

5n 3/11/1430/FP – Change of use of land (as hatched in red on plan no. 1289) to residential curtilage, new stables and tennis court. Excavation of former pond and associated landscaping at Little Hormeadbury Farm, The Street, Little Hormead, Buntingford, SG9 0LS for Mr G Duffy.

Date of Receipt: 06.09.2011

Type: Full – Other

Parish: HORMEAD

Ward: BRAUGHING

RECOMMENDATION:

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

1. 1T12 – Three year time limit
2. 2E10 – Approved plans (1897 OS MAP, 1975 OS MAP, Site & Location Plans, 1289, 1293, 1299, 1155)
3. 2E12 – Sample of materials
4. 2E02 – Programme of archaeological works
5. 4P12 – Landscape design proposals (b, c, d, e, i, j, k, l)
6. 4P13 – Landscape works implementation
7. 5U11 – Private use of stables
8. Prior to the commencement of the development, detailed plans, showing the existing and proposed ground levels of the proposed tennis court, pond and surrounding land shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved details.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review 2007.

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 GBC3, TR7, ENV1, ENV2, ENV5, ENV7, BH1, BH2 and BH3. The balance of the considerations having regard to those policies and the limited harm associated with the proposed development is that permission should be granted.

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1.0 Background:

- 1.1 The application site is located within the Rural Area Beyond the Green Belt on the edge of the settlement of Little Hormead as shown on the attached OS extract.
- 1.2 The application site comprises of Little Hormeadbury Farm, a two storey detached dwelling which has benefited from recent extensions and alterations. The property is situated within a spacious site which benefits from vehicular access, driveway and detached garage which could accommodate approximately 6 vehicles. At the rear of the residential dwelling is a large field which extends some 150 metres to the east and 60 metres to the north. This piece of land, which is within the ownership of the applicant, is currently overgrown with long grass and vegetation.
- 1.3 The current proposal is for the change of use of the land (as hatched in red on plan no. 1289) to residential curtilage, new stables and tennis court, and excavation of the former pond and associated landscaping. It is proposed that the existing garden would be extended to the north by incorporating part of the adjoining field. This area of land would be landscaped and a new tennis court and stables would be constructed. The tennis court would be within the north-western corner of the site whilst the stables would be situated adjacent to the existing garage, creating a cluster of development within the centre of the site. As part of the development it is also proposed that an old pond to the rear of the site would be excavated and reinstated. This would involve additional landscaping and the erection of new fencing in the field to the rear of the application property. It is also proposed that the existing driveway would be reconfigured, however, it should be noted that this work together with the proposed landscaping and fencing would constitute permitted development and therefore would not be subject to the determination of this planning application.

2.0 Site History:

- 2.1 There is a long planning history of extensions and alterations to the existing dwelling as follows:

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- 3/10/0763/FP – First floor front/side extensions and single storey side extension. Conversion of existing garage, insertion of 3no. dormer windows and re-roof. Erection of detached 3-bay cart lodge – refused.
- 3/10/1525/FP – Detached garden shed. First floor side extension and front porch. Insertion of front and rear dormer windows, 2no. roof lights and new rear chimney – approved with conditions.
- 3/10/1611/FP – Part two storey and part single storey side extensions – approved with conditions.

3.0 Consultation Responses:

- 3.1 The County Archaeologist comments that the proposed development is located within an Area of Archaeological Significance as identified in the Local Plan. The position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and therefore relevant archaeological conditions are recommended should the LPA be minded to grant consent.
- 3.2 County Highways does not wish to restrict the grant of permission. They comment that the application for alterations to the grounds of this existing residential property has no highway significance. No alterations to the existing access are proposed, ample car parking will be retained and traffic generation is unlikely to increase as a result of the ancillary development.

4.0 Parish Council Representations:

- 4.1 Hormead Parish Council raised no objections.

5.0 Other Representations:

- 5.1 The application has been advertised by way of site notice and neighbour notification.
- 5.2 3 letters of representation have been received. The issues raised can be summarised as follows:
- Object to the change of use from agricultural land to residential garden on the grounds that the site is agricultural land; in accordance with Policy GBC2 any change of use is an inappropriate intrusion into the countryside. Furthermore, the change of use will set a precedent for future development proposals on the site.
 - Concerns regarding the location of the tennis court and fencing, the

visual intrusion of the development on the landscape and the visibility of the development on the approach into Little Hornead, especially in winter months when there is no tree coverage as the surrounding trees are deciduous. The tennis court would be out of character with the landscape and be visible from nearby Maddox Barn.

- Object to the level of car parking on the site and concerns regarding the requirement for 8 parking spaces within the site.
- Suggestion that the proposed stables and sheds should be stained black to match the neighbouring barns. The lightly coloured cart shed stands out against the dark barn developments on the adjacent land.
- Placing the proposed pond in the field would remove more land from agricultural use. There is no natural water source and the pond will dry up or fall stagnant; the unsustainability of such a pond in this location is why it was removed in the first place.
- The proposal will change the existing farmhouse and surrounding arable land into a gentrified country house and garden, and this will be detrimental to the visual amenity of the area and unacceptable in the agricultural landscape.

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
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV5	Extension to Dwellings
ENV7	Extension of a Residential Curtilage
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements

7.0 Considerations:

7.1 The key considerations in the determination of this application will focus upon the principle of the proposed change of use to residential curtilage and new development within the Rural Area Beyond the Green Belt; the impact of the proposed change of use and associated development on the character and appearance of the surrounding area; the impact of the development on the amenities of local residents; highways

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considerations and other matters.

Principle of development

- 7.2 The application site is situated within the Rural Area Beyond the Green Belt wherein the proposed extension of a residential curtilage into the countryside and extensions and alterations to existing dwellings would be acceptable in principle subject to the criteria set out within policies ENV5 and ENV7. It is noted that the existing site is relatively open aside from overgrown vegetation, although there is existing landscaping along the northern and western boundaries of the site. It is considered that any subsequent residential use of the land and domestic paraphernalia that may be present in association with this use would not be likely to result in a detrimental effect on the character and appearance of the local landscape which comprises of open countryside and pockets of residential development. Furthermore, in accordance with policy ENV7 of the Local Plan it is recommended that a condition is attached to any grant of permission requiring a landscaping scheme to be submitted. Such a scheme would allow the Council to agree some additional landscaping on the site to further ensure that the proposed change of use and associated development would not have a negative impact on the character and appearance of the Rural area. It is therefore considered that the proposed change of use would not encroach on the openness and rural character of the site.
- 7.3 Turning to the reinstatement of the pond, the proposed changes to land levels as a result of the excavation is not a development which falls within one of the specified developments or uses as outlined in the Policy GBC3. The proposal would therefore form a departure from policy and consideration turns to whether circumstances exist to allow such a departure from the Local Plan.
- 7.4 It is indicated within the Design and Access Statement that the proposed pond would be situated in the large field to the rear of the property which is described as 'overgrown with thistles'. The proposal seeks to reinstate the old pond which is a historic feature of the landscape as shown on the '1897' and '1975' Ordnance Survey extracts. It is considered that the excavation of the pond would provide a habitat to aid diversification in terms of ecological value of the site and wider locality, particularly as the large adjoining field would be divided into a small paddock and larger meadow that would be sown with short flowering meadow grass. Furthermore, the proposed pond would be approximately 40 x 20 metres in size and therefore would be proportionate in size within the context of the overall site which extends up to 150 metres at its maximum. The level of the land within this part of the site would be maintained and any spoils from the excavation would be used to contour the proposed tennis court. As such, it is considered that the proposed pond would not be

detrimental to the character and appearance of the site and is considered to be a feature that would naturally be found within such a rural location.

- 7.5 It is therefore considered that the proposed reinstatement of the pond and changes to the land level would not have a significantly detrimental impact on the openness and rural character of the site or wider locality to warrant refusal of the application. Moreover, the proposals are considered to encourage habitat creation and enhance the nature conservation value and diversity of the site. These benefits assist in the achievement of the aims and objectives of many policies within the Local Plan, and more specifically Policy and GBC3.

The visual impact of the proposed stable and tennis court on the character and appearance of the surrounding area

- 7.6 It is acknowledged that the proposed stables and tennis court would result in the creation of additional development within the western part of the site. Whilst it is acknowledged that the existing dwelling has benefited from extensions and alterations, it is considered that the proposed stables and tennis court would not in themselves disproportionately alter the size and scale of the existing dwelling. The proposed tennis court would comprise of a hard surfaced court and a wire mesh enclosure that would be 2 metres in height. It is considered that the lightweight enclosure of the tennis court would not intrude into the openness of the surrounding rural landscaping and the existing and proposed landscaping would substantially shield the development from Horseshoe Lane to the north.
- 7.7 With regards to the proposed stables, it is considered that the single storey height of the building, its simple timber frame design and half hipped roof would be reflective of other ancillary rural outbuildings within the vicinity of Little Hormead, particularly those found at nearby Maddox Barn and Pattern Barn. Furthermore, it is considered that the proposed location of the stables, adjacent to the adjoining paddock would maintain a degree of separation between rural activities proposed on the site and the domestic activities associated with the main dwelling and its residential garden. It is therefore considered that the proposed development would not encroach on the openness and rural character of the surrounding area.

The impact of the proposal on the amenities of nearby neighbouring occupiers

- 7.8 Little Hormeadbury Farm is situated at the northern end of a cluster of

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residential development along The Street, Little Hornead. The part of the application site where development is proposed is situated approximately 50 metres away from the adjoining dwellings at Pattern Barn and Maddox Barn to the south. It is also considered that the proposed tennis court and stables would be limited in height and shielded by the main two storey dwelling and proposed landscaping. It is therefore considered that the proposed development would not be detrimental to the amenities of nearby neighbouring occupiers. With regards to the proposed change of use of the land to residential, it is considered that the resultant domestic use of the site and associated paraphernalia would not create a level of activity that would cause noise or disturbance to the detriment of the amenities of neighbouring occupiers.

Highways/ access considerations

- 7.9 It is noted that County Highways raised no objections and comment that the proposed alterations to the grounds of this existing residential property has no highway significance. Furthermore, no alterations to the existing access is proposed, ample car parking will be retained and traffic generation is unlikely to increase as a result of the ancillary development. It is noted that concerns have been raised concerning the provision of 8 parking spaces which includes the existing garage, together with the enlarged driveway. However, it is considered that County Highways have no objections to the proposal and the enlargement of the driveway could be implemented using permitted development rights. It is therefore considered that the proposed works would not be subject to the determination of the current application and in any event, for those reasons outlined above the proposed works would be acceptable.

Other matters

- 7.10 It should be noted that the County Archaeologist has identified the site as being situated within an Area of Archaeological Significance as identified in the Local Plan. They comment that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. It is therefore considered that a relevant archaeological condition should be recommended in this instance in the interest of protecting and preserving significant heritage assets.

8.0 Conclusion:

- 8.1 In summary, it is considered that the proposed change of use of land to residential would not be detrimental to the openness and rural character

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of the site and its surroundings. Furthermore, it is considered that the subsequent residential use of the land would not be likely to result in a detrimental effect on the character and appearance of the local landscape. It is also considered that the proposed development, including the pond, tennis court and stables, would not encroach on the openness or rural character of the surrounding area and would not be detrimental to the amenities of nearby neighbouring occupiers.

- 8.2 It is therefore considered that the application accords with the relevant policies of the Local Plan, and in respect of the pond there are circumstances in this case to allow permission to be granted contrary to Policy GBC3 of the East Herts Local Plan. It is therefore recommended that permission be granted subject to the conditions set out above.