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| 4/01218/19/RET | RETENTION OF USE OF BUILDING AS A DWELLING |
| Site Address | HUNTERS LODGE, DELMEREND LANE, FLAMSTEAD, ST ALBANS, AL3 8ES |
| Applicant | Mr Davis |
| Case Officer | Robert Freeman |
| Referral to Committee | The application has been referred to the committee in view of the objections of Flamstead Parish Council. |

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The proposals would be an appropriate reuse of this rural building. The proposals would not detract from the character and appearance of the building or the area in which it is located and would not prejudice the aims and objectives of the Green Belt. The proposals would thus be in accordance with Policies CS5, CS8 and CS12 of the Core Strategy.

3. Site Description

3.1 The site is located to the south of the village of Flamstead close to where Delmerend Lane joins Lybery Lane. Bridleway 55 runs along the length of the south western boundary to the site.

3.2 A large close boarded timber fence screen the site from Bridleway 55 and Delmerend Lane with an access gate onto Delmerend Lane. The entrance is demarcated by the introduction of paving providing a stark contrast with the landscaped and rural appearance of the Lane itself. A hard standing area is located between the gate and the dwelling to be retained. A stable building is beyond this building providing stabling for two horses. The remaining area still appears to be within equine use.

4. Proposal

4.1 The proposal seeks to retain the use of the existing building as a dwelling. The property is a single storey two bedroom property measuring some 10m in width and 6.8m in depth with a roof overhang of approximately 1.3m. The building has a gross internal floor area of some 60 square metres.

5. Relevant Planning History

5.1 It is not clear from the planning history of the site when the stable buildings on the site were constructed although they are clearly evident in historic photographs of the site from 2000.

5.2 The site appears to come to the attention of the local planning authority from 2003 and through the planning enforcement function. The construction of a site access and an increase in height of boundary fencing was investigated in 2003 (E/03/00210) This case was resolved by a subsequent reduction in the height of the boundary to its

historic extent and by the removal of hard standing from the adjacent bridleway. The officer notes highlight that there was a shower/toilet within a stable building and suggested that the site be monitored for residential use. The notes further indicate that the owner had intimated that the site had been used for residential purposes but would subsequently be utilised for its lawful equine/agricultural use.

5.3 A further enforcement case, E/08/00163, was opened in 2008 given complaints that the stable building was being used as a dwelling without planning permission. The investigation concluded that there was no evidence of such use at this time.

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy

NP1, CS1, CS5, CS8, CS12, CS17, CS18, CS28, CS29 and CS31

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, 18, 51, 58 and 80

6.4 Supplementary Planning Guidance / Documents

- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Environmental Guidelines (July 2002)
- Water Conservation & Sustainable Drainage (June 2005)#

7. Representations

Consultation responses

7.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

7.2 There has been no response to the application from neighbouring parties.

8. Considerations

Procedure

8.1 One of the main objections to the scheme is that the proposals seek retrospective planning permission for works that have been undertaken to the building and for its use for residential purposes. Members of the committee would be reminded that the fact that an application is retrospective is not in its own right a legitimate ground for objection to it. The application should be judged on its own merits and against current planning policies.

Policy and Principles

8.2 The site is located within the Green Belt where in accordance with Policy CS5 of the Core Strategy the appropriate reuse of permanent and substantial buildings would be acceptable providing that it has no significant adverse impact on the character and appearance of the countryside and it supports the rural economy and maintenance of the wider countryside. This would extend to the residential use of such buildings.

8.3 All residential developments are expected to provide high quality design both in the context of the site and the wider area in accordance with Policies CS10, CS11 and CS12 of the Core Strategy.

8.4 The proposal residential use of the site would contribute to the requirement for new housing in the Borough supporting the delivery of the housing target set out in Policy CS17 of the Core Strategy and also contributing to the mix and choice of dwellings required under Policy CS18 of the Core Strategy.

Layout and Design

8.5 The proposed development is considered to be appropriate in terms of its design, bulk, scale and use of materials and as such is considered acceptable under Policies CS12 of the Core Strategy. Minimal alterations have been undertaken to the building to facilitate its residential use and as such the building still has the appearance of a stable building; particularly from the limited public views of the site from its surroundings. As such it would be difficult to conclude that the use of the building for residential purposes has any adverse visual impact or would result in any significant harm to the rural appearance of the area and the open character of the Green Belt.

Impact on Highway Safety

8.6 The application incorporates a reduction in the extent of hard standing associated with the site. The area left would be sufficient in size to park a number of vehicles far in excess of that required by the residential use of the site and associated circulation space. The proposed parking and access to the site would be satisfactory in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

Conditions

8.7 There is a need to remove permitted development rights for the new residential property and restrict the extent of the residential curtilage of the dwelling in the interests of the visual amenities of the Green Belt via suitably worded planning conditions.

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

Conditions

| No | Condition |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <p>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:</p> <p>Schedule 2 Part 1 Classes A, B, C, D, E and F</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of the visual amenity of the locality.</p> |
| 2 | <p>The residential use of the building and site hereby permitted shall only extend to the use of the area outlined in red on drawing wren naj 36a 2019</p> <p>Reason: For the avoidance of doubt and to safeguard the visual amenity of the Green Belt in this locality.</p> |

Appendix A

Consultation responses

Flamstead Parish Council:

The Parish Council objects to this application (with 1 x abstention) It was questioned as to why temporary consent was given in the first place. It was felt that there was inadequate information to support the application. The main issue is with the retrospective nature of the application. The council would like to see more done to deter such practices.

Hertfordshire Highways:

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

INFORMATIVES:

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to

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

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

COMMENTS

This application is for: Retention of use of building as a dwelling

ACCESS

The site is located on Delmer End Lane, which is an unclassified local access road with a 60mph speed limit

No new or altered vehicular or pedestrian access to the highway is required and no works are proposed in the highway.

PARKING

No changes to current parking arrangements are proposed.

CONCLUSION

HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the informative notes above.

Contaminated Land Officer

I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

Rights of Way Officer

The site abuts bridleway 55 but there are no objections to the proposals.