

**4/02699/15/FUL - PROPOSED REPLACEMENT DWELLING AND REPLACEMENT OF TWO BAYS OF EXISTING OUTBUILDING WITH A DOUBLE GARAGE. MOSSHALL FARM, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PE.
APPLICANT: Mr Rothwell.**

[Case Officer - Tass Amlak]

Summary

The application is recommended for approval. The existing mobile home has received planning permission for the replacement of the dwelling and conversion of the outbuilding to a stable and garage. Therefore the principle of the replacement of the mobile home with a chalet-style dwelling has already been established at this site, notwithstanding the requirements of Policy 23. The proposed dwelling with a slightly smaller footprint is therefore considered to be acceptable. In addition to this the design and materials and its position within the Rural Area and AONB, are considered satisfactory in the context of DBLP Saved Policy 97 and Core Strategy Policy CS24.

Site Description

The application relates to Mosshall Farm which is located to the north-east of the main road running through Little Gaddesden, towards its junction with Ringshall, on land between residential properties at The Brown House and The Oak House and opposite Saxons. The total farm land holding is 3.57ha but the application site only relates to a small corner of the field directly fronting the highway of 0.12ha which forms the domestic curtilage of a mobile home which has existed on site for many years. The site lies within the Rural Area and the Chilterns AONB.

The mobile home, a pre-fabricated building in white render and under a shallow pitched roof, is centred on the site and is accessed by a track along its north-western side boundary. This track also serves a long outbuilding which comprises a hay and cattle barn and garage. It is 9 bays long and is timbered over a mix of steel and timber framing and clad on three sides with shiplap boarding and timber double doors to the garage end.

Planning History

In 1977 (4/1250/77) this mobile home was allowed on appeal, being granted a temporary planning permission for 5 years with an agricultural tie.

In 1983 (4/1021/83) it was then granted a further 5 years temporary planning permission with an agricultural tie.

In 1986 (4/1491/86) it was then granted full planning permission but limited in its occupation to Mrs Creed (plus dependents) whilst she was solely or mainly employed in agriculture, after which the mobile home should be removed from the site.

In 1998 after Mr Creed died and Mrs Creed was no longer able to fully farm the land she rented it out for use by another farmer.

In 2012 an application for a Lawful Development Certificate was submitted (4/01051/12/LDE). This related to the occupation of this mobile home and the land

having been in breach of the above agricultural occupancy condition since 1998. It was concluded from the information provided that there was sufficient evidence to prove this beyond reasonable doubt. A Lawful Development Certificate was thus granted, effectively permitting the retention of the mobile home on the site.

In 2013 planning permission (4/00797/13/FUL) was granted for a replacement dwelling and conversion of outbuilding to stable & garage.

Proposal

This application is for the removal of this mobile home and its replacement with a permanent dwelling in its place on a similar footprint but with accommodation in its roof set within the existing domestic curtilage. The proposed dwelling is in the form of chalet-style house and will have a width 12.5 metres, a maximum depth of 7.6 metres and a ridge height of 7 metres. It has an open porch and a side chimney. It is shown to be built in red multi brickwork under plain clay roof tiles with white painted timber windows and the porch and doors in oak. It comprises a kitchen/dining area, living room, utility room and WC at ground floor with two bedrooms and a bathroom within the roofspace served by two small front dormers and a gabled rear roof projection and rooflight. There is a window in the side gable end. Its modest form is presented with a symmetrical front elevation, facing the highway behind the front hedge and is surrounded by mown grass.

The other part of this application is for the existing elongated outbuilding/barn to be converted to provide a double garage/garden store, tack room, three stables and an open-sided barn. This outbuilding is set just further back from the mobile home and is positioned along the side boundary of the site. It has an asymmetrical roof of black fibre cement corrugated sheeting with black stained timber weatherboarding over a concrete plinth. The timber cladding and wooden doors would remain whilst some of the open sides would be infilled with further cladding stables doors and window openings.

The garage and storeroom would be within the defined domestic curtilage, whilst the stables, tack and barn would be within the area referred to as land for the keeping of animals (outside the domestic curtilage).

The much larger area of land which is edged in blue represents land owned by the estate but which does not form part of this application. This land edged in blue appears still to be in agricultural use.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Little Gaddesden Parish Council.

Policies

National Planning Policy Framework

Dacorum Borough Local Plan 1991-2011

Saved Policies 22, 23, 81, 97 and 110.

Core Strategy (September 2013)

Policies NP1, CS7, CS12, CS24 and CS29

Supplementary Planning Guidance and Documents

Environmental Guidelines
Chilterns Design Guide

Representations

Little Gaddesden Parish Council

Objection:

Little Gaddesden Parish Council gave careful consideration to the proposal and have no objection to the resiting of the dwelling but do object to the eastern extension as it is out of keeping with the cottage style and characteristics of dwellings in the area.

Highways Authority

The Highway Authority does not wish to restrict the grant of permission subject to conditions relating to the set back of entrance gates and the storage and delivery of materials on the site.

Environmental Health

No objection

The Chiltern Society

No response

Fire and Rescue Service

No objection subject to a Section 106 to secure fire hydrants provision.

Response to Neighbour Notification

No comments received from local residents.

Considerations

Policy and Principle

The site lies within the Rural Area. Policy 23 of the DBLP allows for the replacement of existing dwellings in the Rural Area to be permitted provided that:

- (a) the original dwelling remains in place substantially as built, or it was occupied within the three years preceding the planning application; and
- (b) the proposed dwelling is not a replacement for temporary residential accommodation or a building constructed of short-life materials.

However, Policy 23 refers to consideration of a proposed replacement dwelling for an existing permanent building. The question therefore arises as to whether the mobile home can be legally described as a permanent building.

It is important to point out that neither the NPPF nor any planning policies provide a definition of a building.

There have been planning appeal examples where Planning Inspectors have stated that a mobile home is not a building.

Consequently, no justification has been found under Policy 23 to allow the proposed dwelling.

However, a number of appeals have been looked at regarding the Appeal Inspectors' Reports and to their justifications when they have allowed new dwellings to replace existing mobile homes. A number of these reports concluded that the replacement of mobile homes with permanent dwellinghouses in rural areas were allowed on the basis that 'they caused no harm to the countryside' and that the traditional form of 'the proposed dwelling would be a visually more pleasing feature within the surrounding area than the rather utilitarian design of the existing home', or that 'the proposed replacement bungalow would materially improve the visual appearance of the site'.

It is also important to note that within the AONB the NPPF requires "great weight" to be given to conserving landscape and scenic beauty of protected landscapes, including Areas of Outstanding Natural Beauty (paragraph 115). This stance substantiates the Inspectors' conclusions cited above.

Therefore in light of the above, consideration of this application should be based on whether or not there are any special circumstances to indicate that the proposed dwelling would be preferred on this site, rather than keeping the mobile home. The principle of a new dwelling has in fact already been established through the planning permission in 2013.

In comparing the size and appearance of the previously approved dwelling against that which is now proposed, the footprint of the proposed dwelling is slightly larger than the previous approval by 1.3 metres however this would still be smaller than the existing mobile home. In addition to this the ridge height would be 0.76m higher than the previously approved dwelling. However the proposed increase in height is not considered to have a more significant impact on the skyline than the previous approval. In addition to this there are other strong mitigating factors.

Firstly, the footprint would still be slightly smaller than the existing mobile home and therefore there would be no increase in its sprawl across the site. With a slightly smaller footprint the existing open space around the building and trees will be retained.

Secondly, the proposal would appear to be more attractive due to its materials, changing from a fairly flimsy rendered shell and metal windows under an unattractive concrete tiled roof, to elevations in red multi brickwork with some tile hanging with timber windows under a plain clay tiled roof.

Not only would these materials enhance the appearance of the dwelling as positioned centrally in its domestic plot, but this would also be more appropriate to the materials advocated for new dwellings in the AONB by the Chilterns Building Design Guide. It would therefore be more appropriate within its AONB setting supported by Policy 97.

A final consideration is the possible fallback position if the mobile home was retained on the site. The fallback position would mean that this mobile home could legitimately be replaced by another mobile home which could be significantly larger than the current one. Consideration then has to be given as to the visual harm this would have not only on encroaching on the Rural Area but also on the effect on the character of the AONB.

Therefore, it is concluded that despite this scheme not strictly complying with all of the criteria of Policy 23 that there is nevertheless material considerations to justify the proposed new dwelling on this site.

It should be noted that the footprint of the outbuildings would remain unchanged however there will be an increase in height of the garage structure by 1.5 metres.

However, in order to ensure that the proposed dwelling does not extend beyond that which may be approved here, it is important that Permitted Development (PD) rights are withdrawn by a planning condition. This will ensure there is control over future extensions. Therefore PD rights are removed for house extensions, alterations to the roof and also for outbuildings, given that there are ample outbuildings retained through this application.

Impact on Street Scene and the AONB

The site also lies in the AONB wherein Policy 97 only allows new development on the basis of its satisfactory assimilation into the landscape and ensuring that it would not adversely affect the beauty of the countryside.

The section above has demonstrated that the new dwelling would not be harmful on the appearance of the countryside.

In terms of design and materials, the Chilterns Design Guide has been adopted as Supplementary Planning Guidance.

The materials proposed for this dwelling, of brickwork, clay plain tiles and timber woodwork, complies with this guidance. In terms of the design the dwelling it has small gabled dormers, steeply-pitched timber porch and chimney breast which are all characteristic of dwellings in the AONB and in the Guidance.

Thus, the overall appearance of the proposed dwelling is one that would blend in well into the AONB countryside and would constitute an appropriate and visual improvement on the existing mobile home.

It is therefore concluded that the design complies with the aims and objectives of Saved Policy 97, and Core Strategy Policy CS24.

Finally, in terms of the street scene, whilst the ridge height will be slightly higher than the previous approval (4/00797/13/FUL) and 2.7m higher than the existing mobile home; the dwelling will be at least 15m from the front boundary, behind tall shrubbery and thus is not considered to have any significant impact on the street scene.

Impact upon Residential Amenity

There will be no impact on residential amenity. This house replaces the existing mobile home in the same location and there is a significant distance between the nearest house at The Brown House and a road and intervening hedgerows separate it from Saxons, opposite the site.

Other Material Planning Considerations

This application has clearly delineated the domestic curtilage thus removing any ambiguity as to its extent. It should be noted that the double garage as part of the existing elongated outbuilding, is contained within the domestic curtilage whilst the stabling and tack room is part of the small area of pasture land directly behind. This land forms part of the application whereas the large fields beyond are not included in the application site.

There would be no loss of vegetation on site through this proposal.

In terms of sustainability, an energy strategy report was submitted with this application which concluded that the building energy performance would be significantly improved over the normal Part L 2010 standards. This is welcomed.

Community Infrastructure Levy

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable.

The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £250 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development and to accord with adopted Core Strategy Policy CS12.

- 3 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, D, E and F
Part 2 Classes A, B and C**

Reason: To enable the local planning authority to retain control over the development which replaces a mobile home with an appropriately-modest, permanent residential dwelling within the existing defined domestic curtilage. The limited size and bulk of this dwelling accord with the NPPF and local plan policies. Therefore any increase in its size would be contrary to policies to safeguard the visual amenity and openness of this site within the Rural Area and AONB.

- 4 **The gates provided shall be set back a minimum of 5.5m from the back of the carriageway and shall open inwards to the site.**

Reason: To allow a vehicle to wait clear of the carriageway while the gates are being opened and closed in accordance with adopted Core Strategy Policy CS.

- 5 **All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.**

Reason: In the interest of highway safety and the free and safe flow of traffic to accord with adopted Core Strategy Policy CS9.

- 6 **The development hereby permitted shall be carried out in accordance with the sustainability statement within the Design & Access Statement.**

Reason: To ensure the sustainable development of the site in accordance with adopted Core Strategy Policy CS29.

- 7 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

Design & Access Statement

Site Plan

17978

1468.1D

1468.2C

1468.3C

1468.4A

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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 2015.