

PLANNING COMMITTEE – THURSDAY 16TH NOVEMBER 2023

23/1221/RSP - Part Retrospective: Change of use of land as an amendment to the residential curtilage, associated landscaping changes including formal garden areas, hard standing for vehicular access and parking and installation of entrance gate and pillars at Batchworth Heath Farm House, Batchworth Heath, Rickmansworth, Herts, WD3 1QB

Parish: Batchworth Community Council
Expiry of Statutory Period: 20.07.2023
(Extension of Time: tbc)

Ward: Moor Park and Eastbury
Case Officer: Scott Volker

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by three Members of the Planning Committee because of concerns relating to the urbanising impact on the Green Belt and the wider rural character of the area.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RY2Y0GQFGGE00>

1 Relevant Planning History

- 1.1 13/1161/CLED - Certificate of Lawfulness Existing Development: Internal alterations and use of the First Floor Farm Office for residential purposes, incidental to main dwellinghouse Batchworth House, in breach of condition 4 of planning permission 8/303/91 - Permitted 27.08.13.
- 1.2 14/0384/CLED - Certificate of Lawfulness Existing Use: Use of Batchworth House as a domestic residential dwelling in breach of condition 1 of planning permission 8/688/90 - Permitted 08.05.14.
- 1.3 15/0055/PDE - Prior Approval: Single storey rear extension (maximum depth 8 metres, maximum height 4 metres and eaves height 3 metres) - No objection 05.02.15.
- 1.4 15/0340/CLPD - Certificate of Lawfulness Proposed Development: Single storey side and rear extensions and dormer windows to roof - Permitted 07.04.15.
- 1.5 15/0534/CLPD - Certificate of Lawfulness Proposed Development: Single storey pool hall outbuilding - Permitted 11.05.15.
- 1.6 16/0601/CLPD - Certificate of Lawfulness Proposed Development: Two storey rear extension - Permitted 12.05.16.
- 1.7 16/2008/FUL - Demolition of north side of dwelling and erection of two storey side extension to south - Permitted 22.12.16.
- 1.8 16/2009/FUL: Demolition of existing garage block and construction of a replacement garage block including annexe accommodation. Application permitted.
- 1.9 18/1168/FUL: Demolition of existing garage block and construction of replacement block including annexe accommodation. Application permitted. Permission implemented.

- 1.10 18/2194/FUL: Alterations to existing building to include centralising two storey front gable projection, provision of front porch, removal of dormer windows, alterations to fenestration detail and internal alterations – Application permitted
- 1.11 19/0497/FUL - Variation of Condition 3 (materials) pursuant to planning permission 18/2194/FUL to change brick specification from Golden Cheddar to Sevenoaks Yellow Stock – Permitted May 2019, permission implemented.
- 1.12 23/0301/RSP - Retrospective: Installation of ground source heat pump with associated dry cooler – Permitted April 2023.

Enforcement History

- 1.13 20/0150/COMP – Extensive works including construction of car park – Pending Consideration.

2 Description of Application Site

- 2.1 The application dwelling is a large, detached dwelling which was formerly an agricultural dwelling forming part of Batchworth Heath Farm. It was originally approved as an agricultural dwelling under permission reference W/756/66 with the detailed design approved under application 8/67/85. An ancillary annexe is located perpendicular to the main dwelling to the north. The application dwelling and annexe sit within a large field located to the west of Batchworth Heath Farm which is accessed via London Road. The field forms part of the wider site under the ownership of the applicant. The full extent of land ownership is outlined in blue on the submitted Location Plan 2740 01/002.
- 2.2 A series of planning permissions and lawful development certificates have been granted in recent years relating to substantial extensions and alterations to the property and its general refurbishment. The original annexe was demolished, and a replacement rebuilt following planning permission 18/1168/FUL and later varied under application 19/0497/FUL. To the rear of the dwelling is a half-crescent shaped, flat roofed outbuilding/pool house granted under application 15/0534/CLPD. The dwelling and associated ancillary buildings have an exposed yellow brick exterior with the dwelling and annexe building incorporating a grey tiled roof. Works to the buildings are complete with the dwelling now occupied. The site is accessed via a private road from Batchworth Heath.
- 2.3 The application dwelling is within the Metropolitan Green Belt and the boundary of the Batchworth Heath Conservation Area is approximately 125m to the east of the application site.

3 Description of Proposed Development

- 3.1 Part retrospective planning permission is sought for the change of use of land from agriculture to residential curtilage, associated landscaping changes including formal garden areas, hardstanding for vehicular access and parking and installation of entrance gate and pillars. At the time of submission, the works occurred to date include the formation of the area to be laid to lawn and the hardstanding surround in addition to the hardstanding to the rear of the outbuilding. The access drive has also been formed.
- 3.2 The proposed change of use and expansion of the residential curtilage would increase from 3,299sqm to 3,980sqm (an increase of 601sqm). The proposed change seeks to better rationalise the shape of the amenity space to include areas immediately surrounding the house, specifically an area of formal lawn to the north of the dwellinghouse and annexe for ancillary use incidental to the enjoyment of the dwellinghouse.
- 3.3 It is also proposed to erect vehicular entrance gates with a pedestrian side gate along the access track leading from the service road to the property. When combined, the entrance gates would have a width of 7m. The pillars would measure 2.1m in height and the proposed

entrance gates measuring 2.2m high due to the curved design. The gates would be set back 4.6m from the service road. The pillars would be constructed using yellow brick to match the external appearance of the main dwelling and annexe.

3.4 The application submission also included an external lighting plan however this has now been omitted from the proposed list of plans for consideration.

3.5 A Plant Schedule prepared by TOR & Co. dated July 2023 supports the application and provides details of the proposed planting.

3.6 Amended plans were also received to indicate the proposed boundary treatments and remove pathways shown to the rear of the outbuilding and to the south connecting to the access road.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: Objection

Batchworth Community Council objects to this application for the following reasons:

- 1. The application proposes putting in 50 lights around the property not including the water feature 2 and the 3 on the gates. This number is far in excess of what is required for safe passage around the area.*
- 2. The wrought iron gates and pillars are too urbanizing for a country position. The same security could be afforded with wooden posts and gates which would blend better with the adjacent fencing.*
- 3. The driveway when reconstructed should be of traditional permeable material not tarmac.*
- 4. There are buildings, marked paths and designated areas outside the curtilage that appear connected to the house. We would seek confirmation that these will not become subject to another retrospective application and in the case of the building to the south, will be taken down when the construction is complete.*

4.1.2 National Grid: No objection received. Advisory comments provided.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 2

4.2.2 No of responses received: 0.

4.2.3 Site Notice: Posted 16.08.2023 Expired 07.09.2023

5 Reason for Delay

5.1 Committee Cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.2 Policy / Guidance

6.2.1 National Planning Policy Framework and National Planning Practice Guidance

In September 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include: Chapter 2; Chapter 4 Chapter 13.

6.2.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM6, DM13 and Appendices 2 and 5.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Background/Enforcement Investigation

7.1.1

Following a complaint to the council an enforcement investigation was opened, referenced 20/0150/COMP. Following a site visit it was evidenced that tarmac and hardstanding had been laid providing internal access roads from the service road leading to a large car parking area in the northern corner of the site and an outbuilding placed used as a site office. The council were advised that the access, hardstanding and outbuilding were required to provide a contractor's compound and parking during the construction phase of the development of the main dwelling and were permitted by Schedule 2, Part 4, Class A of the General Permitted Development Order 2015 (as amended) which permits temporary buildings and structures required temporarily in connection with and for the duration of operations being carried out at a property.

7.1.2 The unauthorised hardstanding and outbuilding are located outside of the red line of the application site but fall within the wider site outlined in blue on the location plan, owned by the applicant. Works to the dwelling and annexe are complete and thus works have begun to remove the hardstanding. A Hardstanding Plan was provided during the course of the application process to indicate the extent of the hardstanding and what has been removed. The removal of hardstanding and outbuilding do not form part of this application but will be dealt with as part of this ongoing enforcement case.

7.2 Impact on Green Belt

7.2.1 The application site located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale and help to ensure that development occurs in locations allocated in development plans.

7.2.2 As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts as:

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

7.2.3 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF further advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.2.4 The NPPF also states that local planning authorities should consider the construction of new buildings in the Green Belt as inappropriate development. Paragraph 149 would be relevant to the proposed gates and pillars; however, they would not fall within any of the exceptions.

7.2.5 In respect of the proposed change of use and laying of new hardstanding, paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;**
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);** and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.2.6 Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Whilst Policy CP11 was

adopted prior to the NPPF in 2012, it is considered to reflect the guidance within the NPPF 2012 and the most updated version (2023) and therefore can be afforded weight.

- 7.2.7 Policy DM2 of the Development Management Policies LDD sets out that the Council will safeguard the countryside from encroachment, therefore proposals which include the extension of the curtilage of a residential property within the Green Belt which involves an incursion into the countryside will not be supported. Policy DM2 is a part of the statutory Development Plan for Three Rivers and post-dates the 2012 NPPF (it was adopted following examination in 2013). It was therefore adopted at a time when national planning policy in respect of development in the Green Belt was very similar as it is today (i.e. very limited difference between 2012 NPPF and current NPPF in respect of Green Belt). On this basis, it is considered that weight can be given to DM2 in decision making terms.

Residential Curtilage

- 7.2.8 Curtilage¹ is defined as ‘...land which forms part and parcel with the house. Usually it is the area of land within which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.’ In some cases the extent of the curtilage will be clearly defined, for example with a fence or a wall. In other cases, the boundary may not be as clear and might need to be assessed. In the case of Batchworth Heath Farm House, the curtilage or garden associated to the dwelling prior to construction works was clearly demarcated by the line of trees and hedging positioned in a crescent formation outlined in red as evidenced in Figure 1 below. The proposed expansion of the residential curtilage is indicated in red on the snapshot of the proposed curtilage plan TOR-4 REV-A evidenced at Figures 2 and 3 below which gives a general indication of the differences between the existing boundaries of the site and that proposed. NB. Neither images in the Figures below are to scale and are indicative of the general outline.



Figure 1: Image obtained from Google Earth dated April 2017 showing pre-existing condition of site.

¹ Definition taken from Ministry of Housing Communities and Local Government ‘Permitted Development rights for householders Technical Guidance (September 2019)



Figure 2: Image obtained from Google Earth dated June 2021 showing approximately extent of proposed curtilage (red) and unauthorised hardstanding to be removed (dashed green) as part of the enforcement case 20/0150/COMP.

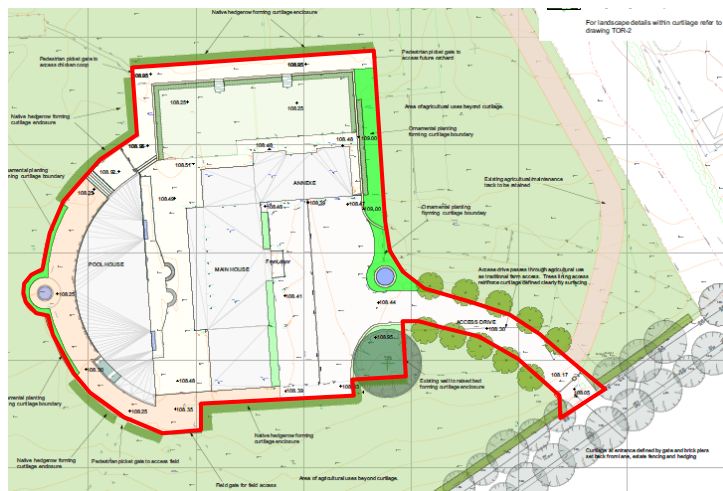


Figure 3: Screen grab of proposed curtilage plan TOR-4 REV-A.

7.2.9 Substantial weight is given to any harm to the Green Belt as set out at paragraph 148 of the NPPF. As listed above the NPPF at paragraph 150 lists certain forms of development which are not considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This does include material changes of uses and engineering operations such as removal and creation of areas of hardstanding.. In addition to inappropriateness by definition, it is also important to address whether additional harm would arise through the development's impact on openness and whether any conflict would exist with any of the five purposes of including land in Green Belts. Openness in the context of the Green Belt requires a judgement based on the circumstances of the case and a number of matters may need to be taken into account.

These include but are not limited to spatial and visual aspects. The essential characteristics of the Green Belt are its openness and permanence.

- 7.2.10 Policy DM2 of the DMP LDD states that the Council will safeguard the countryside from encroachment, therefore proposals which include the extension of the curtilage of a residential property within the Green Belt which involves an incursion into the countryside will not be supported.
- 7.2.11 Whilst the proposal would result in an extension to residential curtilage amounting to approximately 600sqm, the expansion would largely infill the space and square-off the area to the north of the dwelling and the protruding section of the existing residential curtilage north of the annexe as evident in Figure 1 above. The expansion would not extend beyond the northern most part of the pre-existing residential curtilage. Thus, whilst there would be an expansion into part of the open agricultural field, the overall impact would be somewhat limited and read in conjunction with an existing domesticated area of land surrounded by a wider agricultural field. Other small-scale changes to the residential boundary are proposed which includes an area behind the rear of the outbuilding to provide a pathway and to the south of the dwelling; however, these alterations would have limited impact in comparison to existing. Furthermore, a combination of native hedgerow and ornamental planting would form the curtilage boundary and provide a sensitive soft landscaped barrier defining the residential curtilage from the wider agricultural field. The application is supported by a Planting Schedule prepared by Tor & Co. dated July 2023 which provides details of the type of hedgerow and other soft landscaping to be planted. A condition is suggested the development to be implemented in accordance with these details.
- 7.2.12 It is acknowledged that both national and local planning policy seeks to prevent encroachment into the countryside through development. Notwithstanding this, the impact of the curtilage extension is suitably mitigated by the backdrop of the existing curtilage and the squaring-off of the northern aspect would be relatively minimal in scale in the context of the existing lawful extent of curtilage and wider field. In addition, there would be clear defensible boundaries created where currently none exist following the removal on unprotected vegetation. Therefore, whilst recognising there would be an increase in curtilage into an open field, given its positioning, extent and the fact its viewed in conjunction with the existing irregular layout of the pre-existing curtilage, the development is therefore considered to have a negligible impact and therefore it not considered to conflict with the purposes of the Green Belts and would be acceptable when assessed against Policy DM2. Whilst acceptable, it is suggested that conditions are attached removing Permitted Development rights and control of any external lighting to preserve the openness of the Green Belt.

Engineering Operations

- 7.2.13 The proposed development does include areas of hardstanding around the edges of the residential curtilage extension (**N.B.** this does not include the areas of hardstanding outlined dashed green within Figure 2 above). The formation of the hardstanding constitutes an engineering operation. Policy DM2 of the Development Management Policies LDD (adopted July 2013) replicates Government guidance contained in the NPPF; it is silent in regard to engineering operations. As detailed above at paragraph 7.2.5, engineering operations is listed at paragraph 150 of the NPPF as not inappropriate in the Green Belt. The hardstanding would not have a harmful impact on openness by virtue of its limited extent and is considered acceptable.

Entrance Gates and Pillars

- 7.2.14 Policy DM2 sets out that within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance.

- 7.2.15 The construction of front boundary walls and gate does not fall within any of the exceptions detailed within paragraph 149 or 150 of the NPPF as such the front boundary walls and gate would constitute inappropriate development within the Green Belt and by definition are harmful to the Green Belt. It is also necessary to consider the harm arising from the pillars and gate in terms of their potential impact on the openness of the Green Belt.
- 7.2.16 The introduction of the gates and pillars are uncharacteristic features within this part of Batchworth Heath which is very open in character. Whilst the applicant draws attention to other examples of walls, pillars and metal gates – notably The Gate House to the west of the application site – this site is located within a more built-up area of Batchworth Lane and therefore is read in a different context to that of the application site. Whilst the proposal does incorporate soft landscaping to mitigate the impact of the development, it is not considered enough and the introduction of the pillars and gates would still have an impact on the openness of the Green Belt.
- 7.2.17 In summary the introduction of pillars and gates do not fall within any of the exceptions to inappropriate development as set out in the NPPF, as such the proposed development would constitute inappropriate development in the Green Belt, thus, by definition is harmful to the Green Belt. Inappropriate development should only be approved where very special circumstances have been demonstrated sufficient to outweigh the harm to the Green Belt. These will be considered later in the report at Section 7.9 below.

7.3 Impact on Character and Street Scene

- 7.3.1 Policy CP1 of the Core Strategy seeks to promote development of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 7.3.2 Given the extent of the proposed extension of the curtilage and the existing site circumstances, the areas of hardstanding around the perimeter of the expanded residential curtilage including the increase in curtilage, would not have an adverse impact on the street scene and upon the rural character of the area.
- 7.3.3 Due to the siting of the pillars and gate they would only be visible from the service road on the close approach the site and would not be visible from wider public vantage points. The pillars and gate are of modest height. Amended plans were received during the application process to set these features further back within the site; with the highest features now set in 4.6 metres from the service road. Notwithstanding this, this part of Batchworth Heath is generally rural in character with trees, hedging, vegetation and timber post and rail fencing lining either side of the service road. The proposed gates and pillars, despite the increased setback distance, would introduce urbanising features to the site which would appear incongruous within the context of the rural character of this part of Batchworth Heath. As such, the development would be contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 of the Development Management Policies LDD.

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.4.2 Given the nature of the proposal and the location of the application site relative to surrounding neighbouring properties, it is not considered that the proposal would result in harm to the residential amenities of surrounding neighbouring amenity.

7.5 Amenity Space Provision for future occupants

- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD states that 'amenity space must be provided within the curtilage of all new residential developments'. The Design Criteria at Appendix 2 provides indicative levels of amenity space which should be attained as individual gardens.
- 7.5.2 The dwellinghouse contains 10 bedrooms which would require 231sqm of amenity space based on the indicative standards. The proposed development would enable the dwellinghouse to benefit from a private amenity space which would exceed the standards set out above. This includes usable space in the form of a formal lawn area measuring approximately 670sqm which would be sufficient for the occupants of the dwelling. The amenity space is acceptable in respect of providing a goods standard of external amenity space, enhancing the living conditions of the occupants.
- 7.6 Wildlife and Biodiversity
- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application. The site is not in or located adjacent to a designated wildlife site.
- 7.7 Trees and Landscaping
- 7.7.1 No trees would be affected as a result of the proposed development. The proposed development does include landscaping works including planting a new hedgerow. The application is supported by a Planting Schedule prepared by Tor & Co. dated July 2023 which provides details of the type of hedgerow and other soft landscaping to be planted. A condition is suggested the development to be implemented in accordance with these details.
- 7.8 Highways, Access and Parking
- 7.8.1 Policy CP10 of the Core Strategy (adopted October 2011) requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.
- 7.8.2 The proposed development would not increase the parking requirements for the dwelling. The dwelling originally approved contained 10 bedrooms – not including the annexe. The dwelling would continue to benefit from a large formal driveway to the front of the dwelling which would largely remain unchanged which would provide sufficient off-street parking provision in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.
- 7.9 'Very Special Circumstances'
- 7.9.1 Paragraph 148 of the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green

Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 7.9.2 Within this report it has been identified that the proposed gates and pillars would not fall within any of the exceptions listed within paragraph 149 and are therefore constitute inappropriate development. The gates and pillars also fail to preserve the openness of the Green Belt and introduce an incongruent form of development within the rural character of the area.
- 7.9.3 When considering whether any very special circumstances exist, the brick pillars are 2.1 metre high with the pillars which are 0.1m higher than what would otherwise be granted deemed planning permission under the Town and Country (General Permitted Development) Order 2015 (as amended) by Schedule 2, Part 2, Class A. Currently there are not controls restricting the applicant's ability to construct walls, gate, pillars or other means of enclosure under Permitted Development. Despite the identified harm arising from the proposed gates and pillars, it is considered that the fallback position should be given substantial weight as a material planning consideration. It is considered that the fallback positioned would amount to very special circumstances which outweighs the identified harm to the Green Belt through its inappropriateness, harm to openness and harm to the rural character of the area and therefore planning permission should be granted.

8 Recommendation

8.1 That **PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED** subject to the following conditions:

C1 Those parts of the development hereby permitted that have not yet been carried out shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TOR-1, TOR-2 REV-B, TOR-4 REV-A, Drwg. No.3 and 2440 01/002.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and the NPPF (2023).

C3 The proposed development hereby permitted shall be implemented in accordance with the Planting Schedule prepared by Tor & Co. dated July 2023 and the Landscape Proposals Plan referenced TOR-2 REV-B.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following completion of the development.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the Green Belt and wider rural area and to provide an adequate and appropriate defined boundary between the residential curtilage and the open countryside in accordance with Policies CP1 and CP12 of the

Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 The residential curtilage of the dwelling as shown outlined in red on Plan TOR-4 REV-A shall be implemented and maintained in terms of its location, depth and width in accordance with this plan.

Reason: To ensure that the land is satisfactorily maintained to restrict any encroachment into the adjacent field for residential use to prevent any unacceptable impact on the openness of the Green Belt including any conflict with the purpose of Green Belts, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C6 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class E - provision of any building or enclosure

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the Metropolitan Green Belt, in accordance with Policies CP1 CP11, and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project

by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

Making a Non-Material Amendment

Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary).

In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 14 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at www.nationalgrid.com or by contacting National Grid on 0800688588.