

**4/01365/13/FUL - NEW DWELLING (REVISED SCHEME)..
LAND ADJACENT NUMBER 25, CHEDDINGTON LANE, LONG MARSTON, TRING,
HP23.
APPLICANT: MR R ATKINS.**

[Case Officer - Sally Peeters]

[Grid Ref - SP 89936 15756]

Summary

The application is recommended for refusal. The site is located within the rural area and no special justification or reasons have been given for allowing a new house. The proposal is therefore contrary to Core Strategy Policy CS7 and to the NPPF (paragraph 55). The proposal does however address previous reasons for refusal around siting, scale and design; and relating to the lack of unilateral undertaking.

Site Description

The application site comprises land within the residential curtilage of number 25 Cheddington Lane, which is a detached, grade II listed cottage. Vehicular access and parking for the cottage lie immediately adjacent to it.

The cottage has a long garden which runs to the side of the property and parallel with Cheddington Lane. It has a static caravan positioned approximately half way along it which has been clad in timber. At the far end of the garden is a further vehicular access to the site serving a green house and small shed / outbuilding. A small fence subdivides the garden between the house and the static caravan, but it has a gate within it and all parts of the site, gardens and outbuildings belong to and are used and maintained by the current occupiers of the main cottage.

The caravan is not used for independent residential purposes and is mainly used by the applicant's family when visiting. However, the applicant has also advised that he has rented the caravan out independently for short periods of time. The applicant has been advised that this is not lawful in planning terms.

The main cottage is designated within a small village in the rural area (Long Marston), but the majority of the garden including the caravan and outbuildings are outside the village within the rural area. The whole site is located within a conservation area and area of archaeological importance.

The site is bounded to one side by mature vegetation which screens most of the site from Cheddington Road, including the caravan and to the other sides by open countryside / agricultural land. Beyond the main cottage towards the village along Cheddington Road is existing residential development.

Proposal

It is proposed to remove the existing static caravan and replace it with a detached timber clad dwelling with 2 bedrooms. It would have a steeply sloping roof to the front, such that the upper floor would appear to be within the roof. At the rear, the proposed design is for 2 storeys, plus shallower roof. It would utilise the existing access at the far end of the plot and be positioned where the existing caravan is located.

The footprint of the new dwelling is similar to that of the existing caravan and it would be approximately 2m higher (as measured to the ridge).

The application follows two refusals of planning permission for detached dwellings on the site (4/01184/12/FUL and 4/00107/13/FUL). The main difference with this scheme and the previous schemes is that they involved much larger buildings and were not located on the position of the existing caravan.

Referral to Committee

The application is referred to the Development Control Committee as it has been called in by Councillor Christopher Townsend. In summary, he feels that the application should be debated by committee due to the level of local support and whether the village boundary position should be interpreted so literally.

Planning History

Various planning and listed building applications relating to the alterations to the existing listed cottage.

304/11/PRE - Pre-app advice sought in respect of a new dwelling. Objection raised.

4/01184/12/FUL - Replacement of Static Caravan with Detached Dwelling. Refused 9th August 2012.

4/00107/13/FUL - Replacement of Static Caravan with Detached Dwelling. Refused 22nd March 2013.

Both of these refusals had three reasons:

- principle of locating a new house in the rural area
- design and conservation concerns
- lack of unilateral undertaking

Policies

The site falls within:

- Rural Area
- Conservation Area
- Area of Archeaological significance

National Policy Guidance

NPPF

Core Strategy (September 2013)

CS1, CS7, CS11, CS12 and CS 27

Saved Dacorum Borough Local Plan Policies and Appendices

Policies 13, 23, 118, 119 & 120.

Supplementary Planning Documents / Guidance

Supplementary Planning Document Planning Obligations (April 2011)
Sustainability Advice Note (March 2011)

Representations

Councillor Christopher Townsend

I feel it is my responsibility to reflect correctly what local residents are saying when there is a debate to be had. I have taken further soundings locally and there is no objection to this development and a general feeling of support. I see the key issue as being the village boundary should have gone to the end of the land. I think there is a point of debate as to whether the village boundary should be interpreted so literally 'to the metre'. Whilst I can't argue that the dwelling would technically be outside the boundary, I feel that the committee should be given a chance to review the arguments in favour of having this slight variation in this case. There is a need for housing and this development is very reasonable. I completely appreciate that your decision follows policy and would ask that you ask the committee carefully considers both sides of the argument before making a decision.

Tring Rural Parish Council

No objection

Strategic Planning

As this is a revised scheme, no comments provided. Those provided in connection with the previous scheme (4/00107/13/FUL) as as follows:

Strategic Planning did not comment on the previous application (4/01184/12/FUL). However, we agree with reason for refusal 1 and the contents of your officer report on this application.

The current application proposes to locate the dwelling in a different part of the site and it appears that the size of the proposed dwelling has been reduced. Nevertheless, the revised application does not overcome the policy objections, as explained below:

- Local Plan Policy 8 (selected small villages in the Rural Area) allows for housing development in the selected small villages, if points i) and ii) in the policy are complied with. Part of the curtilage of 25 Cheddington Lane (including the existing cottage) is within the selected village of Long Marston. However, the application site is outside the village envelope boundary, so Local Plan Policy 7 (the Rural Area) and Core Strategy Policy CS7 (Rural Area) are relevant. Housing development is not appropriate in this location.
- The existing caravan is located within the curtilage of 25 Cheddington Lane and does not have permission for independent residential use. Therefore, the application

cannot be regarded as a proposed replacement dwelling in terms of Local Plan Policy 23 (replacement dwellings in the Green Belt and the Rural Area).

- Even if Policy 23 was relevant, the proposal would be contrary to the policy, because the application proposes the replacement of a temporary dwelling by a permanent one and also the proposed dwelling is much larger and higher than the existing caravan.

The Local Plan village boundary has been drawn logically. Any decisions on new development would need to take this into account.

Looking at the site on the map, the property has an extensive frontage onto Cheddington Lane (nearly 100m in length). The village boundary has been drawn only partly through the plot to deliberately exclude the full development potential of the site. If all of the garden was included within the village then it would potentially extend the urban area further along Cheddington Lane into open countryside beyond. This would effectively lead to ribbon development along Cheddington Lane.

This is a standard approach we have followed in drawing up village boundaries in both the Rural Area and the Green Belt. I note in Long Marston, for example, that the boundary has been drawn around the rear gardens of properties on Tring Road, but these are more compact and have a less extensive frontage onto the road. It would be open to the applicant to seek to get the boundary amended through the Site Allocations process. We could then consider the merits of changing the boundary. Please put them in touch with me if this is something they would like to pursue.

The Strategic Planning Team's main focus over the next few months will be the preparation of the Pre-Submission version of the Site Allocations Development Plan Document (scheduled for publication September 2013). As part of this project, we will review the village envelopes boundaries for the selected small villages in the Rural Area. At present, it is not possible to say whether the Council is likely to propose any change to the Long Marston village envelope boundary in the vicinity of the application site.

Conservation and Design

Number 25 Cheddington Lane is a grade II statutory listed building set within Long Marston Conservation Area. The curtilage forms a narrow linear plot diagonal to the house and at the end of the garden there is a static home that has been in the garden a number of years. The scheme seeks to remove the existing mobile home and construct a two storey timber building in its place.

My concern is that no plan or elevation has been supplied showing the outline and elevations of the existing superimposed on the proposed building, and these will need to be supplied as the scheme hinges on these details. However, from a design and architectural aspect I consider this is an acceptable scheme subject to further details. The timber cladding should be untreated timber that will silver over the years. There should be no corner columns as appear to be shown on the drawings. The roof should veer away from traditional materials but a corrugated or another metallic material may offer a suitable alternative but this should not have sheen or reflective qualities. The form of the windows should follow through as if the building had

studwork.

The roadside elevation is acceptable though the front entrance should be recessed at least 0.75m.

Regarding the field elevation the dormer should not exceed the width of the front entrance and should be clad in timber to the cheeks and to match the walls whilst the side elevations and the roof formed of the same metallic material as the roof.

The timber building will allow this building to be architecturally compatible with barns in this location and this local resonance will help to reduce any harm to the special architectural / historic interest of the nearby listed building within whose curtilage this will be constructed. The aim is to have a neutral effect on the setting of the listed building and it is hoped that this will appear as a modern twist on a traditional barn.

The crux of this design will centre on its height, footprint, materials and details. With the exception of the roadside elevations which are acceptable, the openings should be conditioned as the proposed proportions on the other elevations are not acceptable. All materials are to be conditioned or supplied as additional information and should include details of the proposed entrance area and door.

On the field elevation drawing there are a strange set of lines at first floor - an explanation of what these represent will be required but further openings on this elevation will not be supported.

If it is possible, please condition that no further extensions or alterations will be permitted in the future. PD should definitely be removed.

HCC Highways

No comments received in connection with this application, but previous comments were:

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

The application form states that both pedestrian and vehicular access to the dwelling will be via the existing access off Cheddington Lane. This is shown on the submitted plan. This current access, which appears not to be in daily use, is not a properly formed and will require a hardened surfaced to prevent stone etc from being dragged onto the highway. The access is also currently bounded either side by tall hedging and this will require localised cutting back to create the necessary visibility splays required for this type and speed of road (in accordance with MfS) so that continued use will not endanger both the occupiers or passing highway users when used.

The highway authority require the remedial works to the vehicle cross-over to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway.

HCC Archaeology

No response received in connection with this application. Comments on previous applications were:

The site lies within Area of Archaeological Significance No.12, as described in the Local Plan. This notes that 'Long Marston is a medieval village. The parish church dates from the 15th century.' Immediately NW of the proposed development site is a pasture field containing clear extant earthworks of medieval ridge and furrow. I believe that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

1. the archaeological evaluation of the proposed building footprint by means of strip, map and sample methodology. The removal of existing slab, construction of access and service runs etc. should be archaeologically monitored
2. a contingency for the archaeological investigation of any remains encountered during the monitoring programme
3. the analysis of the results of the archaeological work and the production of a report and archive
4. such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within National Planning Policy Framework (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide. In this case an appropriately worded condition on any planning consent relating to these reserved matters would be sufficient to provide for the level of investigation that this proposal warrants.

Response to Neighbour Consultation / Site Notice

Petition of 102 signatures in support of the proposal.

Considerations

Principle of the Development

The site is located outside the village boundary within the rural area where new residential development is not appropriate (Policy CS7). Whilst replacement dwellings may be acceptable (in principle), the existing caravan does not have an independent residential use and forms part of the existing residential curtilage (see paragraph at the end of this section). The proposal can not therefore be considered as a replacement dwelling for the purposes of saved Policy 23. The proposal therefore constitutes a new dwelling in the rural area for which no special justification exists. The principle of the development is therefore contrary to the recently adopted policy.

Even if the applicants successfully argued that independent residential use of the caravan was lawful, the proposal would be contrary to saved Local Plan policy 23 which does not permit the replacement of temporary residential accommodation, or a

building constructed of short life materials. In terms of the size criteria under this policy, the footprint of the new dwelling would only be marginally higher than the caravan. Although the new building would be higher (by approximately 2m), in overall terms it would not be substantially larger.

The NPPF at paragraph 55 states that Local Planning Authorities should avoid isolated dwellings in the rural area and the proposal does not meet any of the criteria stated in this paragraph that may make the proposal acceptable.

In connection with this application and with previous applications, there has been some discussion about the position of the village boundary. This has been clarified with the Council's Strategic Planning team which has confirmed that the boundary to the village has been drawn logically to avoid ribbon development along Cheddington Lane. It is therefore considered appropriate to interpret the position of the village boundary literally.

The principle of the proposal is therefore contrary to policy and the previous refusal reason 1 has not been addressed. Whilst the position of the new dwelling and its size is not now objected to, there remains an in principle objection and it is therefore recommended that planning permission be refused.

The applicant has been advised that should they be willing to use the proposed dwelling as an annex (and therefore not create an independent residential use in the rural area) then the same policy objections may not apply. However, they are seeking independent use of the dwelling and have not been willing to consider this option.

The applicants have provided a sworn affidavit from the previous owners of the site in relation to the use of the caravan. It states that the caravan was brought onto the site in 2000 and was occupied by the elderly mother of the owners of the house until 2001. Between 2001 and 2006, the sister in law of the then owners of the house lived in the caravan. Although she apparently paid some rent, this was partially to cover bills which are paid for by the main house. Neither of these occupiers or scenarios would prove independent residential use of the caravan. The current owners and applicants of this proposal have verbally confirmed that they have since used the caravan for family members when they are visiting. Council Tax records have been checked and there has not been a separate billing unit created for the caravan and utilities are associated with the main house rather than having separate accounts. It is therefore concluded that there is no evidence to prove, on the balance of probabilities, that the caravan has a lawful use as an independent unit. There has been no change of use of the land (to separate dwelling) and no erection of a separate dwelling. Although the caravan was stationed without specific permission, by virtue of the fact that it was used for ancillary purposes, no change of use of the land had occurred.

Layout and Scale

The proposed dwelling has addressed previous concerns regarding scale and layout. The footprint would only be marginally larger than the existing caravan and the overall height of the proposed dwelling is 2m higher than the caravan. This is considered to be a modest increase that would not be harmful to the rural location. The position of the proposed dwelling would be where the current caravan is located which is largely concealed by vegetation.

Design

The Council's Conservation and Design officer is satisfied that, in overall terms, the design approach is acceptable. The overall form and timber clad design is appropriate to this rural setting. Although some alterations and further information is requested, these are matters which could largely be dealt with by condition.

Impact on the setting of the Listed Building and Conservation Area

The siting, scale and design of the proposal is such that previous concerns have been addressed and the proposal is now considered acceptable in this regard.

Highways and Access

The Highways Officer has some concerns with the proposal (see summary of representations above), but is not recommending that planning permission be refused.

Planning Obligations

The application has been supported by a planning obligation agreement as is required by the Council's Supplementary Planning Document (SPD) 'Planning Obligations' which was adopted in April 2011 and the third reason for refusal of the previous applications has been addressed.

Impact on Amenity of Neighbours

There would be no harm to residential amenity in terms of loss of light, visual intrusion or levels of privacy.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

- 1 The application site is located in the Rural Area beyond the Green Belt. Within this area there is strict control over built development. The proposed construction of a detached dwelling is not one of the specified types of development permissible within the Rural Area and no compelling circumstances have been put forward to justify any departure from this policy of restraint. As such the proposal is contrary to Policy CS7 of the Dacorum Core Strategy (September 2013) and the National Planning Policy Framework (paragraph 55).**

Note 1 - Article 31 Statement

Planning permission has been refused for this proposal for the clear reason set out in this decision notice. The Council acted pro-actively through early and continuous engagement with the applicant at the pre-application stage,

during the consideration of the previous two applications, since those decisions and during the consideration of this planning application. However, fundamental objections to the scheme have not been overcome and therefore the Council remains of the view that the proposal is unacceptable. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.