

4/01490/17/FUL - CHANGE OF USE FROM FORESTRY WORKSHOP TO 4 BEDROOM DWELLING..

OLD BEECHWOOD, CHEVERELLS GREEN, MARKYATE, ST ALBANS, AL3 8AB.

APPLICANT: Mr & Mrs Morris.

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval as the proposed change of use from forestry workshop to a four bedroom dwelling by nature of its proposed design and location will not have a detrimental impact on the character of the Rural Area or the CAONB and will comply with CS7 Rural Area, CS24 Chilterns Area of Outstanding Natural Beauty and CS10 - Quality of Settlement Design, 1 - Quality of Neighbourhood Design, CS12 - Quality of Site Design, CS25 - Landscape Character, CS26 - Green Infrastructure and CS27 - Quality of the Historic Environment.

Site Description

The site lies beyond the south-western edge of the village of Markyate in the Rural Area and Chilterns Area of Outstanding Natural Beauty. It is located on the western side of Pickford Road, is well set back from the road and comprises one large agricultural style building that is used for forestry/arboricultural works. There is a timber shed located to the rear of the main building used for general storage. The building is surrounded on three sides by thick, mature hedgerows and has a tarmac drive and stone kerbing to the front of the building.

The site lies within the land surrounding 'Old Beechwood, Markyate' a large extended end of terrace dwelling. The existing building to be converted is approximately 11 metres from the existing dwelling (Old Beechwood).

There is a large set of double gates with brick piers that allow access to the whole site from Pickford Road. The access road crosses Cheverall's Green.

Proposal

The proposal is for the change of use from forestry workshop to a 4 bedroom dwelling. The existing building is in good condition both internally and externally. The proposed works would make alterations to the internal and external facade with additional window and door openings provided and a new roof. The new roofing materials will be slate effect roof tiles to match the colour of the host dwelling at Old Beechwood. The reason it is proposed to change the roofing materials is to reflect the roofing materials used on the neighbouring residential properties. Additionally, the replacement roof will allow the roof insulation to be upgraded. This will ensure that the building will comply with current Building Regulations, has minimum carbon dioxide emissions and maximum energy efficiency performance.

The proposal does not include any changes to the existing access. The new dwelling will use the existing access. The existing tarmac area to the north-west of the building will provide parking for at least 4 vehicles.

Referral to Committee

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

Relevant Planning History

4/00361/12/FHA TWO STOREY REAR EXTENSION
Granted
04/05/2012

4/00120/09/FUL Conversion of Existing Outbuilding to provide Workshops and Storage Area for Forestry Aboricultural Business. Granted 24/03/2009

4/00281/08/FUL: Alteration of Existing Outbuilding for use ancillary to dwelling. Provision of workshop, double garage and study / playroom - **Refused**. The Local Planning Authority was not satisfied that the building was capable of conversion without substantial reconstruction or that alternative uses for the building has been explored.

4/02703/07/FHA CONVERSION AND ALTERATIONS TO EXISTING OUTBUILDING TO PROVIDE ANCILLARY DOMESTIC ACCOMMODATION
Withdrawn
04/02/2008

4/01832/04/FUL: Demolish Outbuilding and Construct 3 bay garage - Refused, but allowed on Appeal. The Inspector concluded that the existing building was a blot on the landscape. Although it was in need of considerable repair, it was unlikely to fall down in the foreseeable future. The new garage would result in a 78% reduction in built development, would not encourage greater use of private cars and would not have an adverse impact on the adjacent wildlife site. Overall the scheme would enhance the AONB.

4/01144/00/FHA TWO SINGLE STOREY EXTENSIONS
Granted
11/08/2000

4/0872/76 Outline one bungalow
Refused
2/9/76

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
Markyate Place Strategy
CS7 - Rural Area
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 - Chilterns Area of Outstanding Natural Beauty
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policies 13,34, 58,97,100,110
Appendices 3, 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Chilterns Buildings Design Guide (Feb 2013)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Markyate Parish Council

We object due to this being an area of outstanding beauty. It is also not in keeping with the area. Objection also to Change of Use.

Conservation and Design

The proposed design uses the current building and converts it to residential use. The amount of fenestration and use of openings is reasonably restrained, particularly as old photographs indicate that there was continuous fenestration along the side long elevation.

The building is long – nearly 31.5m , and doesn't convert comfortably to a conventional single dwelling; it is shown as having a living room, 4 bedrooms each with its own en-suite or bathroom, a study, playroom, family room, kitchen/diner and utility. There might be an argument for compressing the length, shortening it from 4 to 3 bays, but still providing sufficient residential space? This would help to set the building further back from Old Beechwood, and would soften the impact of the conversion.

Hertfordshire Biological Records Centre - Initial comments

1. We have no ecological information from the application site, although Cheveralls Green is a Wildlife Site, a small length of which is in the ownership of the applicant. The location next to a mature hedgerow and trees suggests bats will be present in the immediate area.

2. The forestry workshop building was previously converted into its present use in 2009. It is described as in very good condition internally and externally. What photographic evidence is available from Street view tends to confirm this:

- Modern close fitting weatherboarding,
- The tall access door at the eastern end suggesting little or no enclosed roof space, and
- The roof covering of corrugated roof sheets.

I consider these characteristics are not consistent with a reasonable likelihood of the building supporting bats.

3. On this basis, I do not consider the LPA is justified in requiring a Preliminary Roost Assessment prior to determination. However, it would be advisable to provide the following Informative with any approval:

- *If bats, or evidence for them, are discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and*

experienced Ecologist or Natural England: 0300 060 3900.

4. I note the small section Green is partly in the ownership of the applicant; street view and other aerial photos suggest that it is mown for hay and not regularly cut like a lawn, which would degrade its interest. The applicant should be encouraged to maintain such management to enhance its ecological interest, although I suspect much of the Green west of Pickford Road is subject to such management. This differs from the opposite side of the road which appears to have been more regularly cut for many years. Consequently I will inform the Wildlife Sites Officer at HMWT who may be able to provide further advice in respect of grassland management on this site.

Hertfordshire Biological Records Centre- further comments

1. Further to my previous comments on the above, I note that you have drawn my attention to the Markyate Place Strategy in the Core Strategy. This states (Para 25.9):

“Cheverell’s Green adjoins the village and is of high ecological value. Its wildlife interest will be protected and enhanced. A number of private gardens contain historic and small scale features, such as old hedgerows and orchard trees that will be protected as an ecological resource.”

2. My previous comments highlighted the short section of Green within in the ownership of the applicant who could be encouraged to maintain a hay-cut for this area to maintain and enhance its ecological interest.

3. This management could be secured within a S106 Agreement, subject of an agreed management plan approved by the LPA. Management would require cutting most of the grassland, possibly leaving a smaller section to over winter as uncut grass, alternating with another section the following year where this is most convenient. If a larger area of the green is also cut as a hay-cut this would be cut in July depending on weather, but if not the area could be cut at the end of the flowering season when everything has flowered and set seed. However cuttings would still need to be removed to avoid nutrient enrichment and any build up of thatch.

4. Any such plan only needs to be very simple, although it should also include some monitoring of the area prior to cutting say one year in five to ensure the grassland interest was being maintained. Given its Wildlife Site status, HMWT may be interested in preparing a plan and/or surveying the site.

5. This approach would secure appropriate management for at least part of the Wildlife Site. It is justified in respect of achieving both the aims of NPPF regarding net gains for biodiversity resulting from development and also the local plan policy.

The Hertfordshire Ecologist advised that he would have no objection to the placement of a condition on any approval granted for a management plan for the part of Cheverells Green owned by the applicant.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Old Sebright School - Objects

Location and planning history

The building and land are in the rural area and the Chilterns AONB. For many years until the early 1960s, they were formerly used for educational purposes, as the science block associated with the former Sebright School. After that time, the land and building were unused, becoming gradually overgrown with a number of fairly substantial trees, and over several decades there was a history of unsuccessful planning applications.

In about 2003, the previous owner of the house at Old Beechwood acquired the adjoining subject land, and in 2004 he applied (4/01832/04/FUL) for planning permission for residential use of the whole site in order (among other purposes) to build a garage. The application was refused by the Council (referring to policies 7, 97 and 110 in the Dacorum Local Plan 1991-2011), but granted on appeal in 2006 (APP/A1910/A/04/1170676). It is important to note a number of features, as follows.

- The appeal was allowed in part only and made subject to a number of significant conditions. In particular, change of use was granted only in respect of an area comprising about one-quarter of the whole site (ie the end nearest Old Beechwood), and was conditional on the prior demolition of the entire Horsa Hut and an existing garage elsewhere.
- Very significantly, the Inspector rejected the application for change of use of the entire site, in relation to which he concluded as follows at para 12:

"There is thus potential that the remainder of the site could be incorporated as part of a domestic garden with its associated intrusive and urbanizing items such as sheds and play equipment and greater potential harm to nature conservation. I consider the Council is entirely right to resist that. The [existing house at Old Beechwood] is well provided with private garden and such use and paraphernalia would extend substantially into the narrow open area between the site and Markyate and harm its rural character."

The 2006 planning permission was not utilised. No building work was ever started.

Instead of using the 2006 planning permission, the present owners applied for conversion to "ancillary domestic use" in 2007 on the basis of retaining the whole of the existing building, but they withdrew the application (4/02703/07/FHA). They applied again in 2008, however, and the application was refused (4/00281/08/FUL). The reasons for refusal were as follows and merit reading in full:

"The application site is located within the Rural Area and the Chilterns Area of Outstanding Natural Beauty. Under Policy 7 of the Dacorum Borough Local Plan 1991-2011 the re-use of existing buildings will be permitted in the Rural Area under the condition specified in Policy 110. Existing buildings may be reused under Policy 110 for residential reuse only if other uses cannot be secured, and if the building does not require major or complete reconstruction. From the information submitted the Local Planning Authority is not satisfied that the building is capable of conversion without substantial reconstruction or that the buildings use for other purposes has been explored. Under Policy 97 redundant buildings which are considered to be detrimental to the high landscape value of the area and are not suitable for appropriate reuse under Policy 110 should be removed (g). No special circumstances have been advanced to show why planning permission should be granted. The proposed development is therefore contrary to the aims of Policies 7, 97 and 110 of the Dacorum Borough Local Plan 1991-2011."

In 2009, the present owners applied again, still with the intention of retaining all of the existing building rather than reducing or demolishing it. This application (4/00120/09/FUL), however, was for conversion of the building to provide workshops and storage for a forestry/arboricultural business. Although the application was granted, Conditions 3 and 4 attached to it are significant:

"3. The application building shall only be used for the storage and maintenance of agricultural/forestry equipment and the storage of hay and logs. It shall not be used for any other purpose at any time.

Reason: To safeguard the Rural Area, the character and appearance of the open countryside and Chilterns AONB and safeguard the residential amenity of the locality.

4. There shall be no external storage within the red outline of the application site unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the Rural Area, the Chilterns AONB and to protect the character and appearance of the open countryside.”

It should also be noted that in 2012, the present owners sought permission for a large 2 story extension of the house at Old Beechwood (4/00361/12/FHA). It was referred to the Planning Committee because the Parish Council objected on grounds including over-development of the site. Although the application was eventually approved on a small majority of the Planning Committee, the extension involved the addition of slightly more than 150% of the original floor area. Residential development has accordingly already been pushed to the limit at the site.

From time to time there have been applications made to the Council for planning permission to build new residential developments on other land along Cheverells Green - in particular in the field adjoining Frindles (which is separated from the subject land by only one other field), and on the land between Friendless Lane and Gilvers (which is roughly opposite the subject land). All the applications in relation to these parcels of land have so far been unsuccessful. The most recent application was in December 2016 (4/03300/16/MFA) and was eventually withdrawn in the face of considerable local opposition.

Planning policies and their application - objection contd.

In relation to the Council’s planning policies, it is very difficult to see how the present application can be justified; indeed, it appears directly contrary to several of them, as below. Furthermore, the development of housing in this location in the AONB will make it very difficult to maintain the village boundary and restrain ribbon development all the way along both sides of Cheverells Green. The land is at a critical position near the existing urban fringe of the village, in an area of high ecological and amenity value.

1. Policy 110 - Agriculture and reuse of rural buildings

“Permission will not be granted for residential reuse unless every reasonable effort has been made to secure business, recreation or tourism-related reuse, or residential conversion is a subordinate part of a scheme for other reuse.”

Policy 110 was at the heart of the refusal of planning permission in 2008. In substance, conversion to residential use is a step of last resort. There is no indication that the building could not be used for other purposes, such as storage. Furthermore, very substantial work on the building will be required to convert it to residential use.

2. Cheverells Green □ Core Strategy – Markyate Place Strategy – para 25.9

“Cheverells Green adjoins the village and is of high ecological value. Its wildlife interest will be protected and enhanced.”

□ Saved Policy 97 (f) –

“High priority should be given to maintaining and enhancing the interests of nature conservation and, in particular, acknowledged sites of importance to nature conservation.”

3. Urban fringe □ Core Strategy – para 8.24 –

“The scale of the pressure upon the countryside ... is particularly acute on the urban fringe.”

“The key role of the countryside on the edge of ... Markyate [is] ... to maintain a green buffer around the village.”

□ Core Strategy – para 1.15 –

“In rural areas and the urban fringe the priority is to maintain existing urban boundaries and protect the character of the smaller villages and the wider countryside.”

4. Chilterns Area of Outstanding Natural Beauty □ Core Strategy Policy CS24 –

“The special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved.”

□ Core Strategy – Local Place Strategy – para 25.4 - Local objectives:
“Conserve and enhance the Chilterns Area of Outstanding Natural Beauty.”

□ Saved Policy 97 – “In the Chilterns Area of Outstanding Natural Beauty the prime planning consideration will be the conservation of the beauty of the area; the economic and social well-being of the area and its communities will also be taken into account. Any development proposal which would seriously detract from this will be refused. ...
Every effort will be made to discourage development and operations that would adversely affect the beauty of the area.”

5. Natural landscape □ Core Strategy Policy CS25 –
“All development will help conserve and enhance Dacorum’s natural and historic landscape.”

6. New housing
□ Core Strategy para 1.5 –

“The approach to providing homes is to optimise the use of land within defined settlements, with the addition of some ‘Local Allocations’. Local allocations are modest extensions to existing settlements which will help meet local housing and infrastructure needs. The release of these sites will be carefully phased.”

Considerations

Policy and Principle

The site lies within the Rural Area where, under Policy CS7, the redevelopment of previously developed sites is acceptable provided it has no significant impact on the character and appearance of the Countryside and supports the rural economy and maintenance of the wider countryside.

Saved Policy 110 allows for reuse of rural buildings subject to compliance with the criteria therein. The sequential approach of not allowing residential use before every reasonable effort has been made to secure business, recreation or tourism-related use, or residential conversion being a subordinate part of a scheme for other reuse, is effectively superseded by NPPF and Policy CS7.

The site falls within the Chilterns AONB where in accordance with saved Policy 97 and CS27 proposals should conserve the natural beauty of the area.

Policies CS10, 11, 12 and 13 of the Core Strategy are overriding policies that seek a high quality of design in all development proposals.

The main issues in this case relate to the impact of the proposal on the open character of the Rural Area, the impact on the natural beauty of the AONB, and the impact in terms of car parking and amenity space.

Impact on Rural Area

Policy CS7 allows for the redevelopment of previously developed sites and the appropriate re-use of buildings, which are of permanent and substantial construction, providing that the proposal would not have a greater impact on the character and appearance of the countryside and would support the rural economy.

The existing site is already very built up with tarmac hardstand and kerbing around the

hardstand areas. The proposal is only making changes to the openings of the existing building and to the materials used in the roof.

Based on the existing appearance of the building and the site as a whole it is considered that the proposal would not have a greater impact on the character and appearance of the countryside.

The proposal will not affect the rural economy as the equipment which was stored in this building is being located to a more secure site close to Old Beechwood. The forestry/arbicultural business will continue but store the equipment elsewhere.

Based on the above it is considered that the proposal complies with CS7.

Effects on appearance of building

The proposal will increase the number of openings in terms of doors and windows but as mentioned by the Conservation Officer this is considered acceptable in this particular building. The changes of the roofing materials to be in character with the adjacent dwelling is considered acceptable as it will ensure that the new dwelling is more in character with its nearest neighbour.

Impact on Street Scene and CAONB

The proposal is not increasing the height or length of the building and there is already hard stand for parking and lawn area for amenity land so there will be no visible changes other than the outward appearance of the building.

The site is well screened from the street scene by hedges over 2 metres in height.

In terms of impact on the CAONB the site is well screened with high hedges to prevent any longer views into or out of the site. Also the changes to the building and its surrounds are minimal and will not impact on the CAONB.

Impact on Trees and Landscaping

The proposal does not result in the loss of any existing trees or landscaping.

Impact on Highway Safety

There is no change to the existing access which already serves a number of dwellings.

There is more than adequate space for parking on the existing hardstand area included within the site.

Impact on Neighbours

There will be no loss of amenity for the neighbours in terms of overlooking or loss of sunlight and daylight as the proposed dwelling is well removed from the existing dwellings.

In order to meet the concerns of a neighbour, the applicant has agreed that the following condition be placed on any planning permission granted:

The hedges along the northeast and northwest boundaries of the site are to be kept at a minimum of 2.5 metres.

Ecology

Hertfordshire Ecology have recommended a Section 106 agreement in order to ensure environmental management of the piece of Cheverells Green within the ownership of the applicant.

Section 106 of the Town and Country Planning Act states:

Planning obligations may be used for a wide range of purposes. However, Government policy gives a clear set of rules which planning obligations must adhere to. They must:

- *be necessary; this is generally taken to mean that without the planning obligation there would be sufficient reason to refuse planning permission for the development;*
- *be relevant to planning and to the development and/or use of the land to which they relate;*
- *relate directly to the proposed development;*
- *be fairly and reasonably related in scale and kind to the proposed development;*
- *be reasonable in all other respects.*

It is not considered that a Section 106 in this case is an appropriate mechanism to protect this part of Cheverells Green. It is considered that a condition requiring a management plan would be a reasonable approach to ensure that a net gain was achieved for biodiversity.

Sustainability

The site is close to other dwellings and the village of Markyate which offers services to the nearby dwellings.

A CS29 sustainability checklist has been submitted as part of the application.

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

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

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

- 2 **No development shall take place until details of the materials 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 a satisfactory appearance to the development and to comply with CS7,11,12 and 24.

- 3 **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 Classes [A, B, C, D, E, F, G and]
Part 2 Classes [A, B and C].**

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 and to comply with CS7 and 24.

- 4 **The hedges along the northeast and northwest boundaries of the site are to be kept at a minimum height of 2.5 metres.**

Reason: To preserve the character of the Rural Area and the CAONB and to comply with CS 7 and CS 24 and to respect adjoining properties in terms of landscaping and to comply with CS 12.

- 5 **An outline management plan, including long term objectives, management responsibilities and maintenance schedules for the part of Cheverells Green within the applicant's ownership, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The management plan shall be carried out as approved.**

Reason: To safeguard the visual character of the immediate area and to preserve an ecological asset and to comply with CS7, CS 24 and 26.

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

**existing and proposed plans
location plan
CIL
design and access statement
Planning Statement
Letter providing further information
Structural Survey
CS29 Statement**

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

Article 35 Statement:

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

Informative:

If bats, or evidence for them, are discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.