

<b>ITEM NO:</b>	<u>Location:</u>	<b>Lodge Cottages, Lilley Bottom, Lilley, Luton, LU2 8NH</b>
<b>7</b>	<u>Applicant:</u>	<b>Mr D Barnard</b>
	<u>Proposal:</u>	<b>Retention of existing garden building</b>
	<u>Ref. No:</u>	<b>16/02935/1HH</b>
	<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 23 January 2017

**Reason for Delay** (if applicable)

N/A

**Reason for Referral to Committee** (if applicable)

The application is made by an elected Member of the Council

### **1.0 Relevant History**

- 1.1 15/02957/1: Sub-division of dwelling to form two dwellings. Approved 21/1/16.
- 1.2 16/01105/1HH: Part two storey and part single storey rear extension and two storey side extension following demolition of outbuilding, approved 4/7/16

### **2.0 Policies**

#### **2.1 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 2 - Green Belt

Policy 57 - Residential Guidelines and Standards

#### **2.2**

#### **National Planning Policy Framework:**

Section 7: Requiring good design

Section 9: Protecting Green Belt land

#### **2.3 North Hertfordshire Local Plan 2011 - 2031 (Preferred Options, December 2014)**

This document was approved by Full Council on 27th November 2014 for consultation. At present the policies in the plan carry very limited weight. Policies that may be of some relevance to this application are considered to be as follows:

Policy CGB1: Green Belt

### **3.0 Representations**

- 3.1 **Offley Parish Council:** Any response will be reported at the meeting
- 3.2 **Site Notice/Adjoining occupiers:** No representations received

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The application property is Lodge Cottages, a two storey semi-detached dwelling located in open countryside on the west side of Lilley Bottom approximately 1 mile south of Lilley. The application site is within the Green Belt.

### **4.2 Proposal**

- 4.2.1 The applicant seeks planning permission for the retention of a garden building. The building is located along the rear garden wall of the property and is 41 sq. metres in area and has a maximum height of 2.8 metres. The building is timber framed and the external materials are painted timber cladding and a felt roof.

### **4.3 Key Issues**

- 4.3.1 The key issues are whether the building is acceptable in terms of Green Belt policy, design and general impact on the area and impact on neighbours.

#### **4.3.2 Green Belt policy considerations**

In my opinion the shed has no significant impact upon the openness of the Green Belt, given its siting, size, design and materials. Furthermore, the building is used ancillary to the main house. The shed covers less than 10% of the garden area and is located at the rear of the property and screened to a large extent by a 1.7m high boundary wall. The shed would be permitted development not requiring permission were it to be 300mm less in height.

- 4.3.3 Whilst the proposal constitutes "inappropriate development ", (not according with any of the bullet points set out at paragraph 89 of the NPPF) I am of the view that, in this case, the above issues provide the "very special circumstances "for allowing an exception to normal Green Belt policy.

#### **4.3.4 Design and general impact on the area**

As viewed from beyond the boundary of the site to the south the top of the garden building can be seen from the nearby Lilley Bottom Road however such views are against the backdrop of the existing cottages and within a garden setting and these factors, together with the external materials, lead me to conclude that the building is not intrusive in the landscape or harmful to the character and appearance of the area.

#### **4.3.5 Impact on neighbouring property**

Because of its size and siting the garden building has no material impact on either adjacent property in my opinion.

### **4.4 Conclusion**

- 4.4.1 I consider that the retention of the garden building is acceptable in planning terms.

## **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## **6.0 Recommendation**

6.1 That planning permission be **GRANTED**:

### **Proactive Statement**

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