

ITEM NO:	<u>Location:</u>	Land between Gragil And 29, Danesbury Park Road, Welwyn
	<u>Applicant:</u>	Mr & Mrs Andrews
	<u>Proposal:</u>	Four 4 x bedroom detached dwellings, associated car parking, access road and 'Wildlife Garden' with public footpath adjacent to Danesbury Park Road.
	<u>Ref. No:</u>	17/00320/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 09 May 2017

Reason for Delay (if applicable)

N/A

Reason for Referral to Committee (if applicable)

The site area exceeds 0.5 hectares.

1.0 Relevant History

- 1.1 Permission refused in March 1989 (app no 1/1673/88) for the erection of 32 dwellings with garages on this site and the caravan park opposite.
- 1.2 Permission refused in December 1992 (app no 91/0382) for the change of use of land to mobile home park for 50 units.
- 1.3 Application ref: 04/01986/1: Two five bedroom detached dwellings with single storey utility room link and double garages. Refused 4/3/05

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies)

Policy 2 - Green Belt.
 Policy 26 - Housing proposals.
 Policy 51 - Development Effects and Planning Gain.
 Policy 55 - Car Parking Standards.
 Policy 57 - Residential Guidelines and Standards.

Supplementary Planning Documents.

Design SPD
 Planning Obligations SPD
 Vehicle Parking Provision at New Development SPD.

2.2 National Planning Policy Framework

Section 1 - Building a strong, competitive economy.
 Section 3 - Supporting a prosperous rural economy.
 Section 4 - Promoting sustainable transport.
 Section 6 - Delivering a wide choice of high quality homes.
 Section 7 - Requiring good design.
 Section 9 - Protecting Green Belt land
 Section 11 - Conserving and enhancing the natural environment.

2.3 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission**

Policy SP1 'Sustainable Development in North Hertfordshire'
Policy SP7 'Infrastructure requirements and developer contributions'
Policy SP8 'Housing'
Policy T1 'Assessment of transport matters'
Policy T2 'Parking'
Policy HS3 'Housing Mix'
Policy D1 'Design and Sustainability'
Policy D3 'Protecting Living Conditions'
Policy NE7 'Reducing Flood Risk'
Policy NE8 'Sustainable Drainage Systems'

Public consultation on The Proposed Submission Draft Local Plan has been completed and the consultation responses published. A meeting of Full Council is set for 11 April 2017 at which Members will decide whether to submit the Local Plan to the Secretary of State for Examination in Public (EiP). At the time of writing this meeting had not taken place.

3.0 Representations

3.1 **Codicote Parish Council** - "Objection: Site is within the Green Belt."

3.2 **Hertfordshire Highways** - Do not wish to restrict the grant of permission subject to conditions.

3.3 **Welwyn/Hatfield District Council** - Requests that the application is determined in accordance with National and Local Green Belt policies.

3.4 **Local residents/Site publicity notice** -

Letters in support of the application have been received from the occupier of 7 & 17 and Mrs Sear, Woodlands Park Homes, 33 Danesbury Park Road and Hambledon Farm, raising the following comments:

- A good scheme which will enhance the area
- Visual improvement
- The park/garden areas will provide amenity benefits to the neighbourhood, particularly those who live or work at the care home.
- The proposed houses are of modest size, and the aesthetics of being similar to a wooden barn is within keeping of the agricultural heritage of long-gone era. This is both sympathetic and enhancing of the local neighbourhood
- There are significant concerns that the field could provide an opportunity for unwelcome occupancy. I understand the owner has moved out of the area and therefore the risk of such unwelcome occupancy is even greater
- Would prevent fly-tipping and illegal occupation
- Wildlife garden should be completed before occupation
- Wildlife garden would be visited and appreciated by many in the area
- Will improve road safety in the area
- Would be beneficial to the area
- farming use on the land was not economic

Letter received from occupier of Long Barns, Danesbury Park Road commenting:

- neutral - Green Belt policy should be considered
- Wildlife Garden should be completed before occupation

Letter received from the occupier of Tunbury House, Danesbury Park Road objecting to the development on the following grounds:

- Green Belt objection - inappropriate development
- If permitted would risk further development on this land

- Previous applications have been rejected
- Loss of amenity through overlooking of housing
- An enforcement notice has been served on the land by Herts County Council

3.5 **CPRE Hertfordshire:** Object to this development - contrary to Green Belt policies in the NPPF, NHDC Local Plan and NHDC Proposed Submission Plan. Would contravene 3 of the five purposes of the Green Belt

3.6 **NHDC Environmental Health officer (Contamination):** Recommends a contaminated land condition and Electric Vehicle charging infrastructure condition

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is an open field situated between Gragil to the north east and the access track which leads to the dwellings known as Hambleton Farm and The Hawthorns to the south west. Opposite the site is the Danesbury Park Road Mobile Home Park and Heath Lodge Nursing Home and Autumn Vale Care Centre. The site has a frontage onto Danesbury Park Road off approximately 160 metres and depth varying between approximately 40m at its northern boundary and 60m at its southern boundary. It has a site area of 1.64 hectares (3.98 acres).

4.1.2 The whole of the application site is within the Green Belt.

4.2 Proposal

4.2.1 The proposal is to erect four detached dwellings with an associated wildlife garden. In detail the proposals comprise the following:

- Erection of four detached, two storey dwellings.
- Each dwelling would have basement accommodation comprising four bedrooms
- The maximum height of each dwelling above ground level would be 7.6m
- Each dwelling would have a barn like appearance with external material of black timber cladding including for the roofs
- The dwellings would be sited in two groups of two arranged around a circular access road with a single 4.1m wide access connecting all of the dwellings to Danesbury Park Road. The dwellings would be sited between 37 and 81 metres from the Danesbury Park Road frontage.
- Off street parking for the dwellings and visitors would be provided around the two circular turning areas
- The provision of a wildlife garden with footpath access onto Danesbury Park Road. The wildlife garden would be approximately 25m deep and would be sited along the whole length of the site frontage with Danesbury Park Road. It would comprise seating areas, wild flowers, low level vegetation and new trees. The wildlife garden would be open to use by the public. A 1.8m high fence would separate the wildlife garden from the residential development.
- Residents of the new dwellings would be required to pay an annual maintenance fee to maintain the wildlife garden

4.2.2 The application is supported by a Design and Access statement and Planning Statement.

4.3 Key Issues

4.3.1 The key issues to the determination of this application are:

- Green Belt policy
- Character and Appearance
- Highways
- Sustainability
- Planning balance

4.3.2 Green Belt policy

The development is by definition inappropriate development in the Green Belt. None of the exceptions to inappropriate development as set out in paragraph 89 of Section 9 of the NPPF would apply to this development.

4.3.3 As the proposal is inappropriate development in the Green Belt it is therefore for the applicant to demonstrate "very special circumstances" to allow a possible relaxation of the normal policy presumption against development of this nature.

4.3.4 The submitted planning statement sets out on page 30 what are considered to be very special circumstances and these are as follows:

- quality of architectural design
- provision of community green space
- positive environmental impact
- improvement of infrastructure
- safeguarding of potential threats

4.3.5 On the first point I do not consider that the dwellings or general layout amount to 'quality architectural design'. The proposed dwellings are all uniform in character and appearance - there is no individuality between them. The dwellings are essentially rectangular boxes with pitched roofs with large window openings, large roof lights and chimneys. They give an overtly domestic appearance and are not characteristic of a barn like structure with perhaps the exception of timber cladding. They are not of exceptional quality or innovative nature and do not significantly enhance the immediate setting as required by Paragraph 55 of the NPPF in order to justify isolated homes in the countryside.

4.3.6 With regard to the second point, the provision of the community green space is commendable but it is not clear how practical or beneficial this would be to the wider community as many residents would still have to negotiate the narrow, footpath- less and unlit Danesbury Park Road to reach it and there is no dedicated car park for any persons arriving by car. In addition although it is mentioned that the maintenance of the wildlife area would be via financial contributions from the residents of the new dwellings no mechanism is set forward as to how this would be achieved in perpetuity (e.g. via a Section 106 Legal Agreement).

4.3.7 It is agreed that the wildlife garden would have some positive environmental impact particularly as a wildlife habitat. This would carry limited weight in terms of very special circumstances.

4.3.8 It is assumed that the infrastructure improvement argument refers to the benefit of the footpath through the wildlife park being safer for pedestrians, cyclists etc however the weight given to this is limited in my view because only a small section of Danesbury Park Road would be improved in this way.

4.3.9 It is agreed that the residential development of the site may prevent unauthorised access however I do not consider this point can be attributed significant weight as a very special circumstance.

4.3.10 I do not consider that the very special circumstances advanced by the applicants either individually or collectively amount to significantly compelling arguments that would clearly outweigh the harm arising from the development resulting from its inappropriateness. Accordingly I consider the development is contrary to both local and national Green Belt policy in terms of the principle of the development.

4.3.11 Character and Appearance

The existing site is open land formerly used for agricultural purposes. Apart from the hedgerow along the Danesbury Park Road frontage the land is very much open in character and completely free of buildings and any hardsurfacing.

4.3.12 I believe that the proposed development will detract significantly from the openness of the Green Belt in this location. The proposal is for considerable built development on an otherwise flat and open site comprising four dwellings, access roads and boundary fencing. If permitted there would be future pressure for more development including ancillary domestic buildings and potentially more dwellings. The development would not safeguard the countryside from encroachment - one of the five purposes of Green Belts as identified in paragraph 80 of the NPPF.

4.3.13 The development would result in an urbanising impact at odds with its current open character. The development would in depth again contrary to the prevailing linear form of development whereby dwellings in the area are located along road frontages with little, if any, residential development behind. In summary the development would be contrary to the character and appearance of the area.

4.3.14 Highway matters

The Highway Authority does not raise objections on the highway safety grounds. However the proposed access to serve the four dwellings would require the provision of visibility splays which would require the removal of existing hedging, which would be harmful to the visual amenities and character of the Green Belt in this locality.

4.3.15 Sustainability

The NPPF is clear in that there are three dimensions to sustainable development: economic, social and environmental. In terms of economic benefits, the development of the four houses would, it is acknowledged provide employment in the short term during construction and some on-going benefit to the local economy through servicing and maintenance in the longer term. However socially, the proposed development would in my view be unsustainable due to the significant walking distance to the closest village for its services and facilities, which is Codicote or the Oaklands neighbourhood centre at Welwyn. Walking to and from the site is not likely to be an attractive option given remaining the unlit stretch of Danesbury Park Road where there is no footpath. In addition, public transport past this site is virtually non-existent. In terms of the environmental factor residents of the development and to an extent visitors to the wildlife garden would rely heavily on the private car to access the site contrary to the principles of sustainable development as set out in the NPPF which seeks to locate development where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Of relevance to this topic is a recent appeal decision (December 2016) for residential development very close to this application site at Windmill Cottage, Pottersheath Road (NHDC ref: 16/00364/1 - Planning Inspectorate ref: APP/X1925/W/16/3156512). The Planning Inspector found that the location was too remote and that the occupiers of the proposed dwelling would be 'heavily reliant on the private car to access everyday needs and services'. As a result the Inspector found the development to be socially and environmentally unsustainable. I consider this appeal decision to be very comparable in sustainable terms to this application given that it is also for residential development and in a very similar location.

I therefore conclude that the proposal would constitute an unsustainable form of development, failing to satisfy at least two of the three roles of sustainable development as promoted by the NPPF.

4.3.16 **Planning balance**

It is acknowledged that the development would have some positive effects in that biodiversity would be enhanced and opportunities potentially made available for residents to enjoy greater access to the countryside for leisure purposes. There would also be some limited benefit in the provision of a footpath separated from the main carriageway of Danesbury Park Road. Balanced against these considerations are that the proposal is inappropriate development in the Green Belt and there are no very special circumstances which outweigh the harm caused by inappropriateness. In addition the development would result in a loss of openness and it would be harmful to the character and appearance of the area. The development would also be unsustainable and would fail to meet the social and environmental tests set out in the NPPF. In my view the adverse effects of the development significantly and demonstrably outweigh any benefits when assessed against the policies taken as a whole in the NPPF.

4.4 **Conclusion**

- 4.4.1 There are no "very special circumstances" for allowing a relaxation of the normal Green Belt policy applicable to this site. Accordingly, having regard to this fact, and that there have been no material changes in planning circumstances since the previous refusal for both dwellings and mobile homes on this site, the proposal is unacceptable as a matter of principle. In addition, the highway objection raised by Hertfordshire Highways is a valid reason for refusal which, although amended plans might be able to overcome, would then cause environmental harm to the Green Belt and the appearance and character of the locality.

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 permission be **REFUSED** for the following reasons:
1. The application site is within an area designated in the North Hertfordshire District Local Plan No 2 with Alterations as Green Belt. Within that area, there is a presumption against inappropriate development unless very special circumstances can be demonstrated to justify the grant of planning permission. In the view of the Local Planning Authority the proposal is not supported by such circumstances and does not constitute one of the exceptions under green belt policy and therefore constitutes inappropriate development. The proposal is therefore contrary to the provisions of Policy 2 of the North Hertfordshire District Local Plan No 2 with Alterations and, Section 9 of the National Planning Policy Framework.
 2. Given the lack of essential services in the vicinity of the site, occupiers of the proposed dwellings would be heavily dependent on services provided outside of the immediate area, giving rise to a significant reliance on private transport. In the absence of any realistic measures or other reasons which may offset this unsustainable impact, the proposal would be contrary to the objectives of the National Planning Policy Framework.

3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a completed Unilateral Undertaking or Section 106 Obligation) securing the provision of the future maintenance and management of the proposed wildlife park.

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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.