

3/11/0856/FP – Erection of storage barn at Elbow Lane Farm, Elbow Lane, Hertford Heath, SG13 7QA for James Bourke of Ladkarn Holdings Limited

Date of Receipt: 01.07.2011

Type: Full – Minor

Parish: HERTFORD HEATH

Ward: HERTFORD HEATH

RECOMMENDATION

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

1. Time limit (1T121)
2. Approved plans (2E102); 502LP1, 502-01a, 502-02a and 502-BP2A
3. The building hereby permitted shall be used solely for storage and other purposes ancillary to the agricultural and equestrian use of the site and for no other purpose whatsoever without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the building is put to no alternative use that would be contrary to the Council's policies in relation to development within the Metropolitan Green Belt.

Directives

1. Other legislation (01OL1)

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 ENV1, GBC1 and GBC7 and national Planning Policy Guidance 2 – Green Belts. The balance of the considerations having regard to those policies and the previous approval ref: 3/06/1522/FP is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. It is a mixed agricultural and equestrian centre located within the Green Belt to the west of Hertford Heath.

3/11/0856/FP

- 1.2 The site has been extensively redeveloped since its purchase by the present owner, as it was formally used as an industrial site. It is a relatively isolated site, not particularly visible from surrounding land and without public rights of way in close proximity to the proposed development site. There are a number of barns and other agricultural buildings on site, including many associated with the equestrian use. The proposal is for the construction of a further additional barn for the storage of hay.
- 1.3 The application is for the erection of a storage barn in place of a previously approved barn at the site (ref: 3/06/1522/FP). That barn was granted approval in 2007 by the Development Control committee, contrary to the advice of officers. However, it was subsequently found that the barn would have been sited in part across a high pressure gas pipeline that crosses the site and as a consequence it could not be constructed.
- 1.4 Officers subsequently entered into negotiations with the applicant regarding a possible alternative site for the barn. The earlier permission has subsequently lapsed, but officers consider that it remains a material consideration in the determination of this application as it was approved under the provisions of the current Local Plan and PPG2.
- 1.5 The proposed barn would be 800m² in area, the same as approved in 2006. It would have entrances from the south and west to allow easy movement of vehicles within the building. It would be sited to the north of the existing cluster of buildings on the site, directly adjacent to the cattle shed on the northern edge of the built-up area. The exterior would be largely finished in cement sheeting, the same material proposed for the exterior of the barn that was approved in 2007.

2.0 Site History

- 2.1 The site has an extensive planning history related to its former industrial use and present agricultural and equestrian use. Of particular note is the following:
 - 3/06/1522/FP – Erection of barn for hay storage – Approved June 2007
 - 3/09/2026/MA – Alteration to site of approved barn – Refused January 2010

3.0 Consultation Responses

- 3.1 The Health and Safety Executive has commented that the site is within the Consultation Distance of a major hazard pipeline and the supplier should be consulted. However, it has not advised against granting planning permission on safety grounds.

3/11/0856/FP

3.2 The Plant Protection Team at the National Grid has been consulted accordingly. However, no representations have been received as a result.

4.0 Parish Council Representations

4.1 Hertford Heath Parish Council has not commented on the application.

5.0 Other Representations

5.1 The application has been advertised by way of neighbour notification.

5.2 No representations have been received.

6.0 Policy

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

GBC1 Green Belt
GBC7 Agricultural Development
ENV1 Design and Environmental Quality

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

Planning Policy Guidance 2 – Green Belts

7.0 Considerations

7.1 The main considerations in this case are whether the proposal comprises appropriate development in the Green Belt and, if not, whether very special circumstances exist to justify the approval of the development contrary to local and national policy.

Green Belt

7.2 The site is located within the Metropolitan Green Belt wherein there is a policy presumption against development except in certain specified purposes or where very special circumstances exist. In determining the original application for a barn in 2006, officers noted that the proposal was contrary to Local Plan policy GBC1 and that the buildings on site had spread beyond the original footprint of the industrial development that had existed on the site previously.

- 7.3 The barn was not intended for agricultural purposes, which would be an appropriate use in principle within the Metropolitan Green Belt, but rather for the storage of hay in association with the equestrian use of the site. Whilst acknowledging the lawful use of the site for equestrian purposes, the barn was considered by officers to be of too large a scale for this Green Belt site. The expansion of an equestrian centre is not considered to be appropriate development within the Green Belt as defined by paragraph 3.4 of national guidance in PPG2. There is reference in PPG2 at paragraph 3.5 that “small stables” required as an essential facility to support an outdoor recreational use may be appropriate Green Belt development. However, officers considered that the centre had grown beyond the point of being “essential small-scale facilities”, which the Council would typically associate with being those associated with a private dwelling.
- 7.4 The June 2007 report therefore recommended refusal of the application for a similar barn to that now proposed. However, members were concerned about the potential consequences of restricting the development of a well-established rural business. The barn was considered to be a necessary facility for the continued operation of the equestrian centre, which provided local jobs and met local need. On this basis, Members resolved to approve the application.
- 7.5 The planning permission for that application has now lapsed. However, the decision was taken under the current Local Plan and national guidance as set out in PPG2. Officers therefore consider that it remains a significant material consideration in the determination of this application. There have been no material changes in either policy or the physical characteristics of the site that would, in officer view, warrant a different decision.
- 7.6 The barn would be sited on the northern edge of the developed area of land. Although it would lie outside of the immediate footprint of the site, it would still lie adjacent to existing buildings on the site. The buildings used in the operation of the site are predominantly clustered in the centre of the site, and the building would be in line with this.
- 7.7 The development would extend the footprint of the developed area of the site further into the open land. The proposed barn would not be fully contained by the existing buildings on the site and it would be clearly visible from within the open countryside to the west and north of the application site.

- 7.8 However, this is considered justified in this particular case given the specific circumstances of the site and its history. The building would be similar in size, scale and appearance to that previously approved, although slightly revised to allow for the amended location. The land to the immediate north, east and west of the site is in the applicant's ownership, and there is no public right of way crossing the land in the immediate vicinity of the proposed barn.
- 7.9 Considering the established principle of the previous permission, the comparable scale of the barn to the existing buildings on site and the relative isolation of the site, officers consider that very special circumstances exist to justify the erection of the barn contrary to Green Belt policy.

Other considerations

- 7.10 No comment has been received from the National Grid with regard to the proposed development. Following discussions with officers, the applicant has settled on a proposed siting that would be outside of the footprint of the pipeline.
- 7.11 The building would have a generally utilitarian agricultural appearance with a dark grey roof and dark green walls. This would be appropriate for the agricultural character of the site, in accordance with policy GBC1 of the Local Plan.
- 7.12 In order to prevent the barn from becoming used for stabling purposes a condition is recommended to require that it be used only for storage or other purposes ancillary to the equestrian/agricultural use of the site. Other uses would be likely to be contrary to local and national Green Belt policy and any proposal to materially change the use of the building should be subject to control by the Council.

8.0 Conclusion

- 8.1 The development would be contrary to Green Belt policy and would extend the footprint of the developed area of the site further into the surrounding open land. However, this is considered justified given the specific circumstances of the site and the history of the previous permission.
- 8.2 The building would be similar in size, scale and appearance to that previously approved, although slightly revised to allow for the amended location avoiding a high pressure gas pipeline.

3/11/0856/FP

- 8.3 Although the development would impact on the openness of the Green Belt, this is comparable to the last approved planning permission for a barn on the site. On balance it is considered that very special circumstances exist such that planning permission should be granted for the proposed development, subject to the conditions suggested at the head of this report.