

ITEM NUMBER: 5b

23/00691/FUL	Demolition of existing detached buildings comprising cattery and erection of a single storey dwelling house including landscaping.	
Site Address:	Pilgrim Cottage Megg Lane Chipperfield Kings Langley Hertfordshire WD4 9JW	
Applicant/Agent:	Mr & Mrs Flynn	Mr Graham Eades
Case Officer:	Patrick Doyle	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Called In By Cllr Riddick if application to be refused	

1. RECOMMENDATION

That planning permission be REFUSED.

2. SUMMARY

2.1 The application has proven unacceptable due to the encroachment upon the green belt, seeking to incorporate non previously developed land into the residential curtilage and the consolidation and enlargement overall of the cattery buildings proposed to be demolished and replaced with a dwelling. The proposals would not meet with any of the exceptions for development within the Green Belt outlined in the NPPF (Paragraphs 149 and 150) and therefore inappropriate by definition and must be refused in the absence of any very special circumstances which outweighs the harm. The loss of the cattery business has not been reasonably justified, which would cause harm to the rural economy and opportunity to re-use the site for local employment, there has been no testing of the market to verify the applicant's claims it would be unsuitable for any other business.

2.2 The overly suburbanised approach to development is harmful to local character and causes encroachment into the Green Belt.

2.3 The development would be contrary to Core strategy Policies CS1 and CS5, CS11 and CS12. A legal agreement to mitigate against the potential harm to the Chiltern Beechwood SAC has not been secured.

3. SITE DESCRIPTION

3.1 The application site relates to an existing cattery business comprising 5 buildings to the north of the residential dwelling on the site, Pilgrim Cottage. The site is situated off Megg Lane to the east of Chipperfield Village. The site is situated within the Green Belt.

3.2 The site is rural in character with rural fields adjacent the site, however also located to the rear is residential lane of houses of varying styles and character.

4. PROPOSAL

4.1 The proposal involves the demolition of existing buildings used as a cattery and the redevelopment of the site incorporating adjacent paddock grazing land to create a 4 bed bungalow and associated garden and landscaping.

5. PLANNING HISTORY

Planning Applications

22/03493/FUL - Demolition of existing detached buildings comprising cattery and construction of single storey dwelling house including landscaping.

REFUSED - 19th January 2023

4/1376/78 - Historic File Check DMS for Documents and Further Details

4/00028/00/FUL - Cattery building

GRANTED - 13th June 2000

6. CONSTRAINTS

CIL Zone: CIL2

Green Belt: Policy: CS5

Heathrow Safeguarding Zone: LHR Wind Turbine

Parish: Chipperfield CP

RAF Halton and Chenies Zone: Green (15.2m)

RAF Halton and Chenies Zone: Yellow (45.7m)

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 Policy/Guidance

National Planning Policy Framework (NPPF) (July 2021)

Planning Practice Guidance

National Design Guide

Technical Housing Standards – Nationally described space standards

Development Plan

Dacorum Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004) - Saved policies

Relevant Policies:

Core strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS2 - Selection of Development Sites

CS5 – Green Belt

CS8 - Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of the Public Realm
CS14 - Economic Development
CS23 - Social Infrastructure
CS24 - The Chilterns area of Outstanding Natural beauty
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Soil, and Water Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Local Plan

Saved Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Saved Appendix 3 - Layout and Design of Residential Areas

Supplementary Planning Guidance/Other Material Documents

Parking Standards (2020)
Energy and Conservation
Water Conservation
Landscape Character Assessment
Energy and Conservation
Water Conservation

9. CONSIDERATIONS

Background

9.1 There has been a previous application (22/03493/FUL) on site where a larger 4 bedroom home was refused for the following reasons:

- 1. By reason of encroaching upon land not previously developed, the inappropriate scale, siting and spread of development harming openness, the proposals do not meet any of the exceptions for development within the Green Belt and is harmful by definition, causes harm to the openness of the Green Belt and does not accord with the purposes of including land within it (fails to assist in safeguarding the countryside from encroachment). No very special circumstances have been demonstrated which would clearly outweigh the harm identified contrary Dacorum Core Strategy Policy and CS5 and Section 13 - Protecting Green Belt Land of the NPPF (2021). By the same reasons the proposals would fail to accord with the settlement hierarchy on the location of development, would be incompatible with Green Belt polices nor conserve the rural character of the borough contrary to Core Strategy Policy CS1.*
- 2. The proposals would involve the loss of a business that supports the rural economy. It has not been demonstrated that the loss of the cattery business to be replaced by a single dwellinghouse would support the rural economy and maintenance of the wider countryside contrary to Dacorum Core Strategy policy CS5 (e)(ii) and with saved Policy 110 of the Dacorum Borough Local Plan 2004. The proposals would diminish access to local services*

and therefore also conflicts with objectives of the NPPF for development in rural areas set out in paragraph 84 d).

- 3. By reason of the proposed development poor siting, suburban design and excessive scale the proposals would detract from the rural character of the borough contrary to Core Strategy policy CS1, fails to enhance spaces between buildings and general character contrary to policy CS11, fail to integrate with streetscape character contrary to CS12 and fails to add to the overall quality of the area contrary to NPPF paragraph 130.*
- 4. The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to the requirements of the Habitats Regulations 2017 and 2019, the NPPF and Policies CS25 and CS26 of the Core Strategy*

9.2 Whilst the current application is reduced in size over the previous submission, primarily through the use of a less bulky roof design and shallower roof pitch, it doesn't address the fundamental reasons for refusal.

Principle of Development

9.3 The application is located within the Metropolitan Green Belt. The Government attaches great importance to the 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. The concept of "openness" is a broad policy concept understood to have a spatial and visual aspect, relevant to the underlying aims of the green belt policy is "to prevent urban sprawl by keeping land permanently open" and wider five purposes outlined in NPPF paragraph 138. It is not necessarily a statement about the visual qualities of the land, though in some cases that might be an aspect of the planning judgement involved. It is held to mean a general absence from inappropriate forms of development.

9.4 Dacorum Core Strategy (2013) Policy CS1 seeks to conserve the rural character of the borough and development is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns AONB.

9.5 Policy CS5 of the Dacorum Core Strategy (2013) 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.

9.6 Policy CS5 clarifies that small-scale development – such as the redevelopment of previously developed sites – are acceptable provided that:

- i. It has no significant impact on the character and appearance of the countryside; and
- ii. It supports the rural economy and maintenance of the wider countryside.

9.7 Neither the existing Saved Local Plan Policies Map, nor the draft Policies Maps under the new emerging Local Plan, show the site to be within the main built-up part of Chipperfield. Therefore in strategic terms, the proposal would not be considered 'limited infilling in villages' under the NPPF test.

9.8 Paragraph 149 of the NPPF states that the construction of new buildings within the Green Belt is inappropriate development. However, a number of exceptions to this are listed, one of which

being 149 (g) that the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, would be acceptable in the Green Belt, provided that it would not have a greater impact on the openness of the Green Belt than the existing development.

9.9 The NPPF at Annex 2 defines Previously Developed Land (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes however, land that is or was last occupied by agricultural or forestry buildings.

9.10 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 adds that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.11 The development site seeks to utilise land that forms part of a grazing paddock (lawfully an agricultural use, even if the land is predominantly used for the grazing of horses) and this part of the site would not meet the definition of PDL provided above. Therefore the proposals would not be considered to comply overall with paragraph 149 of the NPPF and therefore would be inappropriate by definition.

9.12 Notwithstanding this Paragraph 149 g) also requires for development not to have a greater impact upon the openness of the Green Belt than the existing development.

Impact on the openness of the Green Belt

9.13 The existing use and appearance of the site are synonymous with the setting within the countryside and Green Belt, where typically functional stable like buildings are found, not overly manicured in appearance or setting.

9.14 The concept of openness is to prevent inappropriate development in the Green Belt, not necessarily about the visual qualities of the landscape although that may be taken into consideration where appropriate by the decision maker, this approach has been clarified in case law (*R on the Application of Samuel Smith Old Brewery (Tadcaster) & Ors v North Yorkshire County Council*. Case Number: (2020) UKSC 3).

9.15 The proposals would introduce a far greater bulk, mass, height and spread of development with an overtly suburban approach to the layout and character of the dwelling proposed and causes further encroachment into the countryside not only through the development of land not previously developed, but by general character and layout of the proposals. The proposals would consolidate built-form on a part of the site where none presently exists allied to domestic paraphernalia in residential gardens and subsequent pressure for means of enclosure. The development would present an increased amount of massing, with limited gaps between structures which currently exist which offer some visual permeability and variation. Consequently, the proposal would have a negative and increased visual impact on the openness of the Green Belt, there would also be a greater impact on spatial openness than the existing development.

9.16 The development would therefore fail to preserve openness, be at odds with the aim of the Green Belt to keep land permanently open and conflict with purpose c) of including land within the Green Belt; namely to safeguard the countryside from encroachment.

9.17 A mathematical approach to the assessment of Green Belt harm should be avoided, nonetheless outlining the quantitative changes in the amount of the development is useful in demonstrating the scope of change and contribute to the overall qualitative assessment. The applicant has provided as part of the planning statement a comparison figures, measured against the existing buildings on site:

	Floor Area (sqm)	Footprint (sqm)	Volume (cubic m)
Existing	150.3	160.6	428.52
Proposed	160	183.3	613.98
Change from existing	+6.45 %	+14.13%	+43.28%

9.18 It should be noted this table includes a building on land with the adjacent paddock (lawfully agricultural land) which would not be deemed a previously developed land (PDL), as per the definition of PDL outlined in Annex 2 of the NPPF. As highlighted in the principle of development section this building has different spatial implications in the assessment of Green Belt development. Exchanging a non PDL building on agricultural field to increase the provision of a non-acceptable use in the Green Belt has a greater level of harm to the openness and purposes of the Green Belt. Without this building taken into account the metrics of development would read as follows:

	Floor Area (sqm)	Footprint (sqm)	Volume (cubic m)
Existing	136.8	136.8	398.25
Proposed	160	183.3	613.98
Change from existing	+ 16.96%	+33.92%	+54.17%

9.19 In addition there is an increase in hard landscaped areas.

	Hard Landscaping (sqm) (including additional hardstanding to front of pilgrim cottage)
Existing	327.57
Proposed	339 (404)
Change from existing	+3.49% (+23.33%)

9.20 These figures demonstrates there is considerable uplift in the quantum of development upon the site, the plans also demonstrate visually the increased quantum and spread of development with no mitigating factors as to the visual and spatial impacts of the proposals.

Principle of Development conclusion

9.21 By reason of encroaching upon land not previously developed, the inappropriate scale, siting and spread of development harming openness, the proposals do not meet any of the exceptions for development within the Green Belt and is therefore harmful by definition, it causes harm to the openness of the Green Belt and does not accord with the purposes of including land within it (fails

to assist in safeguarding the countryside from encroachment). No very special circumstances have been demonstrated which would clearly outweigh the harm identified contrary to Dacorum Core Strategy Policy and CS5 and Section 13 - Protecting Green Belt Land of the NPPF (2021). By the same reasons the proposals would fail to accord with the settlement hierarchy on the location of development, would be incompatible with Green Belt policies nor conserve the rural character of the borough contrary to Core Strategy Policy CS1.

Rural Economy

9.22 The proposals would involve the loss of a business that supports the rural economy. It has not been demonstrated that the loss of the cattery business to be replaced by a single dwellinghouse would support the rural economy. The proposal conflicts with CS Policy CS5 (e)(ii) which support small scale redevelopment in the countryside provided the proposal supports the rural economy or is part of a scheme for business use.

9.23 It also conflicts with objectives of the NPPF for development in rural areas set out in paragraph 84 d) for the retention of access to local services.

9.24 The applicant's submission states the owner's desire to retire and that proximity to existing dwelling. This does not form a sound justification for the loss to the rural economy, the market has not been tested as to the potential re-use of the site which could support the rural economy consistent with the objectives of Core Strategy policy CS5 and the NPPF paragraph 84 d).

Impact on the character and appearance

9.25 Policies CS11 and CS12 states that development should respect the typical density intended in an area and enhance spaces between buildings and general character, preserve attractive streetscapes and enhance any positive linkages between character areas, protect and enhance any significant views, plant trees and shrubs to help assimilate development and softly screen settlement edges, integrate with the streetscape character and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.

9.26 Aside from the visual impacts considered through the prism of Green Belt openness the development would have a negative impact on local character. The proposed site has an adhoc collection of functional buildings which is more consistent with overall rural character to the rear of the site. The additional hardstanding and residential building of significant scale would bring an additional formality to the site in a visually prominent location from within the site and adjacent properties, with a blunt and obvious siting and inappropriate visual massing given the local context.

9.27 The existing dwellings in Megg Lane have a relatively consistent positioning and proximity to the highway. Setting a dwelling towards the rear of the plot with a relatively long driveway would therefore appear out of keeping with the rest of Megg Lane and fail to respect the existing streetscene and character. The proposals would read as an incoherent backland addition to Pilgirm Cottage.

9.28 The proposals detail a dwelling of a contemporary design set over a single storey. Whilst dwellings in the surrounding area are generally more traditional in character there is also a reasonable degree of variety in the designs. However given the siting of the house and adjacent fields and rural context the overtly suburban style further draws the eye to the inappropriate character of the development.

9.29 In addition to the above, it would also be appropriate to retain as much soft landscaping as possible to soften the impact of the development, and where necessary and appropriate, strengthen this vegetation through the planting of new trees and hedgerows, however there is an increase in footprint and hardstanding created by the proposals as well as loss of part of the adjoining paddock.

9.30 By reason of the proposed development's poor siting, suburban design and excessive scale the proposals would detract from the rural character of the borough contrary to Core Strategy policy CS1, it fails to enhance spaces between buildings and general character contrary to policy CS11, fails to integrate with streetscape character contrary to CS12 and fails to add to the overall quality of the area contrary to NPPF paragraph 130.

Impact on residential amenity and living conditions

9.31 The NPPF paragraph 130 outlines the importance of planning decisions in securing high standards of amenity for existing and future occupiers of land and buildings. NPPF paragraph 130, 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 upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on future and neighbouring properties outlook, loss of light and privacy.

9.32 Consistent with saved policy appendix 3, Building research establishment report "Site Layout for Daylight and Sunlight" is a useful starting point to indicate if a development will likely have a negative impact upon daylight/sunlight issues, the development is not of scale or siting likely to affect neighbouring outlook, sunlight or daylight.

9.33 An appropriate landscaping condition could be applied to improve the privacy between the proposed dwelling and neighbouring properties, given the level differences and the nature of the garden to the front and side of the proposed dwelling. Solid overlap fencing is likely to have a negative impact upon the character and appearance of the locality and Green Belt openness.

9.34 The proposed dwellings are of siting, that would enable adequate daylight and sunlight to each dwelling overall, nor be overbearing to habitable windows outlook.

Future occupier amenity

9.35 The Council has not formally adopted the Government's Nationally Described Space Standards, although it does intend to as part of the new emerging Local Plan and these standards are a material consideration as indicator of good quality living conditions. The proposed dwelling would have a floor area far in excess of these minimum requirements and a proportionate amount of private amenity space. The proposal would therefore be acceptable having regard to the living conditions of the future occupiers of the development and the proposal accords with policy CS12 of the Core Strategy and the NPPF.

Impact on Highway Safety and Parking

9.36 Policies CS8 and 12 of the Core Strategy and paragraph 110 of the NPPF requires development to provide safe and suitable access for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.37 In terms of the access arrangements, the proposals would utilise the existing access to the site from Megg Lane serving the existing dwelling on the site and cattery business. Megg Lane itself it's a private lane, which has recently had chippings laid but at the time of the site visit was in poor condition, and is narrow and awkward in places with no pedestrian footpaths.

9.38 The applicant has been able to demonstrate cars and a fire tender can come and go in a forward gear. However, the Fire service initially had concerns over the ability of a modern fire tender ability to travel down Megg Lane conveniently and at speed. In the recent past the fire service has attended an adjacent property, albeit likely to have been with some difficulty. However since that time (2019) Megg Lane has undergone significant maintenance including improvements to the road surface and clearing of overhanging branches. The fire service now consider a fire tender could make it to site within the recommended 10 minute timeframe.

9.39 The Council's Parking Standards SPD (2020) indicates that 4-bed dwelling should be provided with 3 parking spaces, whilst dwellings of more than 4 bedrooms would be assessed on an individual basis. The submitted site plan indicates 3 parking spaces could be achieved along with turning space for larger vehicles, such as a fire truck, therefore that the site would provide adequate parking provision and vehicular accessibility in accordance with the Council's SPD. Three parking spaces can also be achieved for the existing dwelling which is a 4 bedroom plus house. Triple tandem parking is not a convenient arrangement and is discouraged, therefore the fourth parking space indicated on plans has not been counted in the assessment and if the application was in a position to be approved a landscaping condition would be required to improve the overall landscaping provision to the front of the existing house.

9.40 50% of spaces should have active electric charging provision, and the other remaining 50% should have passive provision. This is now covered by building regulations and not necessary to condition it's inclusion if the application were successful.

9.41 The highway authority raise no objections subject to the Fire Service having no concerns and have recommended several informatives which would be possible to add to any grant of permission. The fire service do have concerns on the accessibility of Megg Lane for fire tenders however do believe a fire tender could attend the site in an emergency. Overall the development is considered to be suitably accessible.

Ecology/Biodiversity

9.42 Decision makers must have regard to their duties to protect wildlife under other sources of legislation including:

- The Environment Act 2021
- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- Wildlife and Countryside Act 1981 as amended.
- Countrywide and Rights of Way Act 2000.
- Natural Environment and Rural Communities Act 2006.

9.43 A bat survey has been submitted which identifies a bat roost, with mitigation measures suggested also by the report. Hertfordshire Ecology have not responded to a consultation request however the Herts and Middlesex Wildlife Trust have and consider the proposals subject to appropriate measures would not unduly impact upon wildlife or protected species.

9.44 It is unlikely harm would arise to protected species or wildlife and biodiversity net gain can be delivered consistent with the objectives of the Core strategy policies CS25, CS26 and CS29 and paragraph 179 and 180 of NPPF and other relevant legislation through the imposition of appropriate conditions.

Sustainable Design and Construction

9.45 Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the CS and saved Policy 129 of the DBLP, together with Supplementary Planning Documents for Energy Efficiency and Conservation, and Water Conservation. If the application was in a position to be approved a relevant condition could secure the objectives of the development plan in this regard.

Other Material Planning Considerations

9.46 Arrangements could be made for bins to be left near the kerbside on collection days.

9.47 There would be no loss of significant landscaping or trees.

9.48 No exceptional concerns from Environmental health, informatives have been recommended for requirements under other legislation and good practice during the construction process.

9.49 The site is located in source protection zone 3, if the application was in a position to be approved an appropriate condition to ensure appropriate construction could mitigate against potential harm to local water supply.

9.50 The site is located in flood risk 1 area and has a low risk of flooding, sustainable construction practices would mitigate against increasing localised flood risk and could be conditioned if the application was in a position to be approved, this would likely be incorporated in the sustainable construction requirements of policy CS29.

Chiltern Beechwood Special Area of Conservation

9.51 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

9.52 The designation of the CB SAC reflects the presence of qualifying habitats (beech forests on neutral to rich soils, semi-natural dry grasslands and scrubland facies on calcareous substrates, dry grasslands and scrublands on chalk or limestone) as well as one qualifying species (Stag beetle). The stated conservation objectives of the SAC are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features by maintaining or restoring:

- the extent and distribution of qualifying natural habitats and habitats of qualifying species;
- the structure and function (including typical species) of qualifying natural habitats;
- the structure and function of the habitats of qualifying species;
- the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- the populations of qualifying species; and
- the distribution of qualifying species within the site.

9.53 The Ashridge Commons and Woods SSSI part of the SAC is vulnerable to pressure from people using the site for recreation. Any increase in recreational pressure is likely to result in

further trampling, path expansion, more den building, reduced longevity of the beech trees, scarp bank erosion and the creation of new desire lines which could impact on the designated features of the site.

9.54 The proposed dwellings would be within the 500m-12.6km Zone of Influence within which Natural England advise new residential development would be expected to result in increased recreational pressure to the Ashridge Commons and Wood SSSI part of the Chilterns Beechwoods SAC and a likely significant effect. It is not certain that there would not be increased recreational activity arising from the development, and Natural England advise that the development in combination with other plans and projects would be likely to lead to a deterioration of the quality of the habitat by reason of increased access to the site including for general recreation and dog-walking. While the increase in recreational pressure from the scheme alone may be small, a precautionary approach is required in exercising the Council's duty to protect the European Site. From the information submitted, there is no reasonable scientific certainty that the proposal would not contribute to recreational pressure to a level that would have a likely significant effect on the SAC through harm to its qualifying features to the detriment of its conservation objectives.

9.55 The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to the requirements of the Habitats Regulations 2017 and 2019, the NPPF and Policies CS25 and CS26 of the Core Strategy.

9.56 The applicant has indicated they would be willing to enter into a unilateral undertaking to secure contributions which would offset the potential harm to the SAC. However as the application is recommended for refusal it was not considered prudent to form a legal agreement at this time. It should also be noted that as per Mitigation Strategy section 7.1.5., the Council will not allocate Site of Alternative Natural Green Space provision to development's it deems to be inappropriate development in the Green Belt. Therefore developments not found to be appropriate development within the Green belt would be required to provide their own SANG solution if otherwise found acceptable.

Tilted Balance

9.57 It is acknowledged the Council do not currently have a 5 year land supply and the contribution of 1 dwelling would make a modest but valuable contribution to the local housing choice and supply. Paragraph 11(d)(i) of the NPPF states that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. However footnote 7 also makes clear this presumption in favour of sustainable development does not apply in designated areas such as Green Belt. In this instance the policies in the NPPF provide a clear reason for refusing this development by reason of it's inappropriate form of development in the Green Belt and failure to provide mitigation for potential harm to the Chilterns Beechwood Special Area of Conservation and therefore the presumption in favour of the development is not engaged.

9.58 Paragraph 12 goes on to state “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.”

Response to Neighbour Comments

9.59 These points have been addressed above. There has been 3 comments submitted in support for the scheme locally, 2 generic comments of support and 1 supporting comment with reference to better use of the site. The land use and principle of development has been discussed in the report.

Community Infrastructure Levy (CIL)

9.60 The proposed development would be CIL liable unless an appropriate exemption is applied for. The application site is in CIL charging area zone 2.

10. CONCLUSION

10.1 The proposals are inappropriate development in the Green Belt harmful by definition, as well as harmful to its openness and the purpose of including land within it. As per paragraph 148 of the NPPF substantial weight must be given to any harm to the Green Belt. The applicant has not demonstrated very special circumstances to outweigh the harm identified. In addition the proposals would not support the rural economy or maintenance of the wider countryside and be harmful to the rural character of the borough. No mitigation has been provided with regard to the Chiltern Beechwood Special Area of Conservation. Therefore the application is not acceptable.

11. RECOMMENDATION

11.1 That planning permission/listed building consent be **REFUSED**

Reason(s) for Refusal:

- 1 By reason of encroaching upon land not previously developed, the inappropriate scale, siting and spread of development harming openness, the proposals do not meet any of the exceptions for development within the Green Belt and is harmful by definition, causes harm to the openness of the Green Belt and does not accord with the purposes of including land within it (fails to assist in safeguarding the countryside from encroachment). No very special circumstances have been demonstrated which would clearly outweigh the harm identified contrary Dacorum Core Strategy Policy and CS5 and Section 13 - Protecting Green Belt Land of the NPPF (2021). By the same reasons the proposals would fail to accord with the settlement hierarchy on the location of development, would be incompatible with Green Belt policies nor conserve the rural character of the borough contrary to Core Strategy Policy CS1.
- 2 The proposals would involve the loss of a business that supports the rural economy. It has not been demonstrated that the loss of the cattery business to be replaced by a single dwellinghouse would support the rural economy and maintenance of the wider countryside contrary to Dacorum Core Strategy policy CS5 (e)(ii) and with saved Policy 110 of the Dacorum Borough Local Plan 2004.

The proposals would diminish access to local services and therefore also conflicts with objectives of the NPPF for development in rural areas set out in paragraph 84 d).

- 3 By reason of the proposed development's poor siting, suburban design and excessive scale the proposals would detract from the rural character of the borough contrary to Core Strategy policy CS1, fails to enhance spaces between buildings and general character contrary to policy CS11, fails to integrate with streetscape character contrary to CS12 and fails to add to the overall quality of the area contrary to NPPF paragraph 130.
- 4 The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to the requirements of the Habitats Regulations 2017 and 2019, the NPPF and Policies CS25 and CS26 of the Core Strategy

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<p>Recommendation - OTHER</p> <p>Megg Lane is a private route and not part of the adopted highway network. All highway matters for the site other than fire appliance access are deemed acceptable. It is understood that Herts Fire and Rescue are still in conversation with the Local Council regarding if fire access to the site is applicable.</p> <p>HCC Highways would like to back any decision made by Herts Fire and rescue when they make a final decision.</p> <p>Herts Fire & Rescue Advice</p> <p>Having examined the drawings it does appear that the access route to the proposed dwelling may be narrower in places than the requirements of Approved document B section B5 and having looked at google maps the access road appears to be an unmetalled track which may not be capable of supporting the pumping appliance vehicle weight.</p> <p>Consequently we recommend either:-</p> <ol style="list-style-type: none"> a) The developers ensure the access roadway and turning head comply with table 13.1 of ADB Vol 1. This may require

widening of the access road, cutting back of overhead trees and vegetation and possibly upgrading of the road surface to the required tonnage which in Hertfordshire would be 18 tonnes for a pumping appliance.

Or;

- b) The developers may wish to consider the installation of sprinklers which depending on the height of the proposed development could allow extended access distances which may be achievable without upgrades to the access road. The allowable distance extensions are as follows:-

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845 are fitted throughout a house or block of flats:

- I. *the distance between the fire appliance and any point within the house (houses having no floor more than 4.5 m above ground level) may be up to 90 m;*
- II. *the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level).*

FOLLOW UP COMMENTS RECEIVED – 01/08/2023

I had an inspection cancellation yesterday so had some spare time and took a drive out to Megg Lane. From what I observed there has been a considerable amount of chippings laid down and the overhanging trees have been cut back. Compared with the google street view where the overhanging/intrusive vegetation would definitely have hindered the progress of a fire appliance and the muddy looking rutted road surface, it seems greatly improved. I doubt the road surface is anywhere near the requirements of ADB section B5 but with a bumpy slowed down ride I believe the proposed development is now more accessible.

Also I have managed to track down the agreed attendance times in the HFRS last Integrated Risk Management plan:-

Attendance standards were set and agreed during the 2009/13 Fire cover review by the Fire Authority at 10 minutes on 90% of all occasions for the first fire engine attending, 13 minutes for the second fire engine and 16 minutes for the third fire engine from the time the resources were assigned. These standards were maintained for the 2013/18 IRMP.

It should be borne in mind that 90% compliance with this standard acknowledges that there will always be premises within the county

that due to their location it is almost impossible to guarantee 10 mins attendance. Also where it says "from the time resources were assigned" this actually means from when the call was sent to the relevant fire station.

There are two parts to our ability to respond to a fire emergency:-

- I. There is the time it takes to respond from the fire station to the allocated address; and
- II. the time it takes from where we park up to run hose to the fire. (Within the scope of B5)

Having given this a lot of thought, I feel that the proposal allows us to within the 45 metre acceptable distance of the furthest point in the property and without having to reverse more than 20 metres. Therefore B5 is technically complied with. However, the sticking point the assumption that we can get an appliance to the address within an acceptable attendance time which seems to me is beyond the scope of B5 and more of a highways issue.

Having looked again at google streets it shows the distance to Pilgrim cottage from Hemel Fire Station as about 5.5 miles but from Kings Langley Fire Station as 1.8 miles. I suspect that the incident on the 20/11/2020 where it took Hemel's appliance around 13 minutes, Rickmansworth probably didn't have a crew available being an on-call station.

In theory an on call-station, due to it's crew having to attend the fire station from their home addresses, takes around 4 to 5 minutes to turn out following a call. Even given a 5 minute turnout time with only a 1.8 mile journey, Kings Langley should be able to attend Megs Lane within 9 minutes of being assigned given reasonable road conditions.

So assuming Kings Langley have a crew I would imagine, even with some cautious slowed driving down Megs Lane, they would be able to attend within the 10 minute agreed attendance standard, or maybe slightly longer but bearing in mind the 10mins requirement is for 90% of calls so some can fall outside that standard.

If Kings Langley do not have a crew I suspect Hemel's appliance, given the improvements to Megs Lane, access would be able to attend close to the 10 minute standard.

I suspect the reason Hemel took 13 minutes to attend the call on the 20/11/2020 was due to the badly over grown lane causing them to have to drive extremely slowly forcing the tree branches aside with the appliance.

My previous concern was less to do with attendance times and more to do with the possibility of appliances getting bogged down or blocked by trees and being unable to reach the address. This concern has

	<p>largely been alleviated following yesterday's visit.</p> <p>In summary, given that we have attended Meg Lane in the past and the access along Meg Lane has been significantly improved I am minded to think it would be unfairly onerous to insist on sprinkler protection to the proposed development.</p> <p>I apologise again for the long wordy response, but as we are a consultee in the process and the ultimate decision is yours, I feel that I should explain as much of the back ground and reasoning as possible behind my opinion.</p>
Parish/Town Council	No comment
Conservation & Design (DBC)	No heritage constraints
Thames Water	<p>Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.</p> <p>Should the details of the application change, we would welcome the opportunity to be re-consulted</p>
Hertfordshire Highways (HCC)	<p>This is an interim response owing to concerns surrounding how a fire appliance will access the proposed dwelling. As per building regulation 2022 a fire appliance must be able to be within 45 metres to the buildings from the road network. If this is not the case then a fire appliance must be able to access the the site and turn on site to enter the road network in forward gear. HCC Highways has measured the distance as 90 metres and therefore we would expect the applicant to provide a swept path analysis of a 8.2 metre (length) fire appliance illustrating it entering and turning on site.</p> <p>Once this has been provided then HCC Highways can provide an informed recommendation. A previous application provided one, however, the plans have now changed and additional parking spaces are proposed.</p>
Environmental And Community Protection (DBC)	<p>With reference to the above planning application, please be advised Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.</p>

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

	<p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</p>
Environmental And Community Protection (DBC)	Having reviewed the documentation submitted with the above planning application, with particular consideration to and having considered the information held the by ECP team I have the following advice and recommendations in relation to land contamination. The proposed development is a proposal on a site that does not appear to have a potentially contaminative land use history. It is, however, for a change in land use. As such, it is considered that the following contaminated land 'discovery' planning condition shall be

sufficient, if planning permission is to be granted. This provides for unexpected contamination originating from the application site or the migration of contamination from neighbouring sites, to be dealt with in an appropriate way.

Discovery Condition - Contaminated Land:

Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informative: Identifying Potentially Contaminated Material

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different

Informative:

The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

Guidance on how to assess and manage the risks from land contamination can be found here

	<p>https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</p>
<p>Natural England</p>	<p>NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC) WITHIN 12.6 KILOMETRES</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity:</p> <ul style="list-style-type: none"> o Provision of Suitable Alternative Natural Greenspace (SANG) or financial contributions towards a strategic SANG. o Financial contributions towards the Strategic Access Management and Monitoring (SAMM) strategy. <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>Please re-consult Natural England once this information has been obtained.</p>
<p>Herts & Middlesex Wildlife Trust</p>	<p>The bat survey identifies a roost and suitable mitigation and compensation measures. The following condition is required to ensure the development proceeds in accordance with the requirements of the bat survey.</p> <p>Condition: Works shall not in any circumstances commence unless the local planning authority has been provided with a copy of the Bat Mitigation Class Licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead. Development shall then proceed in accordance with that licence and in accordance with the approved ecological report. All mitigation and compensation measures shall be fully installed before occupation and retained as such thereafter.</p> <p>Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and to ensure biodiversity is conserved and enhanced in accordance with NPPF.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	4	1	0	3

Neighbour Responses

Address	Comments
Merrydown Megg Lane Chipperfield Kings Langley Hertfordshire WD4 9JN	As a neighbour of the application site I support this planning request. I have also examined in detail the uploaded plans of the single storey dwelling house and have no objections. Paul J Dennant.
The Birches Megg Lane Chipperfield Kings Langley Hertfordshire WD4 9JW	As a neighbour of the application site I strongly support this planning request. I feel that it will make a positive addition to the lane and will be a far better use of the existing building. I have discussed this with a number of neighbours in the lane and have not found anyone that is against it. We have lived in Megg lane for 43 years and have seen all the properties improved or added to in this time.
Birch Lodge Megg Lane Chipperfield Kings Langley Hertfordshire WD4 9JW	As a neighbour of the application site I strongly support this planning request.
Herts and Middx Wildlife Trust, Grebe House St Michaels Street St Albans AL3 4SN	The bat survey identifies a roost and suitable mitigation and compensation measures. The following condition is required to ensure the development proceeds in accordance with the requirements of the bat survey. Condition: Works shall not in any circumstances commence unless the local planning authority has been provided with a copy of the Bat Mitigation Class Licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead. Development shall then proceed in accordance with that licence and in accordance with the approved ecological report. All mitigation and compensation measures shall be fully installed before occupation and retained as such thereafter. Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and to ensure biodiversity is conserved and enhanced in accordance with NPPF.

