

Part I

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Executive Member: Councillor S. Boulton
(Welwyn West)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 23 APRIL 2020
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2020/0090/HOUSE

7 DANESBURY LANE WELWYN AL6 9SG

RETENTION OF EXISTING OUTBUILDING

APPLICANT: MR A COLLINGS

1 Site Description

- 1.1 The application site is situated to the north of the borough, outside of any settlement and within the Metropolitan Green Belt.
- 1.2 The plot is located at the end of Danesbury Lane and comprises a two storey detached dwelling and garage, as well as a large area of land which extends beyond the property. The surrounding land is predominantly open and undeveloped although there are some other houses set within large plots which are located to the south-east of the site.
- 1.3 The application site is located to the west of the property and is served by the existing vehicular access from Danesbury Lane, which has been separated to create a hard surfaced path that leads to the site.
- 1.4 The building on the site, which is the subject of this application, has been erected without the benefit of planning permission and is therefore considered to be an unlawful building.

2 The Proposal

- 2.1 This application seeks planning permission retrospectively for the erection of an ancillary outbuilding for use by the residents of 7 Danesbury Lane. The building would be used as a home office and for storage related to the maintenance of both the adjacent land and land which forms the curtilage of the dwellinghouse. It is also noted that the roof space may be converted for ancillary accommodation in the future.
- 2.2 The building is 'L-shaped' and has a footprint of approximately 220m². It has a ridge height of approximately 6.5 metres, a width of approximately 20 metres and a maximum depth of approximately 19 metres. The development is finished with black feather-edged weatherboarding and a red clay tile roof, on top of an engineering brick plinth. The front elevation features two timber garage doors and glazed fenestrations. A number of glazed rooflights are also visible in the roofslope.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor Paul Smith for the following reason:

“I would like to call in the application due to the proposed development being on the same footprint as the previously approved application on this site. I therefore request that it is given due consideration by being discussed by members at DMC.”

4 Relevant Planning History

- 4.1 Application Number: 6/2016/1478/MAJ
Decision: Granted
Decision Date: 5 January 2017
Proposal: Erection of stable block

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
5.2 Welwyn Hatfield District Plan 2005 (District Plan)
5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
5.4 Supplementary Design Guidance 2005 (SDG)
5.5 Supplementary Planning Guidance, Parking Standards 2005 (SPG)
5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

- 6.1 The site lies within the Metropolitan Green Belt and the Landscape Character Area Danesbury Settled Slopes as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters and a site notice. In total one representation has been received in support of the proposal. All representations received are published in full on the Council's website and are summarised below:

Support

- We strongly objected to the previously approved stable building on the basis that it would have a negative environmental impact on nearby residential properties. The approved stable building was also inappropriate given the position on the site to sycamore trees and laurel bushes which are poisonous to horses.

- The objection to the stable was in relation to the intended use of the building, not the building itself. We feel the outbuilding that has been constructed has been built thoughtfully and to a high standard.
- The use of the proposed building for storage, an office facility and possible conversion to living accommodation would be appropriate uses so close to residential properties and therefore we support the current proposal.

8 Consultations Received

8.1 No consultation responses have been received.

9 Town/Parish Council Representations

9.1 Welwyn Parish Council have raised a major objection to the proposed development for the reasons set out below:

“We believe the proposal to be inappropriate development in the Green Belt.”

10 Analysis

10.1 The main planning issues to be considered in the determination of this application are:

- 1. Principle of development within the Green Belt**
- 2. Quality of design and impact on the character and appearance of the area**
- 3. Residential amenity**
- 4. Whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm thereby justifying the development on the basis of very special circumstances**

1. Principle of the development

10.2 The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. The National Planning Policy Framework (NPPF) states that the government attaches great importance to Green Belts. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

10.3 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.4 Within that context the main issues to consider in terms of Green Belt policy are:

- the appropriateness of the development in Green Belt;
- the effect on the openness and purposes of the Green Belt; and

- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Appropriateness

- 10.5 The NPPF states that within the Green Belt the construction of new buildings should be regarded as inappropriate development. Paragraph 145 of the NPPF lists a number of exceptions where the construction of new buildings may be acceptable.
- 10.6 It is important to note that the building which currently exists is an unlawful building and that there were no structures in place prior to the construction of the development. Although planning permission for a stable block in a similar location has been granted previously (application reference 6/2016/148/MAJ), there is no evidence to suggest that the approved stable building was erected. It is therefore considered to be a new building.
- 10.7 Exception c of paragraph 145 of the NPPF refers to the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. Policy RA3 of the District Plan, Extensions to dwellings, also shares this main aim, along with Policy SADM34 of the emerging Local Plan (eLP).
- 10.8 Policy RA3 refers to extensions to existing dwellings, but it outlines that it also applies to outbuildings within the curtilage of the dwelling, for which planning permission is required. There is no stipulation in terms of a maximum distance from the main building under this policy.
- 10.9 The building sits within an otherwise open and undeveloped part of the site, some distance from the dwelling itself (approximately 45 metres). The building is a relatively large structure which appears to have been constructed with a domestic use in mind as a result of its steep pitched roof and multiple domestic style door/window openings. In addition, the building benefits from a separate area of hard surfacing which serves as a separate access off the main access to the dwelling.
- 10.10 These features emphasise a degree of separation between the two parts of the site and suggest that the building is not intrinsically linked with the main dwelling and is distinct from it, albeit may be used for ancillary purposes. On this basis it is not considered to be an extension to the property that would normally be found within the dwelling itself.
- 10.11 In addition, paragraph 25.12 of the supporting text to Policy SADM34 (Development in the Green Belt) of the Emerging Local explains that proposals to erect an incidental building within 5 metres of the main building will be treated as an extension to the main building. However, as highlighted above, the building is situated a significant distance from the main dwelling, therefore emerging Policy SADM34 is also not applicable in this case.
- 10.12 Additionally, the assessment for the approved stable block does not make reference to the building being viewed as an extension of the main residential dwelling, as it was a building for equestrian use only.

- 10.13 The above leads officers to the conclusion that the proposed development cannot reasonably be understood as an extension, or domestic adjunct, to the dwellinghouse.
- 10.14 As a result of the above, it is considered that the proposed development is a new building in the Green Belt and does not fall within any of the exceptions for the erection of a new building listed within paragraph 145 of the NPPF. As a consequence the development is therefore inappropriate development in the Green Belt. This harm carries substantial weight as set out in the NPPF.

Openness

- 10.15 In terms of openness, paragraph 133 of NPPF states that the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. Whilst the physical presence of any above ground development would, to some extent, diminish the openness of the Green Belt regardless of whether or not it can be seen, openness also goes beyond physical presence and has a visual aspect. In the visual sense, openness is a qualitative judgement.
- 10.16 The paragraph above is supported by the following *Case Law R (Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404, Treacy, Underhill, Lindblom LJJ* states “*The concept of “openness” in paragraph 79 in the NPPF means the state of being free from built development, the absence of buildings – as distinct from the absence of visual impact*”. The physical presence of any above ground development would therefore have some extent upon diminishing the openness of the Green Belt regardless of whether or not it can be seen.
- 10.17 Most recently, the Government have updated the Planning Practice Guidance advice on Green Belt policy. This identifies a number of matters that may need to be taken into account when assessing the openness of the Green Belt, including the visual impact of a development, its duration and remediability and the degree of activity, such as traffic generation.
- 10.18 In terms of the impact of the development upon the openness of the Green Belt, the proposal is visible from the road and potentially from vantage points in the surrounding wider countryside. The proposed volume and footprint of the building has materially increased the bulk and mass of development on the site, which currently comprises a residential dwelling already served by an ancillary outbuilding. The erection of this building creates a physical presence above ground, which diminishes the openness of the Green Belt.
- 10.19 In addition to the harm to openness that the size, mass and height of the building brings about, the proposed domestic use of this part of the site contrasts greatly with its existing character and appearance, resulting in a more intrusive form of development and the perception of a more developed site.
- 10.20 With regards to the visual amenity of the Green Belt, paragraph 141 of the NPPF seeks to retain and enhance landscapes, visual amenity and biodiversity. Policies D1 and D2 of the District Plan aim to ensure a high quality of design and that development respects and relates to the character and context of the locality. In addition to the above, the NPPF sets out the view of the Government

in respect of good design. Indeed this is noted as forming a key aspect of sustainable development as it can contribute positively to making places better for people. In particular paragraph 130 outlines that '*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'.

- 10.21 Policy RA10 states that proposals for development in rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement to the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment.
- 10.22 Policy SADM16 of the Emerging Local Plan is similar in that it states proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition.
- 10.23 The application site falls within the Landscape Character Area of Danesbury Settled Slopes, an area which is characterised by an undulating slope with localised deep depressions and dry valleys creating an enclosed character in places.
- 10.24 The objectives for this Landscape Character Area are to improve and conserve. This is consistent with paragraph 170 of the NPPF, which states that the planning system should contribute to and enhance the natural and local environment by, among things, protecting and enhancing valued landscapes.
- 10.25 As the majority of the site is currently open and undeveloped, it is judged that this positively contributes to the setting and rural character of the area. In regards to the appearance of the building, although the building's design partly retains a rural appearance by the use of sympathetic barn style materials, it has been fitted with domestic scale doors and windows, numerous rooflights and areas of substantial glazing. The visual impact of adding glazed fenestrations to this degree, particularly those that are virtually floor to ceiling in height, results in a building of a more residential character. This design would result in greater levels of illumination, particularly at night. The development therefore does not contribute to the character and appearance of what was previously an open and undeveloped part of the site.
- 10.26 Turning to the comparison made by the applicant to the approved stable block, it has been suggested that the difference between the height of the building as erected and the height of the stable building approved would be minimal given the land levels have been reduced by circa 1m to facilitate the construction of the building. The Officer Report for the approved stable building notes that it would have had a maximum height of approximately 3.2 metres to the ridgeline, a width of approximately 14.6 metres and a maximum depth of approximately 11 metres.
- 10.27 Comparatively, although it is still L-shaped, the application building has a ridge height of approximately 6.5 metres, a width of approximately 20 metres and a maximum depth of approximately 19 metres. The building therefore reduces the openness to the site by virtue of its significantly greater size and physical presence than the previously approved stables. Furthermore it is important to note that as the applicant has decided not to commence 6/2016/1478/MAJ, this permission is no longer extant with the result that the applicant would be unable to construct that building without a further planning application.

- 10.28 Additionally, in any event, the approved stable building was far less domestic in character and thus more in keeping with its rural setting than the building that has been constructed. The residential use as a whole has an urbanising effect on the land which is designated as Green Belt. The new building therefore also has a direct impact on openness through its domestic use instead of the rural character of the approved stables
- 10.29 Overall, the new building would fail to improve the character and quality of the area and the way it functions because it would not adequately respect and relate to the overall character of the established area. Accordingly objections are raised with regard to Policies D1, D2 and RA10 of the District Plan, the SDG and the NPPF.
- 10.30 Subsequently, it is judged that the development, on land which was previously open and undeveloped Green Belt land, has a significant impact on the openness and visual amenity of the Green Belt. This harm is in addition to the harm by reason of inappropriateness, and it is judged that significant weight must be attached to this harm.

Purposes of including land in the Green Belt

- 10.31 It is necessary to consider whether the proposal would conflict with any of the five purposes of including land in the Green Belt when compared to the existing development. Paragraph 134 of the NPPF states that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;*
 - b) to prevent neighbouring towns merging into one another;*
 - c) to assist in safeguarding the countryside from encroachment;*
 - d) to preserve the setting and special character of historic towns; and*
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 10.32 The proposal is not considered to lead to unrestricted sprawl of a large built-up area due to its location within the existing plot. Given this limitation as a building on an existing plot, it would not contribute towards neighbouring towns merging into one another, and it would not impact upon the preservation of the setting and special character of historic towns or assist in urban regeneration, due to its limited nature and rural setting which is not adjacent to a historic town.
- 10.33 Despite this, the presence of a new building on land that is currently open and undeveloped is considered to result in the encroachment of residential development into the countryside, contrary to one of the key purposes of the Green Belt to assist in safeguarding the countryside from encroachment.
- 10.34 It is therefore considered that the erection of the building is contrary to the NPPF.

Conclusion on the Green Belt

- 10.35 Taking account of the above, it is considered that the proposal would represent inappropriate development in the Green Belt and would result in substantial harm to the openness and visual amenity of the Green Belt. It would also fail to serve the purposes of including land within the Green Belt.

- 10.36 Very special circumstances (VSC) must therefore exist in order to overcome the substantial harm identified to the Green Belt.

2. Quality of design and impact on the character and appearance of the area

- 10.37 District Plan Policies D1 and D2, Emerging Local Plan Policy SP9 and the Supplementary Design Guidance (SDG), seek to ensure a high quality of design which relates to the character and context of the dwelling and surrounding area. The policies require extensions to complement and reflect design and character, be subordinate in scale, and not look cramped within the site in regard to bulk. These policies are in line with the National Planning Policy Framework in that planning should require good design
- 10.38 These policies are expanded upon in the Council's Supplementary Design Guidance (SDG), which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing buildings and surrounding area.
- 10.39 The building has a simple form and the principle of the black feather-edged weatherboarding below a clay tiled roof raises no objections per se.
- 10.40 Nonetheless, the scale of the building considered together with the separation distance from the main house results in a building that is in an inappropriate location on open land and has the appearance of a new dwelling. As stated above, the proposed domestic design and siting of the building would therefore result in harm upon the rural character and appearance of the area. Accordingly, the proposal would be contrary to the provisions of Policies D1 and D2 of the District Plan 2005, Emerging Local Plan Policy SP9, Supplementary Design Guidance 2005 and the Framework.

3. Residential amenity

- 10.41 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.42 Policies D1 and R19 of the District Plan and SADM11 of the Emerging Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 10.43 The application property is set back from the street scene within a large plot measuring approximately 0.6 ha. Due to the location of the proposed building which is set some distance from adjoining occupiers, it is considered that the proposal would not result in adverse harm to neighbour amenity by way of overlooking, loss of light or overshadowing. In addition there is not likely to be significant increase in noise levels due to the minor scale of the development. On this basis, the development is considered in accordance with Policies D1 and R19 of the District Plan and the SDG.

4. Whether there are other considerations which clearly outweigh the harm to the Green Belt and any other harm thereby justifying the development on the basis of very special circumstances

- 10.44 Paragraph 144 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.45 In the case of *Redhill Aerodrome Ltd v SSCLG* [2014] the judgment of the Court of Appeal held that the meaning In the case of *Redhill Aerodrome Ltd v SSCLG* [2014] the judgment of the Court of Appeal held that the meaning of “any other harm” refers to any other harm whatsoever, and is not restricted to Green Belt harm. Therefore, the assessment of the Green Belt balance and conclusion will be performed at the end of this report, when all other material considerations have been assessed.
- 10.46 The applicant has not advanced a case for very special circumstances, however the following considerations have been put forward within the planning statement.
1. Health and wellbeing benefits, including that the development would allow for a flexible work/life balance as well as the potential for accommodation in the roof space for the long term care of elderly family members.
 2. The building would be used for the storage of grounds maintenance equipment for the ongoing maintenance of the surrounding land.
 3. The building would negate previous concerns raised by neighbours regarding the smell and noise associated with the approved stable block and horses.
 4. The previously approved stable building serves as a form of “fallback” development.
- 10.47 It is acknowledged that the development may improve health and well-being of the residents of the existing dwelling from the proposed home office and ancillary accommodation for relatives. However, these are private benefits rather than public and there is little evidence to suggest why these needs could not be reasonably met elsewhere. It is therefore considered that limited weight is attached to the health and well-being benefits of the current and future occupiers of the development.
- 10.48 Whilst the applicant has expressed their need for the building to be used for the storage of maintenance equipment, there is little evidence to support why the equipment could not be stored elsewhere, such as in the existing ancillary garage, nor is it evident that this may only be achieved in a building of the size that has been proposed. Limited weight is therefore afforded to this argument.
- 10.49 There would be a lack of harm in terms of impact on neighbours, however this is a neutral factor.
- 10.50 Whilst the previously approved stable block has not been formally put forward as a fallback position, reference was made to this during a site visit to the property. A comparative assessment between the approved stable and the application building has been undertaken above. On the basis of this discussion it is considered the weight which can be attached to this fallback position is limited because the previously approved stable was considered acceptable in principle

on the basis that the building would be an appropriate facility for outdoor sport and recreation, therefore meeting exception (b) of paragraph 145 of the NPPF. It would also have been materially smaller and would have caused significantly less harm to the Green Belt by reason of its inappropriateness, the erosion of openness and its impact upon the purposes of the Green Belt.

- 10.51 Therefore, very special circumstances do not exist which would justify allowing the proposal and it would conflict with the relevant policies of the District Plan 2005, the emerging Plan and the NPPF.

11 Conclusion

- 11.1 In conclusion, the proposed development would result in conflict with the District Plan, the Emerging Local Plan and the NPPF. There are no material considerations of sufficient weight or importance that clearly outweigh the substantial harm identified to the Green Belt and the other harms identified so as to amount to the very special circumstances necessary to justify the proposal. For the reasons given above it is recommended that planning permission is refused.

12 Recommendation

- 12.1 It is recommended that planning permission be refused for the following reason:
1. The new building would constitute inappropriate development in the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified in relation to loss of openness, the purposes of including land in the Green Belt and impact on the character and appearance of the area. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal would therefore be contrary to policies D1, D2 and RA10 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance 2005, Policies SP9, SADM16 and SADM34 of the Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework.

2. REFUSED DRAWING NUMBERS

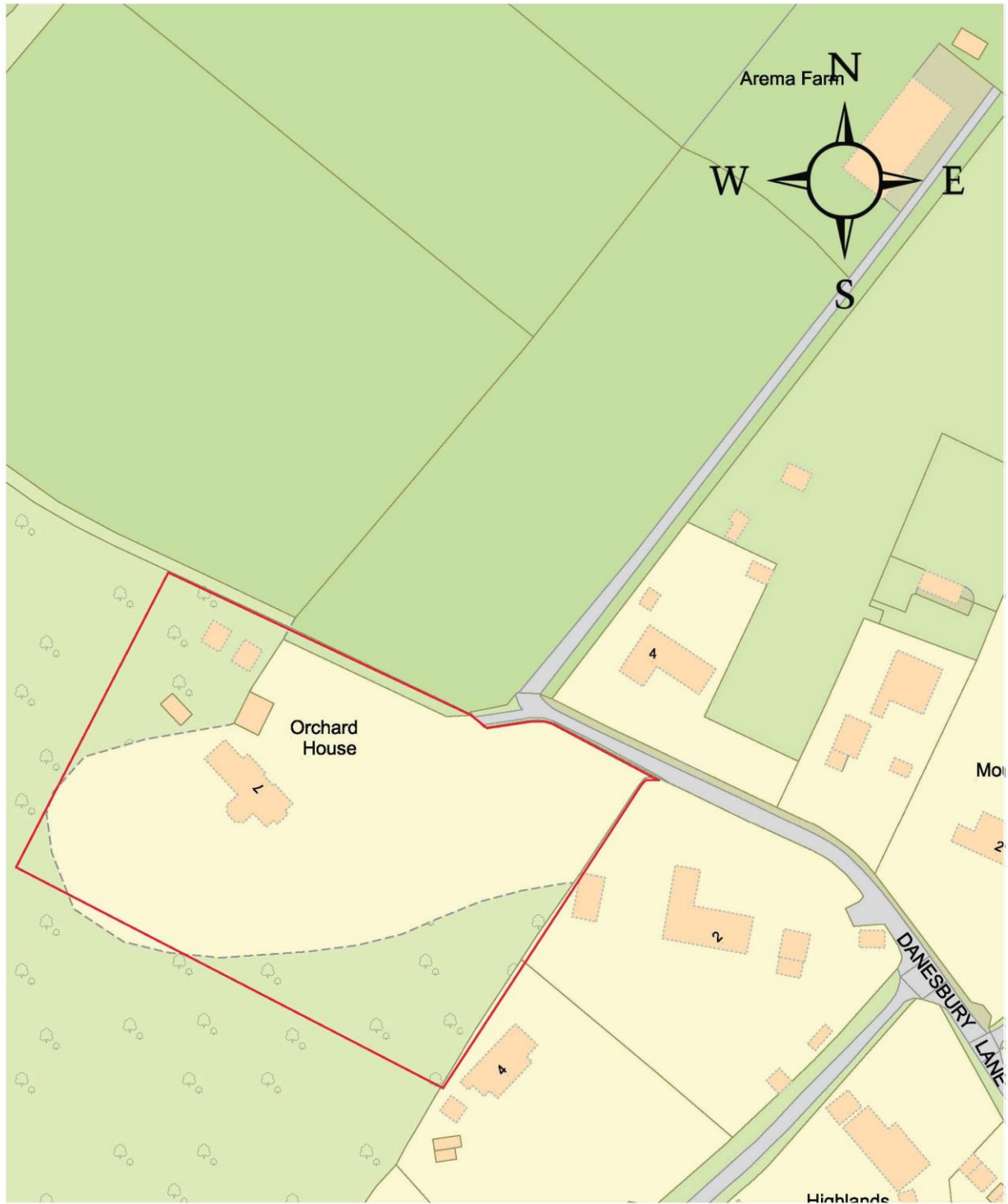
Plan Number	Revision Number	Details	Received Date
PL13		Existing Side Elevation	15 January 2020
PL12		Existing Front and Rear Elevation	15 January 2020
PL11		Existing First Floor Plan	15 January 2020
PL10	A	Existing Ground Floor Plan	15 January 2020
PL14	B	Location Plan	15 January 2020
PL15	B	Site Plan	15 January 2020


POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

Emily Stainer (Development Management)

Date: 5 March 2020



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: 7 Danesbury Lane		Scale: DNS
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	Project: Development Management Committee	Drawing Number: 6/2020/0090/HOUSE	Drawn: Emma Small
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