

5c 3/11/1492/FP – Construction of 9 no. 2/3 bedroom holiday lodges, office, larder and parking at Palletts Wood, Hooks Cross Farm, Oaks Cross, Watton at Stone, SG14 3RY for Mr Dan Collins

Date of Receipt: 30.08.2011

Type: Full – Major

Parish: ASTON

Ward: DATCHWORTH AND ASTON

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. In this case, whilst the potential demand for the proposed development (including its business plan justification) and its particular operational characteristics have been considered, along with all other arguments advanced in its favour, it is not considered that these constitute very special circumstances which would clearly outweigh the harm caused to the Metropolitan Green Belt by reason of its inappropriateness and other harm. The proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and national planning advice in PPG2, Green Belts.
2. The application lacks sufficient information regarding the presence of protected species on site to enable the local planning authority to properly consider the effect of the development on the contribution of nature conservation interests to the amenity of the area, contrary to 'saved' policy ENV16 of the East Herts Local Plan Second Review April 2007 and national planning advice in Planning Policy Statement 9: Biodiversity and Geological Conservation.
3. The applicant has failed to demonstrate that a safe and convenient vehicle access to the proposed development can be satisfactorily achieved and as such the proposal could lead to conditions prejudicial to highway safety in the surrounding area. The proposal is thereby contrary to policies TR1 and TR20 of the East Herts Local Plan Second Review April 2007
4. The applicant has failed to adequately demonstrate that the development would not prejudice the long term health and retention of trees

within/adjacent to the site. The loss and/or diminishment of these trees would be detrimental to the appearance of the site and surroundings and the proposal would therefore be contrary to policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It mainly comprises a small wood of approximately 2.5ha and the land immediately to the south-west. Palletts Wood is not a designated wildlife site, although there are two designated areas which lie to the west and south of the site. Footpath 30 runs along the south west boundary of the application site. The site is part of the 170 acre Oaks Cross Farm estate, which is used for limited agricultural (hay cropping) and equestrian uses.
- 1.2 The proposal is for the erection of 9 wooden holiday lodges (5 detached, 4 semi-detached) within the canopy of the trees along the western edge of the wood. The lodges would be used for self-catering holiday accommodation. The applicant's aspiration is that the development would provide an environment for low impact holidays encouraging cycling, walking, supporting local businesses and allowing occupiers to explore the local area and the natural environment of the site.
- 1.3 This application follows on from the refusal of application ref: 3/10/0651/FP by the Committee in August 2010. That application was for 14 cabins and the associated development, including a separate car parking area. An appeal was lodged against the refusal but subsequently withdrawn by the applicant.
- 1.4 The lodges are comparable to self-contained dwelling houses although the use proposed is for short term holiday lets for tourism and leisure and not for permanent residential use. If permission were to be granted, the use would clearly need to be controlled by planning condition.
- 1.5 Parking would be provided for 21 cars, 18 separated across three banks of parking opposite the cabins, and 3 disabled spaces within the canopy of the trees and close to the proposed cabins. This is a reduction of 10 cars from the previous application, and also revises the siting of the parking from an isolated area around 150m from the cabins, an arrangement that was previously considered to be harmful to the rural character and appearance of the area.
- 1.6 Each lodge would provide accommodation for a maximum of 8 people

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with external first-floor balconies and ground floor terraces. The lodges are all two storey buildings with pitched roofs and in footprint would measure approximately 11m by 8m (22m by 8m for the paired semi-detached cabins).

- 1.7 One cabin would include site staff office accommodation on the upper floor and a communal larder (stocked by local businesses and accessed by those staying in the accommodation on an honesty basis) on the ground floor. This cabin would have a larger, and somewhat irregular, footprint of around 17.5 by 8m at its largest.
- 1.8 The application has been supported with an Economic Viability Statement, Planning Statement, Design and Access statement, a Site Development Assessment provided by East of England Tourism, an Arboricultural Report and a Habitat Survey.

2.0 Site History:

- 2.1 Palletts Wood had no previous planning history prior to the application last year. Hooks Cross Farm has previously been the subject of a number of planning applications. The following are considered to be of some relevance to the current proposal:

3/88/1027/LB – Change of use of two barns to stables – Approved March 1989

3/88/1048/FP – Change of use of two barns to stables – Approved March 1999

3/10/0651/FP – 14 cabins with access track, small office and change of use of part of field to 28 space car park – Refused August 2010 – Appeal withdrawn

- 2.2 The livery and riding use continues on the wider farm site, and would be available for guests at the site.

3.0 Consultation Responses:

- 3.1 The County Council's Planning Obligations Unit note the need for the development to make provision for a fire hydrant or hydrants within 60m of each building on site. This would be achieved by a legal agreement or unilateral undertaking.
- 3.2 The Herts Biological Records Centre supports the recommendations of the submitted ecological survey that further information is necessary

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regarding the presence of protected species on site, and the potential impact of the development. It recommends that the application be refused or withdrawn as the necessary information cannot be provided until next Spring at the earliest.

- 3.3 The Environmental Health section does not wish to restrict the grant of permission
- 3.4 The Environment Agency recommends a condition relating to the management and disposal of foul and surface water as the site is within the Source Protection Zone for the White Hall borehole
- 3.5 The Herts and Middlesex Wildlife Trust agrees with the recommendations of the HBRC (section 3.2) and recommends that the application be withdrawn pending further surveys of the site
- 3.6 Stevenage Borough Council raises no objection to the proposal, provided that EHDC are satisfied regarding the presence of very special circumstances, and that there would be no detrimental impact on trees or protected species on the site or surrounding area.
- 3.7 The Council's Landscape Officer has not formally commented on the proposal at the time of this report, although informally he has raised a number of concerns in respect of the level of information received and the potential impact of the development on the adjacent trees. His comments will be reported to the committee along with any recommendations arising.
- 3.8 In respect of the previous application on the site, the County Council's Highways section raised concerns about the site being isolated, with staff and visitors dependent on private cars for travel to and from the site and the proposed access to the site which would result in vehicles using the local road network.
- 3.9 In this case, they continue to question whether this site is located in an appropriate location to satisfy the requirements of PPG13. They comment that the site is not well located in terms of access to public transport and that visitors and staff will be heavily reliant on the use of motor vehicles.
- 3.10 They comment that the fundamental highways issue with this proposal is the point of vehicle access and the potential traffic generation and its impact on the surrounding network. They continue to maintain their objection to the proposal on the grounds that it is not clear that the main access onto the A602 will be used, rather than the existing access via

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Frogmore Hill. Furthermore, whilst the principle of utilising the A602 for access is acceptable, they consider that modifications will be required to the proposed layout to ensure that this access is acceptable from a highway safety perspective. An amended plan to show these details has been requested. However, at the time of writing this report none has been received and in the absence of this, they consider that planning permission should not be granted.

4.0 Aston Parish Council Representations:

4.1 Aston Parish Council has commented as follows:

- the development is inappropriate in the Green Belt
- the application does not show that very special circumstances are present to justify the proposed development
- the application does not adequately show how the proposed works can be carried out without harm to the trees on site.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 Letters of representation have been received from two local households, as well as one from the Aston Village Society. The additional objections can be summarised as follows:

- That the use could result in additional activities on site i.e. quad biking, shooting etc.
- That no evidence of demand for tourist accommodation has been shown
- Disturbance to neighbouring residents; Increase in traffic on Frogmore Hill resulting in loss of amenity
- No similarity to stated examples
- The economic statement lacks sufficient detail to support the proposal
- The proposed number of parking spaces is unclear

6.0 Policy:

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

ENV1	Design and Environmental Quality
ENV2	Landscaping

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ENV10	Planting New Trees
ENV11	Protection of Existing Hedgerows and Trees
ENV14	Local Sites
ENV17	Wildlife Habitats
GBC1	Appropriate Development in the Green Belt
GBC8	Rural Diversification
LRC5	Countryside Recreation
LRC9	Public Rights of Way
LRC10	Tourism
OSV1	Category 1 Villages
OSV8	Village Shops, Community and Leisure Facilities
SD3	Renewable Energy
SD4	Sustainable Development and Nature Conservation
TR2	Access to New Developments
TR7	Car Parking – Standards

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

Planning Policy Guidance 2: Green Belts
Planning Policy Statement 7: Sustainable Development in Rural Areas
Good Practise Guide on Planning for Tourism

7.0 Considerations:

- 7.1 The site lies within the Metropolitan Green Belt. The proposed development of the site for tourist accommodation is not one of the accepted uses recognised by policy GBC1 or PPG2. It is recognised by all parties as inappropriate development within the Green Belt.
- 7.2 The main planning issues to consider in the determination of this application are as follows: Impact on local highway network; Impact on trees; Impact on local wildlife; Impact on landscape and the Green Belt; Potential future development of the site; Evidence of demand for accommodation; Disturbance to neighbouring residents, and finally having regard to all policies, issues and other considerations whether very special circumstances exist that would clearly outweigh the harm to the Green Belt.

Applicant's justifications

- 7.3 The applicant has stated that the following represent 'very special circumstances' to justify the siting of 9 cabins within the Green Belt. The applicant's justification is set out below followed by an Officer's response on the points raised. I have then returned to a commentary on the basis of the issues set out in para 7.2 above.

- Little or no visual impact to the Green Belt; The cabins are designed to blend in with and respect the woodland
- Improved standard of management of the woodland; Little impact on protected species; Educational potential and health benefits for visitors
- Located in close proximity to a number of villages with access to the A602
- Estimated creation of 8 jobs related to the site and in the wider area directly resulting from the development
- Potential for year-round use of the site
- Fully accessible development; High standard of maintenance of paths across the site, including adjacent Rights of Way where appropriate
- Potential for local economic benefit, for example: Entering into partnerships with local shops and other businesses to provide food and other supplies to visitors; Recommending local pubs and restaurants to visitors; Increased trade for local attractions
- Use of environmentally friendly materials; Cabins designed to maximise natural resources; Potential use of renewable energy
- Diversification of existing farm use in line with Adopted Local Plan

7.4 The applicant has also provided examples of schemes for lodge development on Green Belt countryside and other sensitive sites in England and Scotland. However, insufficient detail has been provided to allow officers to make a full assessment of how comparable the cited developments are to this proposal. Officers therefore feel unable to give any significant weight to these examples.

Officer response

7.5 Members will know well that East Herts has an interesting and pleasant environment created by its historic market towns and the surrounding rural landscape. As a result, there are many sites in the District that have the potential to be put forward as suitable for tourist accommodation. Within the Green Belt, the Council's policies support the conversion of farm and other rural buildings and use of these as tourist accommodation is a suitable way to meet this need. New build tourist accommodation however is not considered appropriate development in the Green Belt as a matter of policy.

7.6 The proposed high standard of accommodation is noted, as is the use of environmentally friendly materials and the use of renewable energy sources. Officers also understand the applicant's aspirations for the use of the site. This generally seeks that visitors pursue a 'lower impact

lifestyle' during their stay at the site encouraging them to walk, cycle, visit local attractions and businesses and enjoy the natural environment. The applicant has noted that the site, in spite of its relative isolation, is also within a reasonably short distance of a number of settlements that could be reached on foot or by bike.

- 7.7 Whilst this is undoubtedly the case, the applicant also points to the range of attractions in the wider Hertfordshire area, as a supporting basis for the development of tourism in the County. There is an element of conflict here as accessing these sites is likely to be by private vehicle use, especially by family groups with elderly relatives or children. Despite the laudable aspirations, no significant management detail has been advanced by the applicants at this stage. Even if it were, the degree to which the Council could control that in the longer term would be a matter of some doubt. In addition, the Council would generally expect new development to maximise its use of efficient and renewable resources in any event, as well as to be constructed to a high standard.
- 7.8 The promotion of better access to woodland on site and in the area, and the improvement of the paths and rights of way in and around the site are to be encouraged. However, landowners are required to maintain public rights of way to a usable standard in any event. The applicant is not promoting any additional rights of way and it is understood there have been no discussions with the County Council as to whether this would be desirable. The maintenance of paths should be a common expectation of landowners and I would not advise that any significant weight is given to this. The matter of protected species is addressed in greater detail later in this report.
- 7.9 Providing improved access to the woodlands, and improving the condition of the woodlands would be beneficial to the local area and the wildlife in the area and could possibly be controlled by planning condition. However, the applicants have not provided sufficient information to show the extent of this work; how the maintenance would be achieved; or how it would be maintained when the site would only be open to occupants of the cabins. It is acknowledged that, subject to details, this could be of some merit but is unlikely to give support to a case for very special circumstances.
- 7.10 It is noted that the applicant intends to enter into partnerships with local business to supply food, bicycles and other items to visitors to the site. This would clearly be of benefit to the local area, but as indicated above, control for the Council over how the site is managed in the longer term would be minimal. Officers therefore do not consider that it would constitute particular justification for the proposed development.

- 7.11 The proposal would involve the construction of nine lodges within the tree line of the woods. The new buildings would be of timber construction, and would be designed to blend in with their surroundings. No garden curtilages are required as for a residential unit and this limits the impact. The woodland setting does aid the assimilation of the proposed built development into the landscape and reduces its impact. However, it remains that it would have some impact on the openness of the Green Belt. A location that is away from most public views does not, in itself, justify such development.
- 7.12 The applicants consider that the proposal would represent a landmark tourist scheme that would be unique in the local area. Officers are not aware of any comparable schemes within the District and, as set out above, the environmental principles along which it is proposed to be run are positive. Officer concerns remain that control over this in the longer term, once development is in place, would be limited.
- 7.13 Officers note that the development would allow the further diversification of the existing Hooks Cross Farm, which already runs a riding stable and school on site as well as a furniture shop. The Local Plan states that appropriate diversification will be encouraged. However, this is an isolated part of the site and the development involves extensive construction, rather than the conversion of existing buildings, which would be the preferred means of delivering diversification on a site.
- 7.14 The applicant has stated that the lodges would be available year-round, and expects that this would lead to additional employment throughout the year. This employment would be the equivalent of 8 full-time roles, created over the course of the development. 3.5 full-time equivalent roles would be created on site, with the remainder expected in the local area. Members will appreciate that the additional work may be covered by the expansion of existing roles, rather than necessarily the creation of new roles.
- 7.15 The calculations that have formed the basis for this expectation are not set out in detail in the applicant's economic statement. The theory behind the expectation is provided, but the financial value of these new jobs is not stated.
- 7.16 The applicant has provided an extensive list of benefits that would be achieved through the implementation of the approved scheme. Your officers do not consider, however, that these would represent very special circumstances that would clearly outweigh the in-principle objection to building within the Green Belt.

Impact on local wildlife and protected species

- 7.17 Palletts Wood is a relatively small area of woodland, and is not considered to be of such a size that it forms an important part of the local ecological community. However, it is likely to be home to a number of protected species. Policy ENV16 of the Local Plan states that development will only be permitted where harm to protected species can be avoided.
- 7.18 The survey carried out on behalf of the applicant is almost two years old, and carried out at a time of year when a number of protected species including bats, great crested newts and breeding bird could not be definitely shown to be present or absent from the site.
- 7.19 The Council has a duty to preserve the habitat of protected species, and this duty cannot be met by placing conditions on an approval if insufficient information is provided as part of the application. As there is not enough information provided in the ecological survey to determine whether any protected species would be harmed by the proposed development, your officers advise that the application should be refused on these grounds.

Impact on landscape and the Green Belt

- 7.20 The proposal involves the siting of a number of timber lodges within the canopy of trees on the edge of a small woodland area. The woodland location assists in the screening of development from outside the immediate site. The visitors would have access to the woodland, as well as the open land to the south and west of the site.
- 7.21 There are no specific requirements for space standards for holiday accommodation, and it is not uncommon for holiday accommodation to be provided at a significantly greater density than proposed on this site. The proposal is aimed at inter generational family use, with each lodge providing accommodation for up to eight people. The location and density of development at the site has been selected by the applicant to maximise the amenity of residents at the site and reduce the visual impact of the development.
- 7.22 Considering the relative isolation of the site (c. 200m from the nearest house), the wider landscape impact of the proposal is relatively contained. However, as set out above, the lack of wider public views does not justify a development and there will clearly be a degree of impact on the openness of the Green Belt. Officers also have concerns

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in relation to any impact that security measures (both for the car parking area and the lodges) and lighting may have, although in this application it is indicated that planting could reduce the impact of the parking area on the wider area.

- 7.23 The buildings would be painted in muted colours that would, to some extent, provide camouflage against the backdrop of Palletts Wood. The parking area could be screened to limit the impact from the vehicles parked there, and this would have some further effect on the visibility of the cabins beyond. However, excessive planting would have the potential to appear out of place in the natural surroundings. There would therefore need to be a balance between the extent of screening and the visibility of the parking and cabins. The impact on the adjacent trees is discussed later in this report.
- 7.24 Footpath Aston 030 is a public right of way running to the south and south-west of the site. It lies around 200m from Palletts Wood, and the parking and cabins would be visible from it. This would, in officers' view, be harmful to the rural character of the area.

Demand for accommodation; Lack of detail in economic statement

- 7.25 The applicant has provided a Site Development Assessment from East of England tourism to support their proposal. It is clear from this assessment that there is a demand for self-catering accommodation in the general area.
- 7.26 In its favour, the site benefits from reasonable access into London, as well as the wider Hertfordshire area. Self-catering accommodation is commonly sited in rural areas, and is considered to be acceptable in principle for the diversification of farm sites. Other sites in the District such as Westmill caravan park continue to be successful in offering tourist accommodation. In principle, it does not appear that the site would be particularly unlikely to attract custom.
- 7.27 Of course, demand in itself is not a sufficient argument to allow otherwise unacceptable development. In addition, given the target market for the proposals and the costs that a more remote development may entail, the question of viability requires detailed evidence to ensure that the proposal has a realistic chance of success. The submitted economic statement projects an initial loss in the first year of operation of the site, but as the number of units on site would be increased in line with the extent of the proposed development the applicant believes that an operating profit would be achieved in the second year with the project debt free within 20 years.

7.28 Unfortunately, there is very little detail provided in support of this contention. In the absence of detail, officers did not consider it worthwhile to seek independent verification of the figures submitted. Figures produced for a possible development cannot be viewed as a guarantee of future success. However, the potential impact of the development is of such significance in this sensitive location that officers consider that further detail is required. Inevitably there is a risk with all business ventures, and at present the report comprises only limited financial justification for the development either in principle or in scale.

Disturbance to neighbouring residents

- 7.29 The site is located in a relatively isolated location, with around 200m to the nearest dwelling. It would be the largest concentration of habitable buildings in the area, and it is likely that in this rural location any noise generated would be audible from some distance.
- 7.30 Residents have noted that sound can be heard at a considerable distance in the area, and part of the rural character is the low level of background noise.
- 7.31 The lodges would be sited within the tree canopy of the woodland, but would sit on the edge of the wood. Balconies and terraces would face out of the woods. Residents would be likely to spend time outside the cabins, especially during the summer months. At this time, local residents could be reasonably expected to have windows open throughout the evening and into the night, and so would be more vulnerable to increased noise levels.
- 7.32 There is no provision in the application for exterior lighting, however officers are doubtful that this could be effectively controlled in the long term. A proposal for such would be unlikely to receive favourable consideration as exterior lighting would prolong night-time activity by visitors as well as resulting in adverse impacts on wildlife habitat and light pollution in a dark rural landscape.
- 7.33 During daylight hours, there may be some additional noise audible to local residents. However, officers consider that this is unlikely to be of such a level that it would warrant a refusal of permission in accordance with policy ENV1 of the Local Plan.

Traffic impact/access

7.34 The submitted application lacks accurate information regarding the site

of the intended vehicle access to the proposed cabins. The Planning Statement indicates that access would be via Oaks Cross Farm from the A602. However, no plans have been submitted to indicate the route from the Farm, or the precise details of that access and the provision of adequate visibility splays. A plan submitted with the application (ref: 1669:P:101 Rev.A) indicates the existing tracks on the site, including the access from Frogmore Hill, but does not show any track from the cabins to the Farm. As such, there appears to be contradictory information within the application and a lack of detail with regards to access.

- 7.35 The applicant has been asked for an amended plan to show the proposed access arrangement. However, that has not yet been received. If further details are submitted prior to the meeting they will, together with any additional comments from the Highway Authority on this matter, be reported to the Committee meeting.

Impact on Trees

- 7.36 With regard to the matter of the potential impact of the development on the trees within Palletts Wood, the application has been submitted with an Arboricultural report which includes a tree survey of the site, but does not assess the arboricultural impact of the proposed buildings as it states that the survey was carried out in the absence of a design layout or elevations. As such, Officers remain concerned that insufficient information has been submitted to enable a full evaluation of the impact of the proposed development on the adjacent trees on the site. The Landscape officers formal written response will be reported to Members at the meeting but, with the lack of information available at the time of writing this report, officers consider that this should constitute a further reason for refusal.

Other matters

- 7.36 It is noted that the plans and documents provided with the application are somewhat unclear about the siting and number of parking spaces intended to be provided. This matter could be resolved through the imposition of an appropriate condition requiring the submission of a detailed parking layout plan, if approval were to be granted.

8.0 Conclusion:

- 8.1 The proposed development is located within the Metropolitan Green Belt Planning permission will only be granted for inappropriate development in the Green Belt where very special circumstances are shown to exist that clearly outweigh the harm to the rural character of the area.

- 8.2 The applicant has put forward a number of matters that they consider represent very special circumstances. Officers have considered these against the local plan policy background. While suitable tourism proposals may be supported and the particular aims and objectives of this proposal have been taken into account, it is not considered that there are very special circumstances to which sufficient weight could be given on this occasion to outweigh the policy objections.
- 8.3 In particular there is a lack of persuasive information about the business plan and the appropriateness of the scale of the development, albeit that this is a reduced scale of proposal with 9 rather than 14 units. Officers are cautious about the lack of information relating to the business plan of the development given recent instances of tourist accommodation that have been unsuccessful and moved back into residential use.
- 8.4 Furthermore it is not clear that the development could be carried out without harm to protected species that may be present on site. In the absence of detailed surveys, the presence of protected species cannot be proven or dismissed at the site.
- 8.5 Given the very limited information within the application about highways and arboricultural matters, officers remain concerned about the potential impact of this development in these areas and it is therefore recommended that planning permission be refused.