

4/01599/18/FUL	Change in use of site to comprise a mix use fishbreeding enterprise and residential premise with the construction of one polytunnel and 4 shallow ponds and retention of 1 drainage pond, 1 polytunnel, 2 shallow ponds, existing shed and stable building
Site Address	SHANTOCK COTTAGE, SHANTOCK LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NG
Applicant	Mr Byer, Shantock Cottage
Case Officer	Rachel Marber
Referral to Committee	Contrary views of Bovington Parish Council

1. Recommendation

1 That planning permission be **GRANTED**

2. Summary

2.1 The change in use of site to comprise a mix use fishbreeding enterprise and residential premise with the construction of one polytunnel and 4 shallow ponds and retention of 1 drainage pond, 1 polytunnel, 2 shallow ponds, existing shed and stable building is considered to result in moderate harm to the openness of the Green Belt, which by definition constitutes inappropriate development. A case of very special circumstances has been outlined and balanced against the harm to the Green Belt. It is considered that the very special circumstances outlined are sufficient to clearly outweigh the harm caused to the Green Belt. As such, the proposal is considered acceptable development in the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the NPPF (2018). The proposal would also not adversely impact upon the visual amenity of the immediate street scene or surrounding countryside, the residential amenity of neighbouring residents or highway safety in accordance with Saved Appendices 3 and 5, Policies 57 and 58 of the Dacorum Local Plan (2004) and Policies CS8, CS11, CS12, CS14, CS26, CS29 and CS31 of the Core Strategy (2013).

3. Site Description

3.1 The application site is located on the southern side of Shantock Lane and comprises a detached house set in an extensive plot that also contains a polytunnel and two existing shallow ponds which are in use in connection with a fishing enterprise to breed koi carp to sell. The surrounding area is rural in character and lies within the Metropolitan Green Belt.

4. Proposal

4.1 The application seeks a mixed use on the site as an individual residential dwelling and fish rearing business.

4.2 The proposal seeks permission to retain the following existing elements of the business:

- 1 drainage pond;
- 1 polytunnel;

- 2 shallow ponds;
- Shed; and
- Stable building

4.3 The proposal also seeks permission to expand the business by constructing the following additional elements:

- 1 polytunnel; and
- 4 shallow ponds

4.4 As the existing ponds and poly tunnel comprised approximately 10% of the garden area of the house they were deemed incidental to the use of the property as a residential premises and did not require separate planning consent. However, as it is now sought to expand and improve the business it is no longer deemed incidental and permission is required for all structures, existing and proposed.

4.5 The new ponds, like the existing, would be created by pushing the top few inches of topsoil out from the centre of the area, to create a bank and then the ponds would be lined and filled. No soil would be removed from the site.

4.6 Together with the existing ponds, the proposed area occupied by the koi business would be in the region of 75% of the garden area.

4.7 The shallow ponds are required for the rearing of hatchlings until they grow into fry at around 1 inch in size. At that size, they are harvested and moved into the polytunnels. A selection process identifies the best quality fry, which represent around 5% to 10% of the harvest; these are grown on in the tanks in the polytunnels and the remaining fish are held as stock and sold.

4.8 The two polytunnels are required for the selected hatchlings. The polytunnels house ponds for breeding and growing of the fish in warm water recirculation tanks and filtration systems. The polytunnels provide a warmer water environment, providing a prolonged growing season and faster growth; whilst also allowing natural sunlight through which is important in developing strong colours and a healthy immune system in the koi carp.

5. Relevant History

4/00944/94/OUT DETACHED DWELLING AND GARAGE (OUTLINE)
Refused
13/09/1994

4/00280/92/4 FIRST FLOOR SIDE EXTENSION
Granted
22/04/1992

6. Policies

6.1 National Policy Guidance (2018)

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Adopted Core Strategy – (2013)

CS5 – Selected Small Villages in the Green Belt
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS14 – Economic Development
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management

6.3 Saved Policies of the Dacorum Borough Local Plan (2004)

57 - Provision and Management of Parking
58 – Private parking provision
Appendix 3 - Layout and Design of Residential Areas
Appendix 5 – Parking Provision

7. Constraints

The Green Belt
Special Control for Advertisement

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

9. Considerations

Main issues

9.1 The main issues to consider are:

- Principle of Development within the Green Belt
- Impact on Street Scene
- Impact on Residential Amenity
- Impact on Highway Safety
- Balancing Exercise and Very Special Circumstances
- Community Infrastructure Levy

Principle of Development within the Green Belt

9.2 The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open;

the essential characteristics of Green Belts are their openness and their permanence. There is the presumption against inappropriate development in the Green Belt, as advised by The National Planning Policy Framework (2018). Inappropriate development is, by definition, harmful to the Green Belt unless a case of special circumstances can be demonstrated which would outweigh this harm.

9.3 Therefore, the main issues to consider in terms of Green Belt policy are the appropriateness of the development, effect on the purpose of including land in the Green Belt, effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt. If the development is inappropriate development a case of very special circumstances would need to be put forward to justify its approval.

Appropriateness

9.4 The site lies within the identified Green Belt, where the Green Belt Strategy is set out in the NPPF (Section 13: Protecting Green Belt Land). Therefore, the most relevant paragraph of the NPPF in regards to Green Belt land is Paragraph 145. This states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, other than in a number of exceptions. These include facilities for outdoor sport, outdoor recreation and for cemeteries, burial grounds and allotments, 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, and the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use.

9.5 Policy CS5 of the Dacorum Borough Council Core Strategy (2013) confirms, amongst other things, that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. It also indicates that small-scale development will be permitted subject to a number of criteria, including buildings for the uses defined as appropriate in national policy, and the redevelopment of previously developed sites subject to the effect on the character and appearance of the countryside, the rural economy and maintenance of the wider countryside.

9.6 The proposal for a fish breeding enterprise would not comprise buildings for agriculture or forestry as the 'end product' of the fish enterprise proposed would not be for consumption, fur, wool, skins etc and would not represent 'working of the land'. Therefore, the proposal would not fall within the definition of agriculture as set out in the Act (1990). The proposed works would also not comprise outdoor sport facilities, an extension or alteration to an existing building, replacement building, limited infilling in a village or affordable housing. The proposal would however constitute limited infilling or the partial or complete redevelopment of previously developed land, which is considered acceptable in the Green Belt provided the proposal would not have a greater impact on the openness of the Green Belt.

9.7 Annexe 2 of the NPPF confirms that the definition of previously developed land extends to garden land provided it is not within a built up area. The application site includes the curtilage of the residential dwelling and is located within a rural environment with sporadic neighbouring built form, and therefore the proposal falls within the definition of previously developed land.

9.8 It is important to note that paragraph 146 of the NPPF (2018) also clarifies that other forms of development are not inappropriate in the Green Belt provided they preserve the

openness and do not conflict with the purposes of including land within it, these include engineering operations and material changes in the use of land.

Openness

9.9 The application site comprises a detached dwellinghouse situated on a large plot. Views into the site from Shantock Lane are limited during the summer due to heavy boundary vegetation surrounding the site. There are no Public Rights of Way in close proximity to the site and therefore the proposal would have limited impact to the visual sense of openness.

9.10 The proposed development would comprise the retention of two existing ponds, one drainage pond and construction of four additional shallow ponds. This would total 6 ponds used for fish breeding. Although this is a large number of ponds which would cover the majority of the site it is considered that these would result in limited 'other harm' to the Green Belt as the ponds would maintain openness and have little visual impact to surroundings due to having no above ground structure. As such, this element of the proposal is considered to have limited detrimental effect on openness.

9.11 Turning to the two proposed polytunnels, this would comprise structures of approximately 8 meters wide, 16 meters deep and 3.5 metres high. These structure would be translucent and of temporary character and appearance expected of the rural environment. These two structures will be located closest to the dwellinghouse and site access, concentrating the high level of built form to one area within the site. Due to the design and location of the two polytunnels it is considered that their impact on the openness of the Green Belt would have a modest negative effect.

9.12 The shed and lean-to structures are low-level and domestic in nature and have been sited behind the polytunnels, by the heavy boundary foliage separating the application site to neighbouring property, Shantock Lodge. Furthermore, it is considered that these structures were lawful at time of construction due to being outbuildings associated with the residential property. Nonetheless, as they are now used in association with the fishing enterprise they are assessed as part of the proposed development. By virtue of the siting and design and small-scale nature these structures are considered to have neutral effect on openness.

9.13 It is understood that use of the site as a fish breeding business would increase the physical sense of openness by way of site intensification in the form of visitors, vehicle movements and deliveries. Deliveries to the site will be no more than once a day for four days a week. Visitors to the site would be by private appointment and would result in a maximum of 3 visitors a week. Only two staff members who occupy the residential premises would run the business and thereby operate the site. It is therefore considered that the site intensification by way of operation as a business would result in marginal impact to the surrounding area and thereby neutral impact in terms of openness to the Green Belt.

9.14 Taking all the elements of the proposed development together, the proposed polytunnels, 6 shallow ponds and associated structures would result in modest harm to the green belt. Whilst this overall harm identified would be modest, on the basis that the fundamental aim of Green Belt policy is to keep land permanently open, the harm to openness would result in the proposal forming inappropriate development in the Green Belt. The proposal would therefore conflict with paragraph 145 of the revised Framework

and a case of very special circumstances will need to be put forward to outweigh this harm.

9.15 The special circumstance and balancing exercise is outlined within the last section of this report.

Impact on Street Scene

9.16 Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2018) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

9.17 The site is well screened to the north and east by a belt of trees which restricts views into the site from Shantock Lane. Additionally, due to the flat nature of the site the proposed development would be well screened from wider viewpoints. As such, the impact to the visual amenity of the immediate area would be negligible.

9.18 The proposed polytunnels structures would be of temporary design and of a character and appearance expected of a rural business operation. The ponds would not be overtly visible until standing immediately adjacent to them. The proposed site would remain as garden land and therefore soft landscaping in the form of garden beds would be retained. This would soften the appearance of the development further and successfully blend the two site uses of residential home and business operation.

9.19 In sum, the change of use of the garden land into a mix use residential and fishing enterprise with associated polytunnels and shallow pond excavation is not considered to be visible from the street scene or wider countryside footpaths. The nature and appearance of the site would be that expected for a rural enterprise and is therefore considered to relatively blend into the immediate rural environment.

Effect on Neighbours

9.20 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 on neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.21 The closest neighbours to the application site are Shantock Lodge (located approximately 30 metres away), Shantock Hill (located 90s meters away) and Chilterns Farm (10 meters away, but in agricultural use). Due to these separation distances in conjunction with site boundary treatment, it is not considered that the proposed structures would result in a loss of outlook, daylight or privacy to neighbouring residents.

9.22 The level of activity expected on the site is low due to only one van load of exports from the site occurring once per day, two members of staff (who occupy the residential premise) would work on the site full time and customers would visit the site at most 3 times a week in peak periods, and by appointment only. Therefore, it is not considered that the resultant level of activity from the site will be well in excess of what is expected from a normal domestic residence. For this reason, the proposal is not considered to

result in significantly further noise and disturbance to neighbouring residents. A condition has been attached to the recommendation ensuring deliveries to and from the site occur only once per day during normal working hours. This condition will ensure the LPA retain control of the site and safeguard against further site intensification which may give rise to further noise and disturbance to neighbouring residents.

9.23 Thus, the proposal is considered acceptable in terms of residential amenity.

Impact on Highways Safety and Parking Provision

9.24 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) 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. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.25 The DBC parking standards do not provide maximum parking provision guidance for the proposed sui-generis use of the site.

9.26 The application would utilise the existing site access and parking arrangement of the residential premise. This is considered acceptable given the low level trip generation expected from the development, which would on average result in 3.75 additional trips a week. The existing driveway has capacity to accommodate at least four domestic cars which is considered sufficient to meet this additional requirement.

9.27 Therefore, the proposed development is unlikely to result in significant impact to the safety and operation of adjacent highway. Thus, the proposal meets the requirements of Policies CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

Balancing Exercise and Very Special Circumstances

9.28 The proposal would result in harm to the openness of the Green Belt and therefore would constitute inappropriate development in the Green Belt. Paragraph 144 of the revised Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.29 The considerations put forward in favour of the proposal would be:

- The site cannot be seen from public vantage.
- Aquaculture business which supports the rural economy.
- Site providing habitat for biodiversity.

9.30 The fish breeding business and associated proposed structures would not be visible from the public realm and therefore there is no perceived impact to openness of the Green Belt. Case Law has confirmed that the harm to openness can be off-set by

limited site visibility. Although the limited visibility of the development can reduce the degree of harm to the openness of the Green Belt it can never completely remove the harm since a development that is wholly invisible to the eye remains, by definition, adverse to openness. For this reason, this special circumstance is afforded moderate weight.

9.31 The proposed fish enterprise is a rural business which supports the rural economy, this is supported through both local and national policy. Paragraph 83 of the NPPF (2018) outlines that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and the development and diversification of agricultural and other land-based rural businesses. This is also supported by Council's Core Strategy which has a strategic objective of supporting rural enterprise. Specifically, Policy CS5 of the Core Strategy supports development in the Green Belt 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. Policy CS14 of the Core Strategy also outlines development that supports the rural economy and sustainable tourism, will be particularly encouraged. In short, there is strong local and national policy emphasis on supporting rural business and for this reason this consideration is given significant weight.

9.32 The biodiversity benefits of the scheme have been outlined as providing a water source which can attract insects and birds to the site such as, dragonflies damsel flies, moorhens, ducks and grey wagtail. National policy places great weight on the importance of improving biodiversity, with paragraphs 8 and 175 encouraging and promoted developments which help to enhance biodiversity. Policy CS26 of the Core Strategy also requires development and management action to contribute towards the conservation and restoration of habitats and species and the strengthening of biodiversity corridors; this special circumstance is afforded moderate weight as the LPA are aware of other, smaller domestic ponds within the immediate area.

9.33 The proposed development would constitute inappropriate development in the Green Belt and would lead to modest harm in respect to openness. Cumulatively, the other considerations put forward in favour of the proposed development have significant weight and clearly outweigh the totality of moderate harm identified to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development exist. Therefore, the proposed development would accord with the aims of Policy CS5 of the Core Strategy (2013) and the NPPF (2018).

Community Infrastructure Levy

9.34 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m² of additional floor space

10. Conclusion

10.1 The change in use of the site to comprise a mixed use fishbreeding enterprise

and residential premises with the construction of one polytunnel and 4 shallow ponds and retention of 1 drainage pond, 1 polytunnel, 2 shallow ponds, existing shed and stable building is considered to result in moderate harm to the openness of the Green Belt, which by definition constitutes inappropriate development. A case of very special circumstances has been outlined and balanced against the harm to the Green Belt. It is considered that the very special circumstances outlined are sufficient to clearly outweigh the harm caused to the Green Belt. As such, the proposal is considered appropriate development in the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the NPPF (2018). The proposal would also not adversely impact upon the visual amenity of immediate street scene or surrounding countryside, the residential amenity of neighbouring residents or highway safety in accordance with Saved Appendices 3 and 5 and Policies 57 and 58 of the Dacorum Local Plan (2004) and Policies CS8, CS11, CS12, CS14, CS26, CS29 and CS31 of the Core Strategy (2013).CS8, CS11, CS12, CS14, CS26, CS29 and CS31 of the Core Strategy (2013).

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

No	Condition
1	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Supporting statement 24th June 2018 Detailed plan, showing existing site and proposed developments 26ft commercial polytunnel Elevation drawing- each shallow pond 4th February 2018 Location plan showing existing and proposed structures Location plan showing only proposed structures</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
2	<p>No deliveries shall be taken at or despatched from the site outside the hours of 9:00am to 17:30pm on Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: In the interests of the amenities of the occupants of neighbouring dwellings; in accordance with Policy CS12 of the Core Strategy (2013).</p>
3	<p>Customers of the fish breeding enterprise will only be allowed on site on Mondays to Saturdays during the hours of 9:00am to 17:30pm and by private appointment only.</p> <p>Reason: In the interests of the amenities of the occupants of neighbouring dwellings; in accordance with Policy CS12 of the Core Strategy (2013).</p> <p>Article 35 Statement</p> <p>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</p>

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

Appendix 1

Neighbour notification/site notice responses

Objections

Address	Comments
P O BOX 700,ST ALBANS,,,AL2 3WB	Please see the objection letter which has been emailed to the Case Officer on behalf of the owner of Shantock Lodge.
SHANTOCK HALL,SHANTOCK LANE,BOVINGDON,HE MEL HEMPSTEAD,HP3 0NG	<p>My property (Shantock Hall) is directly adjacent to the site of the proposed development (I did not however receive a notice of the application). The size of the proposed development seems disproportionate to the site. It is likely to lead to considerable short term and potentially long term disruption (e.g. noise, additional traffic, waste/smells, etc). The existing polytunnels are clearly visible from my property in winter when the leaves have fallen: they are an eyesore. The fact that the applicant is applying for retrospective permission for the second tunnel suggests he may introduce a third or fourth tunnel without permission. If two tunnels are needed for two ponds, how many are needed for six ponds? The original ponds and polytunnel were acceptable when the fish were a hobby but the size of the project suggests a change in the use of the land which does not seem appropriate for the Green Belt.</p> <p>The application proposes the 'addition' of four ponds, creation of pond walls for the purposes of breeding and keeping Koi Carp and the retention of a second polytunnel.</p> <p>I understand from the planning history of the site that the excavation and creation of the existing ponds and the erection of a polytunnel at the site were not considered to comprise development that required express planning permission on the basis that the use was a hobby incidental to the enjoyment of the dwellinghouse.</p> <p>Regardless of the history and the merits of previous enforcement decisions relating to the use of the site there can be little doubt that the scale and nature of operations now at the site and proposed in this application result in</p>

a material change of use of the site either to:

- a mixed use as a dwellinghouse and fish breeding business with associated operational development comprising the excavation of four ponds and the retention of two polytunnels and three existing ponds and the other associated buildings and structures or
- the creation of a separate planning unit and a material change of use to fish breeding business with associated operational development comprising the excavation of four ponds and the retention of two polytunnels and three existing ponds and the other associated buildings and structures.

This position is recognised by the applicant in his Supporting Statement dated 24 June 2018, wherein he states that the enterprise 'started as a hobby in 2012/13' and:

'[...] over the last 5 years we have developed it into a profitable enterprise [...] we are now a CEFAS ... approved aquaculture business with customers from all over the UK.

'[...] We are proud that the enterprise we have developed out of our hobby is now supporting the economy of our local area.'

The activity at site is no longer a hobby incidental to the dwellinghouse (if, on the basis of the applicant's admission in the above extract of his Supporting Statement, it every was) but comprises a material use of itself as a fish breeding business.

It is not possible to consider the proposed operational development devoid of a resolution in respect of the actual use of the land. Accordingly, the application needs to be withdrawn (or refused) and a new application submitted to reconcile the use of the land and the related operational development.

The application also needs to define what areas of the land are used for what purposes including what the actual use of the polytunnels is and where the two full time employees can park, where they work from, where the office for the business is located and deliveries and visitors park and access the site from the highway.

In addition, there appear to be buildings or structures on the land not accounted for in the current application,

including structures along the boundary with Shantock Lodge that appear to be used in conjunction with the existing business operation from the site.

A clear understanding of the scale of the existing business and all its facets is required as well as a better understanding of the implications of the expansion of the business so that its impact can be properly assessed.

The information submitted in support of this application is unsatisfactory in terms of providing an accurate basis for assessing the application. The elevation drawing showing the cross sections through the ponds is not to scale and is open to broad interpretation and the size of the ponds and polytunnels shown on the proposed block plan do not accord with the written dimensions. In order to properly assess the proposals in terms of excavation and impact it would be essential to first have an existing site survey so the implications of any local level undulations and changes are considered.

The application is not in a format that enables proper consideration of the merits or harm arising from the proposed development and as such it should either be invalidated, withdrawn or refused permission.

The Ponds

The description of development indicates that the proposed development comprises the 'addition' of four ponds.

This description does not properly describe the form of development. It would appear from the cross sections that the ponds are to be created by way of excavation. However, no information is provided in terms of how the excavated materials are to be disposed of, or what land remodelling will occur elsewhere on site to accommodate the excavated materials.

The four ponds proposed have an area of 1568m², this is a very extensive surface area, indeed the total area of all the ponds on the site broadly account for half the entire site area. The depth of water in each of the four proposed ponds ranges from 0.3 – 0.8 metres. However, each pond appears to have an excavated depth of 1.2 – 1.5 metres (see the 'elevation drawings') and is further excavated by circa 150mm to provide for a pond 'base line' and liner. Accordingly, the volume of excavated material is significant. If we conservatively assume an average depth of excavation of 1.3 metres then over 2000 cubic metres of excavated material will be created

by these operations to create 4 ponds alone. The application does not explain how the 2000m³ of excavated material is to be accommodated on site or to where it is proposed to be transported and how it will be disposed of. These volumes of material assume the site is completely level and each pond is excavated in accordance with the very limited cross-section information provided; the volume of material could be considerably greater.

In light of the very limited site area that would be available post excavation of the ponds, should the proposal comprise regrading of the none excavated land this could have very significant implications for local land form and relative levels. Again, no information is provided to allow any assessment to be made.

It is not possible to properly assess the application without this essential information. However, the operational development comprising excavation and formation of ponds through these engineering operations will have profound impacts on the openness of the application site and its appearance.

The works proposed would lead to a loss of openness (after Turner¹) and harm to the purposes of including land in the Green Belt by way of encroachment of development into the countryside. In addition, the proposal would fail to recognise (and will harm) the intrinsic character and beauty of the countryside as part of the Green Belt. Therefore the proposals comprise inappropriate development in the Green Belt and as such substantial weight should be given to this harm in accordance with the Framework paragraph 882.

In this context this element of the operational development, if it were possible to properly assess at this stage, would be contrary to the provisions of Policy CP1 and CP11 of the adopted Three Rivers Core Strategy 2011.

The Polytunnel

The application purports to include the polytunnel as a failsafe and opines that it does not comprise development that requires planning permission. However, there is no indication why this element of the proposal would not require express planning permission. Given its use as part of a Koi Carp breeding business and the fact that it would appear to be located outside of the curtilage of the dwellinghouse it would not appear to comprise permitted development and nor would it not be

development. Indeed given the use of the existing polytunnel it is clear that it also required express planning permission.

The polytunnel comprises a building and it is permanent and not temporary; thus it requires express planning permission as it is not exempted from control by any class of permitted development³.

No explanation is given within the application as to the exact nature of the use of the polytunnel and how it relates to the business. No understanding is provided of the relationship of ponds to tunnels and whether the excavation of 4 more ponds will create yet further need for more polytunnels or buildings at the site (given two existing ponds have led to the need for 2 polytunnels).

The erection of new buildings within the Green Belt comprises inappropriate development⁴ and would lead to a loss of openness and harm to the purposes of the Green Belt (i.e. by way of encroachment of development into the countryside)⁵, in addition the proposal would fail to recognise, and would harm, the intrinsic character and beauty of the countryside as part of the Green Belt.

Therefore, the proposals are inappropriate development in the Green Belt and as such substantial weight should be given to this harm in accordance with the Framework.

In this context this element of the proposed operational development, if it were possible to assess at this stage, would be contrary to the provisions of Policy CP1 and CP11 of the adopted Core Strategy and Policy DM2 of the adopted Development Management Policies LDD adopted July 2013.

Conclusion

The application cannot properly be assessed at this stage as a material change of use of the land is inherent with these proposals and significant information is missing from the application to enable proper consideration.

The operational development proposed is inappropriate in the Green Belt and would also lead to a loss of openness, encroachment and would fail to recognise the intrinsic character and beauty of the countryside. This harm attracts substantial weight and no material considerations have been demonstrated that would clearly outweigh such harm by way of inappropriateness and the other harm such that very special circumstances have been demonstrated.

	Accordingly, if the application is to be determined permission should be refused.
BOVINGDON PARISH COUNCIL	Proposed change of use is inappropriate in the Green Belt. The objections raised at our Planning Committee meeting held on 18 July 2018 still stand.