



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 13 AUGUST 2020 AT 6.30 PM
MICROSOFT TEAMS - MICROSOFT TEAMS**

This meeting of the Development Management Committee will be held remotely via the Microsoft Teams application.

Should any members of the public wish to join this meeting, please contact the Assistant Director (Corporate & Contracted Services) at member.support@dacorum.gov.uk by 5pm on Wednesday 12th August.

If you are having problems connecting to the virtual meeting, please phone the clerk on 01442 228490.

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Guest (Chairman)	Councillor Oguchi
Councillor C Wyatt-Lowe (Vice-Chairman)	Councillor Riddick
Councillor Beauchamp	Councillor R Sutton
Councillor Durrant	Councillor Uttley
Councillor Hobson	Councillor Woolner
Councillor Maddern	Councillor Tindall
Councillor McDowell	

For further information, please contact Corporate and Democratic Support or 01442 228209

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting (these are circulated separately)

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	5pm the day before the meeting.

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228209 or by email: Member.support@dacorum.gov.uk

The Development Management Committee will finish at 10.30pm and any unheard applications will be deferred to the next meeting.

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Management Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

Please note: If an application is recommended for approval, only objectors can invoke public speaking and then supporters will have the right to reply. Applicants can only invoke speaking rights where the application recommended for refusal.

5. INDEX TO PLANNING APPLICATIONS (Pages 5 - 6)

- (a) 4/02270/19/FUL - DEMOLITION OF EXISTING STORAGE BUILDING AND CONSTRUCTION OF NEW STABLE BLOCK AND ACCESS
Land On Featherbed Lane Felden Hemel Hempstead HP3 0BT (Pages 7 - 73)
- (b) 20/01657/FUL - INSTALLATION OF EXTERNAL LIGHTING TO THE SOUTH, EAST AND WEST FACADES OF THE MULTI-STOREY CAR PARK.
INSTALLATION OF LIGHT POSTS WITHIN THE DDA PARKING AREA. Public Car Park, Lower Kings Road, Berkhamsted (Pages 74 - 82)
- (c) 20/00887/FUL - PART SINGLE, PART TWO STOREY SIDE AND REAR EXTENSION AND CONVERSION OF THE DWELLING INTO TWO COTTAGES Martlets, The Common Chipperfield WD4 9BS (Pages 83 - 96)
- (d) 20/00227/FHA - DEMOLITION OF EXISTING OUTBUILDINGS AND CONSTRUCTION OF REPLACEMENT SINGLE STOREY RESIDENTIAL ANNEXE WITH ANCILLARY DRIVEWAY FROM EXISTING ACCESS ON HEMPSTEAD LANE FOR EMERGENCY VEHICLE USE ONLY Mollcroft, 69 Hempstead Lane, Potten End HP4 2RZ (Pages 97 - 112)
- (e) 20/01408/LBC & 20/01741/FHA - REMOVAL OF EXISTING PORCH AND CONSTRUCTION OF SINGLE STOREY SIDE EXTENSION Little Cheverells Cheverells Green, Markyate AL3 8AA (Pages 113 - 118)
- (f) 20/01014/FHA - REPLACEMENT FRONT DOOR 65 Charles Street Berkhamsted HP4 3DH (Pages 119 - 128)
- (g) 20/01582/FUL - RETENTION OF ENTRANCE GATES. Land Adjacent Two Bays Long Lane Bovingdon HP3 0NE (Pages 129 - 137)

INDEX TO PLANNING APPLICATIONS

Item No	Application No.	Description and Address	Pg No.
5a	4/02270/19/FUL	DEMOLITION OF EXISTING STORAGE BUILDING AND CONSTRUCTION OF NEW STABLE BLOCK AND ACCESS Land On Featherbed Lane Felden Hemel Hempstead HP3 0BT	
5b	20/01657/FUL	INSTALLATION OF EXTERNAL LIGHTING TO THE SOUTH, EAST AND WEST FACADES OF THE MULTI-STOREY CAR PARK. INSTALLATION OF LIGHT POSTS WITHIN THE DDA PARKING AREA. Public Car Park, Lower Kings Road, Berkhamsted	
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5f 20/01014/FHA REPLACEMENT FRONT DOOR
65 Charles Street
Berkhamsted
HP4 3DH

5g 20/01582/FUL RETENTION OF ENTRANCE
GATES.
Land Adjacent Two Bays Long
Lane Bovington
HP3 0NE

ITEM NUMBER: 5a

4/02270/19/FUL	Demolition of existing storage building and construction of new stable block and access	
Site Address:	Land On Featherbed Lane Felden Hemel Hempstead HP3 0BT	
Applicant/Agent:		Mr Davenport
Case Officer:	Jane Miller	
Parish/Ward:		Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Called in by Councillor Riddick	

1. RECOMMENDATION

That planning permission be GRANTED subject to conditions

2. SUMMARY

- 2.1 The application seeks permission for the demolition of an existing storage building and construction of a new stable block and access within the Metropolitan Green Belt.
- 2.2 The proposal is considered to preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Furthermore, the proposal would not have a significant impact on the appearance and character of the surrounding area, residential amenity of the surrounding properties and highway safety. The proposed development therefore complies with the National Planning Policy Framework (2019), Policies, CS5, CS12 of the Core Strategy (2013) and saved Policy 81 of the DBLP.

3. SITE DESCRIPTION

- 3.1 The application site is a rectangular plot of land of approximately 1.06 hectares in area (2.62 acres) located on the north side of Featherbed Lane within the Metropolitan Green Belt area.
- 3.2 Beyond the site lies a mixture of residential dwellings either within the Metropolitan Green Belt or the urban boundary of Hemel Hempstead. Featherbed Lane comprises large detached dwellings many of which have previously been extended. The north and west of the site backs onto residential properties off Sheethanger Lane except for a field to part of the western boundary.

4. PROPOSAL

- 4.1 This application seeks permission for the demolition of an existing storage building and construction of a new stable block.
- 4.2 The stableblock comprises: three stables, a tack room, hay store, feed room, WC, store, and tractor and equipment store.
- 4.3 Amended plans were requested to include:
 - reduction in size/scale of stables

- relocating the stableblock away from central position and closer to north west corner of site in accordance with Saved Policy 81.
- Further revised plans relocating the stableblock to avoid the root protection area (RPA) of the Oak Tree – TPO in line with the Tree Officer’s comments.
- Access area and amended location plan.

4.4 The application form originally received from the agent states the site area as 0.9 hectares, however the planning officer measures the site at approximately 1.06 hectares, and the agent has since confirmed that their architect measures the site at 1.07 hectares.

4.5 It should be noted that the chicken shed and more recent extension to the existing storage building has been dealt with under a separate retrospective planning application under reference 19/02959/FUL – refused, and does not form part of this application.

5. PLANNING HISTORY

5.1 Planning Applications (If Any): 19/02959/FUL (refused)

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4

Special Control for Advertisements: Advert Spec Contr

CIL Zone: CIL2 / 3

Former Land Use (Risk Zone): Sheethanger Lane Landfill, Felden, HH

Green Belt: Policy: CS5

LHR Wind Turbine

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m) & Red (10.7m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

EA Source Protection Zone: 3

Town: Hemel Hempstead

T1 Oak (Quercus robur) Adj E boundary; 17 fr SE corner

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS10 - Quality of Settlement Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction
DBLP81 – Equestrian Activities
DBLP99 – Preservation of Trees & Woodlands

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

9. CONSIDERATIONS

Policy and Principle

- 9.1 The National Planning Policy Framework (2019) paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.2 Policy CS5 – Green Belt (2013) states that The Council will apply national Green Belt Policy to protect the openness and character of the Green Belt. Within the Green Belt, small scale development will be permitted i.e. (a) building for the uses defined as appropriate in national policy, provided that it has no significant adverse impact on the character and appearance of the countryside; and (ii) it supports the rural economy and maintenance of the wider countryside.
- 9.3 Equestrian activities are controlled under saved Policy 81 of the DBLP, which states that small scale facilities will normally be permitted in the Green Belt, provided they meet a range of criteria including:
- (a) Equestrian facilities should be well located in relation to existing and proposed rights of way for equestrians;
 - (b) Equestrian facilities should be carefully integrated into the rural landscape by siting adjacent to existing buildings or features such as trees, woodlands or hedgerows;
 - (c) Any new buildings should be compatible in scale and design with countryside setting and ancillary to the overall equestrian use;
 - (d) The scale of activity should respect the countryside setting and quality of the surrounding area;
 - (e) Opportunities to extend or add links to the bridleway network and improve riders' safety should be taken;

- (f) Care attention should be paid to the design, maintenance and management of jumps and other equipment (including the desirability of removing these items when they are not in use); and
- (g) Availability of sufficient grazing in relation to the number of loose boxes and stable units.

Furthermore, under Policy 81, proposals should not result in subdivision of fields into small paddocks with stables and fencing in each area.

- 9.4 The proposal for a non-commercial single storey stable block for three horses is considered small scale and is supported by the Core Strategy CS5 and the NPPF which allows small-scale buildings for uses defined as appropriate in national policy. Equestrian facilities being one such use, subject to an assessment of its visual and spatial aspect. The scheme, as amended, is considered to comply with Policy 81.
- 9.5 The principle of development is therefore acceptable subject to compliance with the relevant national and local policies.
- 9.6 The key considerations in this application are the development's:
 - a. Impact on the Green Belt;
 - b. Effect on the character and appearance upon the immediate area;
 - c. Effect on the residential amenity of neighbouring properties; and
 - d. Impact on Highway Safety.

Introduction to Considerations

- 9.7 The application is for the demolition of the existing storage building and the construction of a new stable block and access. The facility is to be used by the owner and his family for personal use only for the keeping of their three pet horses, and not to be used for commercial purposes. A condition will be added to the decision notice in this respect.
- 9.8 The original application was submitted with the description '*The Demolition of Existing Stables and the Erection of a New Stable*'; however, it was apparent during the planning officer's site visit that the description was incorrect and that there was no existing stable on site. There was however a small existing open sided field shelter/storage structure, not suitable for keeping horses, in the north west corner of the site. Historic maps indicate that a shelter of this size was present in 1983.
- 9.9 Further, it was also noted that the recent extensions to either end of the above mentioned storage building and the chicken coup along the western boundary of the site had not been granted planning permission. Subsequently the planning department received a retrospective planning application (19/02959/FUL) for these more recent structures, which has been subsequently refused. These unlawful structures do not form part of this planning application.
- 9.10 Following the site visit, the planning officer therefore asked that the description be altered to reflect that the proposal is not for a replacement stable and that the agent

should remove the unlawful structures from the site plan, leaving only the original field shelter. It should be noted that, as the application has been amended during its considerations, the planning statement (as original) attached to this application now contains some incorrect information.

- 9.11 The agent confirmed that the existing lawful storage building will be removed if the current application is granted and a condition will be added to the decision notice in this respect.
- 9.12 The initial plans were considered unacceptable, with concern over the siting and size/bulk of the stable block, however following negotiations with the Agent, amended plans were receiving during the course of the application. Later revisions were sought following advice from the Tree Officer in respect of a TPO on an Oak Tree and to include provision for access.
- 9.13 Amended plans reduced the overall ridge height of the stable block by 700mm, and then a further 150mm, except for the equipment store. Hence the height of the structure is approximately 4.56 metres (eaves 2.2m), rising to a height of approximately 4.86m (eaves 2.4m) at the tractor and equipment store to accommodate the machinery/tractor height.
- 9.14 The planning officer relayed to the agent that a lower monopitch roof would be preferable. The agent responded that the height was developed on two basis, firstly to meet the appropriate height standards of the Equine Business Guide offering entrances 2.1m in height as is the stated minimum with a pitched roof allowing for sufficient head room of over the 3m minimum headroom, and secondly that given the high quality design standards in the area, his client is looking to achieve an appealing and above average design. The plans retained the proposed dual pitched roof. The agent also highlighted, as he had during the site visit, that on the neighbouring land to the east of the site, understood to be the property known as The Hive, there is a significant structure used for the storage of tractors and construction equipment.
- 9.15 The L-shaped stable block has a floor space of approximately 190 square metres. This includes three stables - each individual stable internally (measures approximately 4m width x 4 m depth); a tack room (5m x 2.9m), feed room (3.7m x 3.5m), hay stores (5.7m x 5m), and a tractor and equipment store (approximately 6.5m x 5.5m) all of which are considered reasonable facilities/resources for the day to day care and keeping of horses.
- 9.16 The applicant currently owns an Irish Sport 15-3; Conamara 14-2; and an Irish Pony 12-2.
- 9.17 Please note that the internal floor space of individual stables at 4m x 4m is smaller than that stated in the original planning statement received i.e. 4.6m x 4.6m. The Agent has advised that that the dimensions accord with the required standards for keeping three horses on site as stipulated in the Agro Business Consultants Equine Business Guide. The guide is 3.7m x 3.7m (horse); 3.7m x 4.3m (large horse); 3.7m x 3.0m (pony); 4.6m x 4.6m (foaling box).

- 9.18 By comparison, the British Horse Society guidance for the minimum stable size for a horse is 3.65m x 3.65m. Large horse 3.65m x 4.25m; ponies 3.05m x 3.05m); doors 1.25m wide; roofs high enough to provide adequate ventilation, there should be a reasonable clear space 0.6-1.0m to the roof above the withers of a horse in its normal standing position.
- 9.19 The proposed stables at 4m x 4m are therefore just above the minimum recommended for a horse.
- 9.20 Ventilation is required for the storage of hay etc. and the Agent has advised that whilst not open, the storage area will benefit natural ventilation from being a wooden structure.
- 9.21 In terms of materials the proposed stable block would be constructed externally using the following schedule of materials:
- Reclaimed plain clay roofing tiles
 - Natural timber weatherboard cladding (i.e. untreated, allowed to oxidise)
 - Oak posts and frame (as weatherboard)
 - Soft red facing brick plinth (Durham Red Multi Stock from EH Smiths at Bovingdon)
- 9.22 The foundations will be a reinforced concrete raft, due to the proximity to tree roots, designed by PCDS of Chesham.
- 9.23 It is understood that the site has historically been used for grazing 2/3 horses. Saved Policy 81 seeks to ensure the availability of sufficient grazing in relation to the number of animals. Notwithstanding the short fall on grazing land, as it is noted that the site at approximately 1.06 hectares (2.62 acres) falls slightly short of the recommended one acre per horse, the applicant is satisfied that that the area is large enough to graze this three horses and additional feed will be provided as necessary.
- 9.24 According to the site location plan there is an existing fence running across the site from east to west, with a gap for movement, such fences can be erected under permitted development. Additional fencing will be controlled by way of condition.
- 9.25 The agent has provided a map showing the rights of way for equestrians in the area in accordance with Saved Policy 81(a).

Green Belt Impact Assessment

- 9.26 As stated above the provision of a small-scale outdoor recreation facility is not considered to be inappropriate development in the Green Belt in accordance with paragraph 145 of the NPPF, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.27 In visual terms, it is not considered that the proposed stable and hardstanding would be harmful to the openness of the Green Belt. The structure would be sited close to but below the existing boundary and tree line, in a natural dip in the land whereby the stableblock would be seen against the backdrop of the substantial mature trees and fencing which line the boundary to the north-west deemed less visible from the

access point. Further, with the exception of the access gate, mature Trees and hedgerow line the boundary with Featherbed Lane reducing the visibility from the highway to the stables thereby minimising any significant harm.

- 9.28 Having all the essential store rooms under one roof within the stable block is considered less impactful on the character of the area and better aesthetically than the use of multiple temporary storage containers / open air storage of equipment. The facility will also enable secure storage of all resources and equipment including the tractor which if stored on site results in less impact on the highways. The position of the structure also increases natural surveillance over the site.
- 9.29 It is understood from the agent that the tractor and trailer will be used to transfer feed / bedding etc. around the site including from the access gate to the stables, keeping vehicles movements to a minimum and that no hard surface track is therefore necessary on this site. Any additional surface would impact the openness of the Greenbelt and will be addressed within the landscaping condition.
- 9.30 Additionally, the high quality of materials to be used, including a new oak frame with untreated weatherboard cladding are considered appropriate for an equestrian facility, blending into this semi-rural Green Belt setting and give it a less substantial visual appearance.
- 9.31 The stable block has a floor space of approximately 190 square metres, the additional hard standing at the access is approximately 10m x 3.6m. The choice of material used for the access to be conditioned to reduce its impact. It is also preferable to have an area of hard surfacing by the access versus and road/track leading all the way to the stableblock in terms of openness of the Green Belt.
- 9.32 In respect of the yard, it is accepted that a hard surfaced apron will be required immediately in front of the stable. However, such hard surfacing, which is a reasonable requirement associated with a stable block, would have no impact on the openness of the Green Belt, due to its obvious lack of height and its siting immediately adjacent the stable block. Furthermore, a condition requiring, prior to occupation of the stables, full details of both hard and soft landscape work will be added to the decision notice. This will include details of all external hard surfaces within the site, including the yard to avoid unnecessary hardstanding and to preserve the openness of the Green Belt.
- 9.33 In spatial terms, it is considered that the new stableblock and access would not be harmful to the openness of the Green Belt. The site is just within the Green Belt boundary and except for an adjoining field along part of the western boundary closest to Featherbed Lane and the access, the site is immediately surrounded by, and positioned within an existing established low density area of built structures. These are mainly substantial detached residential dwellings within generous plots along Sheethanger Lane to the north and Featherbed Lane to the south. The agent advises that there is also a significant storage structure to the east at neighbouring property, understood to be known as The Hive.
- 9.34 It is accepted that 'openness of the Green Belt' comprises both a visual and spatial element (*Turner v Secretary of State for Communities and Local Government*

[2016]). Case law (*Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC* [2018]) has established that “whether the development would ‘preserve’ the openness of the Green Belt” does not mean that a proposal can only be regarded as ‘not inappropriate in the Green Belt’ if the openness of the Green Belt would be left entirely unchanged; rather, the verb ‘preserve’ should be understood in the sense of “keep safe from harm” – rather than “maintain (a state of things)”.

- 9.35 Overall, for the reasons stated above, it is considered that the proposed development preserves the openness of the Green Belt.
- 9.36 The second element which needs to be considered is whether the development would conflict with the purposes of including the land in question within the Green Belt.
- 9.37 Paragraph 134 of the NPPF state that the Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.38 Full consideration has been given to the above points. The proposal would not result in the unrestricted sprawl of a large built-up area, would not result in neighbouring towns merging into one another; would not be at odds with safeguarding the countryside from encroachment due to the stable block being located at the rear of the site near the boundary in accordance with Policy 81, and that such a facility is expected within the countryside; there are no historic towns in close proximity to the application site; and would not prejudice the recycling of derelict and other urban land.
- 9.39 In conclusion, this proposal for a small scale stableblock for private use is considered to fall within the list of development stated as not inappropriate in the Green Belt in paragraph 145 of the NPPF. Furthermore, the development would preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 9.40 Overall, therefore, the proposal is considered to accord with Saved Policy 81, Policy CS5 of the Core Strategy and the NPPF.

Effect on Appearance and Character of Area

- 9.41 Dacorum's Core Strategy Policy CS12 (Quality of Site Design) states that development within settlements and neighbourhoods should integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials. Chapter 12 of the Framework emphasises the importance of good

design in context and, in particular, paragraph 130 states permission should be refused for development of poor design that fails to improve the character and quality of an area.

- 9.42 The scale, design and materials of the stable block proposed are considered acceptable for its use and in keeping with the character of this semi-rural site within the Green Belt.
- 9.43 The stable block is also set far back into the site, towards the north-west corner, approximately 103m from the road. As such, it would not be viewed from clear public vantage points along Featherbed Lane until right at the site and therefore has no impact on the character and appearance of the locality.
- 9.44 It is acknowledged that dual pitched roofs can be acceptable for stableblocks for example a stable block at Badgerdell House, in Chipperfield, (granted under planning reference 4/00824/16/FUL) has a dual pitched roof, height of 5.2m rising to 5.7m (eaves 2.7m).
- 9.45 Therefore, it is considered that the proposal would be generally sympathetic and in keeping with the surrounding area, respect adjoining properties and would therefore result in no significant adverse effects on the character and appearance of the area. This accords with the local and national policies mentioned above.

Effect on Residential Amenity

- 9.46 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed development should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light, privacy and disturbance.
- 9.47 We have received letters of objection from adjacent neighbours in respect of the proximity of the stables to their dwellings and concerns with possible loss of privacy and disturbance. There is concern from Oakwood that, if there are people of site most of the day, the owners of Oakwood would suffer lack of privacy on the NW side, to their kitchen and master bedroom, as well as excessive noise.
- 9.48 Approximate measurements of adjacent dwellings to the stable block using DBC mapping system: Oakwood: 28m to stable block (19m from Oakwood to the site boundary); Felden Lawns 36m to stable block (directly across Felden Close garden) (30m from Felden Lawns to site boundary and 12m from boundary to stable); Chaileys: 45m to stable block. The Ordnance Survey mapping system and submitted site plans show Chaileys adjoining the site, however the site plan for

planning reference 19/02587/FUL shows that the land adjacent to the north-west corner of the site is part of Felden Lawns rather than Chaileys which is understood to be correct. Additionally two new dwellings have recently been granted to the rear of the property known as Felden Close under planning reference 19/02587/FUL. Plot A 29m to stable block (21m to the boundary), and Plot B 30m to stable block

- 9.49 Approximate measurements of adjacent dwellings to the south of the site access using DBC mapping system: One access to Highfield House is opposite the site access (27m from access to Highfield house), and 60m from access to entrance at Highlands.
- 9.50 In May 2020, having not received any comments from earlier consultations, the planning officer contacted the Environmental Health Officer in respect of residents' concerns of noise and disturbance. The Environmental Health Officer response included '*I have no concerns regarding this development site. I did not provide a response in the first instance as it had not presented concerns to ECP. We have a number of stable premises across DBC that since my tenure here have rarely caused issue, if at all. I am unaware of stable block causing issues regarding noise from horses*'.
- 9.51 The ECP also stated that the agent's statement '*identifies the site will be used to stable 3 horses and as such doesn't represent substantial development. It appears quite modest in size and scale. It also appears appropriate for the siting of this use in a rural setting, as is typical of stabling facilities*'.
- 9.52 In respect of loss of privacy it is considered that there is an adequate separation between the single storey stableblock and neighbouring residential dwellings. It should also be noted that Saved Appendix 3 of the DBLP concerns the layout and design of residential areas and therefore there are no privacy standards in respect of stable blocks, which by their very nature would have a more intermittent use. In that respect it is also worth noting that, whilst there was previously no stable block on site, the site has been used for grazing horses.
- 9.53 Overall, it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight, loss of privacy or disturbance. It is therefore considered that the proposal accords with Policy CS12.

Access and Parking

- 9.54 The site is entered/exited via an existing gated access point off Featherbed Lane to the south-west as shown in the Agent's planning statement. Alterations are proposed to the access which will enable vehicles and trailers to pull fully off the highway before opening up the access gate and thereby avoiding blocking Featherbed Lane. The altered access with new hardstanding area approximately 10m x 3.6m is shown on drawing 2772.02 G.

- 9.55 The planning officer clarified to the Highways Officer that the application is not a replacement stable block but the demolition of an existing storage building and construction of a new stable block. HCC were also advised that whilst the land has previously been used for horses there are currently none on site.
- 9.56 The highways officer requested further details in respect of the usage of the access. The agent's email response stated: Deliveries of bedding and feed would occur once a month. The delivery vehicle would drive into the site and turnaround to egress in a forward gear. The tractor would collect bedding and feed from the gate and take them to the stables. Regarding equestrian husbandry, the applicants would visit the site twice a day. However, the applicant lives close to the site and most of these journeys would happen on foot.
- 9.57 HCC as Highway Authority has considered that the proposals would not have an unreasonable impact on the safety and operation of the surrounding highway network. The development is unlikely to result in a significant change in the number of vehicles using the site, particularly as the plans are the replacement of an previous use and low level of vehicular movements proposed (one delivery vehicle movement a month and occasional vehicle movements by the applicant, although most visits by the applicant to the stables would be on foot). HCC has no objections or further comments on highway grounds to the application, subject to the inclusion of a condition regarding the provision and retention of the vehicular access and gates, as well highway informatives.
- 9.58 Hertfordshire Highways asked for a Construction Management plan which was subsequently received from the Agent. HCC's response states: *'The general details as laid out in the Construction Management Plan are acceptable. HCC as Highway Authority would recommend that the proposed improvements to the access are made prior to the construction of the stable buildings'*. This will be specified in the conditions.

Other Considerations

Trees and Woodlands

- 9.59 The stable block was re-positioned from its original rear centre position within the plot further towards the north west corner of the site, hence closer to the existing boundary / tree line and thereby considered to integrate more into the rural landscape thereby according with Saved Policy 81 (b).
- 9.60 However, there is a TPO Oak Tree on site situated on the western boundary. No response was received from the Trees & Woodlands Department to the formal consultations of 12.12.2019 and 12.02.2020. The planning officer further contacted the Trees and Woodlands Department in April 2020 for clarification over the position of the structure and concern for the root protection area (RPA) of the Oak Tree (TPO) overhanging the western boundary (understood to be sited within Oakwood). Following discussions with the tree officer and agent, the planning officer requested and received an amended plan moving the structure 5m to the east away from the root protection area of the Oak Tree ensuring the 15m minimum is met. The agent

also confirmed that the foundations will be a reinforced concrete raft, due to the proximity to tree roots, designed by PCDS of Chesham details of which will be conditioned.

- 9.61 Further, the Tree Officer confirmed that as the proposal involves fairly minor ground works, and that the 15m RPA can be maintained that would be sufficient and no tree survey would be required.
- 9.62 The Tree Officer also commented that Oak leaves are poisonous to horses, so the stable owner will also have to apply for crown lifting works. He went on to confirm that the Trees and Woodlands Department would not refuse but that it might be sensible to think about granting repeat works under one application when received.
- 9.63 Following concern from neighbours that the applicant has removed trees from the site boundary, the planning officer contacted the Tree Officer for clarification. On the 28.04.2020 the Tree Officer advised that trees which have been removed were not protected and therefore no breach has occurred. He also confirmed that several conversations with the Planning Enforcement Officer had occurred previously in this respect, and that the Trees and Woodlands department did not consider appropriate further protection in respect of trees on the site as they consider that the boundary trees were not prominent in wider views of the landscape.

Contamination / Noise and Odour

- 9.64 No objection in respect of land contamination from the Council's ECP team.
- 9.65 No formal response received in respect of noise and odour, however following concern from neighbours the planning officer contacted the Environmental Health officer again in April for clarification. Full comments can be seen below, however the response confirmed that they have no concerns regarding this development in respect of noise, and added that storage of horse manure may present an odour issue, but given the size of the site footprint this could be organised in such a way as to store away from residential properties or managed. Should there be future unacceptable noise or odour disturbance this could be dealt with through the appropriate environmental legislation.

Letters of objection from local residents and from planning consultants

- 9.66 The Council has received many letters of objection and concern to this proposal from local residents and interested parties, plus two reports received from planning consultants on behalf of local residents. Firstly from James Holmes Aitchison Raffety and secondly, from David Lomas MSC Planning Associates – these will be attached as Appendix C to this report.
- 9.67 I have summarised the objections/concerns and responded below:

Green Belt Policy

- 9.68 Proposal not compliant with Green Belt Policy – See main body of report.

9.69 Previously Developed Land (PDL) and Very Special Circumstances (VSC) have not formed part of the assessment as the principle of development on this Green Belt site for a small-scale non-commercial equestrian facility is considered appropriate development as it preserves the openness of the Green Belt and does not conflict the purposes of including land in the Green Belt.

Incorrect address

9.70 In the absence of an existing land parcel for this site, the site address was initially set up during the validation process using the nearby land parcel for Highlands. Highlands should not have been used as part of the wording for the site address and this was remedied when the planning officer became aware of the issue.

Description

9.71 The Council received comments that the description of the development proposals was incorrect. This matter has been covered in the main body of the report.

Site notice

9.72 The application was re-allocated to the current planning officer at the end of November 2019 following the departure from DBC of the original officer. The current planning officer put up the site notice near the access gate on the same day as her site visit on the 21.11.19. No further site notices were put up, this is in line with our usual procedure.

Boundary Fence, tree and hedgerow removal, and ecology, GB should be protected

9.73 The following issues do not form part of the considerations for this stable block and access application, however we understand that many trees, shrubs and hedgerows have already been cut down on the site by the current owner and we have received many letters from concerned neighbours in this respect and any possible effect on wildlife, flora and overall biodiversity. The tree officer was contacted for comment and he has confirmed that the trees are not protected, and therefore no breach has occurred. He also confirmed that there have been previous discussions on this subject, which I understand began prior to the current application and that the Trees and Woodlands department did not consider appropriate further protection was required in respect of the trees on this site it was considered that the trees were not prominent in wider views of the landscape.

9.74 There have also been many letters of objection in respect of the residential type boundary fence which was erected on the boundary prior to this application. One objection was received stating that the residential featherboard fencing around half of the perimeter blocks the field from Oakwood, which makes it unlawful as affecting the openness of the field and its role in preventing urban sprawl.

9.75 The agent has confirmed that 1.8m high fencing has been erected under permitted development on the northern boundary between the site and residential curtilages to safeguard amenities. Further, the post and wire fencing along the southern boundary by the road will be retained. The agent intends to erect electric fencing within the field to create paddocks, details of which will be required for approval by a landscaping condition.

9.76 To confirm, the fencing which was erected prior to the application, does not form a material consideration as part of this proposal.

Oak Tree (TPO)

9.77 There is an Oak Tree overhanging the western boundary of the site, which I understand stands within the gardens of Oakwood. With concern in respect of the Root Protection Area the planning officer contacted the Tree Officer and subsequently amended plans were requested and received moving the Stable block clear of the Oak Tree's root protection area (RPA).

9.78 Several of the objectors have highlighted that Oak Trees – Acorns are toxic to horses. As mentioned above, the Tree Officer addressed this with the advice that the stable owner will also have to apply for crown lifting works. He went on to confirm that the Trees and Woodlands Department would not refuse but that it might be sensible to think about granting repeat works under one application when received.

Subdivision of land

9.79 During my site visit I noted that there is a fence across the site, with an open access point. It is not unreasonable for an equestrian use of the land to wish to have separate areas, many paddocks are subdivided.

9.80 Policy 81 states that proposals should not result in subdivision of fields into small paddocks with stables and fencing in each case. A landscaping condition will be added to the decision in respect of any additional fencing/enclosure.

History of site / use of land

9.81 Some letters of objection have commented that horses have never been on this site, and other have questioned the amount of time that it has been used for horses, or that the land is agricultural and not equestrian use, including the objection received from James Holmes, Aitchison Raffety on behalf of an local resident.

9.82 However whilst it is acknowledged that there is no existing stable block, just a field shelter, the agent stated within the planning statement that the landholding is currently utilised for equestrian husbandry. The agent later advised by email that the previous owners rented the land to a local family who used the site for equestrian purposes, "*Our client purchased the land on the 9th November 2016 and the rental agreement for the tenant ran until April 2017. This tenant used the land for equestrian purposes in excess of 5 years*". The agent further advised that they have spoken to the previous tenant who has advised that the site was used for equestrian purposes for at least 10 years before his tenancy started.

9.83 Further, it was confirmed to the planning officer by a local resident that the paddock had been rented for years.

9.84 The planning officer has viewed historical aerial maps (years 2000, 2006, 2010, 2016) which show no evidence of agricultural use, whereas ploughed areas associated with crops can clearly be identified at the nearby farm to the east.

9.85 The land was used for horses before and horses now and therefore there is no material change of use of the land to consider. A change of use from Agriculture to

Equestrian does not form part of this application and we have not received a LDE application in respect of use, however equestrian is considered an acceptable use of land in this area, and would be lawful after a 10 year period as stated by the agent.

- 9.86 If the proposal does represent a material change of use from agriculture or a nil use to a leisure/equestrian use, which is not considered to be the case, then that would still not be inappropriate development in the Green Belt in accordance with para 146 of the NPPF. The movement of horses around the site has no difference in terms of its impact on the openness of the Green Belt, whether grazing the land or as an equestrian use associated with the stables.

Receipt of amended plans

- 9.87 Comments have been received that the agent has been allowed to keep submitting revised plans and given special treatment. However, negotiations between planning officers and agent/applicants, and receipt of revised plans and additional information is a natural part of many a determination process, deemed necessary to achieve a scheme which can be considered acceptable. It is also not unusual for an application to run beyond the original determination period especially on a complex site such as this.
- 9.88 In respect of this planning application the revisions were requested by the planning officer. The changes includes reducing the bulk of the structure, re-positioning the structure closer to the boundary considered to further comply with Saved Policy 81. Later, following advice from the Tree Officer we asked that the structure be moved away from the Root Protection Area of the nearby Oak Tree which is protected by a Tree Protection Order. The officer also asked for more details of the access / gate area prior to determination, which would otherwise need to be conditioned to be submitted and approved by the LPA at a later date.

Size of Site

- 9.99 It is understood that the site has historically been used for grazing 2/3 horses. Saved Policy 81 seeks to ensure the availability of sufficient grazing in relation to the number of animals. Notwithstanding the short fall on grazing land, as it is noted that the site at approximately 1.06 hectares (2.62 acres) falls short of the recommended one acre per horse, the applicant is satisfied that that the area is large enough to graze this three horses and additional feed will be provided as necessary.
- 9.100 One of the neighbours commented that the proposed access hard surfacing would reduce the size of the grazing area. However, this reduction is very minimal in the context of the land overall. Furthermore, from a Highways safety perspective it is important that vehicles visiting the site are able to pull fully off the highway, hence as drawing 2772.02 G shows the position of the new gate has been moved back into the field 10m and an area of hardstanding introduced adjacent to the Featherbed Lane. The new fencing surrounding this area has been revised as to retain as much grazing area as possible.
- 9.101 It is understood from the agent that the tractor and trailer will be used to transfer feed / bedding etc. around the site including from the access gate to the stables, keeping vehicles movements to a minimum and that no track is therefore necessary on this site.

Size of Stable Block

- 9.102 Objections that the equestrian facility is inappropriate because of its scale, bulk and massing; detrimental to the openness of this Green Belt site; that the scale of the building seems to conflict with the stated intended use; described as grossly disproportionate to the size of the field; and is inappropriate development in the Green Belt.
- 9.103 In terms of the size of the equipment store the agent advised it will be used to house the minimum requirements for the upkeep of a stable including tractor, post-driver, grass cutting, turning and bailing equipment. This storage on site would avoid the need for a track. Comments in respect of the size of individual stables/facility – please see above.

Concern over future application for residential development

- 9.104 There has been much concern that the applicant will in future apply for a change of use to residential, and that the position, shape and size of the stable block is more akin to a residential development; that the pitched roof would allow for a loft conversion into bedrooms.
- 9.105 It is important to note that each case must be taken on its own merits, and we cannot take into consideration what may have happened in the past, and what may or may not happen in the future. This application, is for a non-commercial, small scale single storey stable block in the Green Belt, which in principle is not deemed as inappropriate development as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. This planning application reference 4/02270/19/FUL has therefore been assessed accordingly using the current relevant planning policy.

Odour

- 9.106 Covered in main body of report.

Access to site / increase in traffic

- 9.107 It is acknowledged that Featherbed lane is single track in parts, and we have received objections with concern including for an increase in traffic, safety issues, pollution, mud on road, lack of public transport, lorries already eroding road surfaces and kerbs, commuters are using the lane as a rat run and that there has already been a large development at one end of Featherbed Lane.
- 9.108 Please see main body of report.

Second access onto the site

- 9.109 We received a letter concerned that a new unlawful access onto the highway may be created. This does not form part of this application and has not been considered as part of the current application.

Visibility and position of stables close to Dwellings

- 9.110 See main body of report.

CIL Liable

9.111 The scheme is not CIL liable

10. CONCLUSION

10.1 Based on the size and scale of the stables proposed, this proposal can therefore be considered as small scale and appropriate development in the Green Belt. Further, given the siting of the structure and history of the site, overall it is considered that the proposal would preserve the openness of the Green Belt.

10.2 There would be no significant harm to the residential amenities of surrounding properties, the character of the locality, or highway safety.

10.3 The proposal is considered to be acceptable.

11. RECOMMENDATION

11.1 That planning permission/listed building consent be granted, subject to the following conditions:

Condition(s) and Reason(s):

1. **The development hereby permitted shall begin 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. **Notwithstanding the details shown on the approved plans, the materials to be used for the construction of the external surfaces of the stable block hereby approved shall comprise the following:**

- **Reclaimed plain clay roofing tiles.**
- **Natural timber weatherboard cladding (i.e. untreated, allowed to oxidise).**
- **Oak posts and frame (as weatherboard).**
- **Soft red facing brick plinth (Durham Red Multi Stock from EH Smiths at Bovingdon).**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Borough Core Strategy 2013.

3. **Prior to occupation full details of both hard and soft landscape works to be submitted to and approved in writing by the Local Planning Authority. These details shall include:**

all external hard surfaces within the site;
areas of hard surfacing adjacent to the stable block and at the access;
other surfacing materials;
means of enclosure / fencing / subdivision;

**details of any external lighting ;
trees to be retained and measures for their protection during construction works.**

There shall be no other hardstanding, tracks, fencing or means of enclosure other than that approved by the Local Planning Authority through the discharge of this condition.

The approved landscape works shall be carried out prior to the development first being brought into use.

Reason: To preserve the openness of the Green Belt and to ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS5 and CS12.

4. **Prior to the construction of the stable buildings hereby permitted, the vehicular access and gates shall be provided as shown on the approved plan drawing numbers 2772.02G and permanently maintained. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in accordance with Saved Appendix 5 of the Dacorum Borough Local Plan.

5. **The stables hereby permitted shall not be used for any business or commercial use.**

Reason: For the avoidance of doubt and to safeguard the rural character of the area in accordance with Saved Policy 81 of the DBLP.

6. **Prior to any construction works to the Stable Block hereby permitted, details of the foundations shall be submitted to and approved in writing by the Local Planning Authority. The foundations shall then be carried out in accordance with the approved details.**

Reason: In the interest of the preservation of the adjacent Oak tree in accordance with Saved Policy 99 of the Dacorum Borough Local Plan.

7. **Within three months of the commencement of the development hereby approved the existing storage building will be removed and all arising materials shall be removed from the site.**

Reason: To accord with the approved plans and for the avoidance of doubt in accordance with Policy CS5 of the Core Strategy.

8. **When not in use, no jumps or equipment shall be stored externally.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS12 of the Core Strategy and Policy 81 of the Dacorum Borough Local Plan.

9. **No external storage, no mobile structures, caravans shall be placed on the land.**

Reason: To preserve the openness of the Green Belt in accordance with Policy CS 5 of the Core Strategy.

10. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**2772.01 rev B site location plan
2772.02 rev G site plan
2772.03 rev A floor plan
2772.04 roof plan
2772.05 rev B elevations
2772.DIMS floor plan dimensions
2772.TPO A plan showing TPO tree relative to proposals
2772.FG entrance gate and fence detail**

Construction management plan received 22.05.2020

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. **HIGHWAY INFORMATIVES:**

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

3. Highways Informative

AN) Construction standards for amended access: Where works are required within the public highway to facilitate the new vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website. <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/drop-ped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	The general details as laid out in the Construction Management Plan are acceptable. HCC as Highway Authority would recommend that the proposed improvements to the access are made prior to the construction of the stable buildings.
Hertfordshire Highways (HCC)	<p>Location Land on north side of Featherbed Lane, Opposite Whitelocks - Highfield House, Felden, HP3 0BT</p> <p>Application type Full Application Proposal</p> <p>Demolition of existing storage building and construction of new stable block and access</p> <p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following condition:</p> <p>1. Amended Access: Prior to the first use of the development hereby permitted the vehicular access and gates shall be</p>

provided as shown on the approved plan drawing numbers 2772.02G and permanently maintained.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

HIGHWAY INFORMATIVES:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

COMMENTS / ANALYSIS:

The application comprises of the demolition of the existing storage building and erection of stables on land at Featherbed Lane, Feldon, Hemel Hempstead. Featherbed Lane is designated as a classified C local access road, subject to a speed limit of 60mph and is highway maintainable at public

expense.

There is an existing vehicle access into the site from Featherbed Lane, which is to be utilised. The existing access is to be amended through the creation of a handstanding area and relocation of the vehicular entrance gates, which would be set back a sufficient distance to enable a vehicle to stand clear of the highway whilst the gate(s) are being opening and/or closed. The proposed arrangements are considered to be acceptable.

Although not specifically included in the application, if there are any works required on the highway land at the entrance to the site, the applicant would need to enter into an agreement with HCC as Highway Authority in relation to any works required on highway land:

AN) Construction standards for amended access: Where works are required within the public highway to facilitate the new vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website.

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047

HCC as Highway Authority has considered that the proposals would not have an unreasonable impact on the safety and operation of the surrounding highway network. The development is unlikely to result in a significant change in the number of vehicles using the site, particularly as the plans are the replacement of an previous use and low level of vehicular movements proposed (one delivery vehicle movement a month and occasional vehicle movements by the applicant although most visits by the applicant to the stables would be on foot).

	<p>HCC has no objections or further comments on highway grounds to the application, subject to the inclusion of the above informatives and condition.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Proposal Demolition of existing stables and construction of new stable.</p> <p>Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. Construction Management The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and facilities to restrict the generation of dust and mud from the site proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan/Statement and the approved details are to be implemented throughout the construction programme. Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>HIGHWAY INFORMATIVES: HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.</p> <p>AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047</p> <p>COMMENTS / ANALYSIS: The application comprises of the demolition of the existing stable building and erection of replacement stables on land at Fetherbed Lane, Feldon, Hemel Hempstead. Featherbed Lane is designated as a classified C local access road, subject to a speed limit of 60mph and is</p>

	<p>highway maintainable at public expense.</p> <p>There is an existing vehicle access into the site from Fetherbed Lane, which would remain unaltered.</p> <p>HCC as Highway Authority has considered that the proposals would not have an unreasonable impact on the safety and operation of the surrounding highway network. The development is unlikely to result in a significant change in the number of vehicles using the site, particularly as the plans are the replacement of an existing use.</p> <p>HCC has no objections or further comments on highway grounds to the application, subject to the inclusion of the above informatives and condition.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>01.05.2020</p> <p>I have no concerns regarding this development site. I did not provide a response in the first instance as it had not presented concerns to ECP. We have a number of stable premises across DBC that since my tenure here have rarely caused issue, if at all. I am unaware of stable block causing issues regarding noise from horses.</p> <p>I've re-read the D&A which states the site is</p> <p>"currently used as stable facilities however the current structures are in a state of disrepair and are no longer fit for purpose. As a result, the applicant is having to keep their horses and equipment at a separate location which they have to commute to each morning along the country lanes. The applicant is currently having to store their tractor in the open at Dawes Lane is Saratt of which there has been the attempted theft of".</p> <p>It also identifies the site will be used to stable 3 horses and as such doesn't represent substantial development. It appears quite modest in size and scale. It also appears appropriate for the siting of this use in a rural setting, as is typical of stabling facilities.</p> <p>Storage of horse manure may present an odour issue, but given the size of the site footprint this could be organised in such a way as to be stored away from residential properties or managed. Again very few concerns from this aspect of the site as well, noting small scale.</p>
<p>Trees & Woodlands</p>	<p>24.04.20</p> <p>No mention of TPO trees in the app documents, and no measurements in</p>

	<p>relation to the stable position from boundaries.</p> <p>On a development site, we'd ask for a tree survey / constraints plan / etc. This would show whether the RPA of a protected tree was going to be significantly affected by any encroachment.</p> <p>Is the base / foundation of the proposed stable known? If it's a fairly light-weight structure, potential RPA infringement wouldn't be too bad. A raft foundation, with levels built up, would also help mitigate potential RPA encroachment.</p> <p>28.04.20 Given the size and status of the Oak, it would be beneficial in the longer term to shift the stables slightly away from it. The mention of a 15m cap to a RPA is correct, so this should be the minimum. However, it may be helpful to the stable owner if the stables themselves were slightly further away as the canopy won't adhere to that distance and may grow over / into the structure.</p> <p>Worth noting that Oak leaves are poisonous to horses, so the stable owner will also have to apply for crown lifting works. We wouldn't refuse but might be sensible to think about granting repeat works under one application when received.</p> <p>Other than the above advice, no other issues.</p> <p>28.04.20 (iro whether tree survey required) If this was a big development site, a tree survey would be appropriate. However, this app involves fairly minor ground works so if the 15m RPA can be maintained, that would be sufficient.</p> <p>28.04.2020 Removed trees have gone - no protection, no breach. We were asked via planning enforcement about further protection on the site but my colleague did not consider it appropriate as public visibility is actually fairly low. I had a similar enquiry months before Planning Enforcement asked, and came to same conclusion - the boundary trees aren't prominent in wider views of the landscape.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>01.06.2020 in response to planning officer email</p> <p>I have no concerns regarding this development site. I did not provide a response in the first instance as it had not presented concerns to ECP. We have a number of stable premises across DBC that since my tenure here</p>

	<p>have rarely caused issue, if at all. I am unaware of stable block causing issues regarding noise from horses.</p> <p>I've re-read the D&A which states the site is</p> <p>"currently used as stable facilities however the current structures are in a state of disrepair and are no longer fit for purpose. As a result, the applicant is having to keep their horses and equipment at a separate location which they have to commute to each morning along the country lanes. The applicant is currently having to store their tractor in the open at Dawes Lane is Saratt of which there has been the attempted theft of".</p> <p>It also identifies the site will be used to stable 3 horses and as such doesn't represent substantial development. It appears quite modest in size and scale. It also appears appropriate for the siting of this use in a rural setting, as is typical of stabling facilities.</p> <p>Storage of horse manure may present an odour issue, but given the size of the site footprint this could be organised in such a way as to store away from residential properties or managed. Again very few concerns from this aspect of the site as well, noting small scale.</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Location Land on north side of Featherbed Lane Opposite Whitelocks - Highfield House Felden HP3 0BT</p> <p>Application type Full application Proposal</p> <p>Demolition of existing stables and construction of new stable. Amendment Amendment to proposal https://planning.dacorum.gov.uk/publicaccess/ Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. Construction Management The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and facilities to restrict the generation of dust and mud from the site proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan/Statement and the approved details are to be implemented throughout the construction programme. Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in</p>

	<p>accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>HIGHWAY INFORMATIVES: HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.</p> <p>AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047</p> <p>COMMENTS / ANALYSIS: The application comprises of the demolition of the existing stable building and erection of replacement stables on land at Fetherbed Lane, Feldon, Hemel Hempstead. Featherbed Lane is designated as a classified C local access road, subject to a speed limit of 60mph and is highway maintainable at public expense.</p> <p>There is an existing vehicle access into the site from Fetherbed Lane, which would remain unaltered.</p> <p>HCC as Highway Authority has considered that the proposals would not have an unreasonable impact on the safety and operation of the surrounding highway network. The development is unlikely to result in a significant change in the number of vehicles using the site, particularly as the plans are the replacement of an existing use.</p> <p>HCC has no objections or further comments on highway grounds to the application, subject to the inclusion of the above informatives and condition.</p>
Environment Agency	No response received.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
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16	38	1	36	1
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Neighbour Responses

Address	Comments
Cobbes Sheethanger Lane Felden Hemel Hempstead Hertfordshire HP3 0BG	<p>The two planning applications :</p> <p>4/02270/19/FUL Demolition of existing stables and construction of new Stable. Land On Featherbed Lane Felden Hemel Hempstead HP3 0BT</p> <p>and</p> <p>19/02959/FUL Retrospective application for extensions to stable block and placement of a chicken coup Land At Featherbed Lane Felden Hemel Hempstead Felden HP3 0BT</p> <p>refer to the same site and "existing stables"</p> <p>However,</p> <ol style="list-style-type: none"> 1) There is no cross referencing between the two applications and no mention of each other under 'Related Cases' 2) Both Application Forms state the use as "Equestrian" but 19/02959/FUL says that a chicken coup has been added. Does that mean the purpose is no longer just Equestrian? 3) The previously unauthorised works in 19/02959/FUL were carried out from 2Sep19-9Sep19. Then 2 weeks later the 4/02270/19/FUL planning application was drafted. The period is so close that it now feels like this is a stepping stone (scope creep) approach to development. 4) 4/02270/19/FUL headline is "Demolition of existing stables and construction of new Stable". It makes no mention of the chicken coup but gives the impression that the two existing structures are totally stables. 5) 19/02959/FUL does not make it clear whether the works were done to both buildings or just one building. It does say the floor space prior to the works was 8.8 sq.m. and after the works was 58 sq.m. Are these figures the total floor space of both buildings or just one Building (B, the one with the coup)? 4/02270/19/FUL states the current total floor space [of both buildings] is 70 sq.m. That could therefore mean that Building A's floor space is 12 sq.m. (70-58). This would then make the total floor space of both buildings on 2Sep19 20.8 sq. m. i.e. 12 + 8.8 6) Given the close timings highlighted in point 3, The proposed increase in floor space from 2Sep19 to the 23Sep19 plans of 4/02270/19/FUL is from 8.8 to 161.3 sq.m. (= 18.3 times the original size) or from 20.8 to 161.3 sq.m. (= 7.7 times the original size). Either way this is a much larger step change than that outlined in 4/02270/19/FUL which was 70 to 161.3 sq.m. (= 2.3 times the stated size) <p>We strongly object to this planning application.</p> <p>All of our main objections have already been stated by previous commentators.</p> <p>These include the points raised by the independent consultants especially concerning the application not being in compliance with Greenbelt guidelines.</p>

	<p>The massive increase in proposed footprint from the original structures in the pasture (as presented in refused retrospective application 19/02959/FUL). The original footprint must be taken as that which existed before the refused retrospective application' work was done.</p> <p>The strong indicators that this is a disingenuous application with an ultimate aim to gaining residential planning permission through a process of scope creep.</p> <p>Other commentators knowledge that Mr Hobbs has previously used such tactics to gain residential planning permission on greenbelt site. If true, the Planning Department must be aware of this and should be taking firm steps to prevent re-occurrence of this tactic.</p> <p>Factors stated pointing to the non-feasability of stabling 3 horses on this site, including the presence of a horse-poisonous Oak tree, further reduction in grazing land by the latest plans and no indication of where the manure heap will sit in relation to the neighbours and road.</p> <p>Observations from long term neighbours that horses have never been seen in this pasture nor any other relevant activity.</p> <p>Logistical implications including lack of ability to gain access by equestrian vehicles.</p> <p>Current alterations already done to the pasture including residential type fencing and destruction of greenbelt friendly hedgerows are a direct indication of the applicants attitude to greenbelt aesthetics.</p> <p>The obviousness that the placement and size of the new plans indicate to all but the naive that these are more in keeping with residential property than stables.</p>
<p>Sheethanger Lane Felden HP3 0BG</p>	<p>The revised plans just made available on the portal do not address any of the key objections made, nor do they address the extensive list of planning infringements in the original proposal.</p> <p>I submitted my objection to the previous proposal on 18.2.20 with a detailed account of the planning infringements.</p> <p>These seem to have been ignored given the developer was asked to only address the TPO and the access to the site (feedback from our neighbourhood coordinator who has dialogue with the case officer).</p> <p>The only changes are location (worse than before from a Green Belt perspective) and clarification of access from Featherbed Lane. These do not address the planning infringements in any way, shape or form.</p> <p>The plan for the proposed "stables" has not changed. It is wildly excessive for a stables. The garage for the tractor is the size of a double garage no less, which could fit at least 4 tractors. This property plan is undoubtedly a residential footprint and not a stables.</p> <p>Whilst moving it away from the TPO is required, it has been moved to a central location of the plot on the north side boundary, close to residential properties</p>

and effectively in a central position of the plot. This position substantially increases its visibility from Featherbed Lane, notwithstanding its excessive size, scale and design which without question represents a residential dwelling. Visibility has been further increased as the developer has decimated the hedgerow and tree line along the perimeter of the field.

This is inappropriate from a green belt perspective as it adversely affects the openness of the green belt field.

The aims of the Green Belt are very clearly documented. The NPPF details a list of considerations and measures that are defined to prevent inappropriate development and preserve the OPENNESS of the green belt.

In layman's terms, this is designed to prevent 'chancers' building a structure in the centre of a field that adversely affects the openness of the field.

The land in question is currently an open field bound on all sides by hedgerow. It is free of development, the 'dilapidated shed' notwithstanding, and effectively acts as a natural break between two bands of residential development: between Featherbed Lane/Highcroft Road and Sheethanger Lane.

The site, therefore, performs an imperative role in creating a buffer between these two built areas. Despite the disused 'dilapidated shed' and recent unauthorised development (19/02959/FUL), which to date (16.5.20) have not been removed, the site is not 'previously developed land' as defined in Annex 2 of the NPPF. The existing structures cannot be said to function as a 'fall-back' position for a quid-pro-quo replacement.

The total footprint of the development and yard area amounts to nearly 400sqm - quite ludicrous for a field of this site. No account has been made for the track that provides access from the gate to the proposed 'stables', and any such track would significantly increase the developed footprint.

The VSCs (Very Special Circumstances) are not at all substantiated. The developer must believe he has a 'golden ticket' that will allow this to be passed by the Planning dept. In all my years as a Head of Planning, I haven't seen anything so preposterous come across my desk. Whilst now semi-retired, though a current MRTPI and CLMI, I find this application a complete waste of planning department's time, and as such, a sheer waste of tax payers money.

My final point is regarding Highways and access. The access as described is simply not safe, nor compliant with transport policy CS8.

This is quite an arrogant and patronising application to a professional chartered town planner and I am stunned that the Council's planning department have not already refused this with some vigour.

I also include below my objections to the previous revision (though clearly ignored) which are still valid to the revised plans:

1. Local ecology has already been impacted and would be further impacted with this development. Protected species include families of roe deer, and protected birds. Trees and hedgerow have been viciously removed without any consideration of the green belt landscape nor the biodiversity that this has significantly impacted.

	<p>2. The proposed stables has been sited in the NW corner of the green belt paddock, close to neighbouring properties. This would create a noise and smell nuisance.</p> <p>3. The proposed siting is also close to a significantly established Oak tree. Anyone with genuine intent of building a stable for horses would know that you never build a stables near an oak tree due to the toxicity of the acorns. As such, it does strike me, that as with other comments on thesis application that the applicant is seeking to change use to a residential dwelling.</p> <p>4. The siting of the proposed stable is also at the furthest point from the access gate via Featherbed Lane. There are no provisions for access from Featherbed Lane to the stable itself. No road, no parking, no provision for a turning circle for vehicles towing horse boxes etc. The land itself would not support vehicular traffic.</p> <p>5. There are no local public transport access points for workers, given the lack of parking provisions.</p> <p>6. There is no analysis from Highways to support that the site can cope with increased traffic as a result of transporting horses, hay, materials etc., associated with a stables of this size.</p> <p>7. Specific policy on the new development of equestrian facilities taken from the 'saved' policies of the Local Plan, Policy 81 stipulates a number of factors associated with new equestrian facilities.</p> <ul style="list-style-type: none"> - New commercial equestrian facilities will not be permitted in the Green Belt unless they can be accommodated in existing buildings and there is no adverse impact on the openness of the Green Belt. These stables are proposed as new buildings, not accommodated in existing buildings. <p>Policy 81 goes on to outline the following criteria for permitting the development of equestrian facilities stating;</p> <ul style="list-style-type: none"> - equestrian facilities should be well located in relation to existing and proposed rights of way for equestrians; this is not the case. - any new buildings should be compatible in scale and design with the countryside setting and ancillary to the overall equestrian use; this is not the case, the plans are excessive for the location. - the scale of activity should respect the countryside setting and quality of the surrounding area; this is not the case, trees and hedgerows have been removed, residential fencing has been added and so the applicant has not at all respected the setting. - opportunities to extend or add links to the bridleway network and improve riders' safety should be taken; this is not the case. - proposals should not result in subdivision of fields into small paddocks with stables and fencing in each area; this is also not the case. The site has already been subdivided with fencing to create a visual and physical border, in line with residential planning criteria for such a location. <p>As such, there are so many reasons why I object to this application.</p>
Undisclosed Felden	We totally object to this planning application. Having spoken to our local residents committee it is clear that the intentions of this property developer is

HP3 0BT

unethical on the proposed GREENBELT land.

Mr. Hobbs is a property developer and not an established equestrian/agricultural farmer. He has previously used similar tactics to end up with residential planning permission on green belt land. He is following the same process here.

Also, why would you want to build a large stable without any vehicular access for workers, riders etc.? The monstrosity fencing that he has erected is certainly not in keeping with the adjoining paddocks or green belt paddocks.

After looking into his past proposals linked to this application it is evident that he has UNLAWFULLY built structures on green belt land to push his way into the planning process and lying every step of the way. First he unlawfully erected buildings, then when the planning department found out he put in retrospective planning which was refused and now he is amending his application again to push through him developing "so called stables blocks for equestrian use".

Having lived in the area for over 30 years, we all know as residents that there was no stables or "storage building" on the land. He has referenced (complete lie) previously to "existing stables" before retrospective planning was refused. We can all provide photos and previous tenant testimonies that used the land to evidence that previously, before he purchased the land, all that existed was a small dilapidation with no enclosed walls, certainly not a "storage" building of any sort - it wouldn't even qualify as a shed!

So, existing stables or storage building, what is it then Mr.Hobbs, surely as a property developer he would know the difference. As mentioned above, photographic evidence proves that neither stables nor storage building existed. Google Maps prior to his purchase of the land doesn't show these fixtures.

If he was a genuine horse lover with an equestrian/agricultural understanding, surely he would know not to place stables in the middle of the paddock without any vehicular access to facilitate access for riders, stable staff, utilities and parking provision - his original application omits all of this.

As a result of having his related retrospective application (for his unlawful constructions) rejected, his now amended application to site the stable building close to the corner of the plot is still without any considerations of the above and clearly only proposed to appease the planning department - not because it was his original intention.

Again this questions the real genuine intentions of this proposal as already highlighted by many residents objecting to the prior related retrospective planning application, and the objections to this current application to construct a new stable block, now at the corner of the plot.

Our objection is based on how the owner has lied throughout his application, tried to show things existed there when they clearly didn't, unlawfully erected buildings and now is trying to forcefully build a huge stable block with the hope of changing its use down the line to residential buildings.

Such a pity how he has been allowed to get away with destroying the look and feel of the ecology in the process. The land now is out of keeping with the

	<p>character of the area, instead it looks like land primed for residential development.</p> <p>It is such an eyesore from the viewpoint on Featherbed Lane and stands out like a sore thumb, with neighbouring paddocks and farm land still maintaining the look and feel of the green belt location.</p> <p>The beauty and natural habitat in keeping with the greenbelt has been totally destroyed. We have evidenced him chopping down so many trees and building bonfires destroying any naturally occurring habitats of the local species in the area. He certainly has not considered the biodiversity and conservation of the area and lied on his application stating that there is no impact to the local ecology and protected species.</p> <p>What is the point of greenbelt policy when ruthless developers try to find shortcuts and loopholes to circumvent the very policy designed to protect the countryside, it's ecology and wildlife that thrives within it.</p>
<p>Felden Ridge Flauden Lane</p> <p>Felden Hemel Hempstead Hertfordshire HP3 0BW</p>	<p>I object to this planning application on the grounds that it does not meet the national planning policy criteria for green belt development.</p> <p>This is a brief comment in addition to the objection we raised in February on the grounds that the application does not meet national planning policy criteria for green belt development.</p> <p>It has now been made known that the application has been made by a property developer, who, far from being an equestrian, apparently has a track record of purchasing small parcels of land, then undertaking a highly questionable and unethical process in order to eventually gain planning permission. Given this knowledge we are very surprised that these revised plans have not already been rejected. It must be obvious that, far from being an equestrian, Mr Hobbs is using this as a deceptive route in order to achieve his real objective.</p> <p>There are many other issues of concern which have been well documented elsewhere, not the least are fears for the local ecology, which must have already been significantly harmed by the removal of so many established trees and hedgerows, as well as the dangers caused by increased traffic.</p>
<p>Whitelocks Featherbed Lane</p> <p>Felden Hemel Hempstead Hertfordshire HP3 0BT</p>	<p>We oppose this proposed development which we believe is a disingenuous "foot in the door" application for an intended subsequent application for residential development. It is in no way accurate to describe the proposed development as a replacement for existing buildings or storage. The applicant has already destroyed existing hedgerow and trees, and in doing so we are concerned about a possible intent to create an additional unlawful access into Featherbed Lane. Featherbed Lane is single track at many points and there is already significant damage arising from heavy lorries eroding road surfaces and kerb sides to create passing spaces. There is an existing particular problem with lorries attempting to turn into and access adjacent roads off Featherbed Lane which is likely to be further exacerbated by increased traffic from this development together with the associated additional noise and pollution.</p> <p>We continue to strongly object to this proposal following the latest revisions. We believe this development is contrary to national Green Belt policy and all of our previous objections still stand. These were as follows:</p> <p>We oppose this proposed development which we believe is a disingenuous "foot in the door" application for an intended subsequent application for</p>

	<p>residential development. It is in no way accurate to describe the proposed development as a replacement for existing buildings or storage. The applicant has already removed/destroyed existing hedgerow and trees damaging the ecology and showing no regard for Green Belt land., In doing so we are also very concerned about a possible intent to create an additional unlawful access from the field into Featherbed Lane. Featherbed Lane is single track at many points and there is already significant damage arising from heavy lorries eroding road surfaces and kerb sides to create passing spaces. There is an existing particular problem with large vehicles attempting to turn into and access adjacent roads off Featherbed Lane which is likely to be further exacerbated by increased traffic from this development together with the associated additional noise and pollution. We are concerned that despite numerous previous valid objections the applicant appears to have been encouraged to resubmit proposals. Given that the latest amendments do not substantially address the key Green Belt concerns we hope this application will be refused.</p>
<p>Longfield Bulstrode Lane</p> <p>Felden Hemel Hempstead Hertfordshire HP3 0BP</p>	<p>I very much object to this proposal, it is yet another infringement on the green belt, and I worry that it can be the start of an attempt at further residential development.</p> <p>Featherbed Lane already suffers from a lot of excess traffic, for a narrow lane containing many residential properties and a working farm.</p> <p>This developer apparently has a track record of seeking to get approval for residential development on green belt land, by first establishing some kind of agricultural use. This looks like the same thing again.</p> <p>Adjacent to one end of Featherbed Lane, the Council has previously approved a very substantial residential development, and no doubt this does contribute to the traffic, noise and pollution further up the Lane. It seems reasonable that the Council do not allow any further development along the Lane, even if initial proposals appear rather benign. I oppose the application as it seems to conflict with the character of the area.</p> <p>The scale of the buildings seems to conflict with the stated intended use.</p> <p>Currently, there is no evidence that the usage of the land is as stated by the applicant.</p> <p>This seems to be intended as a way to get around Green Belt restrictions, and to act as a precedence for future residential applications on the site.</p> <p>There is already traffic issues in this area, due to the use by commuters of Featherbed Lane as a shortcut.</p> <p>This area is predominantly rural, and this would conflict with such character.</p> <p>The plans will lead to increased pollution, noise and general nuisance.</p>
<p>Felden Edge Featherbed Lane</p> <p>Felden Hemel Hempstead Hertfordshire</p>	<p>This application appears to be a 'backdoor' attempt to procure green belt land under one benign pretense, with a view to seeking a change to residential status later. Of primary concern would be that Featherbed Lane is already a very active 'rat run', and with no pavement or other pedestrian walkways on either side of the lane, it is very hazardous to walk along the lane at anytime of the day, but especially during the 'commuter' hours in the morning and evening.</p>

<p>HP3 0BT</p>	<p>The lane is frequently used by hikers, bikers, dog walkers, and local residents enjoying a stroll. I can personally attest to the hazards when walking along the lane.</p> <p>I believe that this application will inevitably lead to more noise and pollution, additional vehicle activity, and is a wanton and unnecessary elimination of green belt land.</p> <p>If this application is approved, even in its present, seemingly 'innocent' guise, it will adversely impact the restricted visibility, access, already around this part of Featherbed Lane. I also believe that, based on the evidence of this developer in other locations, it is intended to be the thin edge of the wedge with respect to grabbing further green belt land for residential development. The nature and layout of existing properties along the lane, including our own, and the clear physical constraints in the lane, mean that further development in this area is to be avoided.</p> <p>I believe that the above objections, are also made more valid by the fact that a major residential development at the A41 end of Featherbed Lane has already taken place; therefore, it would seem very reasonable that the Council limit any further such development in this area.</p> <ol style="list-style-type: none"> 1. Appears to be backdoor method to circumvent green belt restrictions. 2. Claims by applicant as to current use of the land is disingenuous, at best, a deliberate falsehood at worst. 3. Therefore, the requirement for equestrian facilities which is the basis of the application, is highly suspect - see above point 1. 4. The scale of the building for which access is sought is completely out of character with the adjacent area. 5. The building requested does not seem in proportion to the claimed equestrian use. 6. Looking at the application as a whole, there appears to be other intentions for the use of the buildings and land which are not stated, but implied. <p>I object to the application because, in general, it will increase traffic in an area which already suffers due to its use as a cut through (rat run) for commuters. It could serve as the thin end of the wedge, with regard to further applications to water down the green belt in the area.</p>
<p>Eaglewood Sheethanger Lane Felden Hemel Hempstead Hertfordshire HP3 0BG</p>	<p>We strongly object to the proposed development.</p> <p>The proposal, on green belt land, is significantly larger than could reasonably be required for the alleged purposes and we are concerned that this is a stalking horse for a future proposed change to residential use. Green belt land is designated for a purpose and we believe that purpose should be protected by the local authority.</p> <p>We concur with the detailed comments submitted in writing and online by our neighbours, in particular with those submitted on 18th May by MSC Planning and on 16th May by one of our neighbours online.</p> <p>Finally, I note that your website shows a note of support from this address on 12th December, albeit without details - in the light of the revised plans, this is not the case.</p>

<p>Featherbed Lane</p> <p>Felden Hemel Hempstead HP3 OBT</p>	<p>I resolutely object to the planning application.</p> <p>I support and echo the objections made so far. I am at risk of repeating comments already robustly made - but I think it is important to object clearly even if at risk of repetition. I also support and echo the statements made by the independent planning consultants engaged by local residents to articulate clearly why this application should be a non-starter based on green belt policy rules and guidelines.</p> <p>Unfortunately, so much damage has been made to this beautiful meadow already due to the developer's unlawful actions and disrespect of the green belt and the local environment.</p> <p>This application does not meet any of the green belt requirements. The so-called stables floor plan is quite obviously for a house with a double garage, with what will be a long driveway to the access gate once he has applied for change of use. The meadow is quite simply not big enough to support 3 horses for grazing, least of all for stabling. Residential fencing already installed months ago has damaged the openness of the field and Enforcement action should be taken to remove this, and the unlawful structures he built prior to submitting this application.</p> <p>The points made in my objection to the original proposal are still all relevant, given this revised proposal was only invited to incorporate details on access and location.</p> <p>It does seem that all of the objections regarding non-compliance to green belt policy are being waived here and that the developer seems to have some sort of dispensation to do what he wants here. A great deal has been put in his favour to prevent public knowledge of this application, including no site notices going up and also the public consultation letters for this revised proposal not being posted until a complaint was raised on this matter.</p> <p>This is very concerning and I hope this and all of the objections submitted are taken very seriously by the planning department and members of the Council.</p>
<p>N/A FLAUNDEN LANE FELDEN HP3 OPQ</p>	<p>I have thankfully been made aware of this application by all our neighbours. We object on the grounds of this application not meeting greenbelt policy, destruction of the wildlife and trees which have been visibly cut down, inadequate road access, noise nuisance. The current UNLAWFUL buildings look terrible and so noticeable from the road even though they are in the corner, certainly not in keeping with the character of greenbelt land. The new plans are awful, the building will stand out in the centre like a sore thumb amongst the meadow land.</p> <p>In a neighbouring plot of land (the crossroad junction -top of Felden Lane, Featherbed Lane) there is a proper unobtrusive stable made of wood and close to the access gate. A good example of how stables should stand within a field, it is barely visible.</p> <p>This application is not an application for a genuine equestrian facility. The size is huge, who makes stables the size of a potential house with a pitched roof?</p> <p>Why would you place stable development at the opposite end of the field from the access gate, especially in a field of this size, creating even further destruction to greenbelt land with a long track? Also given this field has always been green belt and never had any vehicular track/traffic running through it. It just does not make sense - if this were to be a genuine stables proposal!!</p> <p>This will no doubt ruin the beauty of the lovely hamlet area we live in as it will</p>

	<p>allow other neighbouring plots of greenbelt owners to apply for "stables" so that they can change their use to homes in the foreseeable future. This area will just become a money making venture by the success of this application setting precedent.</p> <p>Greenbelt policy is there for a reason and this application sets out to abuse everything it stands for.</p>
<p>undisclosed Felden HP3 0BG</p>	<p>Having read the background of this application and reviewed it independently, I highly object to this given the deceitful nature of the proposal.</p> <p>Featherbed lane has single lane traffic and quite dangerous at times. It cannot sustain horse boxes, hay/straw bales and everything that comes with a working equestrian environment. There is no turning circle and no other provisions mentioned in the proposal therefore there is inadequate access and parking. For stables of that large size, a request has not been made to the highways to facilitate this., or is the intention to offload the horses and utilities onto Featherbed Lane, hence creating traffic and inconvenience. However also creating a throughput onto the paddock land will destroy the nature of the green belt land which is not in keeping with the area.</p> <p>The proposal refers to moving the unlawfully erected stables to the corner. This is extremely close to residential dwellings, therefore causing a noise nuisance for all the residing neighbours. I believe there is an Oak tree close to where it is cited the stables to be built. Acorns are known to the equestrian world to be poisonous and toxic to horses so why are these stables placed in the wrong end of the paddock, where there poses a fatal risk to horses? Surely the safest area would be close to the entrance to featherbed lane on the opposite corner furthest away from any risk to the horses? If this was a genuine proposal intended for pure agricultural or equestrian use, proper risk assessments would have shown a site for stables closer to the road and away from hazardous risks to the horses.</p> <p>The proposal has too many flaws and it is riddled with long term complications and disingenuity. We object! The revised proposal does not address any of the previous key points raised below. It actually highlights further flaws. Our objection stands.</p> <p>Position</p> <p>It is now centrally positioned. As it stands the illegal structures (which may I add have still not yet been removed!?) are smaller than the new proposal and in the corner of the field and yet are highly visible from all angles of Featherbed Lane. The new structure will be more central and substantially bigger, and therefore much more visible. This does not satisfy greenbelt objectives as it is negatively impacting the openness of the field. The plan for the proposed stables of this size are hugely disproportionate given the acreage of this field. It is totally over the top so to speak.</p> <p>Access</p> <p>We have already covered this off in my previous objection below but to add:-</p> <p>Why are the stables placed in the furthest away position from the gate access at the opposite end of the field? This will create an unnecessary thoroughfare</p>

	<p>across the field which will absolutely destroy the nature of the green belt. It is logistically ludicrous. This is not in keeping with the area.</p> <p>My previous objection still stands in spite of the revised proposal. None of my points below have been nullified or neutralised by the revised plans.</p> <p>These points remain:</p> <p>Featherbed Lane has single lane traffic and quite dangerous at times. It cannot sustain horse boxes, hay/straw bales and everything that comes with a working equestrian environment. There is no turning circle and no other provisions mentioned in the proposal therefore there is inadequate access and parking. For stables of that large size, a request has not been made to the highways to facilitate this., or is the intention to offload the horses and utilities onto Featherbed Lane, hence creating traffic and inconvenience. However also creating a throughput onto the paddock land will destroy the nature of the green belt land which is not in keeping with the area.</p> <p>The proposal refers to moving the unlawfully erected stables to the corner. This is extremely close to residential dwellings, therefore causing a noise nuisance for all the residing neighbours. I believe there is an Oak tree close to where it is cited the stables to be built. Acorns are known to the equestrian world to be poisonous and toxic to horses so why are these stables placed in the wrong end of the paddock, where there poses a fatal risk to horses? Surely the safest area would be close to the entrance to Featherbed Lane on the opposite corner furthest away from any risk to the horses? If this was a genuine proposal intended for pure agricultural or equestrian use, proper risk assessments would have shown a site for stables closer to the road and away from hazardous risks to the horses.</p> <p>The proposal has too many flaws and it is riddled with long term complications and disingenuity. We object!</p>
<p>Featherbed Lane</p> <p>Felden HP3 0BT</p>	<p>I object to this application for the following reasons:</p> <ol style="list-style-type: none"> 1. The related application was refused seems to be for permanent structures put up on the site without planning permission. It looks to me that the applicant was trying to get away with these going up without anyone knowing so that he could say he was going to demolish them and then 'move' the square footage of building/storage and convert to a stables. Given he was caught out, I'm surprised the planning department have let this one get this far. 2. This application does look very disingenuous. The design and size of the stables is that of a small house. I can see why so many residents think that this is a ploy to get change of use permitted in the future. 3. The real issue for me is the Green Belt. The applicant doesn't have any respect for it. Trees and vegetation around the perimeter but especially the East, South and West boundaries have been severely cut back. It has lost its meadow look and feel. God knows what has happened to the wildlife and surrounding ecology. Why isn't this being protected and why isn't the council taking steps to enforce this? This application will lead to so much destruction of this green belt field - if this is allowed, then why have a green belt policy in the first place. This field and neighbouring fields/paddocks are there for a reason. I am amazed that on these grounds alone, the Council haven't thrown this out

	<p>already. Smells fishy if you ask me....</p> <p>4. The location of the stables is at the most furthest point away from the access gate. This is counter-intuitive. There are also a number of established oak trees around the perimeter. Acorns are poisonous to horses, so again, this doesn't stack up. Unless the applicant is going to chop those trees down as well.</p> <p>5. Traffic and thoroughfare on Featherbed Lane is bad enough as it is with the residential development approved at the A41 end. You can make a car trip down Featherbed Lane without having to stop and give way or reverse back to let traffic through. This particular stretch of Featherbed Lane where this field is situated is one of the narrowest. It will just make things so much worse for the local residents.</p>
<p>The Coppins Sheethanger Lane Felden Hemel Hempstead Hertfordshire HP3 0BG</p>	<p>I write as a resident of Felden living in a property adjacent to the Green Belt. I OBJECT to the demolition of the disused "shed" and the construction of a new stable block which is inappropriate and thereby harmful to the Green Belt and for which no credible "Very Special Circumstances" have been put forward by the applicant. I have read, and fully support, the objections and detailed submissions put forward by MSC Planning Associates on behalf of their client in their letter of 18/05/2020.</p>
<p>Featherbed Lane Felden HP3 0BT</p>	<p>For the attention of planning and the enforcement team :-</p> <p>Without repeating the strong and valid arguments already demonstrated here which carry a lot of weight, I object on the following grounds.</p> <p>There is no and was no storage building to demolish. This is quite plainly made up. We have resided in this neighbourhood for over 40 years. What urgently needs to be demolished is those unlawful and unsightly structures that have been put up.</p> <p>What is also unlawful is the separation of the meadow land that has been divided by the fencing. This has been erected onto GREENBELT and without the relevant permissions. (It has obviously been made to look like the neighbouring residential dwellings)</p> <p>What also needs to come down is that ghastly fencing that has been placed around the circumference. It is utterly not in keeping with greenbelt land. Why would anyone put this up is beyond belief?</p> <p>Those beautiful trees and hedges that existed there for many years have been savagely destroyed without any thought to the impact on its ecology and habitats which rely upon them. These should be and must be replaced! We are not talking a small amount here.</p> <p>It used to look like a scenic and picturesque meadow, which has now been totally destroyed of its original characteristic features. The presumptuous developer has completely cleared the site as if he has arrogantly already got or knows that he will get residential planning permission in his back pocket!</p> <p>Surely planning and the enforcements teams should take action now against the myriad of severe contraventions taken place by this developer? Not sure if there is any point in writing an objection when the previous</p>

objections from myself and other residents have been ignored.

The revised plans (14.05.20) are in fact worse.

The "stables" are now centrally positioned closer to residential dwellings. From Featherbed Lane it clearly looks like an eyesore and a residential dwelling. More importantly this does not fit in with GREENBELT POLICY.

The access is absolutely ridiculous. The gate access from Featherbed Lane does not support the turning circle for vehicles towing horse boxes. This will cause further impact to houses on Featherbed Lane around the site access. The visibility and width of the road at that point is extremely constrained. Even small cars traveling in opposing directions cannot pass each other without one stopping much further back to give way.

It is completely odd that the so called stables are placed in a location furthest away from from access. The track to the stables will just further destroy greenbelt land. If this was a genuine application then surely the stables would be placed closest to access to ensure preservation of Greenbelt land as much possible rather than further destroying it.

My below previous objection remains. This is not a genuine application.

For the attention of planning and the enforcement team :-

Without repeating the strong and valid arguments already demonstrated here which carry a lot of weight, I object on the following grounds.

There is no and was no storage building to demolish. This is quite plainly made up. We have resided in this neighbourhood for over 40 years. What urgently needs to be demolished is those unlawful and unsightly structures that have been put up. This still has not been removed?

What is also unlawful is the separation of the meadow land that has been divided by the fencing. This has been erected onto GREENBELT and without the relevant permissions. (It has obviously been made to look like the neighbouring residential dwellings)

What also needs to come down is that ghastly fencing that has been placed around the circumference. It is utterly not in keeping with greenbelt land. Why would anyone put this up is beyond belief?

Those beautiful trees and hedges that existed there for many years have been savagely destroyed without any thought to the impact on its ecology and habitats which rely upon them. These should be and must be replaced! We are not talking a small amount here.

It used to look like a scenic and picturesque meadow, which has now been totally destroyed of its original characteristic features.

The presumptuous developer has completely cleared the site as if he has arrogantly already got or knows that he will get residential planning permission in his back pocket!

Surely planning and the enforcements teams should take action now against the myriad of severe contraventions taken place by this developer?

<p>Sheethanger Lane Felden HP3 0BG</p>	<p>I object to this application.</p> <p>The revisions have made it worse. It is now closer to adjoining properties on the northern boundary. If this is ever going to be a genuine stables, the muck heap will be right by the boundary to homes on Sheethanger Lane. There are rules about how close the muck heap can be in relation to boundaries with houses.</p> <p>The proposals are a joke. I've never seen stables like that in this area. It's got a pitched roof for goodness sake! There is a stable in a green belt field down the road on Featherbed Lane - small, made of wood, no big fancy roof or extra rooms for so called storage and tractors.</p> <p>This application is the polar opposite. I can't believe the planning department can't see through it for what it really is.</p> <p>What's the point of having a green belt in this county if it isn't being protected. The field was once a beautiful meadow. Lots of trees, vegetation and wildlife. The owner has decimated it. Quite shocking.</p>
<p>Highlands Featherbed Lane Felden Hemel Hempstead Hertfordshire HP3 0BT</p>	<p>Sadly 90% of the 'harmless' surrounding trees and hedges, part of the greenbelt, have been removed. We are now looking out on a potential building site!</p> <p>The size of the development, i.e. the proposed stables, is completely out of proportion for a green belt area and to state that it is replacing a current structure is absurd.</p> <p>There is no vehicular access called for in the Application, which is inconsistent with transporting horses, feed, fuel and anything else relating to the running of a stable. There is no parking or turning facility on the roadside: the lane is narrow and twisty with a blind bend near the entrance.</p> <p>I totally object to this planning application for which the site preparations have already gone way too far. I also strongly recommend that the lost trees and hedges are being replaced.</p> <p>I am repeating my objection to this proposal, my original objection dated 22nd February can be seen below and all my comments then are still relevant today.</p> <p>Having studied further proposed changes which were posted this month I comment as follows:</p> <ul style="list-style-type: none"> - the planting of 8 trees on the north and west borders of the plot hardly compensates for the overall damage done by removing most of the hedges and some trees, some 90%, on the east and south side of the plot - the additional hard standing for a car(s) with fencing around it at the entrance to the plot will take away even more of the character of a protected green belt area <p>I sincerely hope that this planning application will now be rejected in full as it represents a blatant insult to the principle of green belt preservation.</p>
<p>Longwood Sheethangar Lane</p>	<p>Please add my objection to the application to reconstruct derelict stables on land at Featherbed Lane (application no. 4/02270/19/Ful).</p>

HP3 BG	<p>As the many objectors have stated it is certainly greenbelt/ farmland, but the plans suggest that a substantial bungalow type building is proposed to replace the "stable" which is almost certainly going to be followed by a further application to convert it to a dwelling and obviously that will mean cars vans lorries possibly tractors onto a road that is unsuitable for extra traffic.</p> <p>Please refuse this application as it is completely out of keeping.</p>
<p>Felden Close Sheethanger Lane Hemel Hempstead</p>	<p>Dear Sir / Madam re the revised planning application for Stables featherbed Lane 4/02270/19/FUL</p> <p>We, Maureen and Martin Bryant are rate payers . The land in question lies adjacent to and on the south side of the garden of our property</p> <p>We have had no difficulty logging onto the planning website but the comments section is inaccessible inspite of our registering The Dacorum telephone operator told us our comments would be registered if we email you (before the closing date which is 3/6/2020 i.e. today) Our comments are as follows</p> <p>ref 4/02270/19/FUL application This does not meet green belt policy rules and guidelines. The green belt is important to preserve. The field is of insufficient size to support the 3 horses and there is an oak tree and acorns are toxic to horses. There never has been a proper stables in the field, just a small shack. The current British Horse Society regulations are that horses require a stable measuring a minimum of 12ft x 12ft for horses, and preferably 12ft x 14ft for larger breeds. For ponies the recommended minimum stable size should be 10ft x 10ft, or 10ft x12ft for larger ponies - the total is less than 45 sq. m. for three horses. The proposed building for three stables a tack room and other rooms is many times the size of the original horse shelter and is inappropriately large (over 360 s.m. I understand) and placed so far from the road that it is impractical particularly because the land here is heavy with clay and will be damaged by lorries / tractor in wet weather. This is in no way a replacement building but rather a building large enough to consider in due course for conversion into a residential home, yet it is on green belt land. No acceptable "very special Circumstances" have been offered. Featherbed lane is narrow and tractor / lorry / horse box could have difficulty in entrance / exit and delay traffic in a hazardous manner because of the reduced visibility in the lane. Because of the work already done the owner applied for retrospective planning permission.I believe this was refused. Not sticking to planning rules should not be rewarded and the proposed building is too close to three residential homes Felden Lawns, Oakwood and Felden Close and to the two new properties recently granted planning permission behind Felden Close and all properties will be affected by the proximity of the proposed new building. If planning permission were approved, it should be for a building not significantly larger than the original and should be nearer the entrance of the field. We object to this development.</p> <p>Please accept this comment for insertion into the planning portal website and confirm to us that you have done so.</p>

<p>Woodriding, Sheethanger Lane HP3 0BG</p>	<p>Dear Head of Planning Not for the first time I have tried to access your site to obtain details of Planning Applications without success. On this occasion it was the Application quoted above. Fortunately I have managed to obtain details from a colleague and wish to register my objection to this application. My reasons are mainly having noted the applicant and being aware of previous activities to circumvent the planning strictures. Whilst the site quoted is currently 'green belt' and grazing for horses it is totally unsuitable for development. The infrastructure in the vicinity is stretched to the limit at present incapable of adequately supporting additional vehicular traffic. In addition of course we really cannot afford losing further 'green space'. I apologise for communicating by these means, but being unable to access the nominated site had no choice.</p>
<p>Felden Grange Featherbed Lane Felden Hemel Hempstead Hertfordshire HP3 0BT</p>	<p>I object to this planning application on the grounds that it does not meet the national planning policy criteria for green belt development.</p> <p>The land in question is CS5 green belt land.</p> <p>I object to this planning application on the grounds that it does not meet the national planning policy criteria for CS5 green belt development and therefore breaches planning law.</p> <p>I further object on the grounds that there is T1 Oak (Quercus robur) Adj E boundary; 17 fr SE corner which has on it a Tree Preservation Order.</p> <p>I further object on the grounds that the existing structure on this land is derelict and therefore has not been used for stabling purposes. The building of a new stabling block would therefore constitute a new development and as such is outside the scope of national greenbelt planning policy criteria for CS5 land.</p> <p>I further object on the grounds that the land is currently being used illegally by the land owner as housing for up to eight families. Allowing the building of new structures for stabling would validate existing breaches of planning law.</p> <p>I further object because information about residential usage allowed by the land owner has been omitted from this planning application. This omission by the land owner, in itself, invalidates this application.</p>
<p>Chaileys Felden Lawns Felden Hemel Hempstead Hertfordshire HP3 0BG</p>	<p>Objection on the basis of: Destruction of greenbelt. Significant destruction of trees and hedge footprint already evidenced. Ecology and biodiversity of site have been affected. Protected species of wildlife and birds are at risk. Pollution from effluent and waste from proposed stables. Siting of development too close to boundary with other properties.</p> <p>Development would appear to be with a view to a future change of use to a residential dwelling given scale and size proposed. 4/02270/19/FUL</p> <p>I write further to the revised plans that have been submitted 14 May and to reiterate my objection to the proposed development.</p>

	<p>I would like to draw the case officer's attention to the detailed submission from MSC Planning Associates dated 18/05/2020 which sets out a clear argument as to why the application is significantly non-compliant and with which I fully agree.</p> <p>To flag a few specific points:</p> <ul style="list-style-type: none"> - it does not appear that any of the past objections from numerous parties have been taken into account. - plans vastly excessive for a stables. - land insufficient in acreage to support three horses. Also trees on the site are poisonous for horses which adds further evidence that the owner has no long term intention to use the site for this purpose. - proposal seems to be a Trojan horse for a change of use to a residential property. - owner has already cut down a vast proportion of hedges & trees on the site. - owner has erected buildings on the site in contravention of planning rules (as evidenced by subsequent need to apply for retrospective planning permission). - total footprint of 360 square meters is vastly bigger than the original dilapidated wooden shed that was on the site. I note that this original structure was removed by the owner and replaced with the new structures (without planning approval). - development is completely out of keeping with the surrounding area. <p>This is an inappropriate development because of its scale, bulk and massing and thus would have a very detrimental effect to the openness of the Green Belt and the "very special circumstances" outlined in the application have not been substantiated.</p> <p>The proposed development remains a non-compliant application on Green Belt land facing numerous significant objections from local residents.</p>
<p>Felden Stile Featherbed Lane</p> <p>Felden Hemel Hempstead Hertfordshire HP3 0BT</p>	<p>I wish to record my strong objection to the proposed plan on the following grounds;</p> <p>Since the purchase of the site, the owner has broken the agreements granted to him (and has been known to do this at other sites in the past) and has had an unlawful proposal rejected - ref 19/02959/FUL which is concerning as the construction which he now proposes is not suited for the purpose he intends.</p> <p>The location of the proposed stables is not convenient for traffic in and out and in fact would be a nuisance to neighbouring properties. Furthermore, destruction of Green Belt land would be necessitated for access to the site.</p> <p>Already the decimation of the trees and hedges on the site has had a significant effect on local wildlife and flora and fauna, and there is a concern that protected species are at risk.</p> <p>In the developer's application 4/02270/19/FUL it is clear that he could apply for a future change of use for the supposed stables to a residential dwelling (a trick which he has used previously) and which would have a significant detrimental effect on the local area.</p> <p>The traffic on Featherbed Lane has increased exponentially in the five years we have lived here, due to the large development next to the A41 and cars using the Lane as a rat run. To add large vehicles such as horse boxes onto</p>

	<p>what is now already a dangerous thoroughfare increases the chance of accidents and nuisance to local residents. I wish to record my strong objection to the proposed plan on the following grounds; Since the purchase of the site, the owner has broken the agreements granted to him and has been known to do this at other sites in the past and has had an unlawful proposal rejected . The location of the proposed stables is not convenient for traffic in and out and in fact would be a nuisance to neighbouring properties. Furthermore, destruction of Green Belt land would be necessitated for access to the site.</p> <p>Already the decimation of the trees and hedges on the site has had a significant effect on local wildlife and flora and fauna, and there is a concern that protected species are at risk. In the developer's application 4/02270/19/FUL it is clear that he could apply for a future change of use for the supposed stables to a residential dwelling (a trick which he has used previously) and which would have a significant detrimental effect on the local area. The traffic on Featherbed Lane has increased exponentially in the five years we have lived here, due to the large development next to the A41 and cars using the Lane as a rat run. To add large vehicles such as horse boxes onto what is now already a dangerous thoroughfare increases the chance of accidents and nuisance to local residents. This development appears to defy the openness of the whole Green Belt policy. I request that the application should be refused</p>
<p>Highfield House Featherbed Lane Felden Hemel Hempstead Hertfordshire HP3 0BT</p>	<p>We strongly object to this proposal. This land directly opposite our home is greenbelt land and which should be protected. Work that has undergone on the land already includes the destruction of hedgerow and trees which were so significantly reduced we have concerns for local wildlife and flora that would take advantage of the protected land for them. During the chipping process of some of these trees, the rear end of the tree shredder was directly opposite our home and these items ended up covering our driveway and the road - a clear worrying sign that complete disregard to neighbours and nature is taken here from the beginning. We the concerns for access suitability as when approaching from Apsley end of Featherbed Lane, the turning circle for a car and horse box to get into the access stated is not big enough. There would be the need to reverse and manure whilst blocking the road and we are certain that our driveway would be used as part of their turning circle.</p> <p>The design and size of the proposed is excessive for a small paddock. We have concerns that any horse waste will be kept as far away from the stables and this would therefore mean it would be kept near the road directly outside our home, with small children we have concerns to the attraction of flies and horse manure odours as our property is directly opposite.</p>
<p>Sheethanger Lane Felden HP3 0BG</p>	<p>This application has some history based on the public comments and the related application 19/02959/FUL. It is clear that the applicant has tried to pull the wool over the planning department's eyes and those of the local residents with his actions.</p> <p>However, as the application 19/02959/FUL was rejected as the buildings constructed were deemed unlawful, and this has driven the applicant to amend his proposal for his new stables, I am reviewing the amended application on its</p>

own merit.

Even without taking into account the above, I object severely to this application. For the following reasons:

1. Local ecology has already been impacted and would be further impacted with this development. Protected species include families of roe deer, and protected birds. Trees and hedgerow have been viciously removed without any consideration of the green belt landscape nor the biodiversity that this has significantly impacted.

2. The proposed stables has been sited in the NW corner of the green belt paddock, close to neighbouring properties. This would create a noise and smell nuisance.

3. The proposed siting is also close to a significantly established Oak tree. Anyone with genuine intent of building a stable for horses would know that you never build a stables near an oak tree due to the toxicity of the acorns. As such, it does strike me, that as with other comments on thesis application that the applicant is seeking to change use to a residential dwelling.

4. The siting of the proposed stable is also at the furthest point from the access gate via Featherbed Lane. There are no provisions for access from Featherbed Lane to the stable itself. No road, no parking, no provision for a turning circle for vehicles towing horse boxes etc. The land itself would not support vehicular traffic.

5. There are no local public transport access points for workers, given the lack of parking provisions.

6. There is no analysis from Highways to support that the site can cope with increased traffic as a result of transporting horses, hay, materials etc., associated with a stables of this size.

7. Specific policy on the new development of equestrian facilities taken from the 'saved' policies of the Local Plan, Policy 81 stipulates a number of factors associated with new equestrian facilities.

- New commercial equestrian facilities will not be permitted in the Green Belt unless they can be accommodated in existing buildings and there is no adverse impact on the openness of the Green Belt. These stables are proposed as new buildings, not accommodated in existing buildings.

Policy 81 goes on to outline the following criteria for permitting the development of equestrian facilities stating;

- equestrian facilities should be well located in relation to existing and proposed rights of way for equestrians; this is not the case.

- any new buildings should be compatible in scale and design with the countryside setting and ancillary to the overall equestrian use; this is not the case, the plans are excessive for the location.

- the scale of activity should respect the countryside setting and quality of the surrounding area; this is not the case, trees and hedgerows have been removed, residential fencing has been added and so the applicant has not at all respected the setting.

- opportunities to extend or add links to the bridleway network and improve

	<p>riders' safety should be taken; this is not the case.</p> <p>- proposals should not result in subdivision of fields into small paddocks with stables and fencing in each area; this is also not the case. The site has already been subdivided with fencing to create a visual and physical border, in line with residential planning criteria for such a location.</p> <p>As such, there are so many reasons why I object to this application.</p>
<p>Oakwood, Sheethangar Lane Felden HP3 OBG</p>	<p>I am writing to you as I have tried to submit an objection on the planning portal - but for some reason with limited success.</p> <p>I am a direct neighbour of the field in question and I would like you to accept my objection as per below for consideration given the consultation deadline is tomorrow.</p> <ol style="list-style-type: none"> 1. The size of the stables is grossly disproportionate to the size of the field. I'm surprised if anyone looking at these plans genuinely believe that the purpose of this build is for a stables. 2. Style and floor plan is overly ostentatious for a stables in a green belt field. The layout lends itself to a house build. The pitched roof allows for what would be a loft extension for bedrooms. The 'tractor garage' is in fact sized to be a double garage. A tractor of this size is quite simply superfluous for the size of this field. 3. Location of the build is in the furthest point away from the access gate, meaning further destruction to the field where traffic will have to drive over. The field, once a very scenic meadow until recently has been completely decimated with impact on wildlife and its related ecology. 4. The point is made in the planning statement that individuals will be on site throughout the majority of the day. Hence this is not a stables application but instead a working leisure facility. Again, this is not in line with green belt policy. 5. There are established trees around the boundaries to the field including a TPO in our garden that borders the field - but all are poisonous to horses. No one would legitimately look to stable horses so close to these types of trees. 6. Equestrian guidance suggests that one horse will chew through 11 hectares of grass in one year. This field is significantly undersized to support one horse, let alone three. And if hay and food are to be brought on site to counter this, this means traffic flow on the field right along the NW boundary with our property, effectively a roadway right on my boundary for what will be transportation vehicles - bringing significant noise and pollution right on the boundary of my home. All of this on what is a green belt field. Also, vehicles leaving the site when the field is muddy (for at least half of the year) will end up depositing mud along Featherbed Lane. 7. Points 1,2,3,4,5,6 strongly suggest this is a Trojan horse application to warrant full utilities be implemented to assist with a change of use to residential in the near future. The location and layout of the build is much more akin to where a house build should be sited being centrally located at the bottom of the field, with the remaining field in front of it. The field fence he has erected across the field has been put up in line with the boundary hedge that spans the width of our plot. This boundary hedge marks the green belt for our plot. On our plot, south of the boundary hedge is our green belt field. North of the boundary hedge is our home built on land that is not green belt. Our neighbour's plot on our west side has exactly the same layout as do their neighbours. The applicant is trying to mirror this layout on his field to justify that a build that is in line with our house and that of our neighbours. However, the applicant's field is

	<p>entirely green belt - and this application does not comply with green belt policy and should be refused.</p> <p>8. If a stables/working leisure facility was to go up, with people on site throughout most of each day, we would suffer from a severe lack of privacy on the NW side where our kitchen and master bedroom faces onto. There would also be excessive noise, loss of privacy and smell from the muck heap - all of which will be metres from our home. This isn't acceptable given the field should be protected by green belt policy. We moved to this area for this very reason 4 years ago. We felt assured that having a green belt field next to us would mean that would not be any development of this kind as it is protected by the Green belt policy. We would never have moved here if there had been any indication or possibility that something like this would be allowed.</p> <p>9. Two unlawful structures were put up without planning permission, and also within the RPA of the TPO. Retrospective planning application was refused, but these structures remain to this day, and there could be root damage to the TPO that has not been investigated to my knowledge.</p> <p>10. The applicant erected residential featherboard fencing around half of the perimeter of the field that would house the 'stables' build, prior to putting up the unlawful structures. Quite possibly in the hope of keeping them out of our sight. This fencing blocks the view of the green belt field which makes it unlawful from a green belt policy point of view as it is affecting the openness of the field and its role in preventing urban sprawl.</p> <p>We are relying on the council to protect the green belt but also to ensure that interests of the neighbours and residents who live in this small and close community are not taken advantage of by unethical developers who find loopholes and backdoors in planning policy.</p> <p>Please can you confirm that my objection will be considered when this application is being reviewed for decision, especially as I am one of the direct neighbours impacted.</p>
<p>The Grange Cottage Featherbed Lane Felden Hemel Hempstead HP3 0BT</p>	<p>Strongly Object To This Planning Application.</p> <p>There Are No Stables Present On The Site Currently, So How On Earth Is This Replacing Stables?</p> <p>This Is Purely An Attempt To Build On The Land So The Owner Can Then Move For 'change Of Use</p>
<p>Eaglewood Sheethanger Lane Felden Hemel Hempstead HP3 0BG</p>	
<p>The Coppins Sheethangar Lane HP3 0BG</p>	<p>The above application has been brought to my attention by a fellow resident of Felden.</p> <p>I wish to record my objection on the following grounds:</p> <p>1. The application was submitted for the demolition of existing stables and the erection of a new stable block. The only building on the site is a small,</p>

	<p>dilapidated shed like structure, that appears to have been extended recently. To describe this as a stable is a misrepresentation of its original purpose, or subsequent use. According to one close neighbour, the structure has never been used as a stable.</p> <p>2. The construction of the proposed building and adjacent yard is out of all proportion to the size of the current structure; the proposed building comprising three separate loose boxes, and three store rooms, including a tractor and equipment store. The construction of such a building would be inappropriate in a green belt paddock, location, threatening the amenity of not only the present site, but adjacent pockets of green belt land in and around Felden.</p> <p>3. The fact that the applicant's horses and tractor cannot be housed in the existing structure, and that he chooses to keep them on a farm in Sarrett, is irrelevant to the merits of his application.</p>
<p>Highcroft Road Felden HP3 0BU</p>	<p>I strongly object to this planning application.</p> <p>With the vast number of objections on solid grounds to the original proposal, it is confusing to me why this application hasn't been refused already. I refer the case officer to the three objections from two independent planning consultants. MSC Planning objected to the original proposal and again to the revised proposal. Aitchisons Rafferty have objected to the revised proposal. Both of these on behalf of local residents which we support. Detailed policy based rationale has been given by the above as to why this application is not compliant with the green belt policy. Both cannot be wrong.</p> <p>The stables design is too large to be a stables, and in terms of size, scale and area, is undoubtedly plans for a house build. Equestrian knowledge is that one horse will chew through 11 hectares per year. This field is far too small to support one horse, let alone three as per the planning statement and stables design. It is situated in a location furthest away from the access gate which will create further demolition of the green belt with the trackway that will ensue. The location also detracts from the openness of the field, a key issue in the green belt policy. As does the residential fencing around half of the perimeter. A point made by others and completely on point is that there are trees poisonous to horses around the boundaries. No horse lover in their right mind would allow horses to graze here, let alone build a stables. This brings serious doubt and questions as to the genuine intent of the applicant. The stables/horses angle does not stack up here, and this is certainly a smokescreen for a house build in a sought after location - that should be protected by the Green Belt Policy and Dacorum Council. This application is far from being a borderline case, as it is blatantly non-compliant with green belt policy. I very much hope that common sense will prevail and good judgment is made to refuse this application.</p>
<p>N/A Hemel Hempstead HP3 0BT</p>	<p>The owner of the site, an established property developer has committed a number of significant planning infringements since he bought the site.</p> <p>The original shed type dilapidation on the site was very small. Pictures and approximate measurements have been given to the Enforcement Team in the Planning Department.</p> <p>Without following the planning process, he built an extension to the original shed type dilapidation and built an additional permanent wooden structure</p>

	<p>adjacent to the dilapidation without planning consent - to create the impression that this revised building footprint was the original footprint. Pictures and approximate measurements have been given to the Enforcement Team in the Planning Department. Whilst he has been asked to submit retrospective planning application to regularise these infringements he has further lied in his applications.</p> <p>He has still used this unlawfully increased footprint size as the basis for planning permission to demolish these structures and move this 'stable' to the centre of the plot siting equestrian facilities. It is a standard approach for developers looking to get change of use but by siting a structure in the centre of where the residential dwelling would reside as it's easier to build on and around this.</p> <p>Let's be clear, nobody puts a stable in the centre of a plot! It's the perfect siting for a residential dwelling. The construction of the proposed building and adjacent yard is out of all proportion to the size of the original dilapidation/structure; the proposed building comprising three separate loose boxes, and three store rooms, including a tractor and equipment store. The construction of such a building would be inappropriate in a green belt paddock location. It threatens the ecology and wildlife present in the area and site.</p> <p>There is also no vehicular access called for on the Application, which is inconsistent with transporting horses, feed, fuel and anything else relating to the running of a stable, including the riders! There is no parking or turning facility on the roadside: the lane is already narrow with no footpath - and already suffers from single file traffic despite not being a one way system, hence causing already significant delays and traffic problems.</p> <p>He has stated to maintain the look and feel of the green belt location, yet has cut down 90% of the trees and hedges on the site, and erected residential fencing around 50% of the perimeter. The site is now an eye sore to the surrounding neighbours and area.</p> <p>Despite sending detailed information and pictures to the planning department, nothing yet is being done about this. It is clear this approach is used by many developers seeking to apply for change of use and build houses.</p> <p>Every single planning officer that has touched this complaint has subsequently left the council. Jason Seed, the last one is also soon to be leaving the council and has not been unhelpful at best.</p> <p>It is an absolute travesty that this is being allowed to happen to green belt land in this area. It is also clear to me that a precedent is being set here for land hungry developers to build houses on green belt, despite the green belt policy.</p> <p>I am also writing to the MP Sir Mike Penning.</p>
<p>Bulstrode Lane</p> <p>Felden Hemel Hempstead HP3 0BP</p>	<p>Informed of this by a neighbour.</p> <p>Please add my strong objection to the list.</p> <p>Documents posted on the 5th, 19th and most notably 29th of May by independent Chartered Town planners make compelling and stringent arguments for an outright refusal. There are absolutely no special</p>

	<p>circumstances (VSCs) and it definitely does not meet local/national GREENBELT policy. In fact it goes against the openness intended for this land. The newly installed residential fencing around the perimeter looks out of character as do the unlawful structures onsite. This field sadly does not look the same anymore, there is no "openness" about it anymore. If anything it looks like it is getting ready for residential development. From the view from Featherbed Lane, it has been partitioned to make it look like the line of neighbours, except, unlike the neighbouring plots, the whole of this plot is entirely GREENBELT , and ALL of it is subject to GREENBELT policy.</p> <p>Document posted on 22nd May by the applicants construction company-Warner Planning -Simon Warner(a former Dacorum planning officer?!) is renowned for and specialises in commercial properties and converting barns to residential properties!</p> <p>Given the size, it clearly is a residential dwelling proposal, a three bedroom bungalow with a double garage, certainly not a legitimate "stable for horses" application.</p> <p>In light of this informative information it makes no sense to sacrifice precious GREENBELT land in our small Felden Hamlet for the profit margins of an unscrupulous and disingenuous application. Please Refuse.</p>
<p>The Rowans Featherbed Lane</p> <p>Felden Hemel Hempstead Hertfordshire HP3 0BT</p>	<ol style="list-style-type: none"> 1. The proposed building is large and out of proportion to the size of its field. It's like an embryonic residential building. This is strongly implied by the statement in the Planning Statement that "individuals that will be on site throughout the majority of the day. With the provision of space for those on site to eat, sit down as well as access to a toilet..." 2. There are to be three stables and three horses. Clearly there will not be enough grazing for these animals so there has to be much hay and other food brought on to the site - implied by the large hay store and food room. 3. It therefore follows that vehicles will have to come in from Featherbed Lane and get to the stables. Will all of these vehicles (the tractor from its store?) really go over the grass, which will inevitably be muddy especially in winter? If so, mud will be brought onto Featherbed Lane. 4. A significant further alteration is proposed for access to the site along with a large area of hardstanding for a "4x4 with horse trailer". This will further be to the detriment of the area's character. 5. The hedge alongside Featherbed Lane has already been substantially destroyed (compare the situation on the ground with that shown in the satellite view in the Planning Statement on p2). Is this an attempt to make it easier to view the road when leaving - but it will still not be easy. NB the bend sign shown in the photo on p4 of the Planning Statement. 6. This proposal is inconsistent with Green Belt policy. 7. This large development is a form of creeping urbanisation. 8. I have lived in Featherbed Lane since 1982 and I have never seen horses on this site and do not recall the dilapidated buildings ever being used. 9. Even to my lay eye there are obvious faults in the drawings that have been submitted. The building proposed for demolition (did it have planning permission?) is incorrectly drawn and p11 of the Construction Management Plan shows the wheel wash actually in Featherbed Lane!
<p>Whitelocks Featherbed Lane</p> <p>Hemel Hempstead</p>	<p>We are very concerned about this inappropriate development close to our home and attach below. for information, our most recent objection to Dacorum Council. We understand that you are aware of considerable local concerns about the applicant and his future proposals. We hope that you will feel able to support us as local residents in opposing this proposal. Our comments to the website portal were as follows:</p>

	<p>"We oppose this proposed development which we believe is a disingenuous "foot in the door" application for an intended subsequent application for residential development. It is in no way accurate to describe the proposed development as a replacement for existing buildings or storage. The applicant has already removed and destroyed existing hedgerow and trees ,damaging the local ecology and showing disregard for the Green Belt. In doing so we are also very concerned about a possible intent to create an additional unlawful access from the field into Featherbed Lane. Featherbed Lane is single track at many points and there is already significant damage arising from heavy lorries eroding road surfaces and kerb sides to create passing spaces. There is an existing particular problem with lorries attempting to turn into and access adjacent roads off Featherbed Lane which is likely to be further exacerbated by increased traffic from this development together with the associated additional noise and pollution."</p> <p>it is disappointing that despite numerous valid objections from local residents the applicant appears to have been encouraged to re-submit with further revisions. However, we do not believe the latest amendments address the key concerns regarding national Green Belt policy.</p> <p>We very much appreciate your interest and support in opposing this application</p>
<p>Flaunden Lane</p> <p>Felden HP3 0BW</p>	<p>I agree with my neighbour and object to this application.</p> <p>As a keen cyclist I cycle down Featherbed Lane daily. However I have never seen any site notices informing the public of a planning application submitted on the plot of Greenbelt land in question, otherwise had I been aware, I would have commented on this proposal sooner.</p> <p>Inappropriate Access Featherbed Lane is a narrow, winding, single track rural lane. The point of access to this plot of land has reduced visibility and is particularly unsuitable for large vehicles. Moreover it is especially dangerous to pedestrians/dog walkers and cyclists who can be pushed into the edge to evade collision with a vehicle. Hence any provision that may increase the level of traffic must be avoided. I cannot see how a horse box can be manoeuvred at this junction coming from either direction. It simply is not possible on this tiny lane without encroaching on neighbourhood drives or verges, causing a backlog of traffic and possible collisions. The access is therefore logistically unfeasible.</p> <p>Greenbelt Policy Secondly the proposal does not meet Greenbelt policy in any way shape or form. The so called stables is an inappropriate development and there are no special circumstances to allow for this to unnecessarily further destroy the field. These structures/stables would categorically hinder rather than preserve the "openness" of the greenbelt. This therefore conclusively poses a conflict of issue with the Greenbelt policy. These policies are there for a reason and are exercised with force in controlling development in the countryside. This plot of land is intended to be kept "open" for a reason under national planning policy and to prevent urban sprawl. There cannot be any exceptions to break policy rules.</p>

<p>Highcroft Road</p> <p>Felden Hemel Hempstead Hp3 0bu</p>	<p>Strong objection based on the following:-</p> <p>It categorically does not meet any of the statutory requirements of the Green belt policy.</p> <p>The revised plans show further destruction of the Green belt adding to what the owner has already destroyed. Carving up Greenbelt land to form an unnecessary track to the stables at the other end of the plot. Carving up more Greenbelt land at the front access. Stables are ridiculously excessive.</p> <p>The professional Objection letters posted on the 05/05/19 and 19/05/19 by what it seems to be an independent Chartered Town planner viewed by clicking on the Documents tab above, further strengthens the arguments on why this application should be thrown out once and for all, without revisions and repeat applications!</p>
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APPENDIX C:

TWO CONSULTANT REPORTS SUBMITTED ON BEHALF OF LOCAL RESIDENTS

My Ref: 20-46
Your Ref: 4/02270/19/FUL
Date: 30/04/2020

ATTN: Jane Miller
Planning Dept
The Forum, Marlowes,
Hemel Hempstead,
Hertfordshire,
HP1 1DN

Dear Jane

Site: Land on Featherbed Lane Felden, Hemel Hempstead, HP3 0BT

Proposal: Demolition of existing storage building and construction of new stable block

I write on behalf of my client Mr Smyth in objection to the above proposal. These objections and policy matrix are set out below.

The Background

The 1ha site is in the Green Belt, composed of scrubland and enclosed by mature hedgerow and tree foliage. This makes the site obscured from view from all directions within the semi-rural landscape. Its lawful use is agricultural but there is no evidence of any use taking place. There is a disused and dilapidated 'shed' located in the northwest corner and has not been in use for some considerable time. It has no apparent lawful use which may, in any event, have been abandoned.

Access to the site is along Featherbed Lane via a concealed field entrance. There is no access track within the site. Visibly via a vis the highway is heavily restricted in both directions.

This application is separate from the refused planning application, ref: 19/02959/FUL for the erection of an agricultural building. Revisions to the application were submitted on 12 February 2020 and are explained in a supplementary statement of the same date. I form my view on this basis of these revisions.

The Proposal.

The proposal seeks permission for a substantial L-shaped stable building located in the north-western corner of the site albeit still some distance from the existing shed structure and adjacent field boundaries. It is to 'replace' the existing shed structure and comprises 3 stable loose boxes, a general store, tack room, hay storage, feed room and agricultural garage to house machinery. The building is proposed to be 186sqm in footprint, measuring 5m width x 23m, and the southern half, 6m width by 15m long. The 'garage' section to the south will protrude into the 'yard' by a further 1m.

Hardstanding associated with the yard will consist of a further 160sqm of development, making a total footprint of 346sqm. The structure includes a complicated roof structure that is shown to be ±0.3m of 5m high to the ridge. It will be clad in timber weatherboarding throughout. No access track has been shown on the submitted plans and is not included in the description.

The site is not part of a substantially built frontage and is beyond any defined settlement boundary.

Principle – Green Belt

The aims of the Green Belt are well established. The NPPF comprises a closed list of parameters that seek to prevent inappropriate development and preserve the openness thereby maintaining land free from development and kept open. Inappropriate development is by default harmful. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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 (see below).

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The LP policy CS5 complies with and refers to the NPPF to meet these aims. However, it goes further to refer to 'local distinctiveness and the physical separation of settlements' but provides no expansion on the national policy.

Para 145 of the NPPF allows for "appropriate facilities in connection with the existing use of land or a change of use for outdoor sport or recreation". This exemption is a qualified statement in as much that developments that may qualify within this exemption must also "preserve the openness of the Green Belt and does not conflict with the purposes of include land within it". Openness is not defined in statute, Local or national policy but often refers to both spatial and visual elements.

Regarding 'openness' I refer to the recent Supreme Court judgement in *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant)* [2020] UKSC 3. The Courts held that one first has to ask whether by granting the permission it fulfils the aims of Green Belt, and then satisfy themselves that all material considerations have been taken account of, namely visual and spatial elements, Very Special circumstance and any 'other' harm.

The land is currently an open field bound on all sides by hedgerow. It is free of development, the 'shed' notwithstanding, and effectively acts as a natural break between two bands of residential development: between Featherbed Lane/Highcroft Road and Sheethanger Lane. The site, therefore, performs an important function in creating a buffer between these two otherwise built areas. Despite the disused 'shed' and recent unauthorised development, which by the time of this letter may have been removed, the site is not previously developed land (PDL) as defined in Annex 2 of the NPPF. The existing structures cannot be said to function as a 'fall-back' position for a quid-pro-quo replacement.

Regarding character and distinctiveness, it is true to say that equestrian uses are part and parcel of the rural environment. However, by their nature, such uses decrease the openness of land by imposing facilities, buildings, structures and other such paraphernalia that decreases this open character. It leads to further development pressure beyond the scope of this application.

The total floorspace of development would amount to 360sqm and a trackway will increase this substantially. Given the relatively small inconspicuous 'shed', I consider that the development is disproportionate to the maintenance of 3 horses, and most importantly, to the relatively undeveloped nature of the site. The substantive nature of the application leads to the increased detriment of the character of the location.

The derelict condition of the shed structure ensures that its use has long since been abandoned and, in any event, by comparison to the proposal is vastly different in scale, size and design. The proposed structure, albeit of familiar style and design is excessive in all respects even taking account of the alterations and has the appearance of a small dwelling, which would be inappropriate.

It is acknowledged that the land will require maintenance but the need for a vehicle the size of a tractor or other large machines and storage facilities again is unjustified given the limited size of the site. No evidence has been advanced that the site can even support 3 horses.

Although the site is well screened by vegetation so that views are obscured, the proposed position relative to the shed structure, the scale and size of the building notwithstanding, would substantially increase its visibility within the landscape.

The plans do not show any trackway leading to the proposed building, which is an obvious requirement. Whether this is deliberate is unclear.

Notwithstanding the general exemption of recreational development, the proposal encroaches upon and fails to preserve the open character of the site by imposing a substantial structure. It would merge the hitherto separate built areas leading to the severe detriment of both the visual qualities of the site and the landscape around it. The development would be harmful to the openness of the Green Belt, which in turn is contrary to both the national and local Green Belt policy.

Very Special Circumstances (VSCs)

The applicant advances several VSCs.

These are:

- The development would remove an existing structure, albeit dilapidated, and by default improve the appearance of the site
- Result in fewer vehicle trips.

- Be of benefit to the rural economy.

In all accounts, I find these unsubstantiated and without merit.

The existing shed is in poor condition in various states of disrepair. It is neither in use nor can it be used without substantial work being undertaken to it. On face value therefore, this structure is for all intents and purposes a forgotten building. Although a replacement might be beneficial the proposed development is not justified in these terms.

Furthermore, although the proposal may result in 'better' facilities for any existing horses, which occupy the land no evidence has been advanced by the appellant to identify its lawful use. The need for a tractor and other such facilities to maintain such a relatively small portion of land is also groundless and the appellant fails to provide evidence of whether equestrian use can be supported on the site. Although I find there is some merit in an economic contribution, again I find that no evidence has been submitted to substantiate such a use. That said, the development as proposed is for private use and such a 'rural contribution' is therefore baseless.

It is noted that having a facility closer does reduce long/medium trips in the interest of wider sustainability concerns. However, likely this may be, the appellant will still be reliant on private vehicles to service the land. By reason of the sites apparent intensification, it will increase the number of trips to the site not reduce them.

For these reasons, the VSC advanced are either unsubstantiated or of little weight. Separately or accumulatively they do not outweigh the harm, previously found to the Green Belt.

Traffic and Highway Safety

The existing access is via a field gate located in a set-back and obscured position along Featherbed Lane, which presumed is a 40mph or national speed limit road. Even if the Lane was 30mph the visibility splay in either direction is extremely poor. By default, the access would give rise to an intensification of its use. Although the amount of intensification has not been given, it would involve not only movements of 3 horses but the feeding and maintenance of them at least twice per day, vet visits, and possible blacksmith and other service deliveries,

Manual for Streets outlines where there is an intensification of traffic, as in this case, it defines that a visibility splay of at least 43m in either direction is required (for a road of 30mph). Given the nature of the access, this is not achievable without substantive reduction to or removal of the adjacent field hedgerows. Such a removal, in any event, would result in a detrimental effect not just on the character of the location but also to flora and fauna and thus contrary to LP policy CS10, CS25, CS26 and CS29.

Such traffic movements have not been substantiated nor have the applicant proven that the access is safe and compliant with transport policy CS8. Furthermore, there is no provision for a safe access track, within the site, something which will undoubtedly lead to more hardstanding to the detriment of the Green Belt.

Conclusion

My assessment is derived from the proposal as revised. I conclude for the reasons outlined that it is my opinion, that the development constitutes 'inappropriate development' because of its scale, bulk and massing thus having a detrimental effect to the openness of the Green Belt when 'very special circumstances' have not been demonstrated. The revisions do not outweigh those harms and as harm has been identified in relation to highway safety and potential implications for wildlife, it is my opinion that the application should be refused.

If the Council is minded to approve the development, I would strongly urge them to apply suitably worded conditions to ensure that any future development is curtailed.

Yours faithfully



David Lomas

Director

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Policy Matrix

NPPF

Para 11 – Sustainable Development – a balance between competing elements.

Section 13 – Green Belt. Defined as being of high significance and should be preserved in all cases.

Local Policy

CS5 – Green Belt	<p>Main Green Belt policy</p> <p>The Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.</p> <p>There will be no general review of the Green Belt boundary through the Site Allocations DPD, although local allocations (under Policies CS2 and CS3) will be permitted.</p> <p>Within the Green Belt, small-scale development will be permitted: i.e.</p> <ul style="list-style-type: none"> (a) building for the uses defined as appropriate in national policy; (b) the replacement of existing buildings for the same use; (c) limited extensions to existing buildings; (d) the appropriate reuse of permanent, substantial buildings; and (e) the redevelopment of previously developed sites*, including major developed sites which will be defined on the Proposals Map provided that: <ul style="list-style-type: none"> i. it has no significant impact on the character and appearance of the countryside; and ii. it supports the rural economy and maintenance of the wider countryside.
CS8	<p>Sustainable Transport</p> <p>All new development will contribute to a well connected and accessible transport system whose principles are to:</p> <ul style="list-style-type: none"> (h) provide sufficient, safe and convenient parking based on car parking standards: the application of those standards will take account of the accessibility of the location, promoting economic development and regeneration, supporting shopping areas, safeguarding residential amenity and ensuring highway safety.
CS10	<p>Design guidance</p> <p>The design of all new development will be expected to follow the '3 Step Approach to Successful Design' (Figure 13).</p> <p>At the broad settlement level, development should:</p> <ul style="list-style-type: none"> (a) respect defined countryside borders and the landscape character surrounding the town or village; (b) reinforce the topography of natural landscapes and the existing soft edges of towns and villages; (c) promote higher densities in and around town centres and local centres; (d) protect and enhance significant views into and out of towns and villages; (e) deliver landmark buildings at movement and pedestrian gateways and enhance focal points with high-quality architecture; (f) preserve and enhance green gateways; and (g) protect and enhance wildlife corridors.
CS25	<p>Landscape Character:</p> <p>All development will help conserve and enhance Dacorum's natural and historic landscape.</p> <p>Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition and take full account of the Dacorum Landscape Character Assessment, Historic Landscape Characterisation and advice contained within the Hertfordshire Historic Environment Record.</p>
CS26	<p>Green Infrastructure</p> <p>Development and management action will contribute to:</p>

	<p>the conservation and restoration of habitats and species; the strengthening of biodiversity corridors; the creation of better public access and links through green space; and a greater range of uses in urban green spaces. Open spaces will be managed following the Council's Green Space Strategy.</p>
CS29	<p>Sustainable Design and Construction</p> <p>New development will comply with the highest standards of sustainable design and construction possible. The following principles should normally be satisfied:</p> <ul style="list-style-type: none"> (a) Use building materials and timber from verified sustainable sources; (b) Minimise water consumption during construction; (c) Recycle and reduce construction waste which may otherwise go to landfill. (d) Provide an adequate means of water supply, surface water and foul drainage; (e) Plan to limit residential indoor water consumption to 105 litres per person per day until national statutory guidance supersedes this advice; (f) Plan to minimise carbon dioxide emissions; (g) Maximise the energy efficiency performance of the building fabric, in accordance with the energy hierarchy set out in Figure 16; (h) Incorporate at least one new tree per dwelling/per 100sqm (for nonresidential developments) on-site; (i) Minimise impacts on biodiversity and incorporate positive measures to support wildlife; (j) Minimise impermeable surfaces around the curtilage of buildings and in new street design; (k) Incorporate permeable and lighter coloured surfaces within urban areas; and (l) Provide on-site recycling facilities for waste. <p>Buildings will be designed to have a long life and adaptable internal layout.</p> <p>Applicants will need to explain how:</p> <ul style="list-style-type: none"> (i) they have considered the whole life cycle of the building and how the materials could be recycled at the end of the building's life; <p>and</p> <ul style="list-style-type: none"> (ii) their design has been 'future-proofed' to enable retrofitting to meet tighter energy efficiency standards and connection to decentralised community heating systems. <p>For specified types of development, applicants should provide a Sustainability Statement. Where new development cannot meet on-site energy or tree planting requirements, the applicant will be expected to contribute towards sustainability offsetting if at all possible (see Policy CS30). If a scheme would be unviable or there is not a technically feasible approach, the principles in this policy may be relaxed.</p>



**TOWN AND COUNTRY
PLANNING ACT 1990**

**Objection to Planning Application
4/02270/19/FUL**

**Demolition of existing storage building
and construction of new stable block
and access**

**Land on Featherbed Lane
Felden, Hemel Hempstead HP3 0BT**

**On behalf of
Vikesh Patel**

May 2020

**Prepared by
James Holmes
BA (Hons) MA MRTPI**

**154 High Street
Berkhamsted
Hertfordshire
HP4 3AT**

**Tel: 01442 874087 Page 66
Email james.holmes@argroup.co.uk**



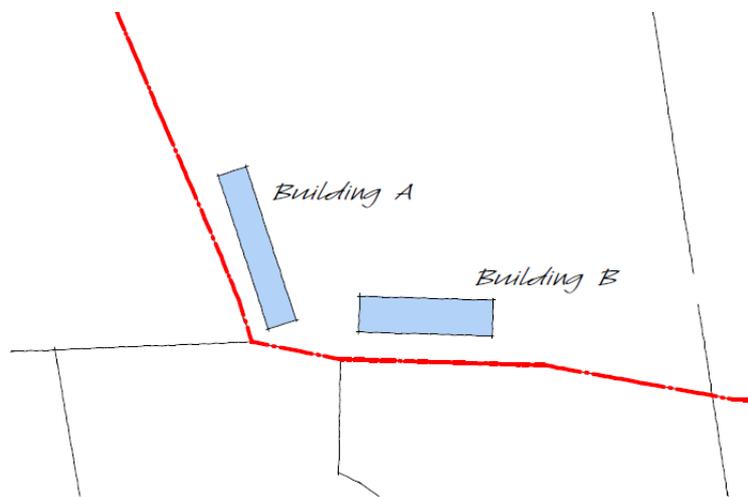
CHARTERED TOWN PLANNING CONSULTANTS

INTRODUCTION

1. My name is James Holmes and I am a Director with Aitchison Raffety, Chartered Town Planning Consultants. I have an MA in Town Planning and am a Member of the Royal Town Planning Institute.
2. I am instructed by Vikesh Patel who is the owner of a property known as Felden Lawns, Sheethanger Lane HP3 0BG, who OBJECTS to the planning application.
3. This Statement sets out the reasons why the application is considered to be unacceptable having regard to adopted planning policies and guidance.

EXISTING BUILDINGS DO NOT APPEAR TO BENEFIT FROM PLANNING PERMISSION

4. The existing buildings on the site do not appear to benefit from planning permission. We note that in February 2020, the Council REFUSED planning permission (reference 19/02959/FUL) for a retrospective application which sought to retain the unauthorised chicken coup (Building B) and the retention of the extension to a dilapidated 'stable' (Building A).
5. It is also understood that a Certificate of Lawful Development has not been applied for, or granted, to retain these buildings. As they appear to be unauthorised, they should be removed from the site.



Refused Stable (Building A) and Chicken Coup (Building B)

NO PLANNING PERMISSION FOR THE USE OF LAND FOR EQUESTRIAN PURPOSES

6. We also understand that planning permission has never been granted for the use of the land for equestrian purposes, and an application for a Lawful Development Certificate for equestrian use has not been submitted or approved. As such, it is requested that the applicant

provides the Council with evidence to show that the use of the land for equestrian purposes is lawful.

7. Page 4 of the Planning Statement submitted with the application states that the land is currently utilised for equestrian husbandry. However, from an inspection of the site it would appear that the land is not actually used for equestrian purposes at the present time.
8. Furthermore, google earth aerial photographs from 1999 to 2018 (a period of 19 years) do not show any horses being present on the land over this period. This raises questions as to the lawful use of the land.
9. Planning legislation dictates that after a period of 10 years the change of use of land becomes lawful (ie exempt from enforcement action). But to become lawful the use must be continuous over this period. However, the land does not appear to be currently used for equestrian purposes, and the evidence in the form of aerial photographs (above) does not appear to show any equestrian use has taken place for a continuous period of 10 years. This would indicate that the use for equestrian purposes may not be lawful.
10. We note that the grazing of horses falls within the definition of agriculture at S336 of the Act. We also understand that if additional food is brought onto the land, or if the horses kept on the land are ridden and used for recreation then that is classed as keeping horses for equestrian use. This is position is confirmed in the appeal case (APP/Z3825/X/15/3133260) at paragraph 7.3.13 of the Appeal Decision, where the Inspector states:

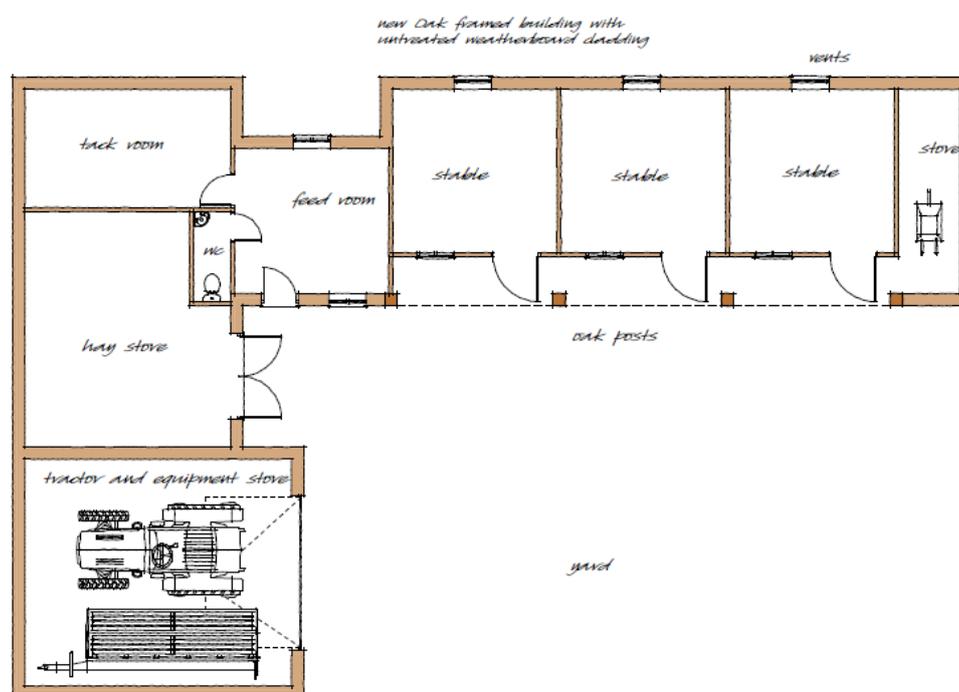
'the grazing of horses that are not used for an agricultural purpose (ie working horse) or raised and kept for the production of meat would not be an agricultural use of the land, unless they are simply turned out for grazing and nothing else. If there is supplemental feeding or they are kept there for exercise or accommodation that is an equestrian use, not an agricultural use.'

11. Page 14 of the Planning Statement confirms that the horses' diet would be supplemented by purchasing "hay and feed". As the horses' diet would be supplemented by additional food being brought onto the land, in accordance with the above appeal case, this would constitute a change of use from agriculture to equestrian. Furthermore, should the applicant intend to use the wider site to exercise and ride their horses, this would also constitute a material change of use of the whole site to equestrian.

HARM TO GREEN BELT

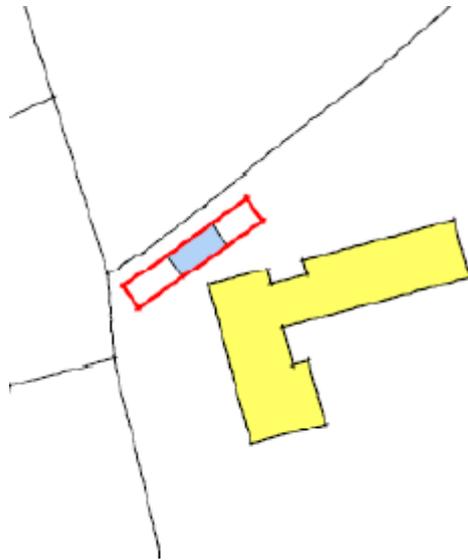
12. The site is located within the Metropolitan Green Belt and strict planning controls exist in order to safeguard character and openness. Both Local and National Planning Policy are consistent in their approach to new development in the Green Belt and state that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.

13. The essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development in the Green Belt and development should not be allowed except in very special circumstances. The construction of new buildings is to be regarded as inappropriate unless it meets one of the exceptions set out in paragraphs 145 and 146 of the NPPF.
14. The provision of new build equestrian facilities is not specifically mentioned in the NPPF (paragraphs 145 and 146) as one of the exceptions to inappropriate development in the Green Belt. Paragraph 145 of the NPPF does allow for appropriate facilities in connection with outdoor sport and recreation. However, this is only on the grounds that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Planning consent should be refused for development where proposed facilities are not appropriate, in terms of their necessity and scale, and where the proposal would have an adverse effect on the character and openness of the Green Belt.
15. The current proposal seeks to obtain planning permission for a very large, purpose built stable on the land. This is larger than the stable proposed in the last application which was refused.
16. The current proposal is for a L-shaped building, which includes a tractor store, hay store, tack room, feed room, toilet facilities, a further storeroom and three separate stable areas. None of these facilities were shown on the previous proposal and their inclusion results in a building of a size that is not justified in planning terms.



Current proposal for a far larger stable than the refused scheme and includes a number of uses/facilities that were not applied for previously

17. The plan below shows the current structure on the site in blue and the proposed stable building in yellow. This clearly shows that the stable would be significantly larger than the existing building on the site.



Current structure on site in blue and the proposed stable building in yellow

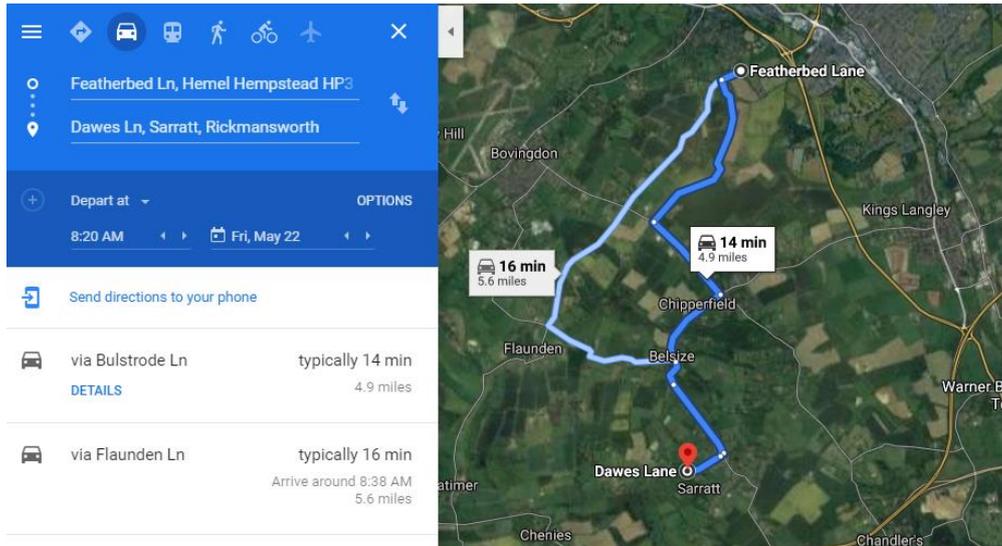
18. The proposed building would form a large and dominant addition at the site, appearing intrusive within the natural landscape and context of the surroundings. It would have an adverse urbanising effect, to the detriment of openness and the local environment.
19. As well as the visual impact of the building, the development would also significantly increase vehicular and pedestrian activity at the site and in the surrounding area to the detriment of the openness and character of the Green Belt.
20. The NPPF also states that facilities in connection with outdoor sport and recreation should not conflict with the purposes of including land within the Green Belt. These are set out below:-
- To check the unrestricted sprawl of large built-up areas
 - To prevent neighbouring towns merging into one another
 - To assist in safeguarding the countryside from encroachment
 - To preserve the setting and special character of historic towns
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land
21. The proposal is considered to be contrary to the third bullet point above as it would not safeguard the countryside from encroachment. The development therefore conflicts with the purposes of including land within the Green Belt, contrary to paragraph 134 of the NPPF and constitutes an inappropriate form of development.

PROPOSAL IS AKIN TO A 'LEISURE PLOT'

22. The Planning Statement advises that the building has been designed to accommodate not just horses, but someone to be on site for the vast majority of the day and also space for the applicant, his family and particularly his children. The Planning Statement clarifies that "this is why it is important that the additional rooms are on site".
23. The proposal clearly provides more than just a shelter for horses. It is designed specifically as a place where the applicant and his family, including his children, can go and spend time during the day. For this reason, in many respects the proposal is akin to a 'leisure plot' for the applicant and his family. It is not, however, considered that there is any basis to allow such a use in the Green Belt.

LIMITED JUSTIFICATION IS PROVIDED FOR THE FACILITIES

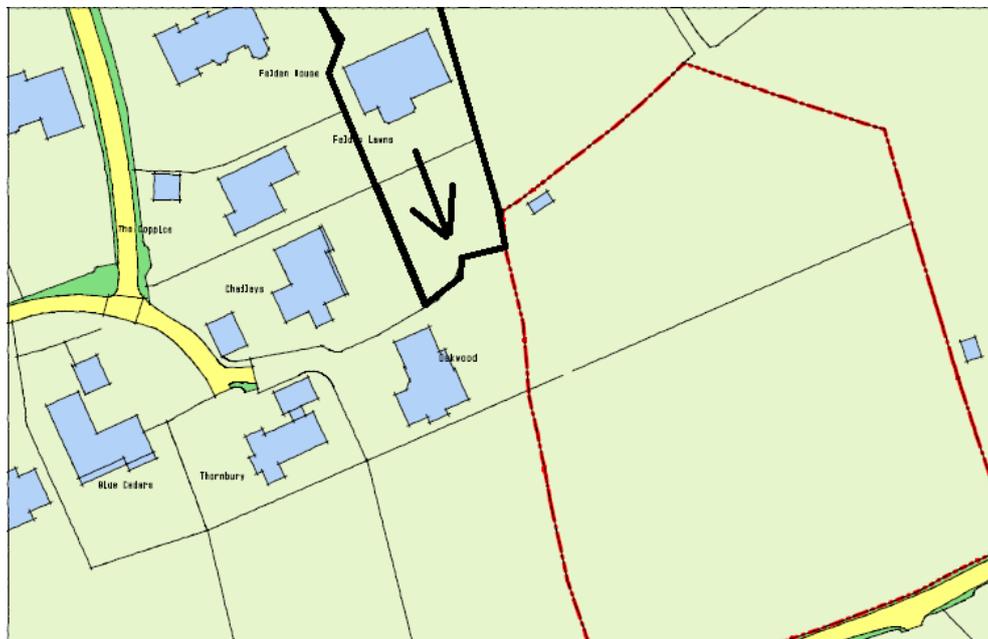
24. In our view, the application provides limited information in respect of the need for the proposed facilities.
25. The Planning Statement advises that the proposal will reduce the need for the client to have to travel to and from their horses being kept in Sarratt. However, we note that the applicant's address is omitted from the application form, despite the form specifically requiring this information.
26. The Planning Statement advises that the applicant already has the use of facilities for his horses, tractor and trailer in Sarratt. No further information is given as to the facilities already available in Sarratt. As such, it is not clear why the proposed stable building is now required in Felden if adequate facilities are already provided in Sarratt.
27. The Planning Statement seeks to justify the new stable on the basis that the journey to Sarratt is "difficult in the morning traffic", but this does not seem to be a valid reason to provide a substantial new development in the Green Belt. The journey from Felden to Sarratt at 8.30am only typically takes 14 minutes and is not considered to be at all 'difficult'.



Journey from Felden to Sarratt is less than 5 miles and only takes 14 minutes

NEIGHBOUR AMENITY

28. The proposed stable building would be located directly to the rear of my client's house, at Felden Lawns, Sheethanger Lane. It should be noted that the planning application drawings are incorrect, in so far as the boundary of my clients garden adjoins the application site (as shown in black below)



The application drawings are incorrect, in so far as the boundary of my clients garden adjoins the application site

29. My client is concerned that the proposed stable would result in an adverse impact on amenity, including noise disturbance and smells from horse manure from horses to be brought to the site.
30. My client is also concerned about the increase in activity associated with the proposal. The proposed building is intended to be occupied for most of the day, with the appellant's family and children also spending leisure time at the site. One of the features which originally attracted my client to their property was its secluded and quiet location, and the proposed development could potentially erode this.
31. Finally, we note that a new fence has been constructed across the site in line with the rear garden boundary of the properties in Sheethanger Lane. My client is concerned that this fence is effectively seeking to create a separate plot adjacent to the rear of the properties on Sheethanger Lane.
32. We seek clarification as to why this fence has been constructed, as it does not seem to be related to the application for the proposed stable and is not referred to at all in the supporting Planning Statement.

CONCLUSION

33. In conclusion, for the reasons given above, we do not consider the application is acceptable in planning terms, and therefore planning permission should be refused.

Agenda Item 5b

ITEM NUMBER: 5b

20/01657/FUL	The installation of external lighting to the south, east and west facades of the multi-storey car park and the installation of light posts within the allocated disabled parking area.
Site Address	Public Car Park, Lower Kings Road, Berkhamsted
Applicant	Dacorum Borough Council
Case Officer	Nigel Gibbs
Referral to Committee	DBC is the applicant

1. RECOMMENDATION

- 1.1 That planning permission be **GRANTED**

2. SUMMARY

- 2.1 The proposal would provide essential operational external lighting to serve the immediate surroundings associated with the recently constructed new Lower Kings Road car park in Berkhamsted Conservation Area. The lighting is for the adjoining service road, the footpath between the rear of the multi storey car park and the Waitrose Store and for the designated disabled surface car parking area adjoining the multi storey car park. The footpath lighting has been installed.
- 2.2 The proposed attachment of a series of luminaires to the multi storey car park's outer wall is an alternative to providing column based lighting for the service road. Based upon the submitted information this lighting would generally assist lorry access to the Waitrose Store and vehicular /pedestrian access to the rear of Berkhamsted High Street shopping parade.
- 2.3 The proposals would benefit the Conservation Area and the users of the locality with no overriding environmental objections.
- 2.4 The proposal complies with the National Planning Policy Framework (2019), Policies CS 8, CS12, CS27 and CS32 of the Dacorum Borough Core Strategy (2013) and saved Policies 113 and 120 of Dacorum Local Plan (2004).

3. SITE DESCRIPTION

- 3.1 The recently built multi storey public car park, subject to Planning Permission 4/00122/16/ MFA, is located off Lower Kings Road adjoining the Waitrose Store within Berkhamsted Conservation Area and the designated Town Centre.
- 3.2 The building is separated from the rear of the shopping parade in Lower Kings Road by an elongated Council owned service road linked to the Waitrose Store delivery/ service yard and to the rear of Berkhamsted High Street shopping parade yard. There are upper level residential units within both this shopping parade and that in Lower Kings Road opposite the multi storey car park.
- 3.3 New surface car parking also forms part of the redevelopment. This adjoins the barrier controlled entrance to the Waitrose Store from Lower Kings Road, providing an area of disabled parking spaces.

3.4 Planning Permission 4/00122/16/ MFA was subject to a separate condition regarding exterior lighting.

4. PROPOSAL

4.1 The scheme is for the installation of:

- Fifteen virtually horizontally angled LED luminaires attached to the 3 sides of the multi storey car park at the front /along the service road and to the rear which light the footpath between the car park and the Waitrose Store. For the front and service road these would be at 5.94m from ground level, with the footpath at maximum of 6.44m.
- Six galvanised steel 6m high column based virtually horizontally angled LED luminaires serving the disabled parking area.

4.2 Clarification is being sought regarding whether the service road lighting needs to be switched on over night, unlike the footpath link. The surface car park lighting would be switched off at 22.00 hours each day.

5. PLANNING HISTORY

4/00122/16/ MFA- Construction of 8 half storey car park with Associated work to provide 312 spaces + 15 disabled space
DET – 22ND December 2020

20/00287/NMA- Non Material amendment to Planning Permission 4/00122/16/MFA (Construction of 8 half storey car park with associated work to provide 312 spaces + 15 disabled spaces)
GRA- 10TH March 2020

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 2
Area of Archaeological Significance: 21
EA Bank Top: 20m Buffer
Canal Buffer Zone: Minor
Canal Buffer Zone: Major
Conservation Area: Berkhamsted
EA Source Protection Zone: 1
EA Source Protection Zone: 2
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

National Planning Policy Framework (February 2019)

National Planning Policy Guidance

National Design Guide

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Policy CS1- Distribution of Development

Policy CS4 Towns and Large Villages

Policy CS8- Sustainable Transport

Policy CS9 - Management of Roads

Policy CS10- Quality of Settlement Design

Policy CS11- Quality of Neighbourhood Design

Policy CS12 - Quality of Site Design

Policy CS13 - Quality of Public Realm

Policy CS27 -Quality of the Historic Environment

Policy CS29 - Sustainable Design and Construction

Policy CS31 - Water Management

Policy CS32 - Air, Water and Soil Quality

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Policy 13 – Planning Conditions and Planning Obligations

Policy 51- Development and Transport Impacts

Policy 54- Highway Design

Policy 106- The Canalside Environment

Policy 113 – Exterior Lighting

Policy 120- Development in Conservation Areas

Appendix 8

Supplementary Planning Guidance

Area Based Policies: Berkhamsted Conservation Area

9. CONSIDERATIONS

Main Issues

9.1 The main planning issues in the determination of this application are:

- The Principle.
- The Effect upon the Conservation Area.
- Residential Amenity.
- User Safety/ Crime Prevention/ Security.
- The Ecological Implications.

Principle of Development

- 9.2. This is set against the 2016 planning permission for the main car park, its associated connecting rear footpath and surface car park for people with disabilities. It is fundamentally important that these parts are always well lit for overriding safety reasons. Therefore the principle of providing exterior lighting is acceptable in this location. The use of LED lamps have energy efficiency and low level maintenance benefits.
- 9.3 Hertfordshire Constabulary Crime Prevention Team provided detailed pre application advice for the 2016 scheme with a significant emphasis upon the role of lighting and CCTV. This included CCTV covering the alleyway between the rear of car park and Waitrose store.
- 9.4 Overall it was also considered that Application 4/ 00122/16/MFA did not demonstrate a comprehensive approach to external lighting as expected through the relevant policies. In summary it was confirmed:
- The external open top deck car parking will be visible, with the white light more strident than the existing more subtle sodium lighting. It is however understood why the LED white light is proposed in terms of safety due to its excellent colour rendition as compared with high pressure sodium. LED are also very energy efficient and low maintenance.
 - If the car park's day time design is accepted there is a need to ensure that the external lighting impact is minimised with a recommended condition(s) based upon the submitted concept. This is without compromising users/ public safety with reference to the expected lux/ lighting levels. More information provided by the necessary isolux diagrams will be essential.
- 9.5 In considering the proposal this is in the context of the overarching expectations of key lighting policies which are CS32 and the saved DBLP Policy 113 and its associated Appendix 8. These comprehensively address the associated light pollution/ the environmental/ amenity and safety issues. These are in accordance with the NPPF's Para 180 (c) which explains the requirement to 'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.

Quality of Design / Impact on Berkhamstead Conservation Area

- 9.6 Dacorum Core Strategy Policies CS11 and CS12 require that new development is compatible with the established streetscape. This is reinforced by the design expectations for the Conservation Area as expressed through Policy CS27 and saved DBLP Policy 120.
- 9.7 Policy CS27 seeks to protect, conserve and if appropriate enhance the integrity, setting and distinctiveness of heritage assets and this reflects the statutory duties defined in the Act. Accordingly CS27 clarifies 'development will positively conserve and enhance the appearance and character of conservation areas', amplifying saved DBLP Policy 120. The respective development plan policies are consistent with the NPPF's overarching emphasis upon achieving well designed places through Parts 12 and 16.
- 9.8 The development plan policies reflect S72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 9.9 The NPPF's Para 193 confirms that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). NPPF's Para 194 confirms that any harm to or loss of, should be with reference to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) and should require clear and convincing justification. This is set against the NPPF's overarching emphasis upon achieving well designed places through Parts 12 and 16.
- 9.10 In this case the starting point is that the LPA granted planning permission 4/00122/16/MFA for the car parking in the Conservation Area in the knowledge that there would need to be some exterior lighting. The Design and Conservation Team (CT) did not object following a comprehensive assessment with due regard to the NPPF's rigorous expectations in addressing the effects upon heritage assets. Overall the car park's public benefits were regarded as materially very important, with the assessment taking into account the impact of the rooftop and internal lighting. Historic England (HE) was satisfied that the case for the provision of the proposed level of town centre parking had been justified in accordance with the NPPF, welcoming amendments to the elevations enhancing the overall appearance of the car park. HE advised that the overall scale, massing, design and materials of the car park would not cause an unacceptable level of harm to the significance of the Berkhamsted Conservation Area and that any harm caused could be outweighed by the public benefits accruing from the scheme.
- 9.11 The now proposed lighting was not an integral part of the 2016 application's assessment, with no conditions to address additional exterior lighting. However, it must be fully recognised that it is essential that the service road, rear pedestrian link and the surface disabled car park are well lit in the interests of safety. In this context the principle of providing lighting to serve such key parts of the car park redevelopment is in the interests of the character of the Conservation Area.
- 9.12 By day the proposed modern narrow profile luminaires attached to the multi storey car park wall's perimeters should subtly complement the existing building, although not being an integral part of the original car park design. The surface car park column based luminaires is typical technologically up to date lighting which would complement the design of the new multi storey car park. It would represent a more appropriate design approach when compared to the use of heritage lighting, as a modern architectural setting benefits more from similar latest lighting technology. The footpath luminaires would be less prominent and have minimal impact upon the locality. Overall, by day the lighting would have a neutral effect upon the character and appearance of the Conservation Area, therefore preserving its environment.
- 9.13 By night the individual and cumulative effect of the lighting would be significant. The presence of the LED white light would be materially different to the previous high pressure sodium lighting which is softer with less clarity (colour rendering). The LED luminaires would create a perception of being a safer environment for users, benefitting this part of the conservation area. The proposed main car park luminaires would be quite assertive/harsh in lighting the service road and less subtle than typical column based lighting. Overall there would be neutral effect upon the Conservation Area, with the area benefitting from the virtually horizontal alignment of luminaires thereby restricting the light pollution.

Residential Amenity

- 9.14 This is with reference to the aforementioned lighting based policies and Policy CS12 criterion (c) regarding the visual impact and disturbance to the surrounding properties from the lighting. In this respect there are the issues of glare and spill. The effect primarily relates to the impact upon the residential accommodation of the shopping parade units in Lower Kings Road and to a lesser extent, those in the High Street from the luminaires attached to the car park walls. By day there would be no impact.
- 9.15 By night, although installed in a virtually horizontal plane, due to the combined effect of the relative closeness and height of the luminaires there would be a significant perception of change and some potential glare and spill. Once installed there will be the need to ensure whether any of the luminaires require modification with cowl/ louvre/ dimming which is addressed by recommended Condition 2.

User Safety/ Crime Prevention/ Security.

- 9.16 This is with due regard to the NPPF's Part 6 which addresses the achievement of inclusive and safe places and the aforementioned Part 12. Also significantly Hertfordshire Constabulary Crime Prevention Design Team provided extensive pre application advice relating to Application 4/00122/16/MFA for the car park.
- 9.17 As all of the application site is separated from the highway, Hertfordshire County Council Highways response is limited. However, the submitted 'Berkhamsted MSCP Highways Safety Outdoor Lighting Assessment (Technical Note 01) is very important providing a detailed consideration of user safety. Its Summary confirms:
- The review within this TN has considered the highways safety of all users of the Site at the three study areas, as well as the users of the adjacent users of the Service Road which provides access to adjacent residential and retail properties of Lower Kings Road and the High Street. The highways safety assessment above is based on the multi modal interaction and movement of all users, the proposed light provisions levels and spread and the physical proposals for construction and placement of lighting units.
 - Based on the above it is considered that the lighting proposals contained within the Huber Lighting Assessment meet/ exceed the minimum lighting standards and therefore provide suitable levels of visibility for all users within the Study areas. As such the proposals do not present any specific safety issues for users in terms of movement or interaction of movements and are therefore considered to be acceptable.

9.18 With due regard to this report there are no apparent objections.

9.19 As confirmed earlier it is fundamentally important that the areas subject to the additional lighting are well lit for overriding safety reasons. In this respect high quality lighting is essential for the surface car parking to assist people with disabilities and limited mobility. The narrow footpath to the rear of the car park requires adequate lighting, with this alleyway also identified by Hertfordshire Constabulary as requiring CCTV.

Ecological Implications

9.20 The consideration of the 2016 application fully considered this issue. There were no implications for protected species and none were present or considered to be a constraint to the development proposals. Hertfordshire Ecology's recommended informative included that any external lighting scheme should be designed to minimise

light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites. In addition HE explained that any biodiversity enhancements incorporated into the development proposal should be considered at an early stage to avoid potential conflict with any external lighting plans. HE also noted that subsequent information included lighting details, and all of these appeared to provide horizontal luminaires or are otherwise designed to minimise light pollution from above.

- 9.21 The additional lighting would affect the local environment due to the resultant increased light pollution. Hertfordshire Ecology has been informed of the additional lighting.

10. CONCLUSION

- 10.1 The application is recommended for approval. The lighting would be in the interests of the vitality of Berkhamsted Town Centre, with the scheme representing a sustainable development in accordance with the NPPF's economic, social and environmental objectives.
- 10.2 The additional lighting is very important to the immediate surroundings of new car park development. The proposals would generally comply with the National Planning Policy Framework (2019), Policies CS 8, CS12, CS27 and CS 32 of the Dacorum Borough Core Strategy (2013) and saved Policies 113 and 120 of Dacorum Local Plan (2004).

11. RECOMMENDATION

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

1.The development hereby permitted shall begin 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. Following the installation of the wall based luminaires a scheme shall be submitted to the local planning authority showing where it is necessary to modify any of the wall based luminaires to limit the impact of light pollution upon adjoining buildings. The approved scheme shall include a timetable to carry out any changes. Once any of the approved modifications to the luminaires have been installed these approved modification(s) shall be retained at all times.

Reason: In the interests of the residential amenity of adjoining buildings in accordance with Policies CS12 and CS32 of Dacorum Core Strategy (2013) and saved Policy 113 and Appendix 8 of Dacorum Borough Local Plan (2004).

3. Subject to the requirements of any other conditions of this planning permission the development hereby permitted shall be otherwise carried out in accordance with the following approved plans:

0751 Rev 3

0757 Rev 1

0750 Rev 1

0757 Rev 1

07555 Rev 0

28347-1

Lighting Column 28347-1

Luminaire VFL540 LED

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

Informative:

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	Concern The Committee were concerned that the lights may not all be downward facing and could result in air pollution. They requested confirmation of this from the Planning Officer.
Conservation & Design (DBC)	The proposed lamp posts appear in keeping with the character of the area. As such we would not object to their installation. We would recommend that you get specialist lighting advice to ensure that the number of posts are the minimum necessary. We would not object to the lighting units to the car park.
Archaeology Unit (HCC)	No response.
Canal & River Trust	No comment.
Environment Agency	No response.
Trees & Woodlands	No response.
Hertfordshire County Council Highway Authority	Decision Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission. HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) . highway informative to ensure that any works

	<p>within the highway are carried out in accordance with the provisions of the Highway Act 1980:</p> <p>A) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.</p> <p>Further information is available via the website</p> <p>https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>The application comprises of the installation of new lighting at a car park at Lower Kings Road, Berkhamsted. Lower Kings Road is designated as a classified 'C' local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense.</p> <p>A lighting assessment report has been submitted as part of the application. None of the proposed</p> <p>lighting is located on or considered to interfere with the surrounding highway network.</p> <p>HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore has no objections on highway grounds to the application.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour	Contributors	Neutral	Objections	Support
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Consultations				
105	0	0	0	0

Neighbour Responses

None.

ITEM NUMBER: 5c

20/00887/FUL	Part single, part two storey side and rear extension and conversion of the dwelling into two cottages	
Site Address:	Martlets The Common Chipperfield Kings Langley Hertfordshire WD4 9BS	
Applicant/Agent:	Mr R Nistorel	Mr Andrew Boothby
Case Officer:	Colin Lecart	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	The application has been referred to the Development Management Committee given the contrary recommendation of Chipperfield Parish Council. Chipperfield Parish Council Object to the development.	

1. RECOMMENDATION

That planning permission be **GRANTED**

2. SUMMARY

- 2.1 Overall, the application is considered to not have a detrimental impact on the openness of the Green Belt, Conservation Area, the Locally Listed Building nor on the residential amenity of surrounding neighbours. The subdivision of the units would also maintain an acceptable level of amenity for the future occupiers. Similar extensions have been approved in 2017 and the internal subdivision of the units would not have an adverse impact on the character of the surrounding area. An acceptable level of car parking spaces would be provided. The proposal is therefore considered to comply with Policies CS5, CS12 and CS13 of the Core Strat

3. SITE DESCRIPTION

- 3.1 Martlets is a 2-storey 19th century decorative flint and brick built cottage, formed from 2 cottages which were originally part of a terrace of 4 properties. The roofs are slate and contain substantial brick stacks. The barge boards to the eaves are decorated. The terrace is set back from The Common but forms a group with the nearby Old School Cottages and is considered to make a positive contribution towards the character and appearance of the Chipperfield Conservation Area in which it lies.

4. PROPOSAL

- 4.1 The application seeks permission for the construction of a part single, part two storey side and rear extension and conversion of the dwelling into two cottages. House A would have two bedrooms, while House B would have one bedroom. Three car parking spaces would be provided.

5. PLANNING HISTORY

Planning Applications:

4/01122/17/FHA - Two storey rear extension
 GRA - 18th July 2017

4/02002/13/TCA - Remove ash tree and works to three Lawson cypress trees

RNO - 2nd December 2013

4/00711/04/TCA - Works to tree
RNO - 22nd April 2004

4/01286/94/LBC - Installation of lift
WDN - 14th November 1994

6. CONSTRAINTS

Conservation Area: CHIPPERFIELD
Green Belt: Policy: CS5

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – The Green Belt
CS6 – Selected Small Villages in the Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Saved Policy 18 – The Size of New Dwellings
Saved Policy 19 – Conversions
Saved Policy 21 – Density of Residential Development
Saved Appendix 3 – Layout and Design of Residential Areas
Saved Appendix 5 – Parking Provision
Saved Appendix 7 – Small-scale house extensions

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- The policy and principle justification for the proposal;
- The Impact on the Green Belt;
- The Impact on the Conservation/Surrounding Area;
- The impact on residential amenity; and
- The impact on highway safety and car parking.

Principle of Development

- 9.2 The application site is located within the Green Belt where Policy CS5 of the Core Strategy (2013) seeks to protect the openness of the Green Belt in accordance with national policy.
- 9.3 Paragraph 145 of the NPPF (2019) regards the construction of new buildings as inappropriate in the Green Belt. However, a number of exceptions are made to this, one of which being the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- 9.4 Saved Policy 18 of the local plan (2004) states that the development of a range of dwellings in size and type will be encouraged, paying regard to the need to provide accommodation for new, small households. Saved Policy 19 allows provision for conversions to take place in selected small villages in the Green Belt. Policy CS6 of the Core Strategy also states conversion of houses are permitted in selected small villages within the Green Belt.
- 9.5 From the above, it is considered that the proposal is acceptable in principle.

Impact on Green Belt

- 9.6 Paragraph 145 of the NPPF (2019) permits the extension and alteration of existing buildings within the Green Belt provided that it does not result in disproportionate additions.
- 9.7 The single storey extension would measure 5.6m in depth with the two storey element measuring 5.45m in depth. However, it appears the footprint would be largely positioned on top of the footprint of existing ground floor additions.
- 9.8 Furthermore, it should be noted that the property received planning permission for the construction of a two storey rear extension in 2017 (4/01122/17/FHA). The case officer report for this application stated:

“The proposed extensions would result in an increase on the existing floor space of some 27.2%. When considered against the original floor space of the dwelling, the increase is 62.7%. Whilst this is considerably above the 30% increase allowable under Policy 22, the following factors should be taken into account:

- *Flexibility can be given on the basis of not being in an isolated location.*

- *The site is within the built up core of Chipperfield where there will be limited harm to the perceived openness of the Green Belt.*
- *The other end of the terrace has been considerably extended in the past.*
- *Martlets has already been extended to the rear by 27.6% and the proposed replacement extensions would not significantly extend beyond the footprint of these pre-existing extensions. The only material difference is in the addition of the first floor”.*

- 9.9 The case officer for this application considered that there would be no material harm to the openness of the Green Belt.
- 9.10 The present application is almost identical in size and form to those already approved. There would be a modest increase in volume and floor space at the first floor but this would not lead to harm to the Green Belt. It should also be noted that the NPPF (2019) does not refer to a 30% increase figure. While floor space can be an indicator of whether additions are proportionate, other factors such as scale, bulk and massing should be looked at. The extension would be partly located on the footprint of an existing ground floor addition, as well as infilling an area between this addition and a neighbouring property's addition.
- 9.11 For the reasons above, it is considered that the proposal is acceptable in the context of Policy CS5.

Impact on the Conservation/Surrounding Area

- 9.12 The building is locally listed and located within the Chipperfield Conservation Area. Policy CS27 seeks to protect the integrity, setting and distinctiveness of designated and undesignated heritage assets. Policies CS10, CS11 and CS12 all place an emphasis on development respecting the character and appearance of the surrounding area.
- 9.13 The Conservation Officer noted that the application proposes to extend the property in a very similar manner to those previously approved. Overall, it was considered that the proposals would preserve the character and appearance of the Conservation Area. It was seen that the positioning of one of the bin stores to the frontage was unfortunate. However, details of this will be conditioned to ensure a satisfactory design/appearance for this.
- 9.14 Bricks, flint work, mortar, slates and rainwater goods would be conditioned to match the existing. Details of joinery and finish as well as roof lights would be subject to pre-commencement conditions.
- 9.15 The extensions are located to the rear of the property and would not be prominent in the surrounding area. While there would be a slight protrusion to the side of the property, this again would occur towards the rear and would not appear as a bulky addition when viewed from the common.
- 9.16 It is noted there would be an increase in density as a result of the application but it is considered no material harm to the surrounding area would occur as a result of this. As assessed above, the extensions, being constructed to accommodate the conversion, would not have a detrimental impact on the surrounding Conservation Area. Therefore, the increase in density in itself would not be considered to be harmful. Saved Policy 21 states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare. The proposal would result in a density of 34.4 dwellings per hectare, at the lower end of the expected range.

- 9.17 As such, the proposal would not have a detrimental impact on the locally listed building or the Conservation Area.

Impact on Residential Amenity

- 9.18 The application would comply with Saved Policy 19 and also the Nationally Prescribed Space Standards with respect to the internal space of the units, although the LPA has yet to adopt these.
- 9.19 House A would have two double bedrooms and would have an internal floor area of 92 square metres. This exceeds national space standards for a two-bedroom, four person dwelling over two storeys (minimum of 79 square metres required under the national standards).
- 9.20 House B would have one double bedroom and would have an internal floor area of 61 square metres, exceeding national space standards for one-bedroom, two person dwelling over two storeys (minimum of 58 square metres required under national standards).
- 9.21 House A, the two bedroom unit, would have a rear garden depth of 18.6m which would exceed the 11.5m standard as set out in Saved Appendix 3 of the Local Plan (2004). House B, the one bedroom unit, would have a garden depth of 9m (not including the shed). While this is slightly below the standard, the site is within walking distance to The Common, accessible open space. Thus, the 9m depth in this instance is considered acceptable.
- 9.22 The application approved in 2017 (application ref. 4/01122/17/FHA) was supported by a Sunlight Assessment prepared by Herrington Consulting Limited which concluded that the two-storey rear extension would not have a harmful impact on the receipt of light at the neighbouring property Little Cottage.
- 9.23 Given the proposed two storey rear extension is identical in depth, form and height to that approved previously it would not have an adverse overbearing impact on the occupiers of Little Cottage or impact adversely on the receipt of light. The single storey element of the extension would only protrude further than the build line of this property by approximately 0.5m
- 9.24 It is considered the proposal is acceptable in terms of residential amenity.

Impact on Highway Safety and Parking

- 9.25 The proposal would introduce 1 two bedroom unit and 1 one bedroom unit. Under Saved Appendix 5 of the Local Plan (2004), 2.75 car parking spaces would need to be provided for this development. 3 parking spaces would be provided and thus the standard would be exceeded.
- 9.26 Hertfordshire County Council Highway Authority have no objection to the proposal, noting that no new or altered vehicular or pedestrian access is proposed to or from the public highway and no works are required in the highway.
- 9.27 The land directly in front of the proposed parking and turning area is already used as an informal parking area by both the applicant and patrons of the Village Hall. This area is currently common land and is outside the application site. The issue of access rights would be a legal matter outside the remit of planning and as noted is not required to meet the parking requirements for this development.

Community Infrastructure Levy (CIL)

9.28 The development would be CIL liable and so contributions would be sought with regards to this in accordance with Policy CS35.

10. CONCLUSION

10.1 Overall, the application is considered to not have a detrimental impact on the openness of the Green Belt, Conservation Area, the Locally Listed Building or on the residential amenity of surrounding neighbours. The subdivision of the units would also maintain an acceptable level of amenity for the future occupiers. Similar extensions have been approved in 2017 and the internal subdivision of the units would not have an adverse impact on the character of the surrounding area. An acceptable level of car parking spaces would be provided. The proposed development is thus considered acceptable in the context of national and local Policies CS5, CS12 and 13 of the Core Strategy.

11. RECOMMENDATION

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

1. **The development hereby permitted shall begin 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 carried out in accordance with the following approved plans/documents:**

**256 pa2.05 Rev B
256 pa2.06
256 pa2.07
256.pa2.08
256.pa209**

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

3. **The bricks, flint work, mortar, slates and rainwater goods to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

Pre cast flint work panels shall not be used.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **No development (excluding demolition/ground investigations) shall take place until joinery and finish and roof light details to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

5. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o all external hard surfaces within the site;
- o other surfacing materials;
- o means of enclosure;
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

6. **No construction of the superstructure shall take place until details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for the occupants of the building(s) unless further written approval for an alternative scheme is gained from the Local Planning Authority.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent obstruction to pedestrian movement in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

7. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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, Class A, B, C, E

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

8. **Prior to the first occupation of the development hereby permitted the proposed on-site car parking areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website:

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Chipperfield Parish Council	<p>20/00887/FUL Martlets. The Common, Chipperfield</p> <p>ObjectionCounty Density of Development This is a sensitive site in the centre of the village and is within the conservation area. Two dwellings on a site of 533m² equates to a density of 37.5 dwellings per hectare which is not appropriate for this location.</p> <p>Vehicular Access Vehicular access is via a claimed ROW across part of Chipperfield Common. This right is being checked with DBC legal team. There has never been vehicular access into the existing site even though there are gates making it appear to have vehicular access. This access, if proved, is shared with pedestrian & vehicular access to the Village Hall (VH). The VH access is for emergency use, for disabled access and is used (on short stay basis) for hall users setting up for events and activities. This shared access is critical for the proper functioning of the VH and therefore CPC does not support a widened access into the proposed scheme's parking area. We further suggest that, if granted, a condition be applied to prohibit parking other than within the application site curtilage.</p> <p>Parking The applicant acknowledges that the proposed parking provision is below DBC standard. This site is close to the busiest part of the village and has frequent parking issues at school times, evenings and weekends (and often throughout the day). One space per dwelling is not adequate. CPC is consistent on the issue of parking provision in all residential applications in the village and requests 1 space per bedroom subject to a minimum of 2 spaces. This means 2 spaces per dwelling for this application which could easily be accommodated by extending the parking provision into the retained land coloured blue.</p>
Environmental And Community Protection (DBC)	<p>The proposed development is not for a change in land use and will not involve significant ground works. It is, however, close to land with a potentially contaminative land use history and so the following informative is recommended.</p> <p>Land Contamination Informative</p> <p>In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed</p>

	<p>because, the safe development and secure occupancy of the site lies with the developer.</p>
<p>Hertfordshire Ecology</p>	<p>The proposed application from an ecological aspect is similar to the application which has already been approved (ref 4/01122/17/FHA) and I advise, as with the previous application, the inclusion of an Informative for bats with any consent granted. I have suggested text below:</p> <p>"In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England."</p> <p>I do not consider there to be any other ecological issues with this proposal.</p>
<p>Hertfordshire County Highway Authority (HCC)</p>	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>CONDITIONS</p> <p>1. Provision of Parking: Prior to the first occupation of the development hereby permitted the proposed on-site car parking areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.</p> <p>Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>HIGHWAY INFORMATIVES</p> <p>1.Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>Further information is available via the website: http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.</p>

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

ANALYSIS:

This application is for: Demolition of existing side extension. Creation of new semidetached 3 bed property

The development site is on The Common, which is an unclassified local access road with a 30mph speed limit. There have been no accidents involving personal injury in the vicinity of the site in the last 5 years.

ACCESS:

The site is currently accessed via a private driveway off The Common. No new or altered vehicular or pedestrian access is proposed to or from the public highway and no works are required in the highway.

PARKING:

The proposals include the provision of one car parking space for each property.

WASTE COLLECTION:

Provision has been made for an on-site refuse/recycling store within 30m of the dwelling, which is acceptable.

CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have a severe residual impact on the safety and operation of the adjoining highway, subject to the condition and informative notes above.

Trees & Woodlands (DBC)	According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. Subsequently I have no objections to the application being approved in full.
Conservation & Design (DBC)	<p>Martlets is a 2-storey 19th century decorative flint and brick built cottage, formed from 2 cottages which were originally part of a terrace of 4 properties. The roofs are slate and contain substantial brick stacks, the barge boards to the eaves are decorated. The terrace is set back from The Common but forms a group with the nearby Old School Cottages and is considered to make a positive contribution towards the character and appearance of the Chipperfield Conservation Area in which it lies.</p> <p>In 2017 consent was given for demolition of existing single storey rear extensions and construction of a 2-storey and single storey rear extension to the rear of the property. The design and scale of the extensions was considered acceptable.</p> <p>The current application proposes extending the property in a very similar manner to that previously approved but then sub-dividing the extended property into two separate properties (1 1-bed and 1 2-bed). The side / rear extension has changed slightly in terms of its design and 2 dormers are now proposed instead of one, however it remains sufficiently subservient in terms of design and scale.</p> <p>As such the extension and proposed subdivision to form 2 small dwellings will preserve the character and appearance of the Chipperfield Conservation Area and is considered acceptable.</p> <p>A picket fence to match existing would subdivide the existing front garden area however the smaller area of newly created front garden would be dominated by a bin store which is regrettable, can this be improved upon?</p> <p>The retention of / continuation of picket fence to the front boundaries is acceptable.</p> <p>The creation of a parking area is fine in principle but should it should be ensured this is carried out in a sympathetic manner, details to be submitted.</p> <p>The area of garden behind the proposed new parking area looks to be subdivided off from the rear garden of Martlets? Why?</p>

	<p>Whilst the scheme is considered to preserve the character and appearance of the Chipperfield CA the size / position of the bin store within the small front garden of one of the newly created separate dwellings is unfortunate and it would benefit the CA and setting of these cottages if this proposed bin store could be relocated / improved upon.</p> <p>If approved I would recommend the following conditions:</p> <p>Bricks, Flintwork, mortar, slates, rainwatergoods to match existing. Pre cast flintwork panels would not be acceptable. Joinery details and finish, rooflight details subject to approval.</p> <p>Details of hard and soft landscaping to be submitted for approval</p> <p>Also recommend PD rights are removed.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
10	1	0	1	0

Neighbour Responses

Address	Comments
<p>3 Old School Cottages</p> <p>The Common Chipperfield Kings Langley Hertfordshire WD4 9BS</p>	<p>Planning objection</p> <p>The current application to convert the dwelling in to two cottages will have important consequences for the parking situation at the rear of the Old School Cottages and the Village Hall.</p> <p>Unlike the planning application in 2017 this current proposal will permanently reduce the public parking available from four places to three in order to allow necessary access at all times to the parking positions allocated for the two cottages within the boundary of the Martlets.</p> <p>Should a member of the public, park in the fourth space this would effectively deny access in and out of the two proposed properties and therefore it would be necessary to convert this parking position into an access road to the properties.</p> <p>Although Mr Nistorel claims to already have access rights to his property over the car park, we understand that the whole car parking area is common land and does not belong to any single property. It is currently parked on regularly by members of the public and especially by users of the Village Hall. Any scheme that reduces this capacity will be a loss to an important village amenity.</p>

	<p>The proposal also has the potential to create parking congestion and a serious loss of ability for parked cars to manoeuvre in and out of this limited car park area. This could be very significant for larger vehicles catering for events in the village hall and emergency vehicles.</p>
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ITEM NUMBER: 5d

20/00227/FHA	Demolition of existing outbuildings and construction of replacement single storey residential annexe with ancillary driveway from existing access on Hempstead Lane for emergency vehicle use
Site Address	Mollcroft, 69 Hempstead Lane, Potten End Berkhamsted
Applicant	Mrs Linda Brasier
Case Officer	Nigel Gibbs
Parish / Ward	Nettleden and Potten End /Ashridge
Referral to Committee	The Applicant's son is a an employee of Dacorum Borough Council

1. RECOMMENDATION

1.1 That planning permission be **GRANTED**

2. SUMMARY

2.1 Mollcroft is a detached dwellinghouse occupying a substantial plot. The building and its immediate large rear garden (Area 1) is located at the eastern edge of the built up limits of the defined Selected Small Village of Potten End in the Green Belt which is subject to Policy CS6 of Dacorum Core Strategy (2013). The other part of its plot to the immediate east (Area 2) featuring outbuildings is located within the Green Belt, splitting the site's grounds into 2 differently designated areas. Area 2 is subject to Policy CS5. The existing outbuildings which are to be demolished are currently used for domestic purposes directly relating to / associated with the existing dwellinghouse.

2.2 The proposed detached annexe building would provide necessary additional ancillary residential accommodation for the Applicant's husband due to very extenuating family health reasons. The building would be served by a separate emergency/ fire access/ driveway. Both the building and access are located within Area 2.

2.3 The annexe would ensure the availability of safe accommodation for a person with disabilities and a carer in accordance with Policy 18 of the Dacorum Core Strategy and Paragraph 60 of the National Planning Policy Framework.

2.4 The proposed annexe would be in accordance with Policy CS5 criteria (b) which supports the replacement of existing buildings in the Green Belt. Policy CS5 is considered to be primarily in accordance with the NPPF.

2.5 The annexe would not strictly accord with Paragraph 145 (d) of the NPPF relating to development in the Green Belt. This supports the construction of a replacement building, providing it is in the same use and not materially larger. This is because the proposal would replace more than one building which is slightly larger and the respective domestic uses are similar but not the same - the existing being 'incidental to the enjoyment of the dwellinghouse' and the proposal being 'ancillary'. The driveway is considered under the NPPF's Paragraph 146 (b) as an engineering operation - due to its scale it is not considered to be appropriate development in the Green Belt.

- 2.6 Under the NPPF (2019), Paragraph 143, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case, there are substantive very special circumstances which justify the grant of planning permission for the proposed building and the driveway in the Green Belt, with no other harm.

3. SITE DESCRIPTION

- 3.1 Mollcroft (no. 69) is a detached 2 and half storey dwellinghouse located on the northern side of Hempstead Lane at the eastern end of Potten End village, to the north west of the junction with Berkhamsted Road and Pouchen End Lane. No. 69 is the final dwelling on this side of Hempstead Lane, with nos. 76 and 78, a new dwelling, on the opposite side of Hempstead Lane.
- 3.2 The site's elongated wooded frontage features 2 accesses. The dwelling, which is set back from the front boundary, is served by the access within the frontage's south western corner linked to its driveway / parking area.
- 3.3 The second gated access is at the south eastern end of the site's frontage. The access is linked to its very extensive garden/ grounds/ residential curtilage which is enclosed by planting. The grounds feature a tennis court within the part to the immediate rear of the dwellinghouse and a pitched roof former stable building and two smaller buildings about 20m to the north east of the main house.
- 3.4 The grounds appear as comprising of a very longstanding amalgamation/ fusion/ now somewhat seamless merging of a typical garden to the rear of the house and an adjoining field into a single unit resulting in the above mentioned planning policy split /distinction between Areas 1 and 2 - land within the built up part of the village (Policy CS6) and the open green belt, Policy CS5 (Green Belt).

4. PROPOSAL

- 4.1 This is for the construction of a single storey gabled slate roofed timber clad 'L' shaped residential annexe (113.6 sqm) to provide accommodation for extenuating family circumstances, as explained by Paragraph 4.3. It will replace and occupy a similar footprint to the aforementioned outbuildings (98 sqm) which will be demolished.
- 4.2 The annexe would provide 2 bedrooms, an open plan living/ dining room and wet room. The second bedroom is for a carer to stay overnight if required and to store medical supplies. No kitchen or no cooking facilities are provided as meals would be prepared in the main house and brought to the annexe.
- 4.3 The annexe is for the occupation of the Applicant's husband who has been diagnosed with Dementia and Alzheimer's with very limited mobility and requires increasing levels of care and support day to day. When the application was submitted it was confirmed that he was being currently cared for by family members within Mollcroft. Due to the age and internal configuration of the Mollcroft the supporting statement confirms that with uneven flooring and inaccessible rooms, the accommodation available is no longer sufficient to meet the needs arising from his worsening condition. At the time of the site visit the Applicant's husband was away at a care home.
- 4.4 The supporting statement confirms that the proposal would establish a long term and sustainable solution allowing family members to provide the level of care and support

required whilst enabling the Applicant's husband to retain some level of independence and remain in close proximity to the familiarity of his own home.

- 4.3 The application has required amendment to provide a 3.7m wide driveway /emergency/ fire access road comprising of a cellular grassed concrete system 'Grasscrete' (or similar) and associated 16.8 wide turning area to the north of the annexe. This would be linked to the south eastern access to separately serve the annexe. Its design would be constructed to a standard to enable loadbearing for emergency vehicles and would feature sustainable drainage qualities, with no removal of existing planting.

5. PLANNING HISTORY

4/00599/77 – Bungalow and Garage : Refused

4/0648/87 _ Two Storey Side Extension
DET – 17 June 1987

4/00167/05/FHA- Two storey side extension and double garage
GRA- 14 March 2005

6. CONSTRAINTS

Green Belt: CS5
Parish : Nettleden with Potten End
Small Village
EA Source Protection Zone

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

National Planning Policy Framework (February 2019)
National Planning Policy Guidance
National Design Guide

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Policy NP1 - Supporting Development
Policy CS1 - Distribution of Development
Policy CS5 - The Green Belt
Policy CS6- Selected Small Villages
Policy CS9- Management of Roads
Policy CS10 - Quality of Settlement Design
Policy CS11 - Quality of Neighbourhood Design

Policy CS12 - Quality of Site Design
Policy CS13 - Quality of Public Realm
Policy CS17 - New Housing
Policy CS18- Mix of Housing
Policy CS25- Landscape Character
Policy CS29 -Sustainable Design and Construction
Policy CS 31-Water Management
Policy CS32- Air, Soil and Water Quality
Countryside Place Strategy

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)
Saved Policies

Policy 13-Planning Conditions
Policy 18- Size of New Dwellings
Policy 51-Development and Transport Impacts
Policy 54-Highway Design
Policy 58 - Private Parking Provision
Policy 99-Preservation of Trees, Hedgerows and Woodlands
Policy 113 -Exterior Lighting
Appendix 5 - Parking Provision
Appendix 8- Exterior Lighting

Supplementary Planning Guidance: Area 120 Little Heath Uplands

Sustainable Development Advice Note (March 2011)
Environmental Guidelines (May 2004)

9. CONSIDERATIONS

Main Issues

9.1 The main planning issues in the determination of this application are:

- The Principle: Additional Residential Accommodation.
- Ancillary Development.
- The Principle :Green Belt Implications.
- Design.
- Access and highway safety.

Principle of Development: Additional Residential Accommodation

9.2 The Agent's supporting statement has explained the expected relationship of the proposed annexe with Mollcroft:

- Its size is commensurate with the demonstrated need of the intended occupant and would be subservient in size and scale to Mollcroft.
- The land proposed to accommodate the annexe is closely related to the main house both physically and functionally, is and has always been in the same ownership and is not separated from it in any way, with an established path linking the outbuildings with the main house. It can therefore be reasonably concluded that the site falls within the residential curtilage of Mollcroft.

- It would have no cooking facilities, separate postal address, utility meters, garden, vehicular access or parking area and would be reached via an established path which leads to the main house.
- Whilst not attached to the house it is in reasonable proximity to it to enable it to be used in association with it. These factors clearly demonstrate the ancillary nature of the proposed use such that the building would not be tantamount to a separate dwelling. The applicant fully expects and accepts that a condition ensuring this ancillary relationship will be attached to any forthcoming permission.

9.3 The NPPF Paragraph 61 supports planning policies need to address the provision of housing needed for different groups in the community. These include older people and people with disabilities. The Core Strategy's approach to housing is in accordance with Paragraph 61, in addressing the Borough's Housing Mix through its pages 92 and 93. The Core Strategy's Paragraph 14.24 (p92) emphasises the importance of a mix of new homes, being adaptable and accessible to all occupiers.

9.4 Core Strategy Paragraph 14.25 expresses the need for special attention being given to the needs of elderly people, with Hertfordshire County Council Health and Community Service aiming to provide support for older people to remain in their own homes for as long as possible. This is through adaptations in the home and/ or support from a care worker/ personal assistant. This is reflected through Policy CS18.

9.5 The provision of the annexe is a direct way of adapting the site to accommodate the family needs. Therefore, there is robust case to support the principle of additional accommodation within the grounds associated with Mollcoft.

Ancillary Development: The Proposed Use as Ancillary to the Dwelling

9.6 There is the very long established recognition that under Class E Permitted Development outbuildings are regarded as a necessary part of a dwellinghouse, being incidental to the enjoyment of dwellinghouses.

9.7 In this case it is considered that based upon the submitted information and site conditions the proposed annexe would not be an incidental use and therefore requires planning permission. This is regardless of its size. This is because it is interpreted that it would be ancillary to the dwellinghouse which is materially different from being incidental. This takes into account the working definition of 'Purposes Incidental to the Enjoyment of the Dwellinghouse'. The Householder Technical Guidance confirms:

'Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house.

But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen'.

- 9.8 However, by being ancillary it would not be an independent separate independent self contained dwelling. There would be an ancillary coexisting relationship between the proposed annexe and the existing dwellinghouse as identified in paragraph 9.2 above. In addition, there would be a shared garden with the existing dwellinghouse with no boundary demarcation or sub division of the land. The building's scale when compared to the house is not disproportionate and is commensurate with the demonstrated need of the intended occupant thereby subservient in size and scale to Mollcroft.
- 9.9 The initial scheme relied upon an existing main access only, with no reference to the building's drainage. Due to the need for safe access to the site, the development is now to be served by a separate access. Although there may an independent non - main drainage/ private drainage system, it is still considered that the building would be ancillary and not a separate dwelling. This is reinforced by the Agent's preparedness to propose an ancillary condition.

Principle:Green Belt Implications

- 9.10 As confirmed above the application site is split into Areas 1 and Area 2 in terms of applying Green Belt policies, notwithstanding the site conditions:
- Area 1 - The dwellinghouse and its immediate large rear garden is just located within the defined built up limits of the Selected Small Village of Potten End in the Green Belt subject to Policy CS6 of Dacorum Core Strategy at the settlement's eastern edge.
- Area 2- The other part of the plot to the immediate east featuring the outbuildings to be demolished, the replacement building and the driveway located within the Green Belt. This area of land is subject to Policy CS5.
- 9.11 The proposed annexe would be in accordance with Policy CS5 criteria (b) which supports the replacement of existing buildings in the Green Belt. This criteria requires development to have no significant impact on the character and appearance of the countryside. Policy CS5 is considered to be primarily in accordance with the NPPF.
- 9.12 The annexe would not strictly accord with Paragraph 145 (d) of the NPPF relating to development in the Green Belt. This supports the construction of a replacement building, providing it is in the same use and not materially larger. This is because the proposal would replace more than one building which is slightly larger and the respective domestic uses are not the same, but similar as both relate to the existing dwellinghouse. It is therefore considered to be inappropriate development in the Green Belt and therefore by definition harmful.
- 9.13 The driveway access road and turning are an engineering operation. Under the NPPF's Paragraph 146 (b) an engineering operation is not inappropriate development in the Green Belt provided it preserves Green Belt's openness and does not conflict with its 5 purposes under Paragraph 134. This access, due to its scale, is significant with some encroachment of the countryside, which is considered to represent inappropriate development in the Green Belt it and would therefore, by definition, be harmful.
- 9.14 The Agent, however, considers that both the building and driveway would constitute appropriate development in the Green Belt and are in accordance with Paragraphs 145 (d) and 146(b) respectively, explaining a different interpretation, but confirming that if it is found to be inappropriate development, there are very special circumstances.

- 9.15 There are robust substantive very special circumstances which need to be taken into account, including:

The Annexe

- Although not strictly in accordance with the NPPF's Paragraph 145 (d), it is still very much reflects what types of new building can be constructed as exceptions.
- The floorspace difference is an increase of 16% with the building being about 0.5m higher than the highest outbuilding, with a single footprint as compared to the looser existing array of existing outbuildings, with resultant more compactness. The difference is considered to be insignificant in terms of its impact upon the openness of the Green Belt.
- The outbuildings to be replaced are used for storage and kennelling and are incidental to the enjoyment of the dwellinghouse and would be replaced with another use associated with the dwellinghouse, albeit different. The building would still be a domestic use directly related to the existing dwelling, which the submitted supporting statement confirms is proposed with an ancillary use specific condition.
- The annexe would enable a family member to be cared for within a familiar environment and has been specifically designed to meet the complex specialist needs of the end user which cannot be met in the main house nor without significant upheaval and distress in moving to an alternative home. Personal medical requirements of this nature are capable of being regarded as very special circumstances.
- In terms of use and the effect upon the openness of the Green Belt there would not be harm, including marginal change in vehicular movements.
- The Size and Location of the Replacement Building - It has also been taken into account that the Agent has noted 'as a realistic' fallback position' that the building could be constructed as 'permitted development' under Class E, clarifying that: 'for the avoidance of doubt, the nature of the ancillary accommodation it is to provide means it is necessary to seek planning permission'.
- The spatial effect of a Class E building in terms of the openness of the Green Belt would be the same, but could actually be much greater.

The Access Road.

The Agent has confirmed:

- The driveway will ensure emergency access to an annexe which would enable a family member to be cared for within a familiar environment and has been specifically designed to meet the complex specialist needs of the end user which cannot be met in the main house. Taking the above into account it is considered that very special circumstances exist to outweigh any potential harm to the Green Belt by reason of inappropriateness, although this is not considered to be applicable.
- It is also a material consideration that, as a realistic fallback position, given the access onto the highway already exists, the driveway as a hardstanding constructed of a porous material and located within the residential curtilage of Mollcroft, falls within the limitations set out in Class F of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. It is therefore considered that an area of hardstanding in the location shown could currently be constructed under Permitted Development Rights without the need to apply for planning permission.

- 9.16 It is considered that this range of very special circumstances individually and collectively outweigh the harm.

Design/ Visual Implications/ Character of the Area

9.17 This is with reference to Policies CS5 , CS11 and C12, and the NPPF's Part 12 (Achieving well- designed places). Policies CS11 and CS12 are generally consistent with the relevant aims of the Framework, expecting high quality design. The timber clad/ slate roof building would be compatible with its garden/ countryside setting representing a relatively low profile development with very limited impact upon the wider area.

Access and Highway Safety

9.18. This is with reference to Policies CS 8, CS12, saved DBLP Policies 51 and 54 and the NPPF paragraph 110 (d).

9.19 Due to the need to address safe emergency access to the building and the inbuilt difficulties of accessing the building from the existing access there is a requirement to provide a secondary access. This is acceptable to Hertfordshire Fire & Rescue Service.

9.20 The proposal is designed to accommodate a person with disabilities/ limited mobility with the opportunity for a carer to stay temporarily or permanently in the building.

Other Matters

9.21 There would be no harm to adjoining/ nearby dwellinghouse with reference to Policy CS12.

9.22 Ecological Implications. With reference to Hertfordshire Ecology's response there are no objections.

9.23 Contamination. An informative is recommended as referred to by the Community and Environmental Protection Team, also taking into account the site's location in Environment Agency Source Protection Zone with the resultant vulnerability of groundwater

9.24 Drainage. A condition is recommended taking into account the groundwater implications of non mains foul drainage in this Environment Agency Source Protection Zone. It will be expected that the building is designed with sustainable drainage. This takes into account that there have been no responses from the relevant technical consultees.

9.25 Security and Exterior Lighting. A condition is recommended due to the need to ensure safety for the occupier and the carer at all times, the level of use and the importance of limiting light pollution from an isolated building in an E1 lighting zone.

10. CONCLUSION

10.1 The proposal would provide essential ancillary family accommodation for which there are very special circumstances in the Green Belt and no other identified harm, representing a sustainable form of development in accordance with the NPPF's social and environmental objectives, with no clear apparent economic implications.

10.2 The recommended conditions have been discussed and agreed with the Agent.

11. RECOMMENDATION

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

1. The development hereby permitted shall begin 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 building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Mollcroft and therefore the building hereby permitted shall not be used as a separate residential unit.

Reason: For the avoidance of doubt and to ensure that the use of the development remains ancillary to the use of the main dwellinghouse without allowing the intensification of residential accommodation within the site in the interests of the Green Belt and highway safety in accordance with Policies CS5 and CS12 of Dacorum Core Strategy (2013) and saved Policies 51 and 54 of Dacorum Borough Local Plan (2004) and Part 13 of the National Planning Policy Framework 2019 (Protecting Green Belt land).

3. The emergency access and turning area hereby permitted as shown by Plan No. 110 Rev E shall be provided fully in accordance with this plan before the first use of the building hereby permitted and shall be thereafter retained at all times and shall only be used for servicing of the building hereby permitted.

Reason: In accordance with Policies CS 8 and CS12 of Dacorum Core Strategy, saved Policies 51 and 54 of Dacorum Local Plan (2004) and paragraph 110 (d) of the National Planning Policy Framework 2019.

4. Any exterior lighting serving the development hereby permitted shall be installed and thereafter retained and maintained fully in accordance with details submitted to and approved in writing by the local planning authority.

Reason: To safeguard the local environment in accordance with accord with the requirements of Policies CS12, CS29 and CS32 of the Dacorum Core Strategy(2013) and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan(2004).

5. Before the first use of the building hereby permitted, details of the drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the building's first use and shall be thereafter retained.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in in accordance with Policy CS29 of the Dacorum Borough Core Strategy (2013).

6. Subject to the requirements of the other conditions of this planning permission the development hereby permitted shall be otherwise carried out in accordance with the following approved plans:

110 Revision E

109 Revision B

200 Revision B

201 Revision B

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

Informatives:

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Land Contamination

The proposed development is not for a change in land use and will not involve significant ground works. It does, however, involve the demolition of outbuildings which were built circa 1970.

Land Contamination Informative

In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.

Bats

If bats, or evidence for them, are discovered during the course of demolition works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.

Highway Issues

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

APPENDIX A: CONSULTEE RESPONSES

<p>Nettleden and Potten End Parish Council</p>	<p>Original comments</p> <p>No objection</p> <p>Revised Plans</p> <p>No objection on the understanding that permission is subject to a condition ensuring the ancillary relationship of the annexe and associated driveway as anticipated by the applicant.</p>
<p>Hertfordshire Ecology</p>	<p>ORIGINAL SCHEME</p> <p>Thank you for consulting Hertfordshire Ecology on the above. I apologise for the delay with this reply.</p> <p>I am not aware of any existing habitat or species data for this site; however there are records of roosting bats in the area.</p> <p>Given the nature of the site, and lack of apparent characteristics of the buildings, on this occasion I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination.</p> <p>However, in the event that bats are found, given the proposal will involve demolition, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.</p> <p>If bats, or evidence for them, are discovered during the course of demolition works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.</p>
<p>British Pipeline Agency</p>	<p>ORIGINAL SCHEME</p> <p>Thank you for your correspondence enclosing details of your proposals as listed above.</p> <p>We are not aware that any of BPA Pipelines apparatus, falls within the vicinity of the above noted location. However, if the location of your work should change, please contact us immediately, on 01442 218911 or email nickifarenden@bpa.co.uk</p> <p>Whilst we try to ensure the information we provide is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>(1). With reference to the above planning application, please be advised Environmental Health have no objections or concerns. However I would recommend the application is subject to construction working hours with Best Practical Means for dust.</p> <p>(2). The proposed development is not for a change in land use and will not involve significant ground works. It does, however, involve the demolition of outbuildings which were built circa 1970 and so the following informative is recommended.</p>

	<p>Land Contamination Informative</p> <p>In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.</p> <p>As per email sent 2nd March'20 lease be advised Environmental Health still have no objections to the application but it is recommended that the application is subject to construction working hour guidelines as per below email</p>
National Air Traffic Services	<p>ORIGINAL SCHEME</p> <p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p> <p>However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.</p> <p>REVISED SCHEME</p> <p>As the only change is for driveway access NATS previous no objection remains</p>
Hertfordshire County Council Highway Authority (HCC)	<p>ORIGINAL SCHEME</p> <p>(1). Highways Proposal</p> <p>Demolition of existing outbuildings and construction of replacement single storey residential annexe</p> <p>Decision</p> <p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. No development shall commence until full details) have been submitted and approved in writing by the Local Planning Authority to illustrate the following: o Approval from Herts Fire & Rescue due to the distance of the proposed annexe from the highway. Reason: To ensure satisfactory development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>HIGHWAY INFORMATIVE: Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are</p>

carried out in accordance with the provisions of the Highway Act 1980:
AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

COMMENTS / ANALYSIS: The application comprises of the demolition of outbuilding and erection of new single residential annexe for a disabled occupant at Mollcroft, 69 Hempstead Lane, Berkhamsted. Hempstead Lane is designated as an unclassified local road.

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

COMMENTS / ANALYSIS: The application comprises of the demolition of outbuilding and erection of new single residential annexe for a disabled occupant at Mollcroft, 69 Hempstead Lane, Berkhamsted. Hempstead Lane is designated as an unclassified local access road, subject to a speed limit of 30 mph and is highway maintainable at public expense.

VEHICLE ACCESS & PARKING: The proposals do not include any new or altered vehicular or pedestrian access from the highway with the existing vehicle crossover (VXO) and driveway to Mollcroft remaining.

EMERGENCY VEHICLE ACCESS: The proposed annexe is more than 45m from the highway, which is greater than the maximum recommended distance of 45m for emergency vehicle access for a fire tender. The application has therefore been forwarded onto Herts Fire & Rescue for any comments or recommendations that they may have.

CONCLUSION: HCC as Highway Authority has considered that the proposal would not have a significant or negative impact on the safety and operation of the nearest highway. HCC has no objections or further comments on highway grounds, subject to the inclusion of the above informative and approval from Herts Fire and Rescue.

(2).Access for Hertfordshire Fire & Rescue Service

Hertfordshire Highways informed us of the above planning application as they say the new build appears to be further than 45m from the road (which appears to be the nearest point the firefighters can park the appliance). The entrance door of the annexe to the furthest point within the building appears to be approximately 16m. However I cannot seem to determine from the plans the access / travel path

	<p>firefighters would take and unclear of what the overall travel distance would be.</p> <p>Residential sprinklers could be considered as per 50.1.2 within BS9991 which states; "the distance between the fire appliance and any point within the house (in houses having no floor more than 4.5 m above ground level) may be up to 90 m</p> <p>Revised Scheme</p> <p>The application comprises of the demolition of outbuilding and erection of new single residential annexe for a disabled occupant at Mollcroft, 69 Hempstead Lane, Berkhamsted. Hempstead Lane is designated as an unclassified local access road, subject to a speed limit of 30 mph and is highway maintainable at public expense.</p> <p>VEHICLE ACCESS & PARKING: The proposals do not include any new or altered vehicular or pedestrian access from the highway with the existing vehicle crossover (VXO) and driveway to Mollcroft remaining.</p> <p>EMERGENCY VEHICLE ACCESS: The proposed annexe is more than 45m from the highway, which is greater than the maximum recommended distance of 45m for emergency vehicle access for a fire tender. A supplemental plan and planning statement has been submitted in June 2020 detailing a proposed vehicle access route to the proposed annexe, utilising an existing gated access from Hempstead Lane. The proposals include a grasscrete access route with a width of at least 3.7m and a turning area for a emergency vehicle. HCC as Highway Authority would not have any objection to this arrangement although Herts Fire and Rescue would need to be satisfied with the arrangements and therefore the details have been forwarded onto Herts Fire & Rescue for any comments or recommendations that they may have.</p> <p>CONCLUSION: HCC as Highway Authority has considered that the proposal would not have a significant or negative impact on the safety and operation of the nearest highway. HCC has no objections or further comments on highway grounds, subject to the inclusion of the above informative and approval from Herts Fire and Rescue and need for a condition reserving the access for emergency vehicles only.</p> <p>(2).Hertfordshire Fire & Rescue Service The drawings appeared to demonstrate adequate access, as the proposed driveway (on drawing 1087032) appears to be approx. 7m wide. Presuming it can withstand 19 tonnes and, an appliance can turn the corner in the driveway as per the diagram below, access for firefighters appears adequate to me.</p> <p>Case Officer Note: 7m should read 3.7m</p>
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Cadent Gas Limited	<p>ORIGINAL SCHEME (1).Main Response Thank you for consulting Cadent Gas for this application. We do not object to the proposal in principle.</p>
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(2).
Thank you for your enquiry which was received on 19/02/2020.
Please note this response and any attached map(s) are valid for 28 days.
An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.
For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-beforeyou dig>) or the enclosed documentation.
Are My Works Affected?
Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Affected Apparatus
The apparatus that has been identified as being in the vicinity of your proposed works is: High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
As the proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:
Requirements
BEFORE carrying out any work the developer must:
Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
I In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Page 3 of 6
GUIDANCE
High Pressure Gas Pipelines Guidance:
If working in the vicinity of a high pressure gas pipeline the following document must be followed:
'Specification for Safe Working in the Vicinity of Cadent and/or National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22).

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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	0	0	0	0

Neighbour Responses

Address	Comments
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ITEM NUMBER: 5e

20/01741/FHA & 20/01408/LBC	Removal of existing porch and construction of single storey side extension & Removal of existing porch and construction of single storey side extension	
Site Address:	Little Cheverells, Cheverells Green, Markyate, St Albans, Hertfordshire, AL3 8AA	
Applicant/Agent:	Mr and Mrs Stanley	PETER KNIGHTLEY
Case Officer:	Briony Curtain	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Applicants related to Councillor.	

1. RECOMMENDATION

That planning permission and listed building consent be granted.

2. SUMMARY

2.1 The application site is located within the large village of Markyate wherein appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy 2013.

2.2 Following the withdrawal of previous applications (20/00585/FHA & 20/00657/LBC), the proposal has been amended in line the Conservation Officers' comments and is now considered to preserve the character appearance and setting of the Grade II listed building and the natural beauty of the Chilterns Area of Outstanding Beauty. There would be no harm to the residential amenities of surrounding properties and no adverse impact on the safety or operation of the adjacent highways.

2.3 The proposal complies with Policy CS4, CS11, CS12, CS24 and CS27.

3. SITE DESCRIPTION

3.1 The application site is located at the junction of Pickford Road and Friendless Lane and comprises a detached Grade II listed building set in generous grounds. Little Cheverells is a modest square plan Georgian House, which has had substantial extensions in the past. Former outbuildings to the rear have been redeveloped and now form separate dwellings.

4. PROPOSAL

4.1 Planning Permission and Listed Building Consent are sought for the removal of the front porch and the construction of a single storey rear extension to the north-east of the property, adjacent to a previous two storey rear wing. The extension would be constructed of painted brickwork to match the existing dwelling and the windows and doors would be timber to match. The extension would comprise a lead flat roof and roof light set behind a parapet wall.

5. PLANNING HISTORY

Relevant Planning Applications (If Any):

20/00585/FHA - Demolition of current porch, new single storey side/rear extension

WDN - 4th May 2020

20/00657/LBC - Demolition of current porch, new single storey side/rear extension
WDN - 4th May 2020

Appeals (If Any):

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Area of Outstanding Natural Beauty: CAONB outside Dacorum
Large Village: Markyate
Listed Building: Grade II
RAF Halton and Chenies Zone: Red (10.7m)
Residential Area (Town/Village): Residential Area in Large Village (Markyate)
EA Source Protection Zone: 3
Wildlife Site: Cheverell's Green

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – Chilterns Area of Outstanding Natural Beauty
CS27 – Historic Environment
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;

Principle of Development

9.2 The site is located within the large village of Markyate wherein residential development is encouraged in accordance with Policy CS4 of the Core Strategy 2013, provided it meets all other relevant policies. The existing dwelling is a Grade II listed building sited within the AONB so policies CS11, CS12, CS24 and CS27 would also need to be satisfied.

Quality of Design / Impact on Listed Building / AONB

9.3 The proposal has been amended following the withdrawal of previous applications, the footprint has been reduced and it now aligns with the rear elevation of the previous extension (two storey rear wing), the materials have been changed and the roof form amended. The advice of the Conservation in relation to the withdrawn scheme has largely been adopted and the amendments sought have been incorporated into the current proposals.

9.4 Whilst the loss of the existing swept lead roof porch is unfortunate, the extension proposed in its place as amended is now considered appropriate. The massing has been reduced and the extension now sits comfortably on this traditional Georgian building. The parapet detailing has been raised in height to hide the flat roof and rooflight beyond. The fenestration pattern (doors) now relate to the proportions of the remainder of the building so harmonise well. The materials will match to ensure a successful integration.

9.5 The Conservation Officer is satisfied that the proposal is now acceptable from a conservation/design perspective and would not harm the character, appearance or setting of this Grade II listed building. The proposal thus complies with Policy CS27 of the Core Strategy. Given the above the proposal would not harm the significance of a heritage asset it is acceptable in accordance with section 16 of the NPPF.

9.6 The rear of the site would largely be concealed from public vantage points such that there would be no harm to the character or appearance of the wider area or any harm to the special qualities of this part of the Chilterns Area of Outstanding Natural Beauty to comply with Policies CS11, CS12 and CS24.

Other Material Planning Considerations

Impact on Residential Amenity

9.7 Given its siting, the extension would not harm the residential amenities of adjacent and surrounding properties with regard to light, privacy or visual intrusion. The proposals comply with Policy CS12 in this regard.

Impact on Highway Safety and Parking

9.8 - There would be no change to the parking or access arrangements to the site, which is served by generous front driveway and garaging accessed from a gated entrance on Friendless lane. There would be no harm to the safety or operation of the local highway network.

Response to Neighbour Comments

9.9 No comments were received.

Community Infrastructure Levy (CIL)

9.10 The development would not be CIL liable.

10. RECOMMENDATION

10.1 That planning permission (20/01471/FHA) and listed building consent (20/01408/LBC) be granted subject to the conditions set out below.

Condition(s) and Reason(s) for 20/01741/FHA:

1. **The development hereby permitted shall begin 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 carried out in accordance with the following approved plans/documents:**

19 612 PL04 A

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

3. **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture in accordance with the approved plans and application form.**

Reason: To ensure an acceptable appearance and to respect the character and appearance of the Listed Building make in accordance with Policies CS11 and CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Condition(s) and Reason(s) for 20/01408/LBC:

1. **The works hereby permitted shall begin before the expiration of three years from the date of this consent.**

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

19 612 PL04 A

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

3. **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture in accordance with the approved plans and application form.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

Informatives:

1. Listed Building Consent has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	No Comments / Objections
Conservation & Design (DBC)	The previous advice has largely been adopted - the massing has been reduced, the parapet raised, fenestration reduced and the proposal is now acceptable from a conservation/design perspective. As the brickwork will be painted, the roof lead and the windows timber, there is no need to submit samples.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
3	0	0	0	0

Neighbour Responses

Address	Comments
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ITEM NUMBER: 5f

20/01014/FHA	Replacement front door
Site Address	65 Charles Street , Berkhamsted
Applicant	Mr Anthony Downie
Case Officer	Nigel Gibbs
Referral to Committee	The recommendation to support the application is contrary to Berkhamstead Town Council's view

1. RECOMMENDATION

1.1 That planning permission be **GRANTED**

2. SUMMARY

2.1 The proposed replacement door would preserve the Berkhamsted Conservation Area .It would be in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy (2013) and saved Policy 120 of Dacorum Borough Local Plan (2004) which are generally consistent with the expectations of Part 16 of the National Planning Policy Framework (Conserving and enhancing the historic environment).

3. SITE DESCRIPTION

3.1 No. 65 is a mid-terrace 3 bedroom Victorian two storey dwellinghouse located on the south western side of Charles Street midway between its junctions with Kitsbury Road and Boxwell Road. The site is located within Berkhamsted Conservation Area. This part is subject to an Article 4 Direction which restricts permitted development rights including the right to alter the front doors.

3.2 No.65 features a timber blue finished part glazed timber front door which is not the original.

4. PROPOSAL

4.1 The application seeks planning permission for the replacement of the existing front door with a dark grey composite grained finish.

4.2 The supporting statement explains that the door is of a poor design causing the house to being energy inefficient and draughty. Cold air draughts affect the hallway, kitchen, ground floor living room and a staircase to the first floor. There are also security issues.

4.3 It is confirmed that a composite door has a range of benefits:

- A made-to-measure door would provide far better insulation and also not warp over time unlike timber.
- Provide a far better level of security due to the strong composite door structure.
- In appearance it would be indistinguishable from the finish on a painted wooden door.
- It will last for a very long time.

4.4 The statement confirms the approach to design, being in keeping with the character of the property and the surrounding area:

- It is of a traditional Victorian style with four panels; two wooden panels at the bottom and glass panes at the top, matching the period style.

- The dark grey/black colour would complement the existing piping and guttering at the front of no. 65.
- Other similar dwellings in the surrounding area also feature composite doors at the adjoining no. 67, 19a, 21, 32a, 57, 81 and 95. There is also reference to an allowed Appeal for a front door at 10 Shrublands Road under 4/00014/13/FHA.

5. PLANNING HISTORY

4/02338/05/FHA- Single storey rear extension
GRA- 3rd January 2006

4/01746/05/FHA - Single storey rear extension
REF- 10th October 2005

4/00405/05FHA – Two storey rear extension
WDW -25th April 2005

4/00606/97/FHA – Demolition of ground floor rear kitchen/ toilet, construction of two storey rear extension
GRA – 16th June 1997

Appeals

4/01746/05/FHA- Single Storey rear extension – DISMISSED 28/04/06

6. CONSTRAINTS

Conservation Area: Berkhamsted
Article 4 Direction
Residential Area (Town): Residential Area in Town Village (Berkhamsted)

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

National Planning Policy Framework (February 2019)

National Planning Policy Guidance

National Design Guide

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Policy NP1 - Supporting Development
Policy CS1 - Distribution of Development
Policy CS4 - The Towns and Large Villages
Policy CS10 - Quality of Settlement Design

Policy CS11 - Quality of Neighbourhood Design
Policy CS12 - Quality of Site Design
Policy CS 27 - Heritage
Policy CS29 - Sustainable Design and Construction

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Policy 118- Important Archaeological Remains
Policy 120- Development in Conservation Areas

Supplementary Planning Guidance

Area Based Policies: Berkhamsted Conservation Area

9. CONSIDERATIONS

Main Issue

- 9.1 The main planning issue in the determination of this application is the effect upon Berkhamsted Conservation Area.

Principle of Development

- 9.2 Policies CS1 and CS4 are supportive of new development within Berkhamsted.

Quality of Design / Impact on Berkhamsted Conservation Area

- 9.3 Dacorum Core Strategy Policies CS11 and CS12 require that new development is compatible with the established streetscape. This is reinforced by the design expectations for the Conservation Area as expressed through Policy CS27 and saved Dacorum Borough Local Plan Policy 120.
- 9.4 These policies reflect S72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 9.5 Policy CS27 seeks to protect, conserve and if appropriate, enhance the integrity, setting and distinctiveness of heritage assets which reflects the statutory duties defined in the Act. Accordingly CS27 clarifies 'development will positively conserve and enhance the appearance and character of conservation areas'. This reinforces the expectations of saved DBLP Policy 120.
- 9.6 The NPPF's Para 193 confirms that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). NPPF's Para 194 confirms that any harm to or loss of, should be with reference to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) and should require clear and convincing justification. This is set against the NPPF's overarching emphasis upon achieving well designed places through Parts 12 and 16.
- 9.7 No.65 makes a positive contribution to the character and appearance of the street scene. The proposal has been carefully considered by the Design & Conservation Team (CT). This assessment has addressed the role of the existing Article 4 Direction, with reference to the quality of no. 65's existing door –albeit modern 'it is of a reasonably traditional design and

does not look out of character within the street scene'. In carrying out this assessment the CT has requested the Applicants to consider whether they would be able to install a timber door of the design selected instead of a composite door which they are unable to do. It is confirmed:

'Firstly, in relation to replacing the wonky pane of glass above the current front door, they say that '*conservation would want to see the fanlight remain and match the others in the terrace*'. We confirm that we intend to replace the fanlight to match the others in the terrace (which are also rectangular in shape above the front door).

Secondly, the conservation team asks if we would consider installing a replacement timber front door, rather than a composite one. We have looked at the option of a replacement timber door but, for the reasons explained in our supporting statement, after weighing up the various factors, we decided that a composite door was the best option. As a young family, the cost of a timber is of course a factor in this decision for us, as this was comparatively much higher than an equivalent composite door. However, we have also been advised that the composite door will look like a timber door - we have selected a design in keeping with the area, and we see from the conservation team comments that they do not object to the proposed design of the door. We also understand that composite doors offer some useful practical advantages over timber doors including in relation to security, durability and insulation as detailed in our supporting statement'

9.8 Fundamentally and very significantly CT's consideration has been in the context of the Planning Inspectorate's Appeal decision 4/00014/13/FHA to allow the installation of a composite replacement front door at no. 10 Shrublands Avenue in 2013. With due weight given to this decision the CT has advised in its 2nd Response that the proposal 'is considered to preserve the character and appearance of the property and the Berkhamsted CA in accordance with policy CS27, recommend approval'.

9.9 In allowing the Appeal, the appointed Inspector provided a very comprehensive analysis of whether the use of a composite door in replacing the non original door at No. 10 Shrublands Avenue which requires a full explanation. Key observations from the Inspector included:

-The original application was for a composite door of typical Edwardian style, similar to a small number of other replacements in the street. The Council had no objection to the design of the door but they, together with third parties, including the Town Council, considered that any replacement should be made of wood since this would have been the material traditionally used. It was considered that a composite material would introduce falseness to the building fabric and doubt was expressed that a composite door could ever look like a painted door. Planning permission was therefore granted but subject to a condition that the door be constructed of solid wood.

-In abstract the most appropriate door would be a timber door of Edwardian design. However, in this case where the original door has been lost and the replacement is not in keeping with the dwelling or the street scene, a balance needs to be struck between the benefits of a traditional material and achieving a replacement that is sympathetic in appearance, energy efficient and reasonable in cost.

- In my view the proposed door, notwithstanding the use of a composite material, would be more in keeping with the host dwelling than the existing door. From the street it would reinforce the Edwardian qualities of the dwelling and enhance the uniformity of the street scene and the proposed finish would be almost indistinguishable from the finish on a painted wooden door. On inspection it would be apparent that it was not solid timber but I consider that this would be acceptable given the overall enhancement that would be achieved.

- The Council also suggests that if one composite door is allowed then it would be difficult to resist others. However, there are already a number of composite doors in the street. Moreover, each application must be judged on its own merits. This will include an assessment of the door to be replaced. Where original doors remain there should thus be no difficulty in resisting their replacement.

- I therefore conclude on the main issue that there would be no materially detrimental effect on the character or appearance of the host dwelling or Shrublands Avenue, and that the character and appearance of the Berkhamsted Conservation Area would be preserved or enhanced if the approved replacement front door was constructed of the proposed composite material rather than of solid wood.

9.10 At the time there was a shared local consensus (the LPA, Berkhamsted Town Council and Berkhamsted Citizens Association) that a timber door should be installed. The CT was of the view in 2013 that:

‘The use of non traditional materials introduces a falseness to the building fabric and the use of composite joinery would reduce the opportunity of accurate detailing for the moulding within the door. The purpose of the article 4.2 direction is to maintain and encourage original detailing to the frontages of the house and it is considered the introduction of the front door using a composite material would diminish the architectural integrity of the building contrary to the aims of the article 4.2’.

9.11 Since PINS 2013 decision the NPPF has been updated with considerable emphasis upon the importance of design as expressed through the aforementioned Parts 12 and 16 and the National Design Guide. Although each case must be considered upon its individual merits, the implications of Appeal decision 4/00014/13/FHA should be given very significant weight. Although timber is the preferred replacement door material, the use of composite material is considered to be an acceptable alternative.

9.12 Also significantly as in the case of no.10 Scrublands Road, the current proposal is not to replace an original timber door. In this context there will be cases where it would be inappropriate to replace an original timber door with a composite alternative.

9.13 With due regard to the above considerations based upon its individual merits the proposal is considered to preserve the character or appearance of the Berkhamsted Conservation Area.

Other Matters

9.14 There would be no harm to the residential amenity of adjoining dwellings.

9.15 The applicants have identified energy and security benefits.

10. CONCLUSION

10.1 There are very strong objections from Berkhamsted Town Council and Berkhamsted Citizens Association Townscape Group due to the type of door.

10.2 These should be considered in the context of the Council’s Design and Conservation Team’s response which supports the proposed change. This is in the full knowledge of the Conservation Area’s special architectural and historic interest, PINS 2013 decision, the relevant policies, with no harm to the significance of this heritage asset, as expressed through the National Planning Policy Framework.

11. RECOMMENDATION

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

1. The development hereby permitted shall begin 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 carried out in accordance with the following approved plans subject to the retention of a fanlight above the replacement door:

Site Location Plan

Design Access Statement : Appendix 2 showing replacement new door

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

Informative:

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Berkhamsted Town Council	<p>Objection</p> <p>The property is subject to an Article 4 direction. The replacement door should not be a plastic replica but instead be of a suitable template in wood, a traditional style and painted</p>

Conservation & Design (DBC)	<p><u>1st Response</u></p> <p>65 Charles Street is a mid to late 19th century terraced property and makes a positive contribution towards the character and appearance of the Berkhamsted Conservation Area in which it lies. An article 4(2) direction also applies to a number of properties on Charles Street, restricting permitted development rights, such as replacing doors and windows, thereby ensuring the special interest of properties in the Conservation Area can be maintained.</p> <p>The existing front door is modern, timber with 2 leaded and glazed panels in the upper part and al letter box - it is of a reasonably traditional design and does not look out of character within the</p>
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street scene. The rectangular glazed fanlight above the door is crooked.

There is no objection in principle to the replacement of the door. The replacement door will be similar in design terms but with a plainer style of glazing in the upper panels; however instead of timber, a composite door (grp plastic with a wood grain effect) is proposed. In conservation areas, and particularly with properties that are covered by article 4(2) directions the use of traditional materials is strongly encouraged - and timber would be a far more sustainable option than a composite door.

The Design and Access statement states the fanlight above the door would be of similar proportions to the existing / that of the neighbours -conservation would want to see the fanlight remain and match the others in the terrace. Can this be shown on an elevation drawing.

In summary, whilst there is no objection in principle to the replacement of the existing door, the applicants are asked to consider whether they would install a timber door of the design selected instead of a composite door.

Conservation are however mindful of application ref 4/00014/13/FHA and subsequent appeal decision which allowed the replacement of a timber door with a composite door on a property covered by an article 4(2) direction within the Berkhamsted CA.

If the applicants were to pursue installation of a composite door we would not recommend refusal on this basis.

Response to Applicants E Mail (see the Report)

65 Charles Street is a mid to late 19th century terraced property and makes a positive contribution towards the character and appearance of the Berkhamsted Conservation Area in which it lies. An article 4(2) direction also applies to no. 65 and a number of properties on Charles Street, restricting permitted development rights, such as replacing doors and windows, thereby ensuring the special interest of properties in the Conservation Area can be maintained.

The existing front door is modern, timber with 2 leaded and glazed panels in the upper part and a letter box – it is of a reasonably traditional design and does not look out of character within the street scene. The rectangular glazed fanlight above the door is

	<p>crooked and it is proposed the fanlight is replaced to match others in the terrace (no objection).</p> <p>There is no objection in principle to the replacement of the door. The replacement door will be similar in design terms but with a plainer style of glazing in the upper panels; however instead of timber, a composite door (grp plastic with a wood grain effect) is proposed. Whilst a timber door would be preferred the applicant is keen to install a composite door. Although in terms of material choice this is not ideal in the conservation area we are mindful of the appeal at 10 Shrublands Avenue where the replacement of a timber door with a composite door on a property covered by an Article 4(2) Direction in the Berkhamsted CA was allowed.</p> <p>On this basis, the proposal is considered to preserve the character and appearance of the property and the Berkhamsted CA in accordance with policy CS27, recommend approval.</p>
	<p>I write on behalf of the Berkhamsted Citizens Association Townscape Group of which I am Chairman. The Group wishes to object to the replacement of the front door of 65 Charles Street with a composite door, which is to say, essentially and detectably made of plastic. This house is part of a terrace which is protected by an Article 4 Direction and in the heart of Berkhamsted's Conservation Area. Thus any replacement front door, should it be deemed necessary or desirable, should both enhance and conserve the CA and not detract from it.</p> <p>The composite replacement proposed here would introduce falseness to the building fabric, open the 'wrong way' and have a built in letter box (see the picture), all of which would detract from the overall appearance of the house. The most jarring note would be that the plastic door shows its 'grain' whereas a wooden painted door does not.</p> <p>The applicant states that the present door is not original. This may well be true, as one can see from obviously restored original doors at nos. 73 and, most recently, 83. It is regrettable that the applicant is not seeking to emulate those rather than the egregious examples of plastic doors quoted at nos. 57, 67, 81 and 95.</p> <p>Those doors may or may not have been installed after the imposition of A4Ds, and no doubt Planning Enforcement may choose to look at those to compare them with the photograph record made at the time. Nos. 19A and 21 are not protected by an A4D; nor is no. 32A which is a modern, infill house and thus not relevant to this argument.</p> <p>A modern wooden door may be draught proofed and be secure. Security is about the quality of its locks. There are examples of replacement wooden doors at nos. 34 and 36 which could also be used as a pattern.</p> <p>The example of 10 Shrublands Avenue (4/00014/13/FHA, clause imposing necessity to build in wood removed on Appeal) is not strictly</p>

	<p>comparable.</p> <p>There it was to replace an existing door which was inappropriate to the dwelling, and thus there was seen to be an advantage in replacement. Here there is no such advantage proved; a restoration is perfectly possible and indeed desirable.</p> <p>A further perceived problem with the door is the 'unsightly pane of glass above it'. We presume this to be a reference to the fanlight above it which is 'wonky'. That is most probably not about the fitting of the door but because the brick arch above the door is not level, presumably owing to differential settlement after building, and therefore part of the character of the house. It begs the question, does the applicant intend to replace more than the door, and take in the fanlight? If so, the door would be proportionally wrong. To settle the question, there is a need for plans showing a front elevation, to</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	1	0	0	0

Neighbour Responses

Address	Comments
Berkhamsted Citizens Association Townscape Group	<p>I write on behalf of the Berkhamsted Citizens Association Townscape Group of which I am Chairman. The Group wishes to object to the replacement of the front door of 65 Charles Street with a composite door, which is to say, essentially and detectably made of plastic. This house is part of a terrace which is protected by an Article 4 Direction and in the heart of Berkhamsted's Conservation Area. Thus any replacement front door, should it be deemed necessary or desirable, should both enhance and conserve the CA and not detract from it.</p> <p>The composite replacement proposed here would introduce falseness to the building fabric, open the 'wrong way' and have a built in letter box (see the picture), all of which would detract from the overall appearance of the house. The most jarring note would be that the plastic door shows its 'grain' whereas a wooden painted door does not.</p> <p>The applicant states that the present door is not original. This may well be true, as one can see from obviously restored original doors at nos. 73 and, most recently, 83. It is regrettable that the applicant is not seeking to emulate those rather than the egregious examples of plastic doors quoted at nos. 57, 67, 81 and 95.</p> <p>Those doors may or may not have been installed after the imposition of A4Ds, and no doubt Planning Enforcement may choose to look at those to compare them with the photograph record made at the time. Nos. 19A and 21 are not</p>

protected by an A4D; nor is no. 32A which is a modern, infill house and thus not relevant to this argument.

A modern wooden door may be draught proofed and be secure. Security is about the quality of its locks. There are examples of replacement wooden doors at nos. 34 and 36 which could also be used as a pattern.

The example of 10 Shrublands Avenue (4/00014/13/FHA, clause imposing necessity to build in wood removed on Appeal) is not strictly comparable.

There it was to replace an existing door which was inappropriate to the dwelling, and thus there was seen to be an advantage in replacement. Here there is no such advantage proved; a restoration is perfectly possible and indeed desirable.

A further perceived problem with the door is the 'unsightly pane of glass above it'. We presume this to be a reference to the fanlight above it which is 'wonky'. That is most probably not about the fitting of the door but because the brick arch above the door is not level, presumably owing to differential settlement after building, and therefore part of the character of the house. It begs the question, does the applicant intend to replace more than the door, and take in the fanlight? If so, the door would be proportionally wrong. To settle the question, there is a need for plans showing a front elevation, to show how the new installation would impact overall.

To sum up - this is a Victorian house and Victorian houses are inherently draughty. This can be alleviated but not eliminated. Indeed, elimination is undesirable as houses of this era are built to breathe. The best way to treat unwelcome draughts in historic houses is by draught-proofing and heavy curtains. If a hermetically-sealed box is your wish, buy a modern house.

Composite doors are not indistinguishable from wood. Wood will last a long time and there is no difference in security. Cost should not be a factor in planning decisions. If a replacement door is agreed as the only option, wood should be the material of choice.

ITEM NUMBER: 5g

20/01582/FUL	Retention of Entrance Gates	
Site Address:	Land adjacent to Two Bays, Long Lane, Bovingdon	
Applicant/Agent:	Mr H Peters/Mr E Williams	
Case Officer:	Robert Freeman	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	The application has been referred to the Development Management Committee given the contrary recommendation of Bovingdon Parish Council. Bovingdon Parish Council considers the proposals to constitute inappropriate development in the Green Belt.	

1. RECOMMENDATION – That planning permission be GRANTED.

2. SUMMARY

2.1 The proposed gate is considered to result in inappropriate development within the Green Belt in accordance with the National Planning Policy Framework (NPPF) and CS5 of the Core Strategy.

2.2 However there are very special circumstances that would justify the approval of this scheme. Gates, fences and enclosures are capable of being erected without the need for planning permission. The current gate, being less than 2m high, would be permitted development if it were set slightly further into the site (so as not to be 'adjacent to the highway'). Such a permitted development gate would actually increase the harm to the openness of the area due to the need to have return fencing meeting a setback position. Therefore, in the context of permitted development, the gate is not considered to have any significant adverse impact on the open character or visual amenity of the area in accordance with Policies CS12 and CS13 of the Core Strategy.

3. SITE DESCRIPTION

3.1 The site comprises an area of land on the north western side of Long Lane and located between the residential unit, Two Bays and a commercial property known as "The Nursery" The site extends to the rear of these sites and to the boundaries of "Shepherds Field", "Beggars Roost" and a builders yard at the rear of "Le Chalet"

3.2 There are a number of mature trees on the boundary of the site with Long Lane behind which there is a green metal fence to the application site. There is a preserved Oak tree (TPO 481) along this front boundary.

3.3 The building at the Nursery and a number of trees mark the boundary of the site with "Shepherds Field" to the south west of the site.

4. PROPOSAL

- 4.1 The proposals seek to retain a green metal gates located on the north western side of Long Lane and providing access onto a field between “Two Bays” and “The Nursery”
- 4.2 The gates are located some 6.5m from the edge of the carriageway and comprises a mesh steel fence finished in dark green and extending to some 6m wide. These are attached to galvanised steel posts providing a total enclosure of some 6.4m. The gates are approximately 2m in height.

5. PLANNING HISTORY

- 5.1 Planning permission was granted under planning application 4/00578/12/FUL for the construction of gates at the application property and at a width of 4.6m.
- 5.2 The approved gates would be 2m in height and comprise steel railings clad with timber boarding. These would be 4.6m in width with a central opening and would be fixed to galvanized steel post 0.5m in width on each side.
- 5.3 Condition 2 of this planning permission required the galvanised steel railings to be painted in a dark holly green and have timber boarding finished in a dark brown stain to be fitted to the outside edge facing the highway.
- 5.4 Condition 4 of this planning permission required the gates to be set back a minimum of 5.5m from the edge of the carriageway and open inwards.
- 5.5 Condition 6 of this permission lists the approved drawings to be complied with including TBLL/01 and TBLL/02. Plan TBLL/02 clearly indicates that the gates would be 4.5m from the carriageway.
- 5.6 It is understood that the gates, subject to this application, were installed around 4 years ago without the benefit of planning permission and are wider than those permitted under the above reference. Early enforcement records however indicate that an access and gate were provided from as early as 2011 (E/11/0098) to serve the site.
- 5.7 The current fence was reported to the planning enforcement section on the 22nd April 2020 and is currently the subject of enforcement case (E/20/00137/NAP)
- 5.8 The site has been subject to successful enforcement action requiring the use of the wider parcel of land to cease being used for the storage of plant and machinery and the importation of bricks/rubble/spoil, concrete crushing etc. The Enforcement Notice also required and achieved the removal of a shipping container and portacabin from the site.

6. REPRESENTATIONS

Consultation responses

- 6.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

- 6.2 These are reproduced in full in Appendix B

7. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS8 – Sustainable Transport
CS12 - Quality of Site Design
CS13 – Quality of Public Realm

Local Plan

Policy 13 – Planning Conditions and Planning Obligations
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

8. CONSIDERATIONS

Policy and Principle

- 8.1. The site is located within the Green Belt where in accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy, the enclosure would not be described as constituting appropriate development within the Green Belt.
- 8.2 It is prudent however to consider whether there are any “very special circumstances” which might justify the approval of planning permission in this case, and which outweigh the harm to the Green Belt and any other harms. These circumstances need not be unique but must clearly have relevance to the planning merits in the case.

Very Special Circumstances

- 8.3 In accordance with Part 2 (Minor Operations) Class A (Gates, Fences, Walls etc) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) (GPDO) the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure would normally comprise permitted development and as such would not require the grant of planning permission from the local planning authority.
- 8.4 This would be subject to the condition that any gate adjacent to the highway would not exceed 1m in height or 2m in other locations. The gates at the application site are 2m in height and would be set back some 6.5m from the edge of the carriageway. Due to the absence of any intervening features, such as hedging or trees, the current gates are considered to be ‘adjacent to the highway’ and therefore require planning permission. However, should the gates be pushed slightly further into the site, it becomes increasingly harder to argue that they are ‘adjacent to the highway’ and they would then become permitted development. Such gates, i.e. pushed back further into the site, would require additional fencing running from the front boundary to the side of these gates. Consequently, permitted development gates would result in more development on the site

with a greater impact on the openness of the area than the current development. This is a material consideration that weighs very heavily in favour of the development.

- 8.5 Furthermore, it is important to note the general acceptance of enclosures under the GPDO. It is possible to erect gates and other means of enclosure (1-2m high) in the Green Belt without requiring a planning application. Finally, it is worth noting that the Council in 2012 (ref: 4/00578/12/FUL) approved a gate 4.6m wide. There have been no material changes to planning policy since then that would lead to a different decision now for a 4.6m wide gate.

Main Planning Considerations

- 8.6 For the above three reasons it is considered that “very special circumstances” exist in this case. The main planning issues in this case therefore appear to be those relating to the visual impact of the proposed gates and the associated impact on the open character and appearance of the Green Belt and the impact of the proposed works in relation to matters of highways safety, and whether the very special circumstances outweigh any harm considered to the Green Belt and any other harms.
- 8.7 It is important that such considerations are based upon a judgement of the gates to be retained and are not prejudiced by the use of the application site, be it lawful or otherwise.

Impact on Openness of Green Belt / Visual Amenity

- 8.8 The principle of constructing gates at the application site has been accepted through the previous grant of planning permission. The gates approved in 2012 were to be 4.6m in width. The proposed gates would be some 6m in width with the total width to the enclosure approximately 1m wider than the previous permission. There have been no material changes in planning policy since the decision was made in 2012 and as such we should be considering whether the increased width and set back of the enclosure is harmful to the visual amenity of the area.
- 8.9 The gates to be erected at this site are very similar in design and appearance to the fencing that is located immediately behind the existing tree belt at the boundary of the application site and as such would be a complimentary extension of this enclosure to the site. Given the set back from the edge of the highway the gates would not be visible in the context of the Long Lane street scene until one would be immediately adjacent to the entrance.
- 8.10 For these reasons, the gates are not considered to be particularly intrusive or harmful to the openness of the Green Belt, the appearance of Long Lane, nor the wider character and appearance of this semi-rural location in accordance with Policies CS5, CS12 and CS13 of the Core Strategy. It is noted that there are numerous examples of similar suburban enclosures securing sites within the locality including that to the adjacent lawful scrap yard at The Nursery site, and those to premises in Middle Lane and Shantock Hall Lane. The properties in Long Lane vary considerably in terms of the enclosures to the street, from the rural hedgerows to austere brick walls, pillars and metal gates.
- 8.11 In addition, it is considered that the appearance of the gates could arguably be considered less urbanising than the solid wooden gate approved under 4/00578/12/FUL

Impact on Highway Safety

- 8.12 The gates are set back into the application site in order to reduce their visual impact in the street and to provide sufficient space for larger vehicles to park outside the application site

without overhanging the highway. The gates open inwards into the application site. It is also worth repeating that gates set back 6.5m into the site have already been given planning permission in 2012.

As such the proposals would not be prejudicial to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

Representations

- 8.13 The concerns of local residents have been addressed above with the exception of those issues associated with noise, disturbance, traffic generation and impact on ecology arising from the use of the site. These matters themselves do not appear to be directly relevant to the provision of the gates at the site, rather they concern potential uses of the land. Therefore, they are not grounds for the consideration, let alone refusal, of this proposal.
- 8.14 Any change in the use of the land would clearly need to be subject to a separate planning application and the proposals must be treated accordingly.

9 CONCLUSION

- 9.1 The proposals are not considered to result in significant harm to the openness of the Green Belt, the character and appearance of the surrounding area, or highway safety. The proposals would be in broad accordance with Policies CS5, CS8, CS12 and CS13 of the Core Strategy. As such it is concluded that the very special circumstances described above justify approval of the proposed development.

10 RECOMMENDATION

- 10.1 That planning permission be **GRANTED**.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Bovingdon Parish Council	Based on the comments of residents living in close proximity to the site, the supporting information is factually incorrect. HGV's were unable to access the site until the wider gates were installed in April 2017. The rear site has not been used for nine years by HGV's and vehicles should not be accessing the rear of the site over land which has planning enforcement notices upon it. The proposals would constitute inappropriate development.

APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
Humphreys & Co Solicitors, 145 King Street, Bristol (on behalf of eight properties, Long Lane)	The site is within the Green Belt and is currently the subject of a number of enforcement investigations with regard to its commercial use. This is important, because in planning terms there is no lawful use of

the site that requires HGV access by means of the proposed gates. The adjacent nursery site already has a perfectly serviceable HGV access. It follows that there is no justification whatsoever to support this proposal.

You will also be aware that planning permission has previously been granted for gates to be installed at the entrance to the site under 4/00578/12/FUL. The approved gates are narrower and not set back from the road. It is argued that that the new gates will improve access for HGV's which have been accessing the site over the last 9 yrs. This is incorrect.

Local residents have confirmed that the gates were installed in the last few years and have resulted in an intensification in the use of the site by larger vehicles. The gates themselves are significantly larger at 6.4m in width and have a greater visual impact.

Policy CS5 of the Council's adopted Core Strategy states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Appropriate small scale development will only be permitted where this has no significant impact on the character and appearance of the countryside and supports the rural economy and maintenance of the wider countryside.

The proposal manifestly fails to satisfy these requirements. At 6.4m in width and having an overly industrial appearance, the gates significantly reduce the open character and appearance of the Green Belt and have a severe urbanising and industrialising impact on the rural character and appearance of the local environment. The proposal conflicts with Policy CS5 but also CS7, CS12 and CS13 which stresses the importance of protecting the local character and quality of the public realm and wider countryside.

This proposal further contravenes national planning policy as set out in the National Planning Policy Framework whereby development should function well, be sympathetic to local character and add to the overall quality of the area.

Furthermore, the installation of wider gates facilitates the inappropriate and unauthorised intensification of the commercial use of the site. Prior to the Council taking enforcement action, this had manifested in an increased use of the site and its access by larger HGVs, leading to increased traffic and associated noise and disturbance to local residents. This had caused substantial harm to the residential amenities of nearby residential occupiers whilst also harming the rural character and quality of the locality, contrary to Policies CS7, CS12 and CS13 of the Core Strategy.

Neither are local roads suitable for this type of traffic. The use of site by large HGVs is causing vehicles to overrun the highway verge and is leading to mud and debris from the site being deposited on the highway, to the detriment of highway safety and contrary to the requirements of Policies CS8 and CS9 of the Core Strategy.

	<p>The proposal also conflicts with the wider planning policy objectives set out above for the protection of the open character and visual amenity of the Green Belt and the character and quality of the wider countryside. We would refer you, in particular, to Policy CS9 of the Core Strategy, which specifically states that in villages and the countryside special regard will be paid to the effect of new development and traffic on the safety and environmental character of country lanes.</p> <p>For all these reasons, we are of the opinion that this proposal would cause substantial harm to the open character and visual amenity of the Green Belt. Such development is inappropriate in the Green Belt and, according to the approach set out in the National Planning Policy Framework, should not be approved except in very special circumstances.</p> <p>Very special circumstances to justify inappropriate development in the Green Belt 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. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.</p> <p>In this case, we have demonstrated that the gates are causing substantial harm not only to the Green Belt but also to the rural character and appearance of the wider countryside, the residential amenities at nearby properties and in relation to highway safety.</p> <p>There are no special or exceptional circumstances in this case that would justify making an exception to the strict policies of restraint that apply within the Green Belt.</p> <p>On the contrary, this is a proposal that, if permitted, would sanction the inappropriate intensification of unauthorised commercial uses in a sensitive rural location and in direct contravention of Green Belt policy.</p> <p>We urge the Council to act decisively to prevent this and to protect the Green Belt and the amenities and environmental quality of the local area by upholding the provisions of the development plan and national planning policy, as set out above.</p> <p>Planning permission should be refused for the reasons stated and enforcement action authorised to secure the immediate removal of the unauthorised gates and the reinstatement of the land to its former condition</p>
Cherry Tree Cottage	<p>In addition to the letter from our solicitors, Humphreys & Co I would like to supplement the information from my own residence at the above address since June 1984</p> <p>It should be noted that a number of these comments will question the accuracy/validity of the statements made by Mr Peter's or his Agent</p>

	<p>The land behind the gates, between “The Nursery” (owned by John Green) and to the left looking from my property and “Two Bays” from the right is within the Green Belt and was always a natural habitat for wildlife with grass, shrubs and trees in a fenced area to both sides.</p> <p>There was no access nor any gate to Long Lane as the land lay behind a free-flowing ditch that was maintained by the Council to allow sufficient water to drain into it from this rural lane. The land is owned by a Mrs Peters.</p> <p>Mrs Peters advised me in late 2008 that her son wanted to move from Watford and build a house on her land. A TPO was placed on an Oak tree on the land in 2009.</p> <p>I understand that Mrs Peters sold the land to Henry Peters in 2015. Mr Peter started to clear the land from 2016. This calls into question the Agents claim that the access to land by HGV’s has been going on “almost daily” for “around nine years”</p> <p>I have witnessed the use of the land by HGVs and because of the distress and disturbance of this unlicensed operation, kept a record of vehicle movements. These are not daily with lorry loads of “hardcore” delivered in September 2018, diesel delivered in 2019 and a number of HGV movements since 2019 on a less frequent basis than is claimed in the application. Whilst these are less frequent than claimed they still have a considerable and disruptive effect on the safety and environmental character and nature of this country lane.</p> <p>In practice, the Watford Plant and Grab Hire low-loader HGV normally parks on the road thereby causing obstruction to other vehicles, cyclists and pedestrians not to mention the mud on this narrow land, to load machinery brought from the rear of the site.</p> <p>There is no justification for the larger gates to be ratified especially as Mr Peter choses to ignore the Council’s planning permission and the operation of the land is subject to an Enforcement Notice. The Council has instructed him to “ensure a satisfactory appearance to the development” and “safeguard the visual character of the immediate area”</p> <p>The proposals remain inappropriate development and conflicts with and is harmful to the openness of the Green Belt. The grant of planning would intensify the potential industrial impact on this almost entirely rural country lane.</p>
Little Gables	<p>I strongly object to the application to retain these gates as the retention of the gates will maintain access and permit future development to the site known as Adj. Two Bays and the land beyond.</p> <p>I would also note that the application is inaccurate as the gates have not been in constant use for the period stated and the use of the access point was only widened to allow access to the unlawful activities operating on the land beyond.</p>

The activities on this site are not in accordance with the policies protecting the green belt from inappropriate development and retention of the gates provide an access point to maintain inappropriate use of this green belt land.

The gates as they are presently should be remove and the hedge/verge reinstated to the condition prior the initial application.

We would object for the following reasons:

- The effect on local ecology,
- The proposals are too close to residential properties
- The increase in traffic,
- The increase in pollution
- The noise nuisance
- The proposals are out of keeping with the character of the area
- The proposals are over development
- The proposals would adversely affect traffic or highways safety.