

**ITEM NUMBER: 5d**

<b>20/00273/FUL</b>	<b>Removal of double-decker bus and archery area and placement of two field shelters and one shipping container on camping and leisure land.</b>	
<b>Site Address:</b>	<b>10 Brownlow Farm Barns, Pouchen End Lane, Hemel Hempstead Hertfordshire, HP1 2SN</b>	
<b>Applicant/Agent:</b>	<b>Mr Nigel Durrant</b>	
<b>Case Officer:</b>	<b>Martin Stickley</b>	
<b>Parish/Ward:</b>		<b>Chaulden and Warners End</b>
<b>Referral to Committee:</b>	<b>The Applicant is a Councillor</b>	

**1. RECOMMENDATION**

That planning permission be granted.

**2. SUMMARY**

2.1 The proposals would result in moderate harm to the openness of the Green Belt and would further urbanise the site. However, it is considered that the very special circumstances provide adequate justification for the scheme, as the structures appear necessary to support the existing camping and leisure use.

**3. SITE DESCRIPTION**

3.1 The application site is situated to the east of Pouchen End Lane and is separated from the road by a mature hedgerow. The site occupies a 2.402 acre field located within the Green Belt. Planning permission was granted in 2017 for the use of the field for camping and leisure activities. There is agricultural land abutting the north and west of the site. To the south is Fields End Farm and the associated residential/agricultural buildings. There are a number of barns to the east that received planning permission to be converted into residential units in 2003. The complex, comprising thirteen dwellings, is a mid-19th century barn group considered to be a non-designated heritage asset.

**4. PROPOSAL**

4.1 This application seeks planning permission for the placement of two field shelters and one shipping container to support the outdoor recreation use (camping and leisure). The proposals also involve the removal of a double-decker bus and the existing archery area.

**5. PLANNING HISTORY**

Planning Applications (If Any):

4/02495/17/RET - Change of use from agricultural to camping and leisure (d2) and erection of three tipi (or teepee) tents - *Granted - 23rd November 2017*

4/01120/16/RET - Chimney flue - *Granted - 13th July 2016*

4/00506/16/FUL - Change of use from agricultural to camping and leisure (d2) and erection of three tipi (or teepee) tents - *Granted - 8th July 2016*

4/02846/15/RET - Change of use from agricultural to camping and leisure (d2) - *Withdrawn - 11th November 2015*

## **6. CONSTRAINTS**

Parking Accessibility Zone (DBLP): 4  
Special Control for Advertisements: Advert Spec Contr  
CIL Zone: CIL3  
Former Land Use (Risk Zone): Old Chalk Pit, Pouchen End Lane, Hemel Hempstead  
Former Land Use (Risk Zone): Infilled Pond, Fields End Lane, Hemel Hempstead  
Former Land Use (Risk Zone): Old Chalk Pit, Berkhamsted Road, Hemel Hempstead  
Green Belt: Policy: CS5  
Parish: Hemel Hempstead Non-Parish  
RAF Halton and Chenies Zone: Red (10.7m)  
Smoke Control Order

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

## **8. PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Policies NP1, CS4, CS5, CS11 CS12 and CS27  
Saved Policies 58 and 95; saved Appendix 5

## **9. CONSIDERATIONS**

### Main Issues

9.1 There are a number of key considerations that relate to this planning application. These are as follows:

The principle of development within the Green Belt;  
The quality of design and the visual impact;  
The effect on residential amenity; and  
Any other material planning considerations.

### Principle of Development / Policy Justification

9.2 The Government attaches great importance to Green Belts. 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. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.3 The main issues to consider in terms of Green Belt policy are therefore: the appropriateness of

the development; effect on the purpose of including land in the Green Belt; effect on the openness of the Green Belt; the impact on the visual amenity of the Green Belt; and if it is considered inappropriate development, are there any very special circumstances to justify its approval?

### *Appropriateness*

9.4 Policy CS5 states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

9.5 CS5 highlights that *“Within the Green Belt, small-scale development will be permitted i.e. buildings for the uses defined as appropriate in national policy.”*

9.6 The National Planning Policy Framework (henceforth referred to as the ‘Framework’) states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: *“the provision of appropriate facilities in connection with the existing use of land or a change of use for outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.”*

9.7 The proposal would provide a number of new structures associated with outdoor recreational activities – a use previously approved by the Council (see 4/02495/17/RET). The development is, therefore, by definition appropriate development as long as it preserves the openness and character of the Green Belt, and does not conflict with the purposes of including land within it.

### *Openness*

9.8 With regards to the effect on openness, this relates to the impact that the physical structures at the application site would have on the sense of visual openness in the Green Belt. The supporting statement highlights that all of the structures are ‘portable’ and therefore not fixed permanently. However, the structures would represent a permanent presence at the site adding to the visual impact of the development as a whole, thereby resulting in harm to the visual appearance and sense of openness at the site.

### *Purposes of including land in the Green Belt*

9.9 It is necessary to consider whether the proposal would result in harm in terms of the five purposes of including land in the Green Belt. Paragraph 134 of the Framework states that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.10 The proposal would not result in the sprawl of a large built-up area, would not result in two towns merging into one another, would not harm the setting of any adjacent historic towns and would not make urban regeneration any less likely. However, the proposal would increase physical presence – further urbanising the site. The development therefore fails to safeguard the countryside from encroachment.

### *Summary*

9.11 There are exceptions for the provision of facilities in connection with outdoor recreation. However, the proposals would result in harm to the visual sense of openness at the site through the siting of a number of additional structures. The proposal would also contravene the purposes of

including land within the Green Belt. It is therefore concluded that the proposal is inappropriate development.

9.12 Inappropriate development is harmful to the Green Belt and paragraph 144 of the Framework states that it should not be approved except in very special circumstances. As the Redhill Aerodrome judgement (Redhill Aerodrome Ltd [2014] EWCA Civ 1386, Sullivan, Tomlinson, Lewison LJJ) has identified, very special circumstances can outweigh 'any other harm', not just Green Belt harm. The consideration of very special circumstances may be found at the end of this report – when all other planning matters have been considered.

#### Quality of Design / Visual Impact

9.13 Policy CS1 states that the rural character of the Borough should be conserved. Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 130 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.

9.14 The structures are fairly modest in scale but when combined equate to a larger increase in footprint on the site (around 63.7sq.m). It should be noted that one of the structures, originally described as the “sheriff’s office”, was removed from the scheme as part of amendments to the scheme. The remaining buildings have the following measurements.

‘Stables’ – 2.63m (max. height), 3.66m width, 16.3sq.m area

‘Saloon’ – 3.22m (max. height), 7.32m width, 32.7sq.m area

‘Store’ – 2.59m (max. height), 6.09m width, 14.7sq.m area

9.15 These buildings are proposed to be sited along the existing mature hedgerow on Pouchen End Lane. Considering their limited height it is unlikely that they would be overtly visible from the road. The stables and saloon would both be constructed of timber (walls/fenestration) and corrugated iron (roofs). The storage container would be clad with timber. The materials are deemed acceptable considering the sites rural context.

9.16 As highlighted in the Planning Statement and seen on the existing site plan (Drawing 0854/01), an existing archery area (33.5sq.m) and double-decker bus (25sq.m) would be removed as part of the proposals. Whilst the existing archery area has a limited impact on the openness of the Green Belt, the removal of the bus (which far exceeds the height of the proposed structures) would result in a positive impact on openness.

9.17 As previously mentioned, views of the new structures would be somewhat restricted from the public domain. However, by virtue of the introduction of new structures and the further urbanisation of the site, the proposals would contribute to the erosion of the demonstrable physical attributes of the rural area.

9.18 Notwithstanding the above, this harm is tempered by the relatively modest height of the proposals and the removal of the double-decker bus, which is considered to have a more prominent visual impact. The proposals are considered to result in moderate harm to the character of this rural site. The proposed structures are also considered to have a limited impact on the non-designated heritage assets (converted barns) due to the considerable distance between them.

#### Effect on Residential Amenity

9.19 Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 127 (f) of the Framework is to always seek a high standard of amenity for all existing and future occupiers of land and buildings.

9.20 The nearest neighbouring properties are the converted barns in the Brownlow Farm complex. These buildings are sited over 200m away. Considering this, it is not felt that the proposals would result in significant and demonstrable harm to the living conditions of surrounding residential properties, in terms of overlooking, overbearing, loss of light and noise and disturbance. The proposal therefore complies with identified policy in this regard.

#### Other Material Planning Considerations

##### *Parking Provision / Highway Safety*

9.21 Policy CS12 seeks to ensure developments have sufficient parking provision. Policies CS8 and CS9 seek to ensure developments have no detrimental impacts in terms of highway safety.

9.22 The proposal would not result in an additional vehicular access but would involve moving the existing parking area to the north. No concerns are raised with the internal re-configuration of the parking area. As such, the proposal is considered acceptable on highway safety and parking grounds.

#### Response to Neighbour Comments

9.23 There have been no neighbour comments received.

## **10. CONCLUSION**

10.1 The proposal has been assessed in terms of its impacts upon; the Green Belt, the character of the area and other relevant material considerations. It has been concluded that the proposal would preserve the living conditions of the occupants of neighbouring units and would not result in unacceptable impacts upon the adjacent highways network.

10.2 Whilst the proposal would support an acceptable use within the Green Belt, the provision of the additional structures would result in harm to the visual sense of openness at the site. The proposal would also further urbanise the site, harming the rural character – adding additional, limited/moderate, weight against the proposal. As such, it represents inappropriate development within the Green Belt. This carries weight against the proposal.

#### *Very special circumstances*

10.3 Inappropriate development is by definition harmful to the Green Belt. The Framework, Paragraph 144, states that inappropriate development should not be approved except in very special circumstances. The Local Planning Authority will now proceed to balance this identified harm against the benefits of the proposal.

#### *The need for the structures*

10.4 The Applicant has highlighted that all three structures are necessary to support the previously approved use. The justification provided within the Planning Statement is as follows:

*“The “saloon” field shelter would be used as a covered area for leisure pursuits, including such things as arts and crafts and the parties. It could further be used by campers when the weather is not suitable for being outdoors.*

*The “livery shelter” would be left completely open at the front with no interior fittings. The intended use would be for our safe archery and a shelter for our inflatable Nerf shooting range.*

*The shipping container which would be clad in wood to match the open livery shelter would be for the purpose of storage. This is needed as the...field shelters would not be secure for this purpose. We have many items to store and we will list these below as an example:-*

*Camping Equipment:*

- Tipis x 3
- Tipi poles, pegs and ropes
- Cooking utensils to include crockery, cutlery, glasses etc.
- Picnic benches in winter
- Water heating systems in winter and butane gas bottles
- Wagon wheels in winter
- Barrel seats for campfire and cushions
- Barbecues x 3
- Toilet rolls and cleaning equipment
- Air beds
- Tipi matting
- Ground sheets
- Chuck wagon cover in winter

*Leisure Equipment:*

- Nerf inflatable shooting range
- Generator
- Numerous arts and crafts material
- Tables and chairs
- Archery equipment
- Nerf accessories
- Campfire cooking utensils and cutlery

*This is by no means a definitive or complete list.*

*Currently, we store our tipi poles in our poly tunnel during the winter, but this has already proven detrimental to them, causing mould.*

*All our other items are either kept in our garage or a livestock trailer which is open at the back and not waterproof. This is wholly inconvenient due to distance away from the site, items getting damaged and ruined in the trailer and does not allow us to use our garage.*

*We are proud of the part we play in the local community and the community groups that come to visit us, such as schools, church groups, brownies, rainbows, cubs and the special need groups. We organise many activities for these groups including hands on visits with our animals.”*

10.5 The very special circumstances provided appear to offer adequate justification for the moderate harm identified.

Overall planning balance

10.6 The disadvantages of the scheme include the identified harm to the Green Belt – through inappropriate development, harm to the openness and harm in terms of the purposes of including

land within the Green Belt. Cumulatively, this carries weight against the grant of permission. Furthermore, the proposal would result in limited to moderate harm to the character of the area.

10.7 Whilst harm has been identified, it is considered that this is outweighed by the very special circumstances put forward to support the existing outdoor recreation and leisure use. These facilities are considered necessary to ensure the existing use is able to continue to function effectively to support numerous community groups, such as schools, church groups, brownies, rainbows, cubs and the special need groups, that benefit significantly from this use.

10.8 The 'saloon' would provide an area for arts and crafts in connection with the recreational activities. The proposed 'stable' building would replace the existing archery area and provide a safer means of enclosure. The storage unit would ensure that all of the items required to support the use can be securely stored on the site.

10.9 Taking all of this into account together with the improvements to openness in terms of removal of the double decker bus, it is considered, on balance that these special circumstances are adequate in justifying the identified harm to the Green Belt. Therefore, the application is recommended for approval.

## 11. RECOMMENDATION

11.1 That planning permission be granted subject to the following conditions:

### Condition(s) and Reason(s):

1. **The development hereby permitted shall begin 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:**

**0854/01C**  
**0854/02C**

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

### Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
20	0	0	0	0

### Neighbour Responses

<b>Address</b>	<b>Comments</b>
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