

**4/01389/17/FUL - PROPOSED RETENTION OF A SHED FOR THE ELECTRICITY GENERATOR SERVING THE NURSERY (AMENDED SCHEME).
CHEQUERS MEADOW NURSERIES, CHEQUERS HILL, FLAMSTEAD, ST ALBANS, AL3 8ET.**

APPLICANT: Majestic Trees Ltd.

[Case Officer - Paul Newton]

Summary

The electricity generator shed supports the horticultural use of the surrounding land and therefore constitutes an appropriate form of development in the green belt. The building is constructed of sympathetic materials and is of high quality design. The application needs to be considered on its individual merits. Although the building is slightly larger than previously approved the building does not detract from the character/appearance of the area and accords with the Adopted Development Plan and the National Planning Policy Framework.

Site and Surroundings

The application site forms part of the wider Majestic Trees horticultural nursery which comprises a total of 7.95 hectares. The nursery itself contains rows of trees served by an irrigation system fed from the reservoirs; offices, agricultural buildings and a parking area. The River Ver crosses the nursery which also contains two reservoirs. The site is located on the north-western side of Chequers Hill, proximate to the bend in the road before its junction with the A5 (London Road).

The application site includes the location of the generator shed together with access along the Chequers Hill frontage. The site shares the vehicle access from Chequers Hill to Hollyhock House and the agricultural workers flats and managers house which have recently been constructed (ref. 4/02984/15/FUL; 4/02985/15/FUL). The site forms part of this area providing workers accommodation in conjunction with the nursery. It had previously been shown as part of the residential curtilage of Hollyhock House, however, the recent planning permissions for the accommodation formalised a change of use to horticulture given that it had only ever been used in connection with the nursery.

Dense vegetation aligns the south-eastern boundary along the frontage with Chequers Hill. A landscaping plan has been approved as part of the planning permissions for the agricultural workers accommodation (ref. 4/00810/16/DRC; 4/00835/16/DRC) which includes enhanced landscaping along this boundary.

Proposal

Permission is sought for the retention of a timber clad/tiled electricity generator shed. Permission was originally granted under ref 4/00681/16/FUL, the current application slightly increases the height/footprint of the building. The footprint of the building measures 3.15m by 2.66m. The height to the eaves is 2.3m and 4m to the ridge.

The previously approved shed had dimensions of 2.5m x 3.0m and had a pitched roof to a height of 3.1m with eaves of 2.0m and was to be constructed in breeze block, clad in timber weatherboard and tiled with plain tiles in keeping with the treatment of the other buildings located within the site.

The applicants have explained the reasons for the deviations from the approved plans:-

"The change in height and external dimensions compared to the previously approved drawing is a combination of factors. The alteration of the degree of the roof pitch, as well as deeper eaves from the external wall has increased the height of the ridge.

The degree of the roof needs to be sufficient for the particular types of tile (Tudor plain clay tiles) which were handmade. The website for Tudor Tiles states that the tiles require a 43 degree pitch to be correctly installed. The construction proceeded at the time as the difference was considered to be minimal and in practical terms the need for the building was pressing.

Further, the measurements provided on the previous plan and elevations related to the measurements to the edge of the breeze block and did not take into account the thickness of the timber weatherboarding, which explains the negligible additional footprint.

The change to which this application is seeking regularisation for is not significant, and does not materially affect the development. The height and size of the building has been kept to a minimum for the purpose of the building, whilst continuing to be in character with the other building on site. The essential use and need for the building has not altered since previous application ref. 4//00681/16/FUL."

Referral to Committee

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

Relevant history

4/00681/16/FUL	PROPOSED CONSTRUCTION OF A SHED FOR THE ELECTRICITY GENERATOR SERVING THE NURSERY
	GRANTED 27/05/16

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS5 - The Green Belt

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

Constraints

Green Belt

Former Land Use

Summary of representations

Flamstead Parish Council

3 councillors objected, 2 supported and 2 abstained from voting so the objection stands due to the extra height of the building and the roof pitch which should have been at 35 degrees.

Local residents

Windrush

Having looked at the documents within this application it is evident that the applicant is trying to obtain consent for the building they originally wanted consent for under application 4/00681/16/FUL. The documents provided with the earlier application clearly show that the applicant was advised that the 45 degree pitched roof that they desired would be unacceptable as they submitted an amended drawing showing a 35 degree pitched roof which was approved. The planning statement with the original application clearly states that their proposed plain clay roof tiles can be used on a pitch as low as 30 degrees but they would like to make the pitch 35 degrees, it should therefore be questioned whether not only have they built a structure that is too big and too high with a roof that is too steep, but has the applicant used the roof tiles approved in the earlier application as he is now saying that the tiles he has used are not suitable for the approved roof pitch.

Considerations

Policy and Principle

The site is located within the Green Belt. The National Planning Policy Framework (NPPF) states that inappropriate development such as the construction of new buildings is harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to say that 'very special circumstances' will only exist if the harm to the Green Belt is clearly outweighed by other considerations (paragraph 88). Furthermore, paragraph 89 sets out exceptions to what is not deemed to be inappropriate which includes:

"buildings for agriculture and forestry"

Section 336 of the Town and Country Planning Act sets out the definition of agriculture as including:

"horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly

The use of the premises falls within the definition above on the basis that it comprises horticulture and nursery grounds. Trees are grown and maintained on the site for sale to clients.

Core Strategy Policy CS5 allows for small-scale development in the Green Belt, such as buildings for the uses defined as appropriate in national policy, providing that it has no significant impact on the character and appearance of the countryside and supports the rural economy and maintenance of the wider countryside.

The applicant has submitted further information demonstrating the need for the generator and its position. The generator ensures that the electrical supply to the site is maintained in the event of a power cut. Without a continuous electricity supply the pumps to the irrigation system would fail and the trees would not receive water which is fundamental to the operation of the nursery.

Given that the generator shed is a key component to the operation of the horticultural use of the

site, it is considered that it falls within the definition of a building that is not considered to be inappropriate development in the Green Belt in accordance with paragraph 89 of the NPPF. As part of the wider nursery operation that supports the rural economy the small-scale building would be consistent with adopted Core Strategy Policy CS5 which supports such types of appropriate development provided it has no significant impact on the character and appearance of the countryside and it supports the rural economy. The siting of the building and impact on the character and appearance of the countryside is discussed further below.

Effect on Street Scene and Visual Impact

Whilst the building is positioned approximately 5.5m from Chequers Hill, the building is of small scale, of attractive design and is well screened from the road by existing vegetation.

The building is contained within the cluster of other domestic buildings serving the nursery.

For the reasons above it is considered that the shed as constructed does not have a significant adverse impact on the character and appearance of the countryside and is consistent with Policy CS5 and CS12 of the Core Strategy.

Effect on Amenity of Neighbours

Due to the position and small scale of the proposed building there is no impact on any neighbouring amenities.

Parish/Neighbour concerns

Although it is clearly disappointing that the building has not been constructed in accordance with the previously approved plans which were amended to address concerns expressed by the Parish Council this is not a reason in itself to refuse an application. The application as submitted, needs to be considered on its individual merits and against the adopted policies of the plan. Taking the above into account, the minor nature of the proposal and its compliance with policies of the development plan it is considered grounds for refusal could not be sustained.

Conclusions

The building has slightly deviated from the approved plans and is slightly larger, however, the building is an appropriate form of development in the green belt and supports an existing horticultural enterprise. The building is constructed of sympathetic materials and is of high quality design. Although slightly larger than previously approved the building does not detract from the character/appearance of the area.

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

- 1 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**
 1355.8a
 Elevation plans
 Supporting statement with photos

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

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

- 2 **No other buildings shall be erected within the part of the site to be used for horticultural purposes contained within the land edged red on the approved plans without the prior written approval of the local planning authority.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the visual amenity of the locality and the Green Belt in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 23 of the Dacorum Borough Local Plan 1991-2011.