

ITEM NUMBER: 5d

| | | |
|-------------------------------|--|--|
| 23/02172/FUL | Change of use of land to facilitate the construction of a residential access road | |
| Site Address: | The Bungalow Farm, Venus Hill, Bovington, Hemel Hempstead, Hertfordshire, HP3 0PG | |
| Applicant/Agent: | Mr L Rowe | |
| Case Officer: | Nigel Gibbs | |
| Parish/Ward: | Bovington Parish Council | Bovington / Flaunden / Chipperfield |
| Referral to Committee: | The recommendation is contrary to the view of Bovington Parish Council¹. | |

1. RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

2. SUMMARY

2.1 The land and buildings within the northern part of the rear yard of The Bungalow Farm, a detached dwellinghouse, is subject to an extant Planning Permission (20/00087/FUL). This is for the construction of a detached bungalow served by an internal access road and vehicular access linked to Venus Hill, in a tandem arrangement. The extant permission enables both the existing and approved dwellings to share the same internal access road and access onto Venus Hill, and is the 'starting point' for the consideration of the current application within this Green Belt location in the countryside.

2.2 The proposal would provide a separate independent roadway for the approved dwellinghouse, linked to Venus Hill using the existing vehicular access onto Venus Hill by the change of use of a strip of the adjoining horse paddock land parallel to the site's elongated western boundary. This would create a permanent improved daily environmental and operational relationship between the existing and approved dwellinghouses, representing a pragmatic, safe alternative way of accessing the approved dwellinghouse for daily use, and most importantly fire tender access.

2.3 It would eliminate the inbuilt well documented established problems directly associated with tandem development, such as noise, disturbance and headlamp glare for the existing dwellinghouse, whilst avoiding the potential for a blocked access, benefiting the residential amenity of the existing dwellinghouse and minimising the likelihood of poor neighbour relations and potential resultant anti- social behaviour. In addition, the sight lines at the existing access are to be improved.

2.4 These benefits have been weighed against the impact of the proposed roadway upon the openness of the Green Belt through the spatial encroachment of the countryside, and represent very special circumstances to justify what is considered to be inappropriate development, with the proposed substantial hedge planting replicating the role of the existing with ecological benefits.

¹ Emails from Councillor Philip Walker specifically refer to Cllr Riddick calling-in the application: '... I understand that Councillor Riddick has "called this application in" due to this Bovington Parish Council wish their objection to still stand'.

Councillor Riddick also made representations/ call in request regarding the two previously withdrawn application, and there is also indirect reference to such comments under the representations from Mauldens. Councillor Riddick has clearly been very concerned about the roadway and thus, although there is no formal record of a call-in request for this application, it is important to clarify this point.

3. SITE DESCRIPTION

3.1. Bungalow Farm is located to the west of the Venus Hill – Long Lane – Shantock Lane crossroads junction on the northern side of Venus Hill. It features a dwellinghouse set back from its frontage with an internal access way road leading to a large yard to the rear featuring an array of related buildings and a mobile home within the central and northern parts of the plot. A substantial elongated substantial hedge defines the common boundary between the paddock and the residential curtilage of The Bungalow Farm. The paddock is under the ownership of the Applicant, with 'field gate 'accesses from Venus Hill (adjoining that serving the Bungalow Farm) and Long Lane.

3.2 The existing dwellinghouse is a replacement for the original bungalow through Planning Permission 4/00650/10/FUL. The Design & Access Statement (submitted for Application 4/00004/17/FUL referred to below) confirmed that:

'The plot is quite an open site which is enclosed with gates , timber fencing and hedgerow, with a collection of old buildings, sheds and a static caravan which have been there as long as the original bungalow was there in the 1940's . The condition of the outbuildings are quite poorer and are starting to deteriorate. They are located to(sic) the rear of the site beyond the grounds of the recently built detached house and are separated by some stable buildings and an old gate entrance'.

3.3 The static residential caravan is subject to Certificate of Lawful Use 4/01482/11/LDE .In considering this application the report noted that 'on the balance of probabilities it is concluded that there has been a caravan on the site for a period of 10 years and that this has been for residential purposes . The period for which enforcement action could be taken has expired. The development is therefore lawful'. This followed Refusal 4/00262/11/LDE.

3.4 The northern part of the rear yard is subject to extant Planning Permission 20/00087/FUL for a 'New Detached Bungalow in Lieu of Static Caravan and Outbuildings', subject to a range of conditions. A range of outbuildings are required to demolished to accommodate the dwelling, with the retention of a range primarily closer to the existing dwellinghouse. Pre commencement Condition 5 was discharged under decision 22/03769/DRC .

3.5 Decision 20/00087/FUL is extant, as confirmed by Application 23/00300/LDE, the LPA having granted a Certificate of Lawful Use (existing) for 'Compliance with Condition 1 of Planning Permission 20/00087/FUL'. The information provided was considered sufficient to establish the balance of probability in favour of the applicant that there has been compliance with Condition 1, as approved development had been commenced within 3 years of the date of the planning permission. This was because of the demolition of one of the buildings at the site necessary to facilitate the carrying out of the approved development.

3.6 For clarification, decision 20/00087/FUL was pre dated by earlier decisions to grant permission for a dwellinghouse at the site :

- Planning Permission 4/00004/17/FUL for the ' Construction of new detached bungalow to replace static caravan and outbuildings, conversion of barn to double garage and Store'. The Report noted that a static caravan which is in use for residential purposes is positioned at the southern end of the site.
- Outline Planning Permission 4/02090/15/OUT (Replacement of static caravan with single storey dwelling with all matters reserved except Access) preceded this. The report 4/02090/OUT noted:

'Policy 23 of the DBLP states that replacement dwellings in the Green Belt will be permitted provided that the original dwelling remains in place substantially as built, or it was occupied within the three years preceding the planning application, and the proposed dwelling is not a replacement for temporary residential accommodation or a building constructed of short-life materials. The policy further states that rebuilding a dwelling in a different position on the site may be possible provided its impact on the openness and character of the Green Belt or Rural Area is no worse than the dwelling it replaces, and if possible much less.

Whilst the existing caravan is constructed of materials which are arguably of 'short life', and while the proposed dwelling would be larger than the caravan which is to be replaced, the removal of the unattractive buildings of substantial footprint is also proposed. Overall, it is considered that this will increase openness at the site that will result will meet with the objectives in respect of openness contained within planning policy at national and local levels. As such, it is considered that the principle of the development is acceptable'.

3.7 For clarification with the exception of Application 23/00300/LDE the current case officer was **not** the officer for all other applications referred to above.

4. PROPOSAL

4.1. This is for the provision of an unlit (incorporating 'cats eyes') separate/ independent brown gravel finished roadway to serve the approved and extant dwellinghouse subject to Planning Permission 20/00087/FUL. This would be an alternative to the approved tandem arrangement/ tandem layout.

4.2 It would be constructed within the paddock, positioned parallel to the aforementioned north western hedged common boundary and the existing internal informal roadway. It would measure about 83m in length and 5m in width (414 sqm), installed at ground level and involving about 0.3m of excavation. Its entire north western edge would be subject to the planting of a continuous / unbroken hedge. The double row of mixed species hedge would comprise of hawthorn, hazel, field maple, hornbeam, mountain ash, wayfaring tree, purging blackthorn, guelder rose, spindle, dog rose and wild cherry.

4.3 The roadway would be linked to the existing vehicular access serving Bungalow Farm, through the removal of a small part of the existing boundary hedge. There would be the very limited pruning / cutting back of the frontage vegetation to the east of the existing access. The roadway and retained driveway serving The Bungalow Farm would both be served by 3.6m wide x 1.2m high 5 bar gates, set back about 7m from road to allow cars to pull off Venus Hill road. The roadway would incorporate a fire tender turning and access to the approved dwellinghouse. The proposal represents an alternative to the environmentally and highway safety problematical withdrawn applications 21/03959/FUL and 22/02920/FUL

4.4 It is important to note that this application is one of several previous applications to provide an alternative access for the approved dwellinghouse scheme. Applications 21/03959/FUL and 22/02920/FUL represent earlier and different versions of the current application, with outstanding issues regarding the impact upon the roadside hedging (to achieve sight lines) and the scale of the roadway in respect of 22/02920/FUL. Prior to this there were pre-application discussions (4/01655/18/PRE) regarding an access from Long Lane across the paddock. However, this could not be supported by officers because of the harmful impact upon the Green Belt's openness with in relation to encroachment into the countryside, with reference to the National Planning Policy Framework applicable at the time:

'It is considered that the provision of the access is an engineering operation. However, the access would result in the encroachment of the countryside by new development, conflicting with Para 134(c) of the National Planning Policy Framework.

With regard to 4/01655/18/PRE , it was considered that the proposed access way would, when in and not in use, be fundamentally harmful to the Green Belt's current openness due to a very significant amount of physical encroachment. It would have fragmented the paddock/ grazing field irrevocably fracturing its current openness, changing the character and appearance of the existing paddock by establishing a permanent urban, elongated and intrusive feature. This takes into account that it would have needed to be designed to accommodate fire tenders with a 3.7m width and 18.5 tonne loading capacity, the latter of which is a Hertfordshire Fire & Rescue local requirement.

5. PLANNING HISTORY

Planning Applications (If Any):

20/00087/FUL - New Detached Bungalow in Lieu of Static Caravan and Outbuildings
GRANTED

21/03959/FUL - Change of use of land to facilitate the construction of a residential access road
WITHDRAWN - 10th November 2021

22/02920/FUL - Change of use of land to facilitate the construction of a residential access road.
WITHDRAWN - 22nd November 2022

22/03769/DRC - Details as required by condition 5 (Landscaping) attached to planning permission 20/00087/FUL (New Detached Bungalow in Lieu of Static Caravan and Outbuildings).
GRANTED - 15th February 2023

23/00300/LDE - Compliance with Condition 1 of Planning Permission planning permission

20/00087/FUL (New Detached Bungalow in Lieu of Static Caravan and Outbuildings).
GRANTED - 22nd June 2023

4/00004/17/FUL - Construction of new detached bungalow to replace static caravan and outbuildings, conversion of barn to double garage and Store.
GRANTED - 17th May 2017

4/02398/16/FUL - Change of use of land to residential and replacement of outbuilding for use as garage, store, garden room and workshop
GRANTED - 17th November 2016

4/02269/16/DRC - Discharge of conditions 1,3,4,5,6,9 and 11 (reserved matters) of outline planning permission 4/02090/15/out (replacement of static caravan with single storey dwelling with all matters reserved except access) *WITHDRAWN - 17th May 2017*

4/01342/16/FHA - Replacement of outbuilding for use as garage, store, garden room and workshop *WITHDRAWN - 29th September 2016*

4/02090/15/OUT - Replacement of static caravan with single storey dwelling with all matters reserved except Access. *GRANTED - 13th August 2015*

4/01145/12/DRC - Details of materials, hard and soft landscaping, slab levels, sustainability, contamination and remediation as required by conditions 2,4,6,7,10 and 11 of planning permission 4/00650/10/ful (demolition of existing bungalow and construction of detached 5-
REFUSED - 10th September 2012

4/01482/11/LDE - The use for residential purposes of the mobile home situated on the land coloured red on drawing 1454/04 attached to this Certificate.
GRANTED - 12th January 2012

4/00262/11/LDE - Mobile home *REFUSED - 18th April 2011*

4/00650/10/FUL - Demolition of existing bungalow and construction of detached 5-bed dwelling
GRANTED- 25th October 2010

Appeals: None.

6. CONSTRAINTS

Advert Control: Advertisement Special Control
CIL Zone: CIL2
Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Bovingdon CP
RAF Halton and Chenies Zone: Red (10.7m)
RAF Halton and Chenies Zone: Green (15.2m)
Parking Standards: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2
Wildlife Sites: Maulden Farm Area, Venus Hill

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 (2023)
National Planning Policy Guidance
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)
Site Allocations (2017)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

NP1 - Supporting Development
CS1 - Distribution of Development

CS5 - Green Belt
CS8- Sustainable Transport
CS9- Management of Roads
CS17- New Housing
CS12- Quality of Design
CS23- Social Infrastructure
CS25- Landscape Character
CS26- Green Infrastructure
CS29 - Sustainable Design and Construction
CS31- Water Management
CS32- Air, Soil and Water Quality
Countryside Place Strategy

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

Policy 13 -Planning Conditions and Planning Obligations
Policy 51- Development and Transport Impacts
Policy 54- Highway Design
Policy 75- Retention of Leisure Space
Policy 81- Equestrian Activities
Policy 99- Preservation of Trees, Hedgerows and Woodlands
Policy 100- Tree and Woodland Planting
Policy 113- Exterior Lighting
Appendix 8- Exterior Lighting

Supplementary Planning Guidance

Dacorum Landscape Character Assessment: Landscape Character Area 107 : Bovingdon & Chipperfield Plateau
Parking Standards Supplementary Planning Document (2020)
Place & Movement Planning and Design Guidance for Hertfordshire
Environmental Guidelines
Bovingdon Neighbourhood Plan: Policies BVNE4, NE5 ,T1,T4
Bovingdon Design Guidance and Code (Character Area 9 : Outer Fringe: BU02

9.CONSIDERATIONS

Main Issues

9.1 The key issues set against the National Planning Policy Framework's (The Framework) economic, social and environmental objectives in delivering sustainable development are:

- The provision of the new dwellinghouse /principle of development and Green Belt implications, including the Loss of Paddock Land.
- The Access and Highway Implications.

Principle of Development and the Green Belt implications, including the Loss of Paddock Land

9.2 Policy CS17 supports new residential development to meet the Borough's housing needs, with the Countryside Place Strategy Local Objectives supporting around 420 new homes. This is in the context of the Framework's social objective of providing a sufficient number and range of new homes. Policy CS18 addresses the requirement to support a choice of homes through the provision of a range of housing types, sizes and tenure. This echoes the Framework's Paragraph 63, with Policy CS19 addressing affordable housing. Green Belt policy, with exceptions resists

new residential development, with reference to Policies CS1, CS5 and the Framework's Part 13 Green Belt Policy.

9.3 However, the construction provision of the dwellinghouse at The Bungalow Farm through the plot's subdivision- resulting from the extant 2020 Planning Permission at this Green Belt location **is not in question**.

9.5 This is notwithstanding that tandem development is not normally supported by the local planning authority, as defined by page 229 of the Dacorum Core Strategy (2013). Such development creates the establishment a fragmented / disjointed second tier of development reflecting the well-recognised inbuilt inadequacies and limitations of tandem development. Although the saved Area Based Policies (2004) relates to urban areas of Borough, its references to the issues arising from the inbuilt fundamental problems with tandem development are equally material to the Borough's rural areas:

'2.6.5 Backland development. This is a wide ranging term which can refer to a variety of situations:

- *Plot amalgamation may constitute backland development where a series of parts of existing residential plots to the rear of established housing (frequently rear garden areas) are amalgamated to form a development site. This form of housing may be appropriate in certain areas, as indicated in each area policy statement.*
- *Tandem development, the positioning of usually one (but sometimes more) new houses behind an existing dwelling and sharing access arrangements is a common form of backland development, but certainly not the most inefficient, problematic and unsatisfactory. The area policy statements make no reference to tandem development. It is the Council's view that this is a generally unsatisfactory form of accommodating new housing'.*

9.6 The installation of the roadway has Green Belt implications.

Green Belt Implications: The National Planning Policy Framework (2023) Part 13 and Dacorum Core Strategy Policy CS5

9.7 The Framework's key paragraphs relevant to this applications include 142,143,152, 153 and 155. As explained by Paragraph 142, 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. Paragraph 143's Green Belt five purposes includes, under criteria (c): *'to assist in safeguarding the countryside from encroachment'*. Paragraph 155 explains that a range of developments are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including under its criteria (b), engineering operations, such as the proposal.

9.8 Dacorum Core Strategy Policy CS5 is in overall terms in accordance with the Framework's approach to development in the Green Belt, supporting small-scale development 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

Assessment of The Proposal

9.9 The proposed roadway would be constructed within the paddock, positioned parallel to the aforementioned north western hedged common boundary and the existing internal informal roadway. It would measure about 83m in length and 5m in width (414 sqm), installed at ground level and involving about 0.3m of excavation. It is considered that the proposed roadway would

spatially affect the existing openness of the Green Belt by encroaching into the countryside, but with limited visual impact. Therefore, it is interpreted to be 'inappropriate development', although there would be no change in impact regarding the effect of vehicular movements when compared to the 'fall back position' – i.e. the extant permission.

9.10 As clarified by the Framework's Paragraph 152 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this context Paragraph 153 confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'Very special circumstances' 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 In the application's case it is considered that the provision of an independent access road would ensure that there is far more certainty of access always being available to the new dwelling. This compares with the approved in a tandem arrangement whereby access cannot be guaranteed². This is particularly with regard to the fundamental importance of fire/ emergency access (see below). Although this may be regarded as a 'back to front' way of considering the means of access and safety at all times, the reality is that that the approved tandem layout has inbuilt uncertainty. In addition, the provision of the separate roadway avoids the issues of noise, disturbance, headlamp glare and potential anti- social behaviour associated with the approved tandem arrangement/ layout. Also, as recently documented the use of LED lamps in motor vehicles is an increasing environmental issue.

9.12 With regard to the loss of a relatively small part of the existing paddock and with due regard to the expectations of Policies CS23, saved Dacorum Borough Local Plan Policy 75 and the Framework's approach open space and recreation in particular Paragraph 103, the proposal would have no adverse effect upon the continued use of the long established paddock for equestrian purposes, with a clear physical demarcation between the roadway and strongly hedged boundary (providing solid screening and a noise/ disturbance/ headlamp glare barrier and retention of the two field accesses. In these respects the existing equestrian use and use of the roadway would harmoniously coexist.

9.13 In the context of the above with some encroachment into the Green Belt's current openness, there are 'very special circumstances' to justify a grant of permission with no other harm, as referred to below in assessing the other material circumstances. This includes there being no apparent ecological or other environmental reason to withhold the loss a relatively small amount of paddock.

Highway Safety / Access Issues

9.14 Regard has been had to Policies CS8, CS12, saved DBLP Policies 51 and 54, the adopted 2020 Parking Standards, the Framework's Part 9 (Promoting sustainable transport), HCC Highways responses, the amended plans and submitted additional supporting information. The Framework's Paragraph 115 confirms 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). Paragraph 116 of the Framework states that applications for development should:

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality*

² Although there is wide internal access in the future the owner/ occupier of The Bungalow could park across the access and block access to the new dwelling

public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles;*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

9.15 It is initially most important to confirm how previous permissions addressed the access/highway issues:

Consideration of Planning Application 4/00004/17/FUL: Construction of new detached bungalow to replace static caravan and outbuildings.

9.16 The report stated: *'Impact on Highway Safety. No new access to be created. No objection from Highway Authority'*. In this respect Hertfordshire County Council advised: *'Comments: The proposal is for Construction of new detached bungalow to replace static caravan and outbuildings. Parking: Four parking spaces will be provided, two in a detached garage on site. Access :The Site is accessed from a private track off Venus Hill. No new or altered vehicle or pedestrian access is proposed and no works are required in the highway. Venus Hill is an unclassified local access road, subject to a 40mph speed limit, with low pedestrian traffic. There have been no accidents in the vicinity of the site in the last 3 years. Conclusion: The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above.*

9.17 There was no reference to fire/ emergency access requirements to the site of the dwellinghouse or plans showing this, with the application site limited to the rear yard area and the adjoining Bungalow Farm shown as edged blue by the submitted Site Location Plan.

9.18 The Design & Access Statement confirmed that the 'entrance to the new dwelling through the existing access road coming off Venus Hill. This access would serve both the existing detached house and proposed new bungalow... Access to the new dwelling is from the access road off of Venus Hill and parking would be provided at the front and side of the new dwelling and within the new double garage which has replaced the old/ barn / outbuilding. The existing drive area and hardstanding would be replaced with a stone drive area. This area would be completely renewed and the introduction of a new drive area and edging stones all round to retain the stone drive'.

Outline Planning Permission 4/02090/15/OUT: Replacement of static caravan with single storey dwelling with all matters reserved except Access.

9.19 Planning Permission 4/00004/17/FUL was in the context of the previous grant of Outline Planning Permission 4/02090/15/OUT'. The Report noted that there were no objections from HCC Highways and:

'Impact on Highways Safety: The Highways Authority have been consulted on this application and have stated that access onto the highway network is already established and the applicant has not suggested that there will be any change to this arrangement. Any full application that may follow will need to consider the construction issues involved with such a new build but as access is via an existing access, it is not felt that this proposal will intensify the use that in turn would lead to conditions that would be prejudicial to the free flow of passing traffic and to all highway users' .

9.20 Condition 4 required the provision of details of the car parking layouts and other vehicle and pedestrian access and circulation areas. Condition 9 confirmed that no development shall take place until details of facilities for the storage of refuse shall have been submitted to and approved in writing by the local planning authority.

The Access onto Venus Hill

9.21 HCC Highways has comprehensively considered the provision of use of the existing access serving the proposed roadway and the highway safety implications. Unlike withdrawn applications 21/03959/FUL and 22/02920/FUL (involving the improvement of sight lines to the west and resultant frontage hedge removal / new planting), the current application's use of the existing access to serve the new roadway overcomes these issues, given the advice of HCC Highways.

9.22 Following initial unresolved issues, HCC Highways is now satisfied with the proposal. The cutting back of the vegetation on the eastern side of the Venus Hill access would improve the visibility sight lines benefitting Bungalow Farm, with no objections raised to the shared access and closeness of the retained serving access serving the paddock.

The Separate Roadway

9.23 By establishing a separate access road for the new dwellinghouse would have very significant highway safety benefits. This is because the extant approved scheme is reliant upon the roadway to serve both the existing dwelling house at Venus Hill Farm with resultant potential regular inbuilt conflict of vehicular movements involving the use of the same access roadway. This is because of the direct fundamental shortcomings of the principle of tandem development with the reliance upon a shared access.

Access by Residents of the Approved Dwellinghouse

9.24 The roadway would provide access at all times, with scope for turning to enable vehicles to enter and exit in forward gear. A minimum width of 4.1m is necessary for a car to pass another car; 4.8m is the minimum width necessary for a car to pass a rigid vehicle, and 5.5m is the minimum width for a rigid vehicle to pass another.

Fire- Ambulance / Emergency Access and Other Service Vehicle Access and Turning enabling Exit in Forward Gear: Swept Path Analysis

9.25 This is with specific reference to the aforementioned Framework's Part 9 (Promoting sustainable transport) Paragraph 116 (d).

9.26 A fire appliance would be able to enter the site in forward gear, turn and exit onto the highway in forward gear. The access road and turning loading capacity would also be required to accommodate a fire tender and is subject to a recommended condition. (Note: A private drive forming part of such a fire access way must be no less than 3.7m wide between kerbs, though this may reduce to 3.1m for a gateway or similar short narrowing).

9.27 The layout would also enable full access for ambulances and service vehicles. In this respect if the foul drainage is to be served was changed to a private sewerage treatment system, the layout would also provide lorry servicing.

Weekly Refuse / Waste Collection

9.28 Under the DBC Refuse Guidance Note an onsite storage facility recessed within the new hedge would be necessary within 25m of the highway at Venus Hill to serve the new dwellinghouse, in accordance with the established approach to collection. This should not adversely affect the overall usability of the roadway.

9.29 The inbuilt difficulties of tandem development are demonstrated by this issue, with the residents having to wheel and then locate the respective blue, black and green (if part of the green bin system for part of the year) bins and carry the food caddy to the 25m collection point on the weekly refuse collection day. For persons with disabilities / limited mobility this would be a major task, being most safe during the daytime.

Access for persons with disabilities/ limited mobility / Pedestrians (other than above)

9.30 The roadway would benefit persons with disabilities/ limited mobility enabling full access to the new dwelling, with benefits from several low impact bollard lights (also Exterior Lighting below).

Construction of the Extant Dwellinghouse

9.31 The full construction of the roadway and the vehicle turning area before of the dwellinghouse would be in the interests of highway safety in Venus Hill, eliminating the operational conflicts of using the existing driveway serving the existing dwelling house during dwelling's construction. This is subject to a recommended condition, although HCC Highways have not recommended a Construction Management Plan (the roadway's imported gravel (124 cu m) would require about 10/12 lorries). There would be resultant benefits for the residential amenity of the existing dwelling at Bungalow Fam. This would be in terms of noise, disturbance, headlamp glare and associated anti-social behaviour, which are all the direct adverse consequences/ symptoms of the tandem development.

Sustainability

9.32 This is not a sustainable location, however given the extant permission the proposed roadway would improve access to the site and therefore there would not be a cogent reason to refuse this additional development based upon not being a sustainable location.

Other Material Planning Considerations/ Issues

Impact upon the Residential Amenity of Adjoining Dwellings

9.33 With reference to the expectations of Policy CS12 it is not considered that there would be harm to the residential amenity of the adjoining dwellinghouses at Venus Hill.

9.34 As previously noted the creation of a new roadway access would reduce the environmental impact of vehicular movements to the existing dwellinghouse at Venus Hill, following the construction of the dwellinghouse. This would be in terms of noise, disturbance and headlamp glare, which are all the direct adverse consequences/ symptoms of the tandem development, in addition to any anti- social behaviour.

Ecological Implications

9.35 Based upon Hertfordshire Ecology's specialist advice there are not considered to be any adverse ecological implications. This is with regard to the effect upon the grassland, with the chosen hedge planting having ecological benefits and more than compensating for the small amount of existing hedge removal. The long-term control regarding the retention of the new hedge planting, as recommended by Condition 8, would have biodiversity benefits, with an informative relating to limiting the effects upon nesting birds.

9.36 The application predates the introduction of Biodiversity Net Gain and consequently is exempt from mandatory BNG. In this respect due to these circumstances it is not considered that it would be appropriate to apply any BNG requirement with due regard to BNG requirements specified by the recently adopted Bovingdon Neighbourhood Plan BOV NE 4 (Wildlife Corridors and Biodiversity).

Drainage / Contamination: Environment Agency Groundwater Source Zones 2 and 3 and Food Zone 1

9.37 The application form confirms that the roadway's surface water would be subject to a sustainable drainage. As no details have been provided a condition is recommended. The form also clarifies that the site is not known to be contaminated. It will be essential that the roadway design ensures that there is no resultant surface water flooding onto Venus Hill.

Exterior Lighting

9.38 The proposed roadway is to be unlit.

9.39 The site is within a sensitive E1 Lighting Zone within the countryside, subject to Policies CS1, CS5, CS24, CS25, CS29, and CS32, saved DBLP Policy 113 and Appendix 8 and the Framework's Paragraph 191 (c), with no road lighting in the locality.

9.40 The provision of cat's eyes would assist use by vehicle, pedestrians (using a torch) and disabled wheelchair users. This may obviate the need for any roadway exterior lighting.

9.41 The introduction of exterior lighting serving the roadway track could be very environmentally harmful unless very restricted and fully screened by the proposed hedging to prevent impact of lighting pollution upon the wider rural area. The refuse bin storage are referred to above could be subtly lit.

9.42 Although lighting does not form part of this application, there could be a case to support the principle extremely limited low key lighting for safety reasons, given the needs of for access for persons with disabilities/ limited mobility and pedestrians. In this respect, the installation of no more than several anti-light pollution capped and fully louvered soft white LED lit directional bollard luminaires with equidistant spacing would be in the interests of all users (pedestrian/ persons with disabilities/ limited mobility and vehicle safety) with the need for the hedging to fully screen these from the wide rural area.

Crime Prevention/ Security

9.43 There are no apparent implications with potential benefits from the aforementioned several low impact bollard lights, although not being proposed as part of the submitted scheme. As confirmed the provision of the separate access would prevent the problems of poor neighbour relations (with potentially antisocial behaviour) resulting from the expected daily use of the approved shared single access in terms of blockage, noise, disturbance and headlamp glare, with greater security for The Bungalow Farm.

Environmental Impact Assessment: Screening

9.44 The proposals are not considered to be an EIA development.

Air Limit Issues

9.45 There are no issues because of the development's form.

Chilterns Beechwoods Mitigation Strategy

9.46 In providing an alternative access to the site to serve an extant planning permission for the new dwelling would not require the application of the Mitigation Strategy.

Response to Comments by both Bovingdon Parish Council and Neighbour

9.47 It is considered that above considerations have addressed directly or indirectly the wide range of issues raised. With regard to Mauldens Cottage references to the Council's previous comments, this is with regard to the Parish Council's. It is considered that the application is valid with a completed application form.

Parish Council: This proposal is unnecessary as it involves the removal of valuable agricultural land, which would consequently cause considerable harm to the Green Belt.

Agent's Response: It is not believed that the land is agricultural land and certainly not valuable, it has been used occasionally as a paddock for horses over many years. Based upon Google Earth Pro the land looks like it has been grass paddock since at least 1999. Making this paddock slightly smaller will not impact on this use.

Parish Council In the existing planning approval for the construction of a new dwelling (20/00087/FUL), the access contained within that approval is perfectly adequate and does not cause any harm to the open countryside and consequently does not involve the loss of any Green belt land.

Agent's Response: We agree the access is usable and has gained planning approval on this basis which can be built at any point, however we believe the new access will improve safety for people accessing the new and the existing site and since the visibility from the site is limited it will also improve the visibility slightly, setting the gate back allows anyone accessing the site to draw off the road avoiding delays to other local residents.

Parish Council: The application also requires the removal of protected hedgerow for the splays at the entrance from the road.

Agent's Response: Can the Parish Council confirm how the existing hedge is protected, the hedgerow to be cut back slightly is mainly a conifer hedge and provides little benefit to local wildlife. The application involves laying a new hedge between the access and the paddock in native planting which is much more "wildlife friendly" providing a large net gain for wildlife in the area.

Other Additional Information provided by the Agent

9.48 The Applicant has lived on the farm for 77 years; the land adjacent to the house has always been used as a paddock as far as the Applicant is aware the access point next to the house has been there as long as he can remember.

9.49 The Paddock: The Applicant does maintain the paddock periodically through the year, keeping the grass cut, weeding and cutting hedges. There are 3 accesses into this land, one adjacent to his house, one from his farm yard and one from Long Lane. The Applicant uses all three accesses depending on which is easiest at the time and what vehicle he is trying to get in there.

9.50 Previous Consideration of the Fire Access: The Agent and LPA case officer discussed the previous application which was submitted by the current Agent ; it was agreed that the fire brigade access was probably not officially considered, although the existing middle yard does not allow the full turning circle required under Part B5 of Building Regulations the Agent would think the fire brigade would be able to make say a 5 point turn to allow them to turn around in the yard in the event of a fire in the new dwelling. As the LPA is aware the current proposal allows the access to fully comply with this requirement.

9.51 The Existing Hedge .The Agent has reviewed the Government's 'Countryside hedgerow protection: removing hedgerows' (<https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>). In order for the hedge to be "protected" it needs to join up with other hedges;

clearly at the front there is an access either side so does not join up and there are gaps along this hedge where the farm buildings are located. We are not removing the whole hedge and are merely cutting this back to improve highway safety.

Recommended Conditions

9.52 These are wide ranging and all considered to be in accordance with the six established tests for the imposition of conditions. These are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

10. CONCLUSION

10.1 There is an extant planning permission for the construction of a dwellinghouse in a tandem arrangement at Venus Hill Farm, served by a shared access road and access.

10.2 It has been long established that tandem development is often an unacceptable / very inadequate / environmentally flawed form of housing, with various well-documented inbuilt operational environmental fallibilities.

10.3 The proposal would provide an operationally far more acceptable means of providing an alternative access to the approved dwellinghouse site of the extant planning permission, representing a safe pragmatic approach, with no highway / fire access objections and with no HCC Highways requirements to remove/ frontage planting (with new planting) on the western side of the existing access to improve visibility sight lines, as referred to by withdrawn applications 21/03959/FUL and 22/02920/FUL.

10.4 There would be some effect upon the openness of the Green Belt in spatial and visual terms in terms of encroachment into the countryside, the latter lessened by the role of new hedge contiguous hedge planting. However, this is outweighed by the long-term operational and other environmental and access/ highway benefits, which overall are considered to amount to the very special circumstances needed to justify inappropriate development within the Green Belt.

10.5 In providing an alternative access to the new dwelling the proposal is considered to be in accordance with the Framework's social and economic objectives in delivering sustainable development, with the caveat that environmentally, owing to its Green Belt location, it is not ideal, but an improvement to the approved tandem development / layout.

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. The roadway hereby permitted shall only serve the dwellinghouse subject to extant Planning Permission 20/00087/FUL.**

Reason: To safeguard the Green Belt in accordance with Policy CS5 of Dacorum Core Strategy (2013) and Part 13 of the National Planning Policy Framework (2013).

- 3. The surfacing of the roadway and turning area hereby permitted shall have a loading capacity of at least 12.5 tonnes and be surfaced in a brown gravel at all times.**

Reason: To ensure that the dwellinghouse is served by a safe fire/ emergency access at times and in the interests of the character of the area. in accordance with Policies CS8 and S12 of Dacorum Core Strategy (2013), Saved Policies 51 and 54 of Dacorum Borough Local Plan (2004) and the Part 9 (especially Paragraph 116) of the National Planning Policy Framework (2023).

- 4. Prior to the first use of the roadway hereby permitted, the existing hedging shall be cut back in accordance with Plan 22/0293/01 Rev E. Thereafter, the existing hedging shall be retained and maintained fully in accordance with Plan No. Plan 22/0293/01 Rev E.**

Reason: In the interests of highway safety and the character and appearance of the area in accordance with Policies CS1, CS5, CS8 and CS12 of Dacorum Core Strategy (2013), saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004) and Part 9 of the National Planning Policy Framework (2023).

- 5. Any exterior lighting installed to serve the development hereby permitted shall only be fully in accordance with details submitted to and approved by the local planning authority. Once installed the approved lighting shall be retained and maintained fully in accordance with the approved details.**

Reason: To protect the sensitive countryside environment in accordance with Policies CS1, CS25, CS29 and CS32 of the Dacorum Core Strategy (2013), Saved Policy 113 and Appendix 8 of Dacorum Borough Local (2004) and Paragraph 191 (c) of the National Planning Policy Framework (2013).

- 6. The gates serving the new access road and Bungalow Farm, and the repositioned existing gate serving the existing paddock shown by the approved plans, shall open inwards at all times and shall be provided before the first use of the roadway hereby permitted.**

Reason: In the interests of highway safety and the character and appearance of the area in accordance with Policies CS1, CS5, CS8 and CS12 of Dacorum Core Strategy (2013), saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004) and Part 9 of the National Planning Policy Framework (2023).

- 7. The whole length of double width hedge shown by the approved Plan 22/0293/01 Rev E shall be planted its entire length within or following the first planting season following first use of any part of the roadway hereby permitted. The hedge planting shall comprise of mature hedging at between 0.8m and 1.8m high and maintained at no lower than 2m for the hedge's entire length. Any part of the hedge which within a period of 15 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a section of hedge of the same or similar species, size and maturity. In the event that after 15 years the hedge partially or fully removed a new hedge shall be planted fully in accordance with the approved scheme and thereafter permanently retained and maintained at height at no less than 2m for its entire length. For the purposes of this condition, the planting season is from 1 October to 31 March.**

Reason: In the long term interests of the environment and to biodiversity as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) , Policy CS12 (e) and CS29 (i) of the Dacorum Borough Council Core Strategy (2013) and the aforementioned lighting policies.

8. **The development hereby approved shall be carried out in accordance with the following drawing:**

22/0293/01 Rev E

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

Informatives:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Access Road Construction

Given the potential dangers associated with large vehicles / construction traffic along this part of Venus Hill on a bend, the implications of potential blockages of the existing internal access way during construction, as well as the purpose of the application, it is strongly recommended that the access road is constructed prior to the commencement of works in relation to the construction of approved dwelling.

Highways

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense

of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Ecology

Nesting Birds. In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|--------------------------|---|
| Bovingdon Parish Council | <u>1ST CONSULTATION</u> Object- insufficient access for emergency vehicles 19.10.2023 |
| Bovingdon Parish Council | <u>2ND CONSULTATION: 13.11.2024</u> Object ' As per previous meeting 16/10 - insufficient access for emergency vehicles 13.11.2024 |
| Hertfordshire Ecology | <u>1ST CONSULTATION</u> No comments received |
| Hertfordshire Ecology | <u>2ND CONSULTATION</u> No comments received |
| Hertfordshire Ecology | <u>3RD CONSULTATION</u> The Application can be determined with no ecological objections (with any conditions/Informatives listed below). Summary of Advice Landscaping plan to show native hedgerow planting. A nesting bird informative. |

Comments:

The proposal is to facilitate revised access arrangements to a proposed new dwelling (granted under 20/00087/FUL) and this will involve the removal of an area of grassland and a portion of hedgerow for sight lines and a new access point.

The site for the creation of the proposed track is grazed by horses, on land which is not considered to be 'valuable agricultural land' (DAS) despite being shown as part of Bungalow Farm. Such established management is highly unlikely to have retained any significant ecological value, as suggested by photographic evidence of heavily if not overgrazed grassland.

Furthermore, the section of hedgerow at the front of the property that is to be removed (as shown in the Site and Location Plan) would also be of limited ecological value but could be used by nesting birds. Consequently, the nesting bird informative below should be added to any consent granted.

Notwithstanding the grassland value, given there will be a loss of habitat associated with this proposal, I would advise that the new hedgerow to be created adjacent to the new track should be of locally native species. This could include planting any of the following species, blackthorn *prunus spinosa*, hawthorn *Crataegus*, wild privet *Ligustrum vulgare*, hazel *Corylus avellana*, Field maple *Acer campestre* or holly, *Ilex aquifolium*. Such would enhance the site's biodiversity value and should be a condition of approval.

Overall, there are no objections to the principle of this development, and I find no fundamental ecological constraints associated with the proposal. I therefore see no reason as to why this application could not be determined accordingly with the following:

Condition

A landscaping scheme to demonstrate native hedgerow planting adjacent to the new access to compensate for losses of roadside hedgerow and grassland habitat.

Informative

Nesting Birds

All wild birds, their nests, eggs and young are afforded protection and in general terms it would be an offence to kill, injure or displace breeding birds and their young. Whilst the site/building is not known to

| | |
|-------------------------------------|---|
| | <p>support breeding birds, their presence cannot be ruled out. To reduce the risk of an offence being committed a precautionary approach is required and, consequently, I recommend the following Informative is added to any consent:</p> <p>"In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed".</p> <p>I trust these comments are of assistance</p> |
| <p>Hertfordshire Highways (HCC)</p> | <p><u>1ST CONSULTATION : 11.10.2023</u></p> <p>Location;The Bungalow Farm Venus Hill Bovington Hemel Hempstead HP3 0PG Application type: Full Application Proposal: Change of use of land to facilitate the construction of a residential access road</p> <p>Recommendation: Interim</p> <p>This is an interim response in relation to how a fire appliance will access the approved dwelling using the proposed access road. The approved dwelling is greater than 45 metres from the highway network to all parts of the building.</p> <p>Therefore a fire appliance must be able to enter the site and turn on site to access the highway network in forward gear. This would need to be shown on a swept path to ensure that a 8.2 metre wide fire appliance can use the new access route in case of an emergency.</p> <p>It is noted that HCC Highways responded within an interim in 2021 requesting a speed survey which was provided in the 2022 application. Within this application there is no drawings providing the visibility splays which is required for this new access.</p> <p>Once information regarding the fire appliance has been provided then HCC Highways can make an informed recommendation for the site.</p> <p>11.10.2023</p> <p><u>2ND CONSULTATION: 15.11.2023</u></p> |

HCC Highways has no concerns currently with the access arrangements, however, we are currently waiting on Herts Fire and rescue for a response.

ADDITIONAL PLANS : ADDITIONAL FIRE ACCESS PLAN

1ST Response : 28.11.2023

No new drawings have been provided since our last response.

2ND Response : 02.01.2024 (Re Notification)

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Highway Informatives:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

| | |
|--|--|
| | <p>licences/business-licences.aspx or by telephoning 0300 1234047.</p> <p>AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.</p> <p>Comments:</p> <p>The proposal is for the change of use of land to facilitate the construction of a residential access road at The Bungalow Farm, Venus Hill, Bovingdon. Herts Fire and Rescue have responded and deem the access arrangements to be acceptable. There is proposed to be no alterations to the existing highway network and vegetation will be maintained to improve visibility. Therefore, HCC Highways would not wish to restrict a grant of permission for this proposal.</p> |
| <p>Hertfordshire Fire & Rescue (HCC)</p> | <p><u>HFRS E MAIL TO HCC HIGWAYS : 08.11 2023</u></p> <p>Thank you for the information. It is not possible to determine distances of hose-lay without a building plan layout drawing. Do you have this information?</p> <p>If the stopping position for the appliance is located before the corner 'Access to approved dwelling' on the plan drawing, the proposed turning facility appears to be adequate. Reversing facilities should allow for reversing in a straight line only, to the turning point.</p> <p>I hope this helps, but please do not hesitate to contact me if you have any questions.</p> <p>(Note : HCC Highways e mail to HRS:</p> <p>Dear Herts Fire and Rescue,</p> <p>Please see the email below. Would it be okay if you could check the attached plans and see if it would be acceptable in your eyes for a fire appliance to be able to turn around on site as required within building regulations owing to the dwelling being greater than 45 metres from the highway network).</p> |

E MAIL TO HCC HIGHWAYS :09.11 2023

Thank you for the information. It is not possible to determine distances of hose-lay without a building plan layout drawing. Do you have this information?

If the stopping position for the appliance is located before the corner 'Access to approved dwelling' on the plan drawing, the proposed turning facility appears to be adequate. Reversing facilities should allow for reversing in a **straight line only**, to the turning point.

I hope this helps, but please do not hesitate to contact me if you have any questions.

E MAIL TO HCC HIGHWAYS :09.11 2023: : 10.11.2024

I did look on the portal but there were no floor plans or layout plans of the dwelling. The measurement from the plans from the front of the dwelling to the back of the nearest stopping distance of an appliance (taking the reversing in a straight line as previous into account), is approximately 31m. This allows for approximately 14m maximum measurement within the building depending on the number of storeys and the room/floor layouts.

E MAIL TO HCC HIGHWAYS 09.11 2023

We are not saying the plans are suitable.

The plans as they stand are not showing enough information to demonstrate that distance from the rear of an appliance at it's nearest stopping point is within 45m of the furthest point on the dwelling. There is no information on the number of storeys or the distance for hose-laying within the dwelling.

We therefore cannot comment on the plans with the limited information we have been provided with.

Any reversing for an appliance must be in a straight line and no more than 20m.

If you have any questions please do not hesitate to contact us.

(Response to HCC Highways E Mail dated 10.11.2023 : Thanks for this. So you're saying that the proposal is suitable for a fire appliance in sole capacity to reach the dwelling in case of an emergency ?)

ADDITIONAL PLANS: ADDITONAL FIRE ACCESS PLAN RECEIVED
28.11.2023

| | |
|--------------------------|--|
| | <p>Thank you for forwarding the plans. The access distance appears to be met and we have no further comment to make.</p> <p>19.12.2023</p> |
| Bovingdon Parish Council | <p>ADDITIONAL INFORMATION PROVIDED BY THE AGENT: CONSULTATION (E MAIL DATED 15.02.2024)</p> <p>Object ' Please refer to the comments made on last application:</p> <ol style="list-style-type: none"> 1. This proposal is unnecessary as it involves the removal of valuable agricultural land, which would consequently cause considerable harm to the Green Belt 2. In the existing planning approval for the construction of a new dwelling (20/00087/FUL), the access contained within that approval is perfectly adequate and does not cause any harm to the open countryside and consequently does not involve the loss of any Green belt land 3. The application also requires the removal of protected hedgerow for the splays at the entrance from the road |
| Bovingdon Parish Council | <p>ADDITIONAL PLANS: ADDITONAL FIRE ACCESS PLAN RECEIVED 28.11.2023</p> <p>Object</p> <ol style="list-style-type: none"> 1. This proposal is unnecessary as it involves the removal of valuable agricultural land, which would consequently cause considerable harm to the Green Belt 2. In the existing planning approval for the construction of a new dwelling (20/00087/FUL), the access contained within that approval is perfectly adequate and does not cause any harm to the open countryside and consequently does not involve the loss of any Green belt land 3. The application also requires the removal of protected hedgerow for the splays at the entrance from the road <p>09.01.2024</p> |

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 6 | 3 | 0 | 3 | 0 |

Neighbour Responses

| Address | Comments |
|--|---|
| Kestrel Barn Long Lane Bovingdon Hemel Hempstead Hertfordshire HP3 0NE | <p>Agree, support and second the objections already addressed in other comments.</p> <p>It is very likely that the request to build a separate drive rather than use the existing entrance is due to the ability to increase the value of the proposed property. The original planning for the house was granted on the basis of the existing drive being utilised for access. This is a significant change and could be inferred as "planning XXXX".</p> <p>Re-designation of land due to change of use. There is no clarity in the planning documentation as to whether this re-designation is to apply only to the strip of land being converted to a drive or whether the change of use application applies to the whole paddock. If applied to the whole paddock this would have a significant impact on the various neighbours for years to come. request . It would pave the way for future building applications across wither the whole paddock or in the gap between the two adjacent houses on Long Lane.</p> |
| Mauldens Cottage Venus Hill Bovingdon Hemel Hempstead Hertfordshire HP3 0PG | <p>24.10.2023</p> <p>Dear Sir</p> <p>I write to oppose the planning application reference number 23/02172/FUL on the following grounds. This is the third application/attempt to build a new access road on this land.</p> <p>a) Use off (sic) existing property for access – access to the new detached bungalow to the rear of Bungalow farm was specifically designed to be through the existing farm areas described within the Design and Access Statement 1047283...“the entrance of the new dwelling through the access road coming off the road of Venus Hill. This access road would thus serve both the existing detached house and the proposed new detached bungalow.”</p> <p>I also note again, the following email of Monday 25th October 2021 from Councillor Stewart Riddick to Nigel Gibbs with reference to the Construct of Residential Access Road – Planning Ref <i>I understand that you have been allocated as Planning Officer for the above application.</i></p> <p><i>Having looked at the Plans and Documents submitted for the application, my observations / comments are as follows:</i></p> |

| | |
|--|--|
| | <p>1. <i>This proposal is unnecessary as it involves the removal of valuable agricultural land, which would consequently cause considerable harm to the Green Belt.</i></p> <p>2. <i>Having looked at the applicant's existing Planning Approval for the construction of a new dwelling (20/00087/FUL), the access contained within that approval is perfectly adequate and does not cause any harm to the open countryside and consequently does not involve the loss of any Green Belt.</i></p> <p><i>If after the Consultation Period you are minded to refuse the application, then please proceed to deal with accordingly under the delegated powers. However, if not, then I must 'call-in' the application for deliberation by the DMC committee.</i></p> <p><i>Please keep me advised as to how this application will be dealt with.</i></p> <p><i>Kind regards</i></p> <p><i>Stewart K Riddick"</i></p> <p>b) Loss of over 650 square metres of Green Belt land to make an access road to a new building that already has perfectly adequate access via the existing drive of Bungalow farm.</p> <p>c) Ever increasing traffic and increased disturbance as more vehicles enter the work units at Bungalow Farm.</p> <p>d) Noise and light disturbance for the neighbours to the south and west of Bungalow Farm.</p> <p>Clearly these repeated applications are intended to eventually 'force through' this new road and I look forward to your response.</p> |
| <p>Mauldens Venus Hill Bovingdon Hemel Hempstead Hertfordshire HP3 0PG</p> | <p>23.10.2023</p> <p>Thank you for the opportunity to comment on this application.</p> <p>This application is substantively similar to previous application 22/02920/FUL by the same Applicant which was withdrawn after significant objections from neighbours and the Council itself. This current application does not overcome issues previously identified. We oppose this application on the following specific grounds:</p> <p>1) Suitable access already exists:</p> <p>In the Design and Access Statement associated with this application, the Applicant refers to planning permission for a detached bungalow approved by the Dacorum Borough Council under application 20/00087/FUL.</p> <p>The original planning permission for that detached bungalow has suitable access and such access was part of the basis upon which that bungalow was approved. If the Applicant is now suggesting that such access is insufficient, the planning permission for that bungalow should be revoked in full.</p> |

The Council has previously itself concluded that the access contained within the original approval for the bungalow "is perfectly adequate and does not cause any harm to the open countryside, and consequently does not involve the loss of any Green Belt". (Please refer to comments to planning application 22/02920/FUL provided by the Council. We have quoted directly from the comments as they appear on the Council's planning portal for that application.)

We see no difference between this application and the previously withdrawn application on this point where the council itself stated:

"... my objections remain equally valid to this application. If, after the Consultation Period you are minded to REFUSE, then please proceed to deal with accordingly under Delegated Powers. If not, then I must request the application is submitted to the DMC Committee for deliberation."

We believe these comments of the Council remain equally valid to this application.

2) Reference to change of personal circumstances (use by a family member).

The Design and Access Statement associated with this application states:

"The proposed dwelling was to be built and used by a member of the owners family however this is now not the case and therefore a separate access is proposed."

Use by a family member was not referred to in the Applicant's Design and Access Statement or Application form associated with application 20/00087/FUL for the Bungalow. We further note that the Council's Decision notice on that application (date 14th February 2020) made no reference to usage by a family member. Thus we believe that usage by a family member could not have been a relevant factor in granting that permission at the time and is not grounds for changing the previously approved access route.

However, if use by a family member was a factor when reviewing that Application but is now no longer the case, that consideration no longer exists and the entire planning permission for the bungalow (20/00087/FUL) should be reviewed.

3) Breach of planning permission for Bungalow (Planning ref 20/00087/FUL)

The Council's Decision notice for application 20/00087/FUL dated 14th February 2020 places a number of restrictions on the Applicant specifically to protect the openness of the green belt - for example please see conditions 3 and 4 on that Decision Notice. The current proposal which harms the green belt is in contradiction of these conditions.

In addition, that Decision notice specifically prohibits development

falling within various classes under the Town and Country Planning (General Permitted Development) Order 2015 including those contained in Schedule 2 part 1 F (Hard Surfaces) and Part 2 B (Means of Access to Highway) amongst others. Both of these are contravened by the Applicant's new application.

The applicant specifically states in the Design and Access Statement and Application Form associated with the Bungalow's planning application (20/00087/FUL) that no new or altered vehicle or pedestrian access is proposed to or from the Public Highway, no new public roads or rights of way would be provided and no creation of rights of way are required.

If the Applicant continues to wish to proceed to seek an alternative access route to the proposed Bungalow, planning permission for the Bungalow (20/00087/FUL) should be revoked and the Applicant be required to resubmit a full application.

4) Negative impact on surrounding properties: noise, disturbance and privacy

In the Design and Access statement the Applicant states that the neighbours opposite had objected to a previous application due to the risk of "headlights shining into their site". Unfortunately the new proposal will not diminish this in any substantive way as car headlights will continue to shine into the property opposite for the bulk of the proposed driveway (c 80 metres) resulting in disturbance as a consequence from the proposal. In addition, cars moving down the proposed c.80m driveway and driving towards the neighbours opposite will result in an increase in noise and a degree of loss of privacy for the neighbours opposite.

We note that the Design and Access Statement associated with the application for permission for the Bungalow (20/00087/FUL) states the "Design of the new dwelling has been carefully thought out so as not to impact on the surrounding properties or other areas". This is inaccurate when taken with this new proposal.

The new proposed access negatively impacts surrounding properties.

5) Ecology

The applicant has not addressed the impact that the proposal could have on bat habitats in the area.

6) Harm to Green belt

The proposal seeks to change the use of the entire paddock site. This is wholly unnecessary for what the Applicant has attempted to present as a small driveway strip to one side of the paddock. There is no justification for a conversion of use of this operating paddock. The paddock should remain protected greenbelt land and its classification for use should not be altered.

The Council itself has objected to the unnecessary removal of

| | |
|--|--|
| | <p>greenbelt land on two previous applications by the Applicant, please see Planning Ref: 21/03959/FUL and planning ref 22/02920/FUL</p> <p>7) Invalid application</p> <p>The Application Form 1432952 which appears on the Dacorum planning portal website in association with this application is blank and thus proper consultation has not been afforded and the application should be considered invalid.</p> <p>In summary, this is now the third attempt by the Applicant to try to persuade the Council to approve misuse of green belt land to provide an unnecessary access road where existing access is adequate. The Applicant has not attempted to minimise the negative impact, particularly by attempting a change of use of the entire paddock.</p> |
|--|--|

APPENDIX C: HERTFORDSHIRE FIRE AND RESCUE APPLICATION CORRESPONDENCE

Fire / Emergency Access Amended Plans: 22/0293/01 Rev D (28 .10.2024): Reconsultation

In response to the initial representations from Hertfordshire County Council Highways amended plans were submitted in conjunction with the following Agent’s supporting e mail:

‘As you know the approval reference 20/00087/FUL was approved on the basis of using the existing access which has limited vision and the application showed no access/turning for fire engines. Earlier in the year we applied for a completely new access which fully complied with required highways vision however this was not viewed favourably by Dacorum for other reasons. The approval for the dwelling is dated 2020 however as you are aware work has commenced as evidenced by the lawful development certificate issued under reference 23/00300/LDE.

The latest application is if you like ‘a halfway house’ which improves the vision from the approved access and provides a separate access once within the site along the side of the field to the new house and the existing yard improving the safety for the occupiers of The Bungalow Farm House, which as you know has an entrance door on the side of the bungalow. The vision from the existing access in red and the new vision in green shows how this has been improved by the proposal to make the access slightly wider.

The swept path for a new fire engine has been plotted with some minor adjustments to the plan to fully comply. The latest proposal overcomes the issues from the earlier application for a new access and does allow fire engines to access the new dwelling and turn within the existing yard which is all under the same ownership. The existing road (Venus Hill) is very narrow and by making the existing access wider will give the fire engine more chance of being able to get into the access to service the new dwelling and the existing buildings within the yard.

It is understood that the owner is likely to keep the gated access from The Bungalow Farm House to the existing yard (as originally approved) which would be available in the case of an emergency but will not be used on a daily basis if the new access is approved.

The species of plants proposed for the new hedge will provide an ecological gain in terms of a natural habitat between the field and the new access road.

The entrance gates are 3.6m wide on the basis that the fire engines are 3.0m wide including mirrors although the mirrors will pass above the 1.2m high gates'.

Fire/ Emergency Access: Additional Information: 28.11.2023: Reconsultation with all consultees

The current initially submitted application did include original approved plans for the bungalow. A plan was submitted to the LPA (and subject to reconsultation) showing the distance from where a fire tender appliance can reverse to and then to the furthest point of the dwelling from that point which equates to 40.5m.