DELEGATED FILE NOTE

CASE OFFICER: ...Kate Poyser.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00816/OP	Outline application for erection of one dwelling including double garage and double garage for use of existing dwelling (all matters reserved)	Ralphs Farm West Street Lilley Luton Hertfordshire LU2 8LH

Submitted Plan Nos

LB-0100

1.0 Policies

LP2 Green Belt

LP11	Chilterns Area Outstanding Natural Beaut
LP3	Settlements within the Green Belt
LP57	Residential Guidelines and Standards
SECT7	Requiring Good Design
SECT11	Conserving and enhancing natural environ
XSP2	Settlement Hierarchy
XD1	Sustainable Design
XD3	Protecting Living Conditions
XT1	Assessment of Transport Matters

2.0 Site History

2.1 Please see file for pre-application advice.

3.0 Representations

3.1 Environmental Health (Contamination) – no objections, subject to a land contamination condition and an EV charging point condition.

3.2 Environmental Health (noise) – no comments received.

3.3 County Highway Authority – no objections, subject to 7 conditions and an informative.

3.4 County Archaeology – the development is unlikely to have a significant impact on heritage assets of archaeological interest.

3.5 Lilley Parish Council – no comments received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Ralphs Farm lies in West Street, which is a spur road running south of East Street. The application site is currently a garden which lies between Ralphs Cottages and Ralphs Farmhouse. The village is within the Green Belt, Area of Outstanding Natural Beauty and Archaeological Area.

4.2 **Proposal**

4.2.1 The application is for outline planning permission with all matters reserved. The proposal is in two parts. The first is for a new detached dwelling with double garage and new vehicular access. A site plan is provided, but this must be indicative only as all matters are reserved. The second element of the application is for a double garage to serve Ralphs Farmhouse, following the demolition of an existing attached barn. Again, this is shown on the site plan, but there are no floor plans or elevations.

4.3 **Key Issues**

4.3.1 The key planning considerations relate to:

- The principle of the development within the Green Belt
- Any effect upon the AONB
- Visual amenities
- Highway considerations
- Residential amenity

4.3.2 The construction of new buildings within the Green Belt is inappropriate development and should not be approved except in very special circumstances. (NPPF, Section 9. Protecting the Green Belt.) The applicant has not put forward any special circumstances for consideration. Paragraph 89 of the NPPF lists exceptions and allows "*limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan."*

4.3.3 Policy 3 of North Hertfordshire District Local Plan No. 2 with Alterations does not normally allow development in settlements within the Green Belt, but an exception to this is: *"(iv)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 with the Green Belt."*

4.3.4 The plot for the new house would be 45 metres deep by approximately 11 metres wide, giving an area of 495 sq metres. This is a similar sized plot to Ralphs Cottages and the existing farmhouse. I consider it would amount to a single dwelling on a small plot. Where I consider this application fails is the location of the site within the village. The policy specifically refers to the **core** of the village. Although a boundary for the core of the village has not been specifically defined, it can reasonably be interpreted as being the central area of the village.

This would include the church, village hall and the public house. I would consider it to end with 55/ 56 West Street, as south of this is a paddock and the end of the main built part of the village. The application site lies on a spur road beyond the paddock and feels more like an annex to the main part of the village, and, in my view, quite clearly not the core. The proposal, therefore, does not satisfy this policy and remains inappropriate development within the Green Belt.

4.3.5 The proposed submission Local Plan 2011 – 2031, Policy SP2 – Settlement Hierarchy lists Lilley as a Category B village which allows development which does not extend the built core of the village. Again, I consider the application site to be somewhat beyond the core of the villages and as such, the proposal would not satisfy this policy either. It is noted that there is a new dwelling near by at Meadow View, however, this replaces an existing dwelling and the circumstances are, therefore, different to this application.

4.3.6 **The proposed dwelling would be inappropriate development within the Green Belt. No special circumstances have been presented and the development would not amount to an exception to Green Belt policy.**

4.3.7 Although the proposed dwelling would not extend beyond the built form of the village as a whole, it would consolidate development towards the edge of the village and as such would fail to protect the scenic beauty of this part of the Chilterns AONB. It would, therefore, be contrary to AONB policy.

4.3.8 The new dwelling would necessitate a vehicular access being created onto West Street. At present there is a brick wall running along the site frontage with the highway. The wall also runs along the frontage of Ralphs Cottages and effectively continues across the frontage of Ralphs Farm, as brick barns run along the site frontage. Brick frontage walls are, therefore, part of the character of this part of West Street. A new vehicular access would result in a sizeable stretch of wall being lost, would not reflect the character of the existing development here. For this reason the outline application would inevitably be contrary to the NPPF, Section 7 – Requiring good design, paragraph 58.

4.3.9 As well as a new dwelling, a double garage is proposed to serve the existing farmhouse. This would be served by an existing vehicular access. The highway authority raises no objections to the proposal, subject to conditions. I can, therefore, see no sustainable highway objections.

4.3.10 The proposed subdivision of the existing farmhouse curtilage would result in a very small rear garden for the existing house. It may well be the reason for the proposed removal of a barn in the rear garden. Provided the barn is removed, sufficient rear garden would remain for the farmhouse.

4.3.11 The existing farmhouse has three first floor windows in the elevation facing onto the side of the new dwelling, as this is where the larger part of its existing garden lies. I consider the presence of these windows would be likely to lead to inadequate levels of privacy being provided for a new dwelling here. The site for the new dwelling would be able to provide sufficient space for a private rear garden, parking and storage of wheelie bins.

4.4 **Conclusion**

4.4.1 There is a Green Belt objection in principle to this development and no special circumstances to set this aside. The consolidation of development here would have an adverse effect on the AONB and the loss of part of the existing front wall would be out of keeping with the character of the area. A dwelling here is also likely to provide unacceptable living conditions by reason of overlooking. The outline planning application for a new dwelling

should, therefore, be refused. I can see no objections to the principle of a new garage to the existing property. This will need to be the subject of a detailed planning application though.

5.0 **Recommendation**

5.1 That outline planning permission should be refused for the following reasons:

1. The application site is within an area that is designated in North Hertfordshire District Local Plan No 2 with Alterations as Green Belt. Within that area there is a general presumption against inappropriate development such as the proposed, unless very special circumstances can be demonstrated. In the view of the Local Planning Authority the proposal does not involve previously developed land and the nature of the proposal and the circumstances of the application do not justify that strong presumption being overridden. The development of the site would harm the openness of the Green Belt and its purpose in assisting in safeguarding the countryside from encroachment and is therefore contrary to Policy 2 of North Hertfordshire District Local Plan No. 2 with Alterations and Section 9 of the National Planning Policy Framework. In addition the Local Planning Authority does not consider that the site lies within the built core of a settlement and that the proposal, therefore, does not comply with the requirements of Policy 3 - Settlements within the Green Belt, of North Hertfordshire District Local Plan No.2 with Alterations or Policy SP2 - Settlement Hierarchy of Submitted Local Plan 2011 - 2031.

2. The proposed development of this land for a new dwelling would consolidate development in an area of loosely knit development and, in addition to this, would result in the loss of a section of frontage boundary wall, both of which are part of the scenic character of this part of the Area of Outstanding Natural Beauty. The proposal would, therefore, be contrary to the National Planning Policy Framework, Sections 7- Requiring good design and Section 11 - Conserving and enhancing the natural environment; North Hertfordshire District Local Plan No. 2 with Alterations, Policy 11 - Chilterns AONB; Submitted Local Plan 2011 - 2031, Policy NE3 - The Chilterns Area of Outstanding Natural Beauty. Policy D1 - Sustainable design; and the Chilterns Building Design Guide.

3. The position of the application site in relation to the existing Ralphs Farmhouse would, due to the presence of first floor windows in the existing north elevation, fail to provide adequate levels of privacy, to the detriment of the living conditions of any future occupiers. As such the development would be contrary to the National Planning Policy Framework, paragraph 17, North Hertfordshire District Local Plan No. 2 with Alterations, Policy 57 - Residential guidelines and standards; and the Submitted Local Plan 2011 - 2031, Policy D3 - Protecting living conditions.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the

Framework (paragraphs 186 and 187) have been met 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: 30 April 2018	