

The application was previously deferred for a site visit.

UTT/19/2159/FUL - HATFIELD HEATH

(Referred to Committee by Cllr Lemon. Reason: On the grounds of being in the Green Belt and the effect of the proposed development on the surrounding area and neighbour amenity.)

PROPOSAL: Section 73A Retrospective application for continued use of B2/B8 building, ancillary buildings and associated yard area.

LOCATION: Gladwyns Farm, Sheering Road, Hatfield Heath

APPLICANT: Mr Martin Liddell

AGENT: Mrs Rachel Bryan, Sworders

EXPIRY DATE: 28th October 2019 (Extension of time until 13th December 2019)

CASE OFFICER: Jonathan Doe

1. NOTATION

1.1 Metropolitan Green Belt

2. DESCRIPTION OF SITE

2.1 The site is in use by a business which repairs and re-paints coaches and commercial vehicles. The site is in the countryside, using a former agricultural building, located between Hatfield Heath to the east and Sheering to the west. The site is to the rear of a cluster of four dwellings.

2.2 The application site consists of a former agricultural building; an area in front of the building, to the southwest, used for parking, the siting of a portacabin type building and a paint store structure; and, the means of vehicular access to Sheering Road. The main building is a former Dutch barn with side extension. The main building is some 26m deep by some 16m wide and has a height to eaves level of some 7m. The portacabin type building is some 3m wide by 10m long. The paint store structure is 1.5m wide by 4m long and has a height of 2.6m.

2.3 To the north of the main building is a sugar beet or log storage clamp area and metal transport containers associated with the farm. Agricultural land is to the north and to the west. To the east are wooded grounds to Gladwyns, a three-storey house set to the south of the site. Gladwyns is a Listed Building. To the west of Gladwyns are two other residential properties, Oak Tree Barn and Coach House, and to the southwest of Gladwyns is Gladwyns Farmhouse. Just to the northeast of Gladwyns Farmhouse conversion of redundant agricultural outbuilding to a dwelling has recently been established to be Permitted Development (reference UTT/1737/11/FUL).

2.4 Vehicular access is on the northern side of Sheering Road, part of the B183.

3. PROPOSAL

- 3.1 Section 73A Retrospective application for continued use of B2/B8 building, ancillary buildings and associated yard area.
- 3.2 This application is for the continued use of B2/B8 building, ancillary buildings and associated yard area. The building itself and immediate curtilage benefits from planning consent for B2/B8 use, but ancillary buildings have been added since this consent was granted; hence the application is part retrospective.
- 3.3 The application seeks to regularise a situation whereby a business use has extended outside an existing building; the site where the business operates is now larger than the footprint of a building within which the original business operated.
- 3.4 There are three elements to the planning application: continued use of the building on the site; an enlarged site; and, two structures within the site as enlarged. With regard to the continued use of the main building planning permission, UTT/1323/10/FUL, already exists for the proposed use but subject to a condition that the premises, previously divided into unit 1 and unit 2, be used only for coach and commercial repairs in one unit and garden maintenance business in the other unit. The application seeks to regularise use of the whole building for commercial vehicle repair and re-painting. The scale of the enlarged site is discussed below and concluded that the enlargement is modest in size. The two structures relate to the retention of a portacabin type structure used as an office and a shed type structure used as a paint store.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

- 5.1 The application documentation includes a planning statement and a schedule of photographs of the site.
- 5.2 The planning statement makes a case that the application seeks what is essentially a modification of an existing planning permission for a B2, general industrial, and B8, storage and distribution use granted planning permission, UTT/1323/10/FUL, in 2010. The statement makes clear that the current application does not seek outside storage but that it does include the retention of the portacabin type building and the paint store structure. The statement points out that both these structures are relatively small, of a temporary nature and not visible from the public highway or adjoining properties. The agent's statement states that a condition could ensure removal of both structures if the use of the site as a whole were to cease.
- 5.3 The statement refers to how the applicant, DNS Commercials Ltd, comprises the business owner and eight employees, most of them local people from Hatfield Broad Oak, Takeley, Bishop's Stortford and Harlow. The business repairs coaches for several local companies.
- 5.4

The paint store is a requirement to satisfy health and safety requirements and the portacabin type building is used as an office located outside the main building in order to separate those working in the office from the repairing and spray painting

6. RELEVANT SITE HISTORY

- 6.1 UTT/1323/10/FUL - Retrospective change of use to B2 (general industrial) and B8 (storage and distribution) use – Approved with conditions 04.10.2010

7. POLICIES

Uttlesford Local Plan (2005)

S6 – Metropolitan Green Belt
GEN1 – Access
GEN2 – Design
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV11 – Noise Generators

Supplementary Planning Documents/Guidance

None

National Policies

National Planning Policy Guidance (NPPF) (February 2019)

Other Material Considerations

ECC Parking Standards
UDC Parking Standards

8. PARISH COUNCIL COMMENTS

- 8.1 The Parish Council met on 2nd October 2019 to consider this application. After consideration it was felt that the Council should object to the proposed development. This is due to the sensitivity of the site located within the Green Belt and on balance it was agreed that proposals would result in significant harm to the Green Belt.

9. CONSULTATIONS

Environmental Health

- 9.1 An email has been received stating that Environmental Health has no comment to make on this retrospective application. It may be that the paint spraying process operated by the company needs a permit from Environmental Health to control volatiles to the open air, depending on the amount of solvent used. Environmental Health will make enquiries of the company.

10. REPRESENTATIONS

- 10.1 A site notice was posted. 5 letters were sent to occupiers of neighbouring properties. 14 written representations have been received, 12 in support of the application and 2 (from a neighbour and a solicitor acting for that neighbour) objecting to the application.
- 10.2 A summary of representations received in support are as follows:
- Have lived near with no impact at all
 - In full support for the local business/employment opportunities and employment it creates
 - Staff use local shops/post office and cafes on a daily basis which is great in such a small village
- 10.3 A summary of representations received objecting are as follows:
- Disturbance from noise from early in the morning
 - Contrary to what expected of living in the countryside
 - The 2010 permission was made on the premise that the proposal was to ensure the continuation of two successful local businesses which operated from the site as well as the long-term viability of the farming enterprise through the additional rental income the buildings provided
 - Inappropriate in the Green Belt in policy terms as the new structures are not accepted to not reduce openness
 - It would appear that waste is being dealt with on-site
 - There are skips on site which should be removed
 - Work is not being carried out only within the building
 - Site being used in a way which neither prevents urban sprawl nor prevents a loss of openness to the Green Belt
 - Proposal is contrary to the Local Plan
 - Has an adverse impact on the surrounding area and views across the site
 - Noise, smell, dust and activity materially adversely affect the occupation and enjoyment of surrounding properties
 - Detrimental to highway safety and convenience of using vehicular access to two residential properties

11. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of the development within the Green Belt and the countryside, the effect of the proposal on the character and appearance of the area (Policy S6; NPPF)
- B Impact to neighbours (Policies GEN2, GEN4, GEN5 and ENV11)
- C Highway access and parking (Policies GEN1 and GEN8)

A The principle of the development within the Green Belt and the countryside, the effect of the proposal on the character and appearance of the area (Policies S6 and S7, NPPF)

- 11.1 The site, albeit technically in a smaller extent, is established as a commercial site. The existing planning permission restricted the extent of the site to the footprint of the former agricultural building. The current planning application relates to a site which has been defined as the footprint of the main building plus an irregular shaped area in front of the main building. The area in front of the main building is

14m wide by 4m deep, and then 8m wide, the same width as the main building, by 5m deep, then narrows in width until it becomes the vehicular access, which is some 3m wide. The total area of the site outside the building but excluding the vehicular access has been measured as some 540 sq m.

11.2 The building, which already has planning permission for a B2/B8 use has a gross internal floorspace of 490 sq m. The total gross new internal floorspace which has been created and for which planning permission is now sought is 36 sq m. This new floorspace relates to the retention of a portacabin building with a floorspace of 31 sq m and the retention of the paint store with an area of 4.8 sq m.

11.3 The site in general terms has planning permission, UTT/1323/10/FUL, for change of use to B2 (general industrial) and B8 (storage and distribution) use. The principle of such a use at this part of the countryside is therefore considered to be established. This element of the application is therefore considered to be acceptable.

11.4 With regard to the enlargement of the site, it is noted that planning permission UTT/1323/10/FUL has a condition requiring a plan to be submitted of parking spaces. It is considered implicit in such a requirement that it was always accepted that space outside the main building would be used in connection with a business use to some limited degree though only for parking provision.

11.5 The application seeks an enlargement of the red line site to regularise this aspect of what now occurs. This enlargement is modest in size given that it is essentially an open area. The main building has an area of some 117 sq m compared to the area outside the main building and within the main body of the red line site having an area of some 105 sq m.

11.6 The site is not a particularly isolated one. The site is less than a mile from the centre of Hatfield Heath as the crow flies and the same distance from the centre of Sheering. The planning statement refers to the site being within a reasonable walking distance of the bus stop in Sheering, via a pavement alongside the B183. It is clear from an examination of the written representations received in support of the planning application that members of staff at the premises have expressed support. It would appear that members of staff generally live locally. In terms of a sustainable location it is considered that no tenable reason for refusal exists.

11.7 With regard to the two structures for which planning permission is sought, the office portacabin and the paint store, Green Belt policy applies.

11.8 Policy S6 seeks to ensure that development permitted should preserve the openness of the Green Belt and its scale, design and siting should be such that the character of the countryside is not harmed. The NPPF states, at paragraph 133, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness within the NPPF but it is generally taken to be the absence of built form. Government guidance on Green Belt; published 22 July 2019 by the Ministry of Housing, Communities & Local Government; states that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume (Paragraph: 001 Reference ID: 64-001-20190722). In the particular case of this planning application there would effectively be no visual impact. The site is to the rear of a cluster of residential properties with treed grounds and outbuildings. The site is not visible from public

vantage. The site cannot be seen from the road which gives access to the site, the B183. The nearest other road is Sawbridge Road some third of a mile to the north from which the site is not seen. There is no public footpath or other rights of way nearby. The volume of the portacabin office and the paint store sum to some 108 cubic metres. This compares to the volume of the existing main building which is in the region of 2,940 cubic metres.

11.9

In the circumstances described above the proposal is considered acceptable with regard to Green Belt policy and, given that it protects the particular character of the part of the countryside in which it is set.

B

Impact to neighbours (Policies GEN2, GEN4, GEN5 and ENV11)

11.10

There are four residential properties to the south of the site: Gladwyns Farmhouse; Gladwyns; Coach House; and, Oak Tree Barn. Gladwyns Farmhouse is set closer to the road than the other properties such that the built forms of Coach House and of Oak Tree Barn are set between it and the site. It is considered that there would be no material adverse impact to the occupiers of Gladwyns Farmhouse. Gladwyns occupies mature grounds with a number of trees set between the rear elevation of the house and the site. Due to a combination of isolation distance and screening by vegetation, it is considered that no material adverse impact results to the occupiers of Gladwyns.

11.11

The two properties closest to the main building from which the business is operated are Oak Tree Barn and Coach House. Both these properties have a shared vehicular access running parallel with the vehicular access to the application site. From photographs submitted in relation to the planning application it can be seen that the portacabin, the main building and double decker buses parked outside the main building have been visible from the vehicular access running parallel to the vehicular access to the application site. However, the distance between the rear elevation of the nearest residential property, Coach House, and the southern boundary of the application site is some 35m. At this southern boundary of the application site is a close boarded fence of some 1.8m in height. There is Laurel bushes growing on the southern side of the fence and a line of conifers growing on the northern side of the fence.

11.12

Details within the correspondence in relation to this application suggest that a problem to neighbours came about some time ago in connection with a short term contract while another company was having a spray booth installed and sub-contracted a surge of work to the company at the application site. On balance, taking into account that the NPPF refers to the importance of building a strong, competitive economy and the importance of supporting a prosperous rural economy, it is considered that adverse impacts to neighbours are not to a degree that would reasonably justify refusal of this application.

11.13

Policy GEN2, at h), requires that development minimises the environmental impact on neighbouring properties by appropriate mitigating measures and Policy GEN4 requires that there be no material disturbance or nuisance to occupiers of surrounding properties. Policy ENV11 is specifically concerned with noise generating uses. It is considered reasonable and necessary to impose a condition to the hours of working at the site which carries over those imposed by planning permission UTT/1323/10/FUL; working hours of 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays. To accord with Policy GEN5 it is considered reasonable and necessary to impose a condition as per that of planning

- C permission UTT/1323/10/FUL that there be no floodlighting or other form of external lighting.

11.14

Highway access and parking (Policies GEN1 and GEN8)

- 11.15 The use as proposed would use an existing highway access and accordingly the application is acceptable with regard to Policy GEN1.

There is a large area of hardstanding in front of the building which appears in practice to be used in association with agriculture, particularly the storage clamp to the north of the main building. The reason in the main that the current application seeks an enlargement of the site is to regularise the inevitable need for the provision of parking. At the time of the site visit parking was adequate. Accordingly the proposal is considered acceptable with regard to Policy GEN8.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A In general terms the use is already established. The portacabin and paint store whilst moveable structures, are taken to be built form. However, their volume is minimal and cannot be seen. Notwithstanding that the site is within the Green Belt, the proposal is considered acceptable due to absence of visual impact to the general public.
- B The operation of the business is apparent when driving along a vehicular access to the two nearest residential properties. However, the built forms of these properties are set at least 30m from the site and accordingly the application is on balance considered acceptable with regard to impact to neighbours.
- C Highway access and parking provision are acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice unless agreed in writing by the local planning authority.

REASON: For the avoidance of doubt as to the scope of this planning permission and to facilitate the consideration of any change which must be agreed in advance in writing by the local planning authority.

2. The site shall be used for coach and commercial repairs and for no other purpose (including any other purposes in Class B8 or B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: In the interests of amenity and to ensure the development is compatible with the character of the surrounding area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-

enacting that Order with or without modification) no extension or alteration shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site whether externally or internally without the prior written permission of the local planning authority.

REASON: In the interests of the rural character of the area and to protect the openness of this Green Belt location in accordance with Policies S6 and S7 of the adopted Local Plan.

4. The use of the premises shall be restricted to the hours of 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 on Saturdays and at no times on Sundays and Public Holidays.

REASON: In the interest of the residential amenity of occupiers of neighbouring properties in accordance with Policies GEN2 and GEN4 of the adopted Local Plan.

5. No processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the building shown as unit 1 on the 1:500 block plan to drawing no. 219238 PL 001 revision A as hereby permitted.

REASON: In the interest of the residential amenity of occupiers of neighbouring properties in accordance with Policies GEN2 and GEN4 of the adopted Local Plan.

6. There shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description on any part of the site without the prior written consent of the local planning authority prior to the commencement of the development.

REASON: To prevent harm to the character and amenity of the area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the premises as permitted shall only be used for the light industrial activity hereby permitted and shall not be converted to any separate storage or warehouse use unconnected to the permitted activity.

REASON: To prevent harm to the character and amenity of the area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

8. Outside the permitted hours specified above there shall be no vehicles parked outside the building.

REASON: To protect the character of the area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no fence, gate or wall shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

REASON: To ensure the development is in accordance with the character of its surroundings in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

10.

There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: To ensure the development does not adversely affect the rural character of the area or the residential amenity of occupiers of neighbouring properties in accordance with Policies S6, S7, GEN2, GEN4 and GEN4 of the adopted Local Plan.



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