Appeal Statement

Job No: 17805
Project: The Folly, Great Wymondley

Revision: -
Issued: July 2018

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1. Introduction

In May 2018 a planning application for full householder permission was submitted to North Herts District Council for the erection of a double detached garage and bike store.

This application was refused planning permission by the Local Planning Authority for the following reasons:

1. The proposed double garage and bike store would comprise inappropriate development in the Green Belt and in the opinion of the local planning authority there are no very special circumstances apparent that would outweigh the harm caused to the Green Belt by reason of inappropriateness and harm to openness. As such, the proposed development would conflict with Section 9 of the National Planning Policy Framework, Policy 2 of the North Hertfordshire Local Plan 1996 with Alterations, Policy SP5 of the North Hertfordshire Submission Local Plan (2011-2031).

2. Site Description

2.1. Site Summary

The application site lies within the settlement limit of Great Wymondley, near Hitchin, Hertfordshire. Located off Willian Road, The Folly is a recently completed former workshop/store conversion approved in 2013. The site lies within the village conservation area and neighbour's open farmland to the North, an open playing field to the East, with a denser collection of residential properties South and West. The site is located wholly within the Green Belt.

2.2. Location Plan



Figure I - Site location plan

2.3. Site Photographs



Figure II - Photograph of existing dwelling.



Figure III - Proposed garage position.



Figure IV - Existing garage adjacent at Long Close.



Figure V - View of proposed garage site from The Folly.



Figure VI - Long Close & associated out-buildings.



Figure VII - View of proposed garage site from entrance.

3. Planning History

3.1. Site History

Planning history on the site includes:

Date	Reference	Description
January 2013	12/02830/1	Conversion of garden workshop to detached 3-bedroom dwelling.
July 2013	13/01479/1NMA	Change roof finish to natural blue/black slate tiles.
January 2014	13/03042/1HH	Single storey side extension to facilitate double garage.

Table I - Site planning history

4. Application Proposals

4.1. Proposal Description

The application submitted sought approval for the erection of a double garage with bike store. The proposed garage, finished in stained featheredge boarding and a slate roof, would provide additional covered and secure vehicle parking in this rural setting surrounded by trees. An additional bin and bike store would be added to better serve the property and reduce the current refuse travel distances on collection day.

4.2. Proposed Layout

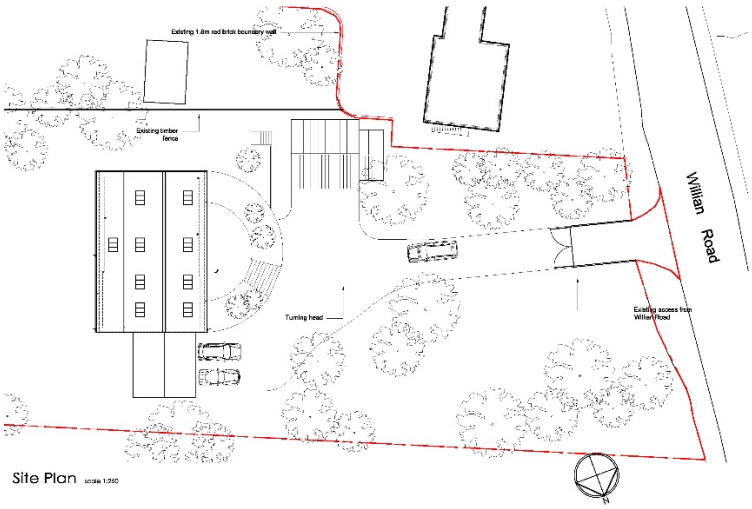


Figure VIII - Proposed site layout

4.3. Density & Massing

There is a substantial collection of existing structures in this area, and therefore the introduction of an additional twin garage does not sit out of place as the below massing diagram displays. This proposal is therefore considered to be minor infill.

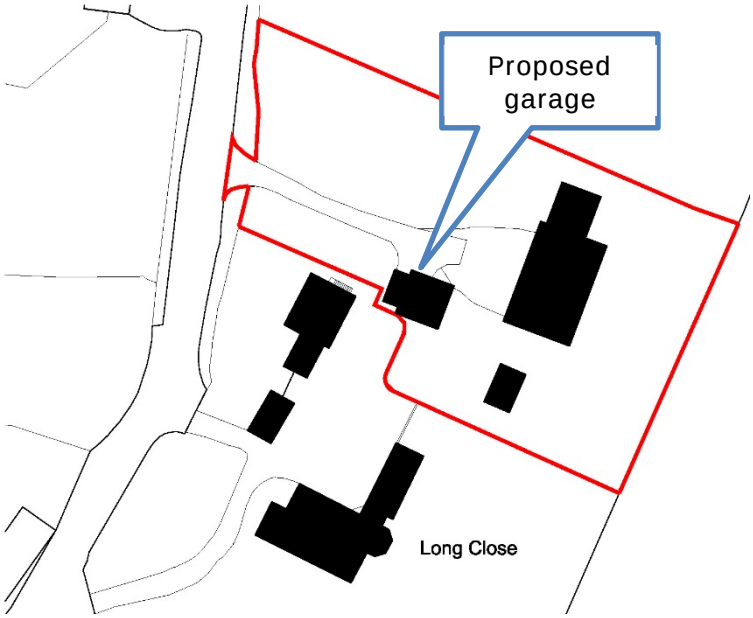


Figure IX - Proposed massing model

The existing 1.5 storey triple garage immediately adjacent to the proposal on Long Close forms a far greater structure and the proposed unit sits subservient to this.

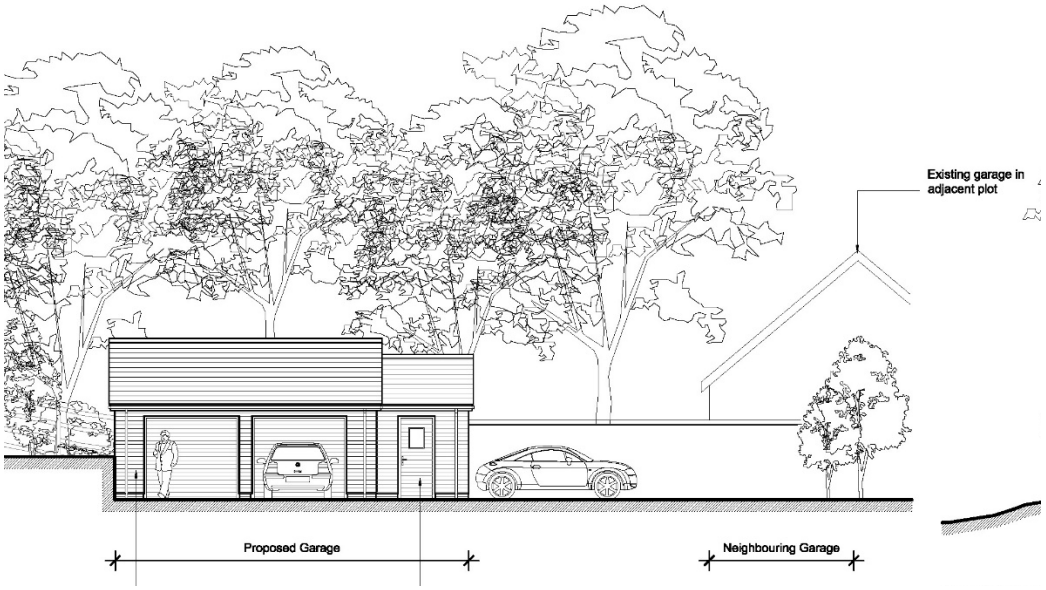


Figure X - Elevation of Existing and Proposed Garages

4.4. Appearance & Scale

The appearance of the proposed dwellings would be wholly sensitive to the existing established architectural features of the surrounding properties. The height of the garage is well in-keeping with the existing garages located behind at Long Close and is in a suitable perspective with the host dwelling.

5. Planning Policy

5.1. National Planning Policy Framework

This application was refused against Section 9 of the NPPF which relates to protecting Green Belt land. The NPPF states that Green Belt land serves five purposes. These are:

1. To check the unrestricted sprawl of large built-up areas
2. To prevent neighbouring towns merging into one another
3. To assist in safeguarding the countryside from encroachment
4. To preserve the setting and special character of historic towns
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Considering the application proposal against these five points:

1. The addition of a twin garage is not contributing to an increase in large built-up forms. The proposal maintains an open rural feel with the additional garage built.
2. Not relevant in this case.
3. No encroachment into the countryside is proposed, this is re-use of an already developed site.
4. The proposal is sympathetic and in-keeping with surroundings and there is precedent already set for proposing detached garaging within Great Wymondley.
5. Not relevant in this case.

Policy 87 from the NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The addition of a twin garage is not considered to be inappropriate. It has a residential use in an existing residential setting, provides additional storage to the benefit of the existing residence and is built on a site within the curtilage of an existing dwelling, adjacent to existing detached garages on adjoining properties.

Policy 89 from the NPPF allows construction of new buildings in the Green Belt which are providing limited infill within villages, and where the proposal would not have a greater impact on the openness of the Green Belt. The proposed construction of a new garage sited within the settlement limits of Great Wymondley would therefore be fully compliant with these policies and no impact on the openness of the Green Belt when considering the massing of existing buildings in this area.

Therefore, the proposed erection of a double garage is not inappropriate to Green Belt planning policy given consideration to the points above.

5.2. Local Planning Policy

Policy 2 of the adopted Local Plan states:

> *"In the green belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.*

Policy 3 as mentioned in the above states:

> *"In settlements within the Green Belt, the Council will not normally permit development proposals, except for:*
>
> 1. *that strictly necessary for the housing and employment needs of agriculture, forestry, leisure and local services in the rural areas that cannot practicably be met outside the Green Belt; or*
>
> 2. *the local facilities and services needs of the settlement within which the development is proposed; or*
>
> 3. *the meeting of an identified rural housing need in compliance with Policy 29; or*
>
> 4. *a single dwelling on a small plot located within the built core of the settlement, which will not result in the outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Green Belt."*

Considering Policy 2 first, the local plan requires that the land remains open in character, and that there is no significant visual impact created. When considering this against the proposals the land will retain its open feel as the important open northern and eastern boundaries are retained and therefore propose no loss of openness in the character. The proposed garage is sited next to the existing triple garage at Long Close and with the proposed design for a low shallow roof there will be no alteration on the visual impact.

The case officers report for the refused application read with regards to openness that *"in some ways it would be difficult to argue that the proposed building would be harmful to openness in a wider sense."* The report goes on to say openness is recognised as the absence of built form, though if this was the case then all development within Green Belt areas would be considered in detriment of this and most other policies. Consideration needs to be given to the size of the proposal, and as with this case the proposed building is so minimal in size that the harm on the openness is not a detrimental factor.

Policy 2 refers to Policy 3 when the proposal is within a settlement, as this case is. Whilst the first 3 points of this policy are not relevant as they relate to other uses, the final point regards single dwellings. Albeit this application does not seek a new single dwelling, the precedent is set whereby if this policy could be used to approve the erection of a single dwelling, then a small subservient garage related to an existing dwelling is clearly not in conflict with this and the proposal cannot be considered inappropriate.

Policy SP5 of the emerging local plan (which is not yet adopted) states:

> *"We support the principles of the Green Belt and recognise the intrinsic value of the countryside. Green Belt and Rural Areas Beyond the Green Belt are shown on the proposals map. We:*
>
> *A. Have conducted a comprehensive review of the Green Belt. Land has been removed from the Green Belt to:*
>
> *a. enable strategic development at the locations referred to in Policies SP8 and SP3.*
>
> *b. Enable local development around a number of the Districts towns and villages, and*
>
> *c. Define boundaries for villages referred to in Policy SP2 which fall within the Green Belt but were previously 'washed over' by this designation*

B. *Have provided new Green Belt to cover, in general terms, the area bounded by the Metropolitan Green Belt to the east, the Luton Green Belt to the west and the A505 Offley bypass to the north.*

C. *Will only permit development proposals in the Green Belt where they would not result in inappropriate development; and*

D. *Will operate a general policy of restraint in Rural Areas beyond the Green belt.*

The relevance of the emerging policy is determined by whether it is shown that the proposed garage on this site is inappropriate development which this appeal contests.

As mentioned before, the addition of a twin garage is not considered to be inappropriate. It has a residential use in an existing residential setting, provides additional storage to the benefit of the existing residence and is built on a site within the curtilage of an existing dwelling, adjacent to existing detached garages on adjoining properties.

5.3. Sustainability

From a sustainability point of view, the host dwelling The Folly as previously approved is built to conform and meet the standards of Code for Sustainable Homes Level 5, and the additional garage proposed offers storage for the occupier's electric vehicle with a new charging point, as well as refuse and cycle storage.

Solar panels were fitted to the host dwelling as part of the previous construction though with no South facing roof slopes the new proposed garage offers the opportunity for additional PV installations to maximise renewable energy gains.

The construction of the garage would be in timber frame from FSC certified sources with natural slate roof and timber cladding. There is an existing concrete hardstanding under so the environmental impact within the Green Belt is highly minimised.

6. Summary

Given the minor scale of development which this application proposes, it is considered that there is no substantial harm upon the Green Belt which would be imposed.

The already established built form immediately surrounding the proposed garage clearly demonstrates that there is no substantial increase in the built form and that the proposal is fully in-keeping within its setting.

The application site is wholly within the Great Wymondley settlement boundary and as policies allow for the erection of dwellings in Green Belts, a proposal for a subservient residentially used garage must fall within the controlling parameters of these policies.

Arguments have been provided to counter all points of refusal from the Local Authority against this application and it is requested of the Planning Inspector to overturn this decision and grant conditional approval accordingly.

Appendix A – Planning Refusal Notice

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

DECISION NOTICE

Correspondence Address:
BBR Architects
Merchant House
Bancroft
Hitchin
SG5 1JW
United Kingdom

Applicant:
Mr Bradly-Russell

PARTICULARS OF DEVELOPMENT

Application: 18/01233/FPH

Proposal: Erection of detached double garage and bike store.

Location: The Folly, Willian Road, Great Wymondley, Hitchin, Hertfordshire, SG4 7ET,

Refused Plan Nos: 17805-10D 17805-11

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 3 May 2018.

1. The proposed double garage and bike store would comprise inappropriate development in the Green Belt and in the opinion of the local planning authority there are no very special circumstances apparent that would outweigh the harm caused to the Green Belt by reason of inappropriateness and harm to openness. As such, the proposed development would conflict with Section 9 of the National Planning Policy Framework, Policy 2 of the North Hertfordshire Local Plan 1996 with Alterations, Policy SP5 of the North Hertfordshire Submission Local Plan (2011-2031).

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.

Signed:



Simon Ellis
Development & Conservation Manager
Date: 26 June 2018

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

NOTES

1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at www.planningportal.gov.uk/planning/appeals
The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

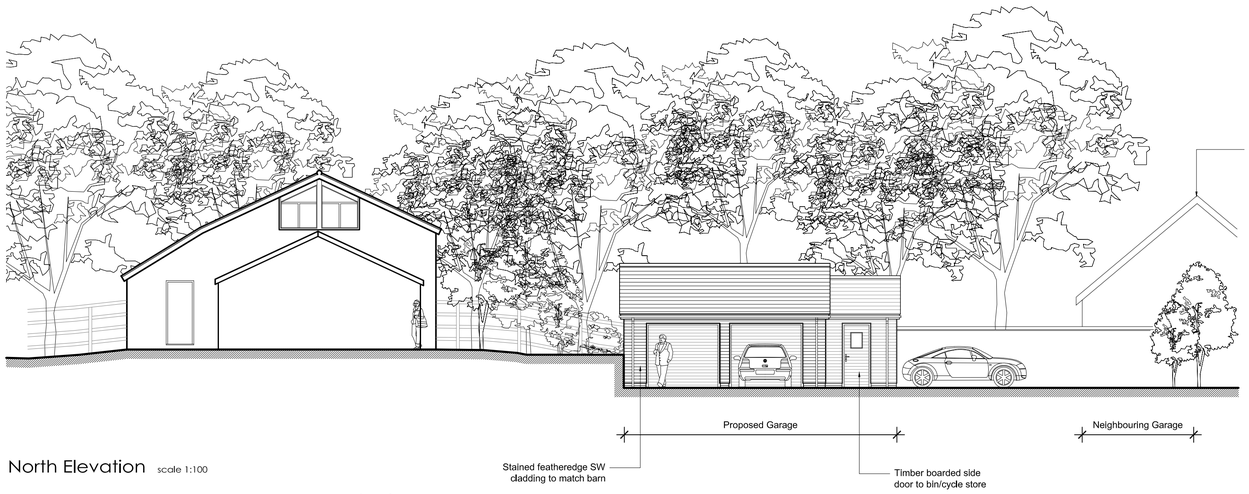
Appendix B – Proposed Plans & Elevations

This drawing is a print and must not be scaled from without making reference to the accompanying scale bar. Any queries regarding dimensions must be taken up with BBR Architects. All dimensions of existing buildings to be verified on site.

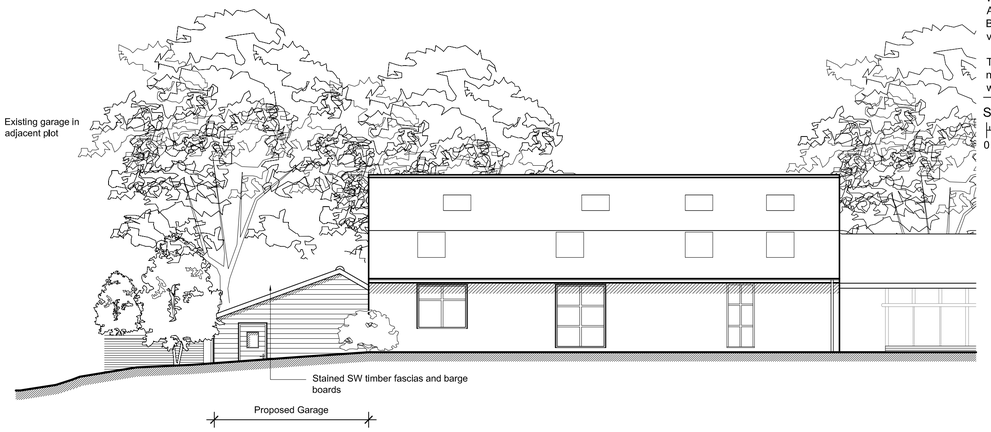
This drawing is the copyright of BBR Architects and shall not be in any way used or reproduced without their prior written consent.

Scale bar (m) 1:100

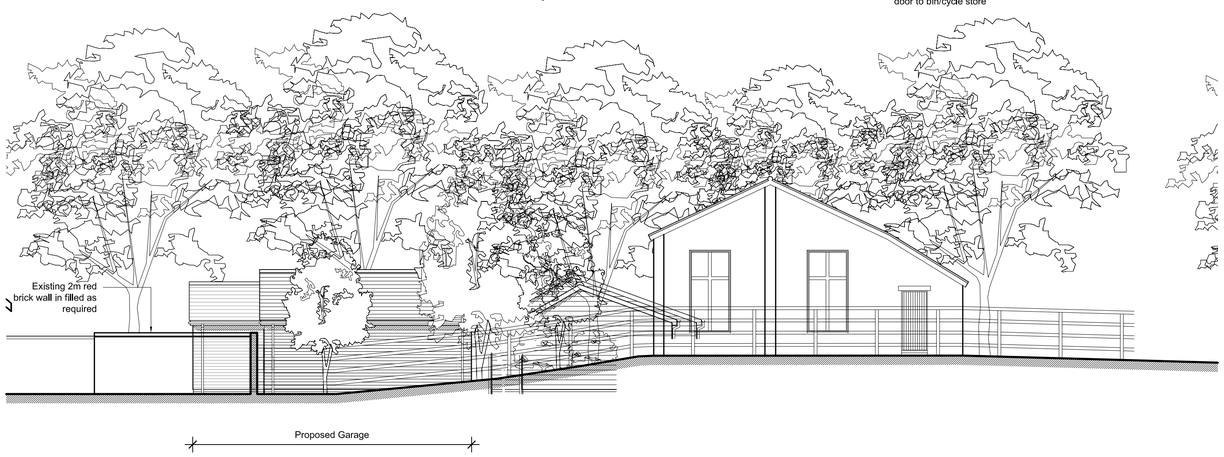
0 1 2 3 4 5 6 7 8



North Elevation scale 1:100



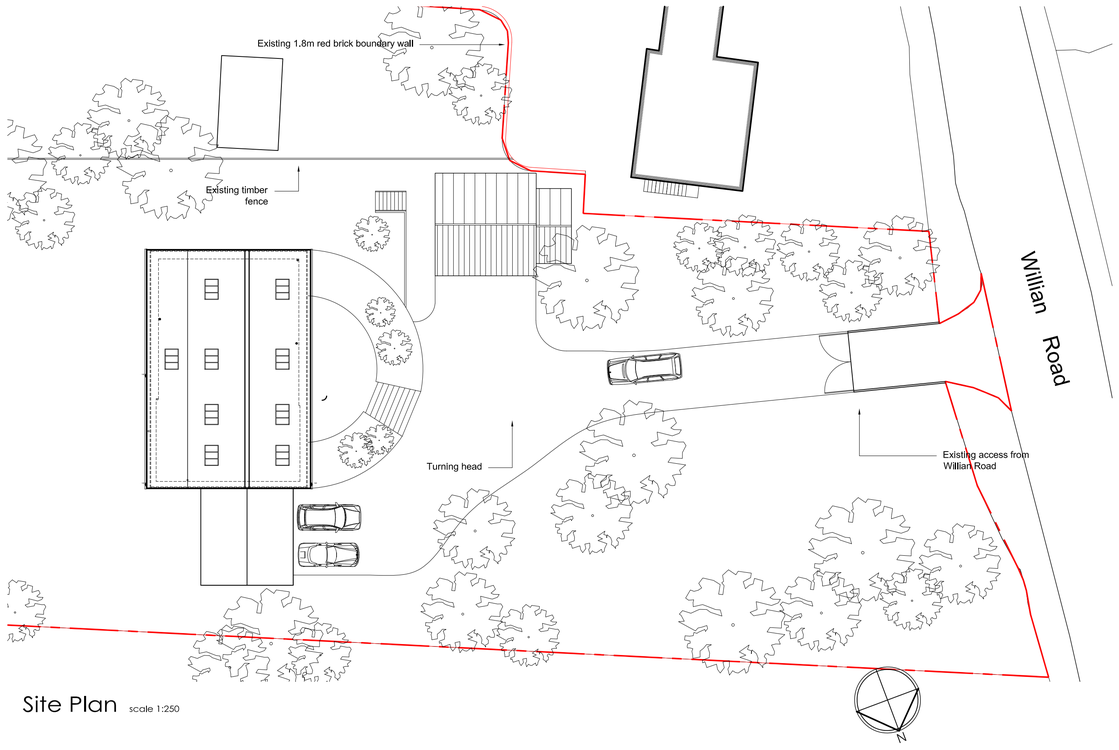
East Elevation scale 1:100



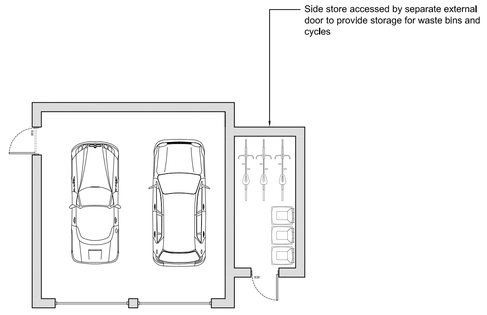
South Elevation scale 1:100



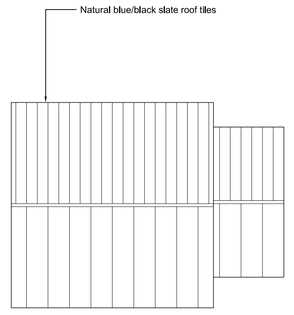
West Elevation scale 1:100



Site Plan scale 1:250



Proposed Floor Plan scale 1:100



Roof Plan scale 1:100

External Materals

Walls	- Stained featheredge SW cladding to match existing barn and garage
Roof	- Natural blue/black slate tiles
Fascias	- Stained SW boarding with exposed rafter feet
RWPs	- Black metal
Windows/Doors	- Timber framed. Doors to be timber boarded.
Garage Doors	- Grey metal roller shutter to match existing.

REV	DATE	NOTE	BY
D	04/09/17	Amended roof pitch.	rda
C	01/09/17	Amended plans.	emh
B	09/08/17	Reduced height.	rda
A	14/07/17	Garage doors split.	rda

FOR PLANNING

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CONTRACT

The Folly
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DRAWING TITLE

Proposed Plans & Elevations

SCALE	1:100 @ A1	DRAWING NUMBER	REVISION
DATE	July 2017	10	D
DRAWN	emh		
JOB NUMBER	17805	CHECKED BY	rda