

**ITEM NUMBER: 5h**

<b>20/03929/RET</b>	<b>Retention of agricultural building and glasshouse</b>	
<b>Site Address:</b>	<b>Land East Of Delmer End Lane Flamstead St Albans Hertfordshire AL3 8ER</b>	
<b>Applicant/Agent:</b>	<b>Ms Linda H Connor</b>	
<b>Case Officer:</b>	<b>Colin Lecart</b>	
<b>Parish/Ward:</b>	<b>Flamstead Parish Council</b>	<b>Watling</b>
<b>Referral to Committee:</b>	<b>Objection received from parish council</b>	

**1. RECOMMENDATION**

That planning permission be GRANTED.

**2. SUMMARY**

2.1 It is considered that the departures from the original approved plans would not result in harm above and beyond the original permission in terms of the impact on the surrounding area, neighbouring properties, or the safety and operation of the adjacent highway network. Conditions will ensure that the storage containers on site are removed, and that any other relevant details are submitted within six months of the permission, if the application is to be granted.

2.2 Overall the changes from the approved plans, which relate to the inclusion of an internal mezzanine area for storage, an increase in ridge height to one end of the barn, two shuttered fenestrations, and an increase in the size of the greenhouse are considered modest departures from the approved plans on the previous permission and would not result in harm beyond the development which was originally granted.

**3. SITE DESCRIPTION**

3.1 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.

**4. PROPOSAL**

4.1 The application seeks permission for the retention of agricultural building and glasshouse. These buildings were granted under planning permission 4/02115/17/FUL but have been built out slightly differently to the approved plans. The departures from the approved plans are as follows:

- The greenhouse is approximately 2m longer than approved
- The addition of two additional fenestrations consisting of fixed panes behind shutters on the south west elevation
- The inclusion of a mezzanine storage area on the roof of the kitchen, toilet and shower area.
- The height of the pitch of the barn along a S.E to N.W orientation is approximately 500mm higher on the South West elevation.

**5. PLANNING HISTORY**

Planning Applications (If Any):

4/02115/17/FUL - Construction of agricultural building and Greenhouse.  
GRA - 28th February 2018

4/02810/16/FUL - Construction of agricultural building and glasshouse (amended scheme)  
REF - 25th November 2016

4/02484/16/FUL - Construction of agricultural building and glasshouse (amended scheme)  
WDN - 17th October 2016

4/00285/16/FUL - Construction of agricultural building and glasshouse  
WDN - 27th April 2016

Appeals (If Any):

## **6. CONSTRAINTS**

Special Control for Advertisements: Advert Spec Contr

CIL Zone: CIL2

Green Belt: Policy: CS5

Parish: Flamstead CP

RAF Halton and Chenies Zone: Green (15.2m)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

## **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)

Relevant Policies:

Core Strategy (2013):

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 – The Green Belt

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

Local Plan (2004):

Policy 51 – Development and Transport Impacts

Policy 79 – Footpath Network

## 9. CONSIDERATIONS

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design and impact on visual amenity;  
The impact on residential amenity;  
The impact on highway safety and car parking;  
Waste Management;  
The Rights of Way

### Principle of Development

9.2 The application site is located within the Green Belt where Policy CS5 of the Core Strategy (2013) seeks to protect the openness of the Green Belt in accordance with national policy. Paragraph 145 of the NPPF states that planning authorities should regard the construction of new buildings within the Green Belt as inappropriate. However, a number of exceptions to this are listed, one being buildings for agriculture and forestry.

9.3 Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including:

- *'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 or nursery grounds; and*
- *the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.'*

9.4 The land is currently in use as a topiary business which is considered to be a horticultural use and therefore acceptable under Green Belt Policy. Furthermore, the principle of the development has been established under planning permission 4/02115/17/FUL. This application does not seek a change in use of the land, but seeks permissions for changes to the previously approved buildings, which have been constructed out differently to the approved plans.

9.5 A site visit was undertaken in June 2021 and horticultural planting was witnessed on the land with irrigation systems. Planting was also stored within the green house and the barn hosted a small workshop area on one side, combined with a small office/kitchen area on the other side. It is considered that while the business has not yet fully taken off the ground, an agriculture use has been implemented and there is no reason to believe another use is taking place on the land.

9.6 Due to the above, the principle of the development is considered acceptable.

### Quality of Design / Impact on Visual Amenity

9.3 Policies CS11 and CS12 of the Core Strategy (2013) state that develop should respect the character and appearance of the surrounding area. The site and the existing buildings cannot be perceived from Chequers Hill and Delmer End Lane. However, a rights of way runs along the southern boundary of the site and the buildings can be perceived from this view.

9.4 It is important to note that the buildings as a whole have already been granted permission under 4/02115/17/FUL, where it was found they would not have a detrimental impact on the character and appearance of the surrounding area. The application seeks permission for the retention of the buildings as built due to a number of departures from the approved plans. These departures have been listed at the beginning of this report. An extract from the previous assessment is provided below:

9.5 *“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)”.*

9.6 *“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”.*

9.7 Overall, it is considered the increase in size of the Green House by 2m in length and the increase in height of the barn along the south west elevation by approximately 500mm do not significantly impact on the above previously made assessment. The two shuttered windows are relatively modest in size and do not result in an elevation which is dominated by glazing. The internal mezzanine area is not perceivable from the surrounding area.

9.8 The applicant has stated that the increase in the Green House dimensions has come about from the procurement process. While the previous plans did depict a Green House of different dimensions, these were plans; the applicants did not construct the Green House but intended on purchasing one. The particular one that has now been purchased differed in size. The height of the barn on one end has increased due to the need to take into account land levels during the construction. The internal mezzanine area provides a small storage area.

9.9 Overall, it is considered that the proposed departures on the previously approved plans are modest in nature and do not represent such a significant change to where harm over and beyond the original assessment can be identified. The buildings would still not be perceived from the road and are set back from the public rights of way to the degree where the changes from the approved plans would be greatly perceivable or harmful to the surrounding area.

#### Impact on Residential Amenity

9.10 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 and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.11 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. The previous permission included a condition stating that details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Should this

application be Granted, this will be included on this application but re-worded to state that within six months of the permission hereby granted, details of external lighting shall be submitted.

9.12 A condition stating that no operations shall be carried out at the site outside the hours of 09:00 and 17:00 Monday to Friday will also be included.

9.13 It is considered the proposal would not result in an adverse impact on the residential amenity of surrounding properties by way of loss of light, outlook or privacy.

#### Impact on Highway Safety and Parking

9.14 Policy CS12 of the Core Strategy states that on each site development should provide a safe and satisfactory means of access for all users.

9.15 Furthermore, Saved Policy 51 of the Local Plan (2004) states that the acceptability of all development proposals will always be assessed specifically in highway and traffic terms and should have no significant impact upon the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development and the environmental and safety implications of the traffic generated by the development.

9.16 Hertfordshire Highways have not objected to the proposal, noting the previous assessment that has taken place on the site. The transport note submitted with the previous application has been resubmitted.

9.17 This Transport Note 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.

9.18 On the previous application, the Highway Officer considered that whilst it is normal to seek 2.4 x 43m for the visibility splay, that this is based on a 30mph speed. 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. This application does not propose any changes to the access which diverge from the previous permission, which was considered acceptable in highway terms.

9.19 A Swept path assessment is also included within the transport note and demonstrates that a large car and a transit van can manoeuvre safely into and out of the site. The applicant has confirmed that no HGVs are required to enter the site. Given the size of the site and the small scale nature of the business operation, it is considered that there is no strong reason to dispute this.

9.20 As a result, it is considered that the development would not have an adverse impact on the safety and operation of the adjacent highway.

9.21 On the previous application, the applicants 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. This has not changed and upon a site visit, it was clear that there were no other employees on site.

9.22 It is considered that given the size of the site and the scale of the operation, sufficient off-street parking is provided within the hardstanding areas.

#### Waste Management

9.23 An appropriately worded condition regarding the submission of details of the facilities for the storage of refuse that are required on site will be attached to the application. This will be to confirm the amount of storage space and potential features required for waste disposal relating to the commercial operation.

#### Rights of Way

9.24 A rights of way runs adjacent to the site, in close proximity to the access.

9.25 The countryside access officer did not respond to the previous application, however it was noted in the report that for other previously withdrawn applications, they did state, 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.

9.26 Damage to the footpath surface caused by traffic, other than pedestrian, will leave the land owner liable for repairs commensurate with highway authority specifications.

9.27 The countryside officer has been contacted and made aware that the development has been implemented. It would be up to them to inspect the footpath and determine if any damage has occurred as a direct result of the use of the site.

9.28 A Footpath Protection Plan was conditioned as part of the previous proposal. However, the permission appears to have been implemented without this condition being discharged. As such, a condition seeking this plan will be attached to the application, stating that the plan shall be submitted within 6 months of this permission, if the application is granted.

#### Storage containers

9.29 There are two storage containers on site which do not have permission. The enforcement team is aware of this. These have been shown on the site plan and a condition will ensure that these are removed from the site within six months of the permission. The applicant has explained that they are currently for sale.

#### Permitted Development Rights

9.30 As on the previous application, permitted development rights for the below parts will be removed by condition:

Schedule 2, Part 2 , Class A (Gates, fences walls)

Schedule 2, Part 6, Class B (Agricultural development on units of less than 5 hectares)

### **10. CONCLUSION**

10.1 It is considered that the departures from the original approved plans would not result in harm above and beyond the original permission in terms of the impact on the surrounding area, neighbouring properties, or the safety and operation of the adjacent highway network. Conditions will ensure that the storage containers on site are removed, and that any other relevant information is submitted within six months of the permission, if the application is to be granted.

### **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 be carried out in accordance with the following approved plans/documents:**

**Greenhouse side elevation  
Greenhouse plan  
Greenhouse dimensions (north/south end)  
Barn: exterior drawings  
Interior layout: barn  
Interior side end elevation drawings  
Proposed site plan (Flamstead Plan 1:500)  
Proposed planting plan  
Proposed hard surface, pipes and cable plan  
K-TT376/01/R0**

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

2. **Within six months of the date of this permission, a Refuse Management Plan , shall be submitted to and approved writing by the Local Planning Authority. The Refuse Management Plan shall include the area in which refuse shall be stored and details of the refuse storage facilities. Thereafter, refuse storage facilities shall only be placed within the approved refuse storage area.**

Reason: To protect the openness of the Green Belt in accordance with Policy CS5 of the Core Strategy (2013).

3. **Within six months of the date of this permission, a Footpath Protection Plan shall be submitted to and approved by the Local Planning Authority. Following approval, the works shall be carried out in accordance with the plans, and shall thereafter be maintained.**

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.

4. **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.

5. **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.

6. **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 2, Class A**

## Schedule 2, Part 6, Class B

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.

7. **Within six months of the date of this permission, the existing storage containers, shown outlined in red on the Proposed Site Plan (Flamstead Plan 1:500), together with any connecting / roofing materials, shall be removed permanently from the site.**

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.

8. **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

### Informatives:

1. 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 (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
Parish/Town Council	<p>The PC strongly objects to this application as it represents inappropriate overdevelopment. The changes to the barn including the extra height were clearly not done accidentally, so the PC asks that the building is altered so it meets the criteria set out in the original plans. Furthermore, despite the planting plan submitted with the application, there is no evidence of a topiary business being set up as apart from a few sad looking small plants here and there, a topiary business it is not. The PC would like to see the Planning Department take a lead in not allowing such blatant transgressions to be tolerated.</p> <p>27.04.2021</p> <p>Ref the land east of Delmerend Lane the councillors discussed the plans last night and are of the same view.</p> <p>The fact that they submitted a drawing of any old greenhouse and then installed one they subsequently found is not the way to follow planning</p>



	<p>rules.</p> <p>The extra height of the barn needs to be reduced - again the applicants should have sought your advice.</p> <p>The extra windows need to be removed as again that is not on the plans.</p> <p>They failed to send a photo of the 3 containers which are in the grounds of the property - 2 of which are joined together with a roof and appear to be a storage unit - no permission has been sought for this.</p> <p>The PC sees no reason to alter their original and continuing opposition to this overdevelopment"</p>
<p>Hertfordshire Highways (HCC)</p>	<p>The proposal is for the retention of an agricultural building and glasshouse on land East of Delmer End Lane, Flamstead. Delmer End Lane is a 30 mph unclassified local access road that is maintained at public expense. I am writing an interim response to this application as I feel key details regarding the access to the site has been omitted.</p> <p>The application states that the barn and the greenhouse are built in association with the Topiary business. However, it does not state anywhere I can find within this application as to what the exact use of the barn will be. This is important for the highways as this will allow us to assess the types of vehicles the site will have entering and exiting the site, for example either cars or large good vehicles.</p> <p>I would note that the access to the site is narrow and would only allow one vehicle to enter and exit at a time which may cause vehicles to have to wait on the highway which is not preferred. The current site is unsuitable for large vehicles owing to the access and therefore, HCC Highways would like clarification on the exact use of the site and detailed plans concerning the current vehicles access to be able to fully comment on the appropriateness of the buildings on site.</p> <p>19.01.2021:</p> <p>The current plans provided to me for comment lacked any real detail on the access. However, having said that, our previous response from my colleague has stated the use / the types of vehicles accessing and the access arrangements themselves. Therefore, I am happy with the assessment my college has done and would not wish to restrict a grant of permission in relation to previous comments made by HCC Highways. And therefore the requests by me in my previous response are now null and void.</p>

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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>
5	0	0	0	0

**Neighbour Responses**

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