

**4/02115/17/FUL - CONSTRUCTION OF AGRICULTURAL BUILDING AND GREENHOUSE..  
LAND TO THE EAST OF DELMEREND LANE, FLAMSTEAD, ST. ALBANS.  
APPLICANT: LIN CONNOR .**

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[Case Officer - Jason Seed]

### **Summary**

The application proposes an agricultural building and greenhouse for the purposes of commercial horticulture. The proposal is considered to constitute appropriate development in the Green Belt and will make a modest yet positive financial contribution to the rural economy. As such, the proposals are considered to comply with local and national planning policy and are recommended for conditional approval.

### **Site Description**

The application site is located to the east of Flamstead, within the Metropolitan Green Belt. The site is accessed from Delmerend Lane and is enclosed by established vegetation to east, south and west. A residential unit lies beyond the northern boundary of the site and a designated Public Right of Way runs immediately adjacent to the southern boundary.

### **Proposal**

The application seeks full planning permission for the construction of an agricultural building and greenhouse. The new buildings will be used for the purposes of horticulture, more specifically, a topiary growing business. The business would not be open to the public, catering only to trade businesses including landscapers, building contractors, architects and garden designers.

### **Referral to Committee**

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

### **Relevant Planning History**

4/02810/16/FUL CONSTRUCTION OF AGRICULTURAL BUILDING AND GLASSHOUSE  
(AMENDED SCHEME)  
Refused  
25/11/2016

4/00285/16/FUL CONSTRUCTION OF AGRICULTURAL BUILDING AND GLASSHOUSE  
Withdrawn  
27/04/2016

4/00281/92/OUT DWELLING & GARAGE (OUTLINE)  
Refused  
01/05/1992

4/02484/16/FUL CONSTRUCTION OF AGRICULTURAL BUILDING AND GLASSHOUSE  
(AMENDED SCHEME)  
Withdrawn  
17/10/2016

## **Considerations**

### Application Background

It is noted from the site's planning history that two previous applications for development of a similar description to that proposed under this application have been withdrawn, and one has been refused.

The most recent of these applications, application reference: 4/02810/16/FUL, was for a proposal of the same description and similar particulars, was refused under delegated powers for the following reason:

*Insufficient information has been provided within the application to establish whether vehicles, especially larger vehicles, could appropriately enter, manoeuvre within and exit the site safely. As such, it is not possible to establish whether the proposal would have an unacceptable impact upon highway safety. The proposal therefore cannot be properly considered against Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.*

The proposal was otherwise considered to be acceptable with reference to the relevant planning policy environment.

### Planning Issues

It is considered that the following issues are material to the consideration of this application:

1. Principle of development within the Green Belt
2. The quality of the design and the impact on the character and appearance of the area
3. The potential impact on the living conditions of the occupiers of surrounding residential units
4. Highway safety and parking provision
5. Other material planning considerations
6. Sustainability

### Principle of Development within the Green Belt

The site is situated outside of the village (both the defined envelope and 'on the ground') and as such, Core Strategy Policy CS5 applies. The policy states that within the Green Belt, small-scale development will be permitted for building for the uses defined as appropriate in national policy.

Paragraph 89 of the National planning Policy Framework (NPPF) states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include buildings for agriculture and forestry.

Agriculture itself is not defined by national policy, and so the definition in Section 336 (1) of the Town and Country Planning Act prevails in the absence of any indication to the contrary. This definition is as below;

“‘agriculture’ includes 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 Business Plan which accompanies the application states that the business which will operate at the site will provide Yew for hedging and sculptured plants following an initial purchase of semi-mature Yew.

As such, it is considered that no objection is raised with regards to the principle of the development.

#### The Quality of the Design and the Impact on the Character and Appearance of the Area

Policy CS1 states that the rural character of the Borough should be conserved. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

Given the positioning of the proposals and the existence of a designated Public Right of Way to the south of the site, views of the development would be available from the public domain.

The larger of the proposed agricultural buildings would be rectangular in shape and would measure 12.3m x 6.1m with an eaves height of approximately 2m metres and ridge height of approximately 6.1m. This building would be constructed of vertical wooden boarding (stained black) under a powder coated black metal roof. The proposed glasshouse would measure approximately 6 x 3.6 metres and 3.3 metres in height. Both structures would be located in the northern-most quarter of the application site.

The larger of the proposed buildings is relatively simple and utilitarian in appearance. It is considered that the proposed materials for this structure would be sympathetic to the surrounding rural area and it would be typical of agricultural buildings one would expect to find in such an area. Furthermore, there would be a clear need for secure storage of equipment (some of which may be large such as tractors or fork lift trucks) and materials associated with the agricultural use of the site. This building would afford suitable space for such storage (and also for basic services such as a bathroom).

Taking all of the above into account, and given the relatively modest scale of the proposed glasshouse, it is considered that the proposed buildings would be commensurate with the scale of the agricultural enterprise and would not appear as dominant or incongruous features within the rural landscape. Additionally, if minded to grant permission, a condition could be imposed removing permitted development rights for the extension of agricultural buildings (Schedule 2, Part 6, Class B) to ensure the proposal remains acceptable in this regard.

With regards to landscaping, whilst the Trees and Woodlands Team did not respond to the consultation, it is noted that they have previously advised (in respect of the refused proposals) that it is not considered that the proposal would result in harm to vegetation that is of significant amenity value to protect. As such, subject to the imposition of a condition requesting the submission of a Landscaping Plan (which would provide details for species type, hardstandings and boundary treatments) prior to first operation of the business, it is considered that the proposal would be acceptable in terms of hard/soft landscaping if minded to grant permission. Furthermore, were permission to be granted, a condition could be imposed removing permitted development rights for means of enclosure (Schedule 2, Part 2, Class A) to ensure the proposal remains acceptable in this regard.

It is also acknowledged that this proposal may necessitate external lighting. As no details have

been provided in this regard, a condition is recommended requiring full details of any external lighting associated with this agricultural operation to be submitted to and approved by the Local Planning Authority.

Taking all of the above into account, though it is acknowledged that the proposal would result in an intensification of the use of this piece of land, it is considered that, subject to identified conditions, the proposal would not result in significant and demonstrable harm to the character of the rural area to the extent that would warrant a refusal of permission. As such, the development complies with identified local and national policy in this regard.

#### The Potential Impact on the Living Conditions of the Occupiers of Surrounding Residential Units

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in Paragraph 17 of the Framework is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The proposed development would be within close proximity of a residential property to the north of the site. Given the build, form, scale and positioning of the proposed buildings it is not considered that the proposal would result in significant and demonstrable harm to the living conditions of the occupants of neighbouring properties, in terms of overbearing impact, overlooking and loss of light. Furthermore, if minded to grant planning permission, a condition could be imposed requesting full details of any proposed lighting to ensure that the proposal is acceptable in this regard.

Turning to noise and disturbance, the application confirms that the business would be in operation Monday to Friday 0900-1700. Though it is acknowledged that the proposal would result in an intensification of the use of the land, which would involve additional vehicular movements to and from the site and some disturbance from machinery (fork lift trucks as an example), Dacorum Environmental Health have been consulted and have not raised any objection to the scheme. Taking this into account and the consideration that the operating business would have to adhere to Environmental Health legislation (preventing excessive noise and disturbance), it is not considered that the proposal would result in significant harm in this regard over and above a lawful agricultural use of the site. As such, a refusal on these grounds would not be reasonable.

Taking all of the above into account, though it is acknowledged that limited information has been provided in this regard, it is not considered that the scale of the proposed use would result in such harm to the living conditions of the occupants of surrounding residential units to the extent that would warrant a refusal of permission.

#### Highway Safety and Parking Provision

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards.

The applicants have confirmed that the only employees are to be the applicant and their husband within the initial 3 years of operation, with a further 2 seasonal employees anticipated to be required after this point.

It is considered that given the size of the site, sufficient off-street parking can be provided.

Policies CS8, CS9 and 51 seek to ensure developments have no detrimental impacts in terms

of highway safety.

It is proposed that the site will be accessed via an established access point to the immediate west of the site. This existing access would be extended to provide an access track to the proposed buildings.

The site access is currently narrow and bounded by tall hedges to the south and woodland to the north. There is a gate setback from the highway.

The Transport Note submitted has provided Automatic Traffic Count (ATC) data which confirms the 85th percentile speed of the road to be as follows

- 25mph Northbound; and
- 24.4mph Southbound.

Whilst it is normal to seek 2.4 x 43m for the visibility splay this is based on a 30mph. Given the recorded speeds the visibility splay can be reduced to 2.4 x 33m. This has been demonstrated to be achievable on layout K-TT376/01/R0.

Swept path assessment of the internal layout has now been provided and demonstrates that a large car and a transit van can manoeuvre safely into and out of the site. It has been confirmed that no HGVs are required to enter the site.

The Highway Authority has been consulted on the application and has confirmed that the trip generation and distribution profile of the proposed development is not required as the development is unlikely to impact on the overall function of the local highway network. Furthermore, they have raised no objection in any other regarding, subject to the imposition of conditions.

#### Other Material Considerations

No details pertaining to refuse storage have been submitted. However it is considered that this matter could be further addressed via condition.

Whilst the Countryside Access Officer did not respond to the application consultation, they did state, in relation to the previous application, that the proposed access is shared with the footpath meaning the safety of the public will need to be considered, particularly in relation to vehicle movements.

Damage to the footpath surface caused by traffic, other than pedestrian, will leave the land owner liable for repairs commensurate with highway authority specifications. It is considered that a Footpath Maintenance Plan can be conditioned to ensure that both the footpath and users of it are satisfactorily maintained.

#### Sustainability

Policy NP1 states that Council will apply a presumption in favour of sustainable development when considering proposals. This is consistent with the 'golden thread' running through the Framework as outlined in paragraph 14. The Framework states that there are three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependent (paras. 7-8).

#### Environmental

Given the rural location of the proposal, it is likely that one would travel to and from the site by car. However, the proposal would result in the planting of vegetation at the site and, overall, is

unlikely to be any more unsustainable in this regard than a lawful agricultural use of this site.

### Social

The development would result in the provision of services for local and wider surrounding communities. As such, the proposal is likely to be sustainable in this regard.

### Economic

Sustainable economic growth is one of the key aspects of the current planning system. Paragraph 19 of the NPPF states:

*'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'*

Paragraph 20 of the NPPF then goes on to state:

*'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'*

Specifically with regards to the rural economy, Section 3 of the Framework states that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

The proposal would employ 1-2 full time employees and this may expand over time as the business grows. As such, it is considered that the proposal would aid in the economic sustainability of this rural area.

### Conclusion on Sustainability

Taking all of the above into account, the proposal is considered sustainable in terms of the three strands of sustainability mentioned above and the requirements of Policy CS5 of the Core Strategy in respect of supporting the rural economy.

### Response to Comments Received

A total of 3 objections have been received in response to the community consultation which includes one from Flamstead Parish Council. The summary of the points raised within the submissions is provided below:

- Insufficient infrastructure to sustain business;
- Inappropriate access / safety;
- Light / noise / sound pollution:
- Creeping commercialisation of a rural area;
- Application is a commercial pursuit in a rural area;
- Size and location of the buildings;
- Impact on the openness and visual amenity of the Green Belt;
- Loss of privacy;
- Cumulative impact of future developments;
- Signage impact;
- Business plan will not succeed;
- Security.

The majority of these considerations have been addressed within this report. However, in addressing those which have not, it is considered that cumulative development is not a consideration of this application and any future applications which might be submitted within the area in the future would need to be judged upon their individual planning merits. No signage is proposed under this application, and that, if any, which does not benefit from deemed consent would require advertising consent, where an assessment on highway safety and visual amenity would be duly made.

In respect of the business plan not succeeding, it is not for the Planning Department to make an assessment in this regard. Security will be a matter for the applicant to address, although any infrastructure / equipment which may be required and which is not covered by permitted development rights would require approval through the planning process and would be considered within reference to established planning policy and other material considerations which may be relevant.

## **Conclusion**

It is considered that the proposal represents sustainable development and appropriate development within the Green Belt. Subject to the imposition of relevant conditions, it is also considered that the development would not result in significant harm to the character of the area, the living conditions of the occupants of surrounding residential units, parking provision and biodiversity at the site whilst making a modest yet positive financial contribution to the rural economy

As such, the application is considered to comply with the relevant local and national planning policy environment and is therefore recommended for approval.

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

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

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

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

Location Plan  
Site Plan  
Barn Plans - Sections and Elevations  
Proposed Greenhouse

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

- 3 No development (excluding groundworks) shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**

- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Core Strategy.

- 4 Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation.**

Reason: To safeguard the visual character and residential amenity of the immediate area in accordance with Policy CS12 Core Strategy.

- 5 The proposed development shall not be brought into use until details of facilities for the storage of refuse shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.**

Reason: To accord with Saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 6 No development (excluding groundworks) shall commence until a Footpath Protection Plan has been submitted to and approved by the Local Planning Authority. Following approval, the works shall be carried out in accordance with the approved Plan.**

Reason: To ensure that the public footpath network is adequately protected during and after construction in accordance with Saved Policy 79 of the Dacorum Borough Local Plan.

- 7 No operations shall be carried out at the site outside the hours of 09:00 and 17:00 Monday to Friday.**

Reason: To ensure that the operation is consistent with the application details and planning assessment and in the interests of the amenity of adjoining residents in



accordance with Policy CS12 of the Core Strategy.

- 8 **Prior to the first occupation of the development hereby permitted, a visibility splay shall be provided in full accordance with the details indicated on the approved plan no K-TT376/01/R0. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with Saved Policy 51 of the Dacorum Borough Local Plan and Policies CS8 and CS12 of the Core Strategy.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (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 6, Class B  
Schedule 2, Part 2, Class A**

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 the objectives of the Green Belt in accordance with Policies CS12 and CS5 of the Core Strategy and the National Planning Policy Framework.

#### **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.

#### **INFORMATIVES**

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during demolition of existing building and construction of the new development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephone 0300 1234047 to arrange this.

Reason: In the interest of highway Safety

A3.The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Reason: In the interest of highway user's safety

AN4.Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

and to apply for vehicle crossover

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo>