 hectares of the application site had been in continuous use since 1991 as a scaffolder's yard for the storage of scaffolding under use Class B8 with ancillary vehicular parking for V& S Scaffolding Services Ltd. The site plan for the CLEUD ref 3/02/2197/CL includes all the land that is currently proposed for the present redevelopment of the site.
- 2.2 Although most of the site was used for scaffolding and associated vehicle parking the remainder of the land to the west of the scaffolder's compound was also used for many years as unauthorised storage for plant, lorries, vehicles, cranes and other vehicles for local businesses, enlarging the site to 0.4 hectares.
- 2.3 In 2006 an application ref:3/06/2522/FP for the change of use of the scaffolders yard to a coach park and maintenance depot, with ancillary offices was withdrawn following concerns raised by officers.
- 2.4 In 2008 V&S Scaffolding moved out and from 2008 to 2010 South East Scaffolding occupied part of the site, including its use for unauthorised storage of lorries, cranes and other plant storage and vehicular parking.
- 2.5 In response to enforcement concerns about the unauthorised uses on the site an application ref: 3/09/1653/FP was submitted for a change of use of the former scaffolder's compound to a depot for non-agricultural vehicles, plant, equipment and installation of a weighbridge to regularise the use of the site. The council considered the application was unlikely to succeed as the uses were considered to be contrary to Green Belt policy and the applicants withdrew the application.
- 2.6 Since early 2010 the applicants have been encouraged to remove the unauthorised storage and uses on the site with unauthorised activities and tenants vacating the site prior to any future submission to rationalise the scaffolding use on the site.
- 2.7 The applicants were also advised that a substantial landscape enhancement scheme would be required as part of any future application submissions to improve the rural aspect and setting of the site.

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### **3.0 Consultation Responses:**

- 3.1 The Council's Landscape Officer comments that there is no impact on the existing trees and surroundings; the landscape proposals are acceptable and the overall development is non-contentious in landscape terms.
- 3.2 Veolia Water advises that the site is located within the Groundwater Source protection Zone of Port Hill Pumping Station any works should be carried out in accordance with relevant British Standards and Best Management Practices thereby significantly reducing the groundwater pollution risk.

### **4.0 Town Council Representations:**

- 4.1 At the time of writing this report, no comments had been received from Hertford Town Council. Any representations received will be reported to the committee meeting.

### **5.0 Other Representations:**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 One letter of representation has been received raising the following concerns:
- The application shows a large area used for parking, a change of use is involved
  - The storage of bread bins and the weighbridge should be part of the application
  - The weighbridge requires planning permission and is out of keeping next to footpath, encroachment into the countryside as inappropriate development
  - Landscaping benefits should be safeguarded, so the whole scheme is completed under a time limit
  - The proposal is welcome as part of an attempt to improve this highly sensitive location on the edge of the Green Belt.

### **6.0 Policy:**

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

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GBC1	Green Belt
GBC7	Agricultural Development
GBC8	Rural Diversification
GBC14	Landscape Character
ENV1	Design and Environmental Quality
ENV2	Landscaping
TR20	Development Generating Traffic on Rural Roads

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

Planning Policy Guidance 2: Green Belts

### **7.0 Considerations:**

#### Principle of development

- 7.1 The application site lies within the Metropolitan Green Belt wherein Policy GBC1 of the Local Plan, and national policy in PPG2, both state that there is a presumption against development except in certain specified circumstances (such as for agricultural or forestry development) or where there are 'very special circumstances' which would outweigh any harm that the proposed development would have on the Green Belt.
- 7.2 In this case, the proposal does not fall within any of the specified forms of appropriate development and is not required for an agricultural use associated with the farm. It is clear therefore that, in principle, it constitutes 'inappropriate' development in the Green Belt. As such, planning permission should not be granted unless there are 'very special circumstances' which clearly outweigh the harm by reason of inappropriateness, and any other harm.
- 7.3 The determining issue in this case, therefore, is whether such 'very special circumstances' exist. Those that have been put forward comprise the following:
- The existing lawful scaffolding use of the site,
  - The visual improvements that would result from the development and the associated landscaping; and
  - The importance of the commercial use to farm diversification on the holding.
- 7.4 In terms of the existing lawful use of the site, it is a material consideration, of some weight, that the scaffolding use is a lawful one, a

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Certificate of Lawfulness having been granted for it in 2006 (Ref: 3/02/2197/CL). As such, this use could continue without planning permission.

- 7.5 Officers consider that the existing lawful use is unsightly and detrimental to the character, appearance and visual quality of the area. The proposed development, however, would result in a significant visual improvement to the site and would thereby enhance the character and appearance of the surrounding Green Belt. The new buildings would be located adjacent to the existing group of buildings, designed to minimise their impact on the surroundings and would be of an appropriate scale and external appearance. In addition, the application is accompanied by a comprehensive landscaping scheme which would significantly enhance the application site and its surroundings.
- 7.6 In addition to these considerations, it is also important to note that the scaffolding business previously existing on the site has supported the continuation of the agricultural enterprise at Foxholes Farm and this is supported, in principle, by the policies of the Local Plan and by national planning policy in PPS7.
- 7.7 In summary, Officers consider that the proposed development would result in a significant enhancement of the character and appearance of this site by the removal of some unsightly buildings and structures and by the implementation of a well designed scheme and associated landscaping. It would also support farm diversification on the holding and would have no greater impact on the openness of the Green Belt than the existing lawful use.
- 7.8 These 'very special circumstances' in Officers opinion, outweigh any harm by reason of the inappropriateness of the development and justify the granting of planning permission in this case.

#### Design and Layout

- 7.9 The design and layout of the proposed development is considered to be acceptable and would relate well to the surrounding buildings in terms of height, massing, siting and materials.
- 7.10 There are no neighbour issues, but long distance views from the A10/London Road would be improved and enhanced by the associated landscaping proposed. The internal layout of the compound limits the parking to two defined areas within the site, and the buildings to one defined area. This ensures a more open aspect to the site and adequate space for enhanced landscaping.

- 7.11 The weighbridge which has been mentioned by an objector to the proposal is located outside of the application site itself and is used in connection with the storage of bread used for feedstock on the farm. As such, it does not fall to be considered within this current application but requires separate planning permission which would be considered as a separate matter.
- 7.12 Overall, Officers consider the design and layout of the proposed development to be acceptable and appropriate to the character and appearance of the surrounding area.

### Landscaping

- 7.13 Policy GBC14 refers to the need for landscaping proposals to have regard to the relevant Landscape Character Area Assessment (LCAA). Landscape Character Area 78 (Great Amwell Ridge and slopes), which includes land to the south of the A414 comprised in Foxholes Farm describes the site as: *'a very visually disturbed landscape with many different elements of built development, road transport network, housing and utilities marking this as predominantly a suburban rather than rural area.'*
- 7.14 The conclusion from this LCAA is that development proposals in the area should aim to improve and restore the landscape character, encouraging tree planting, replanting of historic field boundaries with indigenous species, thus ensuring that development proposals are only permitted where they contribute to the distinctiveness of the local landscape character.
- 7.15 Officers consider that the proposed landscape enhancement of the site takes direct reference from and responds to these guidelines, contributing significantly to the improvement and enhancement of this Landscape Character Area and the rural locality.
- 7.16 The landscape improvements address the poor visual amenity of the site, materially enhancing the aspect and distance views of the farm site beyond the application site. The scheme proposes planting trees and shrubs to boundaries; planting along fence lines; additional landscaping to elevated bunds at the gated entrance; and the introduction of new landscape areas that effectively screen the enclosed use within the site. There are no objections from the Council's Landscape Officer who recommends approval.



**Traffic /Highway Matters**

- 7.17 The Highway Authority are satisfied that there it is not likely to be a significant change to the traffic levels from the single scaffolding use on the site, which links to the rural road B1157, but is also in close proximity to the A414, a primary network leading away from the site.
- 7.18 It is Officers opinion that the single scaffolding use on the site would in fact be a reduction in the levels of vehicular activity associated with the previous two scaffold uses and unauthorised lorry, crane, plant and car storage over the last 10 years.
- 7.19 As such, there is no objection to the proposal in respect of highway/traffic matters.

**8.0 Conclusion:**

- 8.1 Overall, whilst accepting that this is inappropriate development in the Green Belt, Officers consider that the proposal would result in a significant improvement to the character and appearance of this part of the Green Belt than that which results from its current lawful commercial use. The buildings are of a scale and form that would be of a more sympathetic design, in keeping with the rural/ agricultural farm complex and the Green Belt location. If there is any impact on the openness of the Green Belt this is significantly mitigated for by the improvement to the landscape character of the area and appearance of the site and to this end it can be demonstrated that 'very special circumstances' do exist that clearly outweigh any harm caused by the development.
- 8.2 The farm diversification that has resulted from the scaffolding uses previously on the site has contributed to an important revenue stream which supplements and supports the retained agricultural uses active on the farm. Officers also consider that these wider benefits contribute to the 'very special circumstances' in this case.
- 8.3 In conclusion, it is Officer's opinion that 'very special circumstances' do exist in this case which outweigh the harm caused to the Green Belt. The visual improvements to the site and enhanced landscaping would significantly contribute to the enhancement of the rural locality and the Green Belt location. The proposal would not otherwise detract from the openness of the Green Belt nor conflict with the purposes of including land in the Green Belt. The scheme supports farm diversification and there are no adverse highway impacts.
- 8.4 Accordingly it is recommended that planning permission be granted

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subject to the conditions as set out.