

**4/03034/15/FHA - RETENTION OF DETACHED SHED AND REPLACEMENT GATE AND SIDE FENCES.  
HOLLOW HEDGE, HOLLY HEDGES LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PE.  
APPLICANT: MR BARNES & MS TERRY.**

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[Case Officer - Philip Stanley]

**ADDENDUM TO REPORT PUBLISHED FOR DCC 26/11/15**

This application was heard by the Development Control Committee on 26 November 2015 where it was resolved to defer a determination of the development to allow for the provision of further information regarding enforcement investigations, details of how the building is currently being used, and details regarding the hardstanding/associated drainage and whether it falls within permitted development limits.

The purpose of this addendum is to provide the additional information requested at that meeting. The main report (site and proposal descriptions, considerations, etc.) are retained as per the previously published report.

**Enforcement investigations**

The site has been subject to a recent planning enforcement investigation (ref: E/15/00253) where a complaint was received on 16 July 2015 that 'this Listed Building now being used for an oil tank business'. As such the site was visited by a Planning Enforcement Officer on 21 July 2015, who noted the use of part of the site for the storage of oil tanks. The owner (the present applicant) was, therefore, informed that this represented a breach of planning control and requested that the tanks were removed from the site within three months.

It should be noted firstly that this matter related to the storage of oil tanks. There was no evidence that the site was being used as an oil transfer station and the applicant has assured Enforcement Officers that he would have no intention of commencing such a use as this is his family home with young children. Furthermore, since the applicant was advised of the breach the applicant has endeavoured to provide alternative accommodation for the oil tanks. The applicant has contacted the Enforcement department with updates (rather than trying to 'hide away') and has kept Officers up to date with his progress. For example on 03 November 2015 the applicant informed Planning Enforcement that his first proposed relocation site had fallen through but that his second site (in Amersham) should be completed by the end of that week. Two further visits by Planning Enforcement have confirmed that the oil tanks are no longer being stored at the site.

It should further be noted in respect of Enforcement action that the site will continue to be monitored by Officers and should there be any repeat of the use of the site for commercial purposes then the Council can take the appropriate action at that time.

Finally, a further condition has been added to the recommendation preventing the commercial use of the building and hardstanding.

**Details of how the building is currently used**

The building subject to this application (the detached metal shed) is currently being used for storage purposes ancillary to the residential use of the site. At the time of the

Officer's site visit the building was being used to store the applicant's drive-on lawnmower, as well as other equipment and tools that can reasonably be expected for the maintenance of the house and gardens. The shed also contained an old diesel tank that is in the process of being restored (but not used as a diesel storage tank). The applicant also explained that the building could also be used to store the children's play equipment that were immediately outside the shed at the time of the Officer's site visit.

There is no evidence that the building itself is, or has ever been, used for commercial purposes. It must be noted that the applicant has explained his need for the metal shed in three aspects. Firstly, it must be emphasised that Hollow Hedge sits within substantial grounds, which contain large lawns, hedges and trees. It is therefore not unreasonable to expect the applicant to wish to store the machinery required to maintain these grounds. Secondly, this garden equipment, such as the drive-on lawnmower, are petrol driven, and therefore a metal container was preferred on fire and safety grounds. Thirdly, as a listed building it is not possible to attach such storage requirements to the listed building, or even to modify the listed building internally to create such a storage area.

### **Details regarding the hardstanding/associated drainage and whether it falls within permitted development limits**

In respect of the hardstanding this consists of a concrete pad 5m by 7m to the rear of the metal shed. The applicant has stated that this concrete pad is a replacement for an earlier concrete hardsurface, which had started to break up.

It must be emphasised that the hardstanding does not form part of this application and therefore does not fall to be considered by the Council. This application solely seeks the retention of the detached metal shed and a replacement gate with side fences.

In addition it is worth noting that this hardstanding did not require planning permission or listed building consent. In respect of hard surfaces Schedule 2, Part 1, Class F of the 2015 GPDO permits hard surfaces without the need for a planning application providing they are incidental to the enjoyment of the house. The only exception to this is areas of hardstanding in excess of 5 square metres to the front of a property (where it fronts a highway), and even in these cases a planning application is not required if some form of on-site drainage is provided. The purpose of this restriction is to prevent surface water from running off onto the Highway.

In this particular case the concrete hardstanding is located to the side of the house and as such would be permitted development under Part 1, Class F of the 2015 GPDO. There is anyway no possibility of water running off the site and onto the highway due to the hardstanding being located to the rear of the metal shed. Furthermore, water can run-off the concrete pad and onto the surrounding permeable gravel within the site. Finally, there is no evidence to suggest that the concrete pad was laid to facilitate an unauthorised use of the land, i.e. for the storage of oil tanks. The concrete pad was laid to create ease of access to the metal shed and the residential items stored within it.

### **Conclusion**

Taking into account the further research undertaken since the last Committee, Officers

consider that the recommendation to grant this application should remain unchanged.

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

- 1 **The trees and shrubs immediately to the south of the storage shed shall be retained in perpetuity.**

Reason: To ensure that the setting of the listed building is protected in accordance with Policy CS27 of the Dacorum Core Strategy.

- 2 **The detached metal shed hereby permitted (and associated hardstanding) shall only be used for purposes ancillary to the residential use of the dwelling known as Hollow Hedge, and shall not be used for any business or commercial use.**

Reason: For the avoidance of doubt and to safeguard the rural character of the area in accordance with Policy CS1 of the Dacorum Borough Core Strategy (2006-2031).

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

**15/MB-8  
15/MB-9  
Site Location Plan**

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

Article 35 statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.

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**Report published for DCC 26/11/15**

**Summary**

The application is recommended for approval because it would not have a harmful impact on Green Belt objectives or the setting of the listed building.

**Site Description**

Holly Hedges is a Grade II Listed timber frame house, with an 18th century brick front and substantial rear extensions dating to the mid 20<sup>th</sup> century. The attached neighbouring dwelling (Woodmans House, formerly known as Cats Cradle) at one time formed a part of Hollow Hedges, but following extensive enlargements and alterations, the original house was split into two separate dwellings in the 1970s. Only Hollow Hedges is statutory listed.

The site lies within the Metropolitan Green Belt and forms part of a group of four dwellings on the north side of Holly Hedges Lane. The site is well screened on the boundary by mature trees and hedges apart from the boundary directly in front of the front which comprises a low brick and flint boundary wall. The access is formed of a five-bar gate and side fences.

Permission was granted in 1996 for a detached timber double garage with store room approximately 12.5 m to the north west of the house, which is partially screened from the highway.

### **Proposal**

The application is for a metal storage building sited between the timber garage and the site boundary, and a steel entrance gate and fencing to either side. The development has already been carried out without benefit of planning permission.

### **Referral to Committee**

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

### **Planning History**

4/01112/15/FHA	DEMOLITION OF PART OF EXISTING REAR EXTENSION AND CONSTRUCTION OF PART SINGLE/PART TWO STOREY/PART FIRST FLOOR REAR EXTENSION. FORMATION OF NEW CHIMNEY AND INTERNAL ALTERATIONS Granted 23/10/2015
4/01114/15/LBC	DEMOLITION OF PART OF EXISTING REAR EXTENSION AND CONSTRUCTION OF PART SINGLE/PART TWO STOREY/PART FIRST FLOOR REAR EXTENSION. FORMATION OF NEW CHIMNEY AND INTERNAL ALTERATIONS Granted 23/10/2015
4/00683/10/LBC	PAINT FRONT AND WEST SIDE OF HOUSE Refused 17/06/2010
4/00972/09/RET	NEW FENCING Granted 22/10/2009

4/00566/09/FUL BARN CONVERSION AND CHANGE OF USE TO RESIDENTIAL ANCILLARY  
TO LISTED COTTAGE  
Refused  
15/06/2010

4/02043/08/FUL BARN CONVERSION AND CHANGE OF USE TO RESIDENTIAL  
Refused  
12/03/2009

4/00018/96/4 ERECTION OF GARAGE AND STORE  
Granted  
05/03/1996

4/01060/95/4 DEMOLITION OF EXISTING GARAGE AND OUTBUILDINGS AND ERECTION  
OF GARAGE/WORKSHOP/STABLE  
Withdrawn  
13/10/1995

## **Constraints**

Listed Building  
Metropolitan Green Belt

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Planning Practice Guidance

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - The Green Belt  
CS12 - Quality of Site Design  
CS27 - Quality of the Historic Environment

### Saved Policies of the Dacorum Borough Local Plan

Policy 119  
Appendix 3

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

## **Summary of Representations**

Bovingdon Parish Council

Object. Inappropriate development in the Green Belt.

### Conservation and Design

Holly Hedges is an early C17th timber frame house (or possibly older), with an 18th century brick front and rear extensions which are mid 20<sup>th</sup> century.

The former white painted timber gate and side fences were recently replaced with white painted metal gate and side fences of a similar design and appearance; the replacements are acceptable in this rural area and preserve the setting of the listed building.

The application is also for the retention of a detached green corrugated metal shed located to the side of the timber clad garage, located a little way north-west of the house. The shed is in a discrete location and is not considered to harm the setting of the listed building, Hollow Hedge.

Recommend approval, the proposals are considered to preserve the setting of the grade II listed property Hollow Hedge.

A listed building application has been submitted in addition to the planning application however the LB application is not required.

### 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.

Decision: Hertfordshire County Council (HCC) has no objection to the proposed development.

Description of the Proposal: Hollow Hedge is a semi-detached property is located within the Green Belt.

The proposal is for the retention of a detached shed and replacement front gates and fences. These have already been carried out at the property.

The proposed gate and fences are located at the entrance from Holly Hedges Lane and replaced the existing dilapidated timber fences and gates which were there before and were of a similar style.

The site is located on Holly Hedges Lane which is a local access road with a 30mph speed limit.

Analysis: The applicant has provided a Design and Access Statement (DAS) to support the application.

Impact on Highway Network Road Safety: There are no reported incidence's within the near proximity of the site.

Highway Layout: The applicant has indicated that no changes shall be made to the existing access arrangement to the site.

Parking: The proposal will not impact on the existing parking arrangements.

Planning Obligations/ Community Infrastructure Levy (CIL): It is not considered that any planning obligations are considered applicable to the proposed development.

Woodmans House, Holly Hedges Lane - Object:

Adding a large green metal storage facility within curtilage of a grade 2 listed building and on Green Belt land is not acceptable. This is especially true when: there is already a very large detached double+ garage with an office to the side; there are further separate plans to extend an already significantly extended house; there is a industrial business run from this residential garden and it is most probable that the storage facility will be used for the oil business and not for domestic purposes. This is demonstrated by the present use for oil tank storage and diesel transfer. The concrete plinth also covers further green belt land and provides further hard standing for trucks and tanks. How can this possibly be considered as domestic use only.

This house is a private residence on a quiet country lane used by a young family. It is adjoined by our home which was bought to enjoy the countryside and not to be situated next to an industrial unit which causes noise and smell nuisance. The safety of the families in the area must also be considered in the running of a diesel storage and transfer unit and allowing a large metal 'shed' to be built is fundamentally wrong.

The fact that no respect was shown for the Listed environment by building this facility without consent shows that it is only the council that can be relied upon to protect our heritage and Green Belt land by ensuring it is removed. "Hiding" the building behind some shrubs does not make this storage unit acceptable and only shows what the owners are prepared to do to flout the law.

Regarding the gates. The owners have been aware for some years that the present gates were not in keeping with the setting instead, choosing to believe that a lick of white paint makes them acceptable. They are obviously of steel construction and look nothing like a wooden 5 bar gate with matching fencing leading to it. We are pleased that the amber flashing light was removed a little while ago although this was probably a necessary safety feature for such automatic gates. The plans provided show what is there at the moment but nothing has been done to make this feature blend in with a grade 2 setting. The plans alone do not show how obviously out of place this gate is and it is time for it to either be replaced to suit the setting or to be professionally upgraded and a vintage effect created.

## **Considerations**

### Policy and Principle

Policy CS5 and the NPPF set out types of development that will be considered acceptable within the Green Belt. Ancillary residential development does not strictly fall within one of the acceptable categories of development; however, weight must be given to householder permitted development rights within the Green Belt. Householder permitted development rights under Class E (incidental buildings and enclosures) are no more restricted within the Green Belt than within towns, and this consideration that has been given great weight in this application.

### Impact on Green Belt

The site in question, Hollow Hedges, by virtue of it being statutory listed does not benefit from Class E permitted development rights. The purpose for this restriction of development is to ensure that the setting of the listed building is protected. Having regard to householder permitted development rights within the Green Belt, the key consideration for the construction of the storage shed is whether or not the building would cause harm from a heritage perspective.

#### Impact on the Setting of the Listed Building

The proposed storage building measures 6 metres by 3 metres in size, with eaves 2 m high and a ridge height of 2.8 m. The building faces into the site, having a single up-and-over door. It is constructed of dark green corrugated metal with a shallow pitched roof, and is sited discretely between the large timber garage and the site boundary, so that it is not visible from the listed dwelling. There is mature planting within the site, behind the building, and on the boundary, fully screening it from public view and screening it from most perspectives within the site. The building is of a dark muted colour that is well camouflaged in its surroundings and is not considered to have a detrimental impact on the setting of the listed building.

The gate and fencing at the entrance of the house, while not constructed of timber, are a white five-bar design of a character and appearance that are not at odds with their setting. They are not considered to be harmful to either the rural character of the area or the setting of the listed building. The conservation officer has raised no objections on heritage grounds.

#### Impact on Highway Safety

There is no change proposed to the access and no objection is raised on highway safety grounds.

#### Impact on Neighbours

The development is located away from adjoining properties and would have no impact on the residential amenity of neighbours.

#### Other Matters

The adjoining occupier has raised objection to the building being used in connection with the applicant's business. The lawful use of the building would be an ancillary residential use, with any other use requiring formal planning permission. The business activities on site have been subject to an enforcement investigation, and are not a material consideration for the current application. The building is presently used for the secure storage of a lawn mower and other residential paraphernalia.

#### **Conclusions**

The proposed building would not cause material harm to the openness or appearance of the Green Belt and neither the gates/fence or the building would harm the setting of the listed building. The development is acceptable in terms of policies protecting the Green Belt and Built Heritage.



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

- 1 **The trees and shrubs immediately to the south of the storage shed shall be retained in perpetuity.**

Reason: To ensure that the setting of the listed building is protected in accordance with Policy CS27 of the Dacorum Core Strategy.

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