DELEGATED FILE NOTE

CASE OFFICER: ...Tom Donovan.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00248/FP	The erection of a new commercial building for B1(c) use.	Dog Kennel Farm Charlton Road Hitchin Hertfordshire SG5 2AB

Submitted Plan Nos

1.0 Policies

1.1 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 2 – Green Belt
Policy 55 – Car Parking Standards

1.2 **National Planning Policy Framework.**

Section 7 - Requiring good design
Section 9 – Protecting Green Belt land
Section 11 – Conserving and enhancing the natural environment

1.3 **Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017).**

SP5: Countryside and Green Belt
SP9: Design and sustainability
D1: Sustainable Design;
D3:Protecting living conditions;
T2: Parking

1.4 **Supplementary Planning Document**

Vehicle Parking at New Development September 2011

2.0 **Site History**

2.1 Planning permission has recently been granted for the erection of an agricultural building on another part of the application site.

3.0 **Representations**

3.1 **Local residents**
No representations received.

3.2 **Highways**
No objection.

3.3 **Environmental Protection**
No comment.

3.4 **Environmental Health**
No comment.

3.5 **Hertfordshire Ecology**
No comment.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Dog Kennel Farm is comprised of a complex of buildings located to the north-west of the hamlet of Charlton. A number of the buildings have been converted from agricultural use and are used for various 'B' uses.

4.2 **Proposal**

4.2.1 Erection of an industrial building which is proposed to measure 11m in width, 18m in length, 5.5m to eaves height and 8.2m to ridge height. The barn is proposed to be constructed with single skin cladding sheets with a natural grey fibre cement roof.

The building is proposed to be used for purposes falling within B1(c) which is defined as 'light industrial'.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:
--Whether the proposal would be inappropriate development in the Green Belt and if so, whether there are very special circumstances which clearly outweigh the harm caused by inappropriateness or any other harm.
--The impact that the proposed development would have on the character and appearance of the area.
--The impact that the proposed development would have on the living conditions of neighbouring properties.
--The impact that the proposed development would have on the safe operation of the highway and car parking provision in the area.

4.3.2 Green Belt: Inappropriate development
The application site is in the Green Belt and therefore the relevant planning policy is contained within Section 9 of the Framework, Policy 2 of the Saved Local Plan and Policy SP5 of the Emerging Local Plan. Both policies have a high degree of consistency with the Framework.

4.3.3 Paragraph 89 of the Framework states that the erection of new buildings in the Green Belt is inappropriate unless compliant with one of the exceptions listed. Dog Kennel Farm has an active agricultural use although a number of buildings within the farmyard are clearly utilised for purposes falling within 'B' uses.

4.3.4 Bullet-point 6 of Paragraph 89 of the Framework states that *'limited infilling or the partial or complete redevelopment of previously developed land'* may comprise an exception in some circumstances and thereby not be inappropriate development. However, the Framework is quite clear that previously developed land does not include *'land that is or has been occupied by agricultural or forestry buildings'.* Consequently, regardless of the current use of the site, the site cannot be regarded as previously developed land.

4.3.5 The proposed development does not comply with any of the exceptions listed in paragraph 89 or 90 of the Framework. As such, the erection of the proposed commercial building is inappropriate development in the Green Belt and very special circumstances are required in order for the application to succeed.

4.3.6 Impact on openness and purposes of the Green Belt
The proposed building would be located within the extent of the existing complex of buildings but would be situated on what is currently an undeveloped parcel of land. As such, the proposed development would harm openness. I do not consider that

the proposal would conflict with the purposes of the Green Belt as set out in para.80 of the Framework.

4.3.7 Green Belt: Local Plan Policy
The proposed development would not be 'appropriate' in the Green Belt and it is my view that the proposal would have significant visual impact. The proposal would therefore be contrary to the provisions of Saved Policy 2. The proposal would also be contrary to the provisions of Emerging Policy SP5.

4.3.8 Very special circumstances
The proposal would be inappropriate development and harm the openness of the Green Belt. The applicant has not put forward any very special circumstances and in any case, I do not believe that any exist which clearly outweigh the harm by reason of inappropriateness and impact on openness.

4.3.9 Visual impact
The proposed building would become part of the existing complex of buildings and would relate to the general size and scale of buildings in the vicinity of the site. As such, I do not believe that there are any design grounds by which to object to the application.

4.3.10 Impact on neighbouring properties
The erection of a further commercial building for B1(c) use within the complex of buildings is unlikely to give rise to a significant impact on the living conditions of neighbouring residents.

4.3.11 Car parking
The proposed development would be served by an acceptable amount of car parking.

4.3.12 Highways
The proposed development would not compromise highway safety.

4.4 **Conclusion**

4.4.1 The erection of the proposed commercial building would be inappropriate development and harm the openness of the Green Belt. The applicant has not put forward any very special circumstances and in any case, I do not believe that any exist which clearly outweigh the identified harm. As such, it is my recommendation that planning permission is **REFUSED**.

5.0 **Recommendation**

5.1 Planning permission is **REFUSED** for the following reason:

1. Reason for refusal

The proposed erection of a commercial building for B1(c) use 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 Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 21 March 2018	