

MUCH HADHAM PARISH COUNCIL

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Notice is hereby given that the meeting of the Much Hadham Parish Council **Planning Committee** will be held on **Tuesday, 16 April 2019**, in the **Pavilion**, for the purpose of transacting the business set out in the Agenda below, and you are hereby summoned to attend.

FMForth
Fiona Forth
Clerk of the Council

11 April 2019

A G E N D A

- 19/45. Apologies for absence
- 19/46. Declarations of Interest
- 19/47. Chair's announcements
- 19/48. Minutes of the last meeting held on 2 April 2019
- 19/49. Reports on outstanding matters
- 19/50. Decisions issued by East Herts Council:
 - (i) Permissions granted:
3/19/0297/HH - Proposed garage conversion, replace garage door with new front window, 1 new rear velux roof window opening at Tanglewood Widford Road Much Hadham
 - (ii) Permission refused:
None
 - (iii) Application withdrawn:
None
- 19/51. Planning enforcement
- 19/52. Residents' comments on current planning applications
- 19/53. Planning appeals
To consider the Parish Council's response to the following planning appeal:
3/18/1457/FUL - Use of land for the siting of a mobile home to provide accommodation for an agricultural worker (retrospective) Land North Of New Barns Lane Much Hadham Hertfordshire

19/54. Current Planning Applications for Committee to consider:

3/19/0621/HH - Installation of 3 skylights in west elevation roof space at Newtons Church Lane Much Hadham

3/19/0630/HH - Demolition of black feather edge stable block and sheds, and construction of new 1 bed annex at 15 Windmill Way Much Hadham

3/19/0670/VAR - Variation of Condition 17 (approved drawings) of LPA ref: 3/17/2723/FUL - (Change of use of Barn 1 from a builders office, store and joinery workshop (B1) to B1 offices and classic car storage on the ground floor, plus 10no. B1 craft units/offices above; erection of a replacement link extension between Barn 1 and Barn 2 to be used in association with the existing car restoration business operating from Barn 2; erection of a link extension between Barn 2 and Barn 3 to be used as four B1 workshop units; change of use of Barn 3 from agricultural use to six B1 workshops; change of use and extension of existing stores along the southern site boundary to create three B1 workshops; change of use of the eastern part of the site from agricultural to car parking): In order to approve the following alterations: Relocation of cycle storage; Omission of new access road in front of Barn 1; Relocation of entrance to unit 10; Alteration to external cladding; Fenestration alterations to front of Barn 1 and 1A; Shingle to rear car park; Internal fenestration alterations to Barn 1 and Barn 3; Fire escape door added to Barn 1; Doors to units 13-15 shown with 180 degree swing at Warren Farm Green Tye Much Hadham

3/19/0671/FUL - Demolition of detached garage and erection of 1 detached four bedroom dwelling with basement and new vehicle access/crossover at The Old Nurseries Widford Road Much Hadham

3/19/0692/HH - Demolition of conservatory and part single storey rear extension; first floor juliet balcony with changes to fenestration at Bucklers Croft Bucklers Hall Road Perry Green Much Hadham

19/55. Confirmation of date of next meeting – **Monday** 13th May 2019 – Much Hadham Village Hall, Green Room

- East Hert's Planning Enforcement have visited the Foxglove Barn site and are now working with the owner regarding the use of the land in question; and
- there is still no outcome from the judicial review in relation to Great Hadham Golf and Country Club.

19/50. DECISIONS ISSUED BY EAST HERTS COUNCIL

(i) Permissions granted:

3/19/0297/HH - Proposed garage conversion, replace garage door with new front window, 1 new rear velux roof window opening at Tanglewood Widford Road Much Hadham

(ii) Permissions refused:

None.

(iii) Applications withdrawn:

None.

19/51. PLANNING ENFORCEMENT

Covered as part of outstanding matters above (ref: 19/49).

19/52. RESIDENTS' COMMENTS ON CURRENT PLANNING APPLICATIONS AND APPEALS

None.

19/53. PLANNING APPEALS

3/18/1457/FUL - Use of land for the siting of a mobile home to provide accommodation for an agricultural worker (retrospective) Land North Of New Barns Lane Much Hadham Hertfordshire

Cllr I Hunt reminded those present that the Planning Committee had been unable to consider this appeal at the last meeting as the applicant's statement of reasons were not available. Once these reasons were available, it was a two-day time frame in order to make a submission and hence the proposed submission, circulated with the agenda, was made by him in a personal capacity whilst equally outlining why.

Following discussion, it was agreed to adopt this as the Parish Council's submission – detailed in Appendix A. The Clerk was asked to submit to the Planning Inspectorate accordingly.

Upcoming appeals

The Clerk highlighted that a further two appeals are on East Hert's Planning portal but no official notifications have been received. These are appeals against refusal of planning permission in respect of:

- erection of detached residential dwelling and two new vehicular accesses at land adjacent to 24 Windmill Way; and
- change of use of existing outbuildings to dog grooming business with parking area at The Lordship.

19/54. CURRENT PLANNING APPLICATIONS CONSIDERED

(i) Support given to the following applications:

3/19/0630/HH - Demolition of black feather edge stable block and sheds, and construction of new 1 bed annex at 15 Windmill Way Much Hadham

Support subject to adequate parking provision.

Vote: all Cllrs present voted to support this application.

3/19/0692/HH - Demolition of conservatory and part single storey rear extension; first floor juliet balcony with changes to fenestration at Bucklers Croft Bucklers Hall Road Perry Green Much Hadham

Vote: all Cllrs present voted to support this application.

(ii) Objections raised on the following applications:

3/19/0671/FUL - Demolition of detached garage and erection of 1 detached four bedroom dwelling with basement and new vehicle access/crossover at The Old Nurseries Widford Road Much Hadham

Objection on the basis that the proposed house straddles the village boundary (this breach, without exceptional circumstances being made, should have been identified at the first application) and this subsequent amendment would unnecessarily extend that portion of the house lying in the rural area beyond the green belt.

Vote: all Cllrs present voted to object to this application.

(iii) Neutral view on the following application:

3/19/0670/VAR - Variation of Condition 17 (approved drawings) of LPA ref:
3/17/2723/FUL - (Change of use of Barn 1 from a builders office, store and joinery workshop (B1) to B1 offices and classic car storage on the ground floor, plus 10no. B1 craft units/offices above; erection of a replacement link extension between Barn 1 and Barn 2 to be used in association with the existing car restoration business operating from Barn 2; erection of a link extension between Barn 2 and Barn 3 to be used as four B1 workshop units; change of use of Barn 3 from agricultural use to six B1 workshops; change of use and extension of existing stores along the southern site boundary to create three B1 workshops; change of use of the eastern part of the site from agricultural to car parking): In order to approve the following alterations:
Relocation of cycle storage; Omission of new access road in front of Barn 1;
Relocation of entrance to unit 10; Alteration to external cladding; Fenestration alterations to front of Barn 1 and 1A; Shingle to rear car park; Internal fenestration alterations to Barn 1 and Barn 3; Fire escape door added to Barn 1; Doors to units 13-15 shown with 180 degree swing at Warren Farm Green Tye Much Hadham

Vote: all Cllrs present voted to be neutral on this application.

19/55. DATE OF NEXT MEETING

Monday, 13th May 2019, in the Much Hadham Village Hall, Green Room, following the close of the Much Hadham Parish Council meeting.

There being no further business the meeting closed at 8:00 pm

Appeal Reference: APP/J1915/W/19/3219662

3/18/1457/FUL | Use of land for the siting of a mobile home to provide accommodation for an agricultural worker (retrospective) | Land North Of New Barns Lane Much Hadham Hertfordshire SG10 6HH

[Due to a clerical error at the LPA, the Statement of Case for the Appeal was not made available to the public until 3 April, just two days before the deadline for Interested Party comments to be submitted to the Planning Inspector. This was too late for Much Hadham Parish Council to convene a meeting of its planning committee to consider its response so this submission is made by Cllr Ian Hunt in his capacity as a resident, with the expectation that the planning committee will adopt it at its next public meeting.]

This paper has been prepared in response to the notice of 21 March 2019 advising that an Inspector will hold an Informal Hearing on 29th May 2019 to consider the applicant's appeal against the refusal of planning permission.

In addition to comments already submitted, interested members of the public may attend the hearing and, with the agreement of the Inspector, will be allowed to give their views. It is intended that the contents of this paper are provided to the Inspector either as a written submission or orally on behalf of the Parish Council.

Much Hadham Parish Council objected to this application when it was submitted and supports the decision of the planning officer to refuse permission. It is assumed that the PC's original objection was among the papers provided to the Inspector and, therefore, the arguments will not be repeated here.

However, now that the grounds for appeal are known, additional rebuttal evidence should be presented to the Inspector.

Background

Before considering that evidence in detail, it is important to appreciate that the two-bedroom cabin (as it is described in the application) was installed on this site and a garden area fenced in November 2017, long before the proposal for an alpaca enterprise was submitted. In retrospective application 3/17/2833, the applicant submitted a justification statement which referenced plans to diversify the existing arable activities. A suitably qualified individual had been recruited and this was the only way of providing affordable accommodation, it was said. There was passing reference to the possibility of adding traditional livestock farming to the overall business activities but no mention of alpaca breeding.

That application was rejected. Agricultural necessity for the proposed dwelling had not been demonstrated in this location and, by reason of its nature and siting, the cabin would be unduly intrusive and detrimental to the open character of the locality.

It is unfortunate that enforcement action was not then taken, restoring the site to its previous condition. Instead this application was submitted.

Whatever was the intended justification for the siting of the cabin in meeting the requirements of the business in 2017, those requirements have now gone and its siting is no longer justified by the business reasons originally presented.

Special Residential Uses

The Statement of Common Ground curiously overlooks the LPA's stated position on mobile homes in para 14.5.1 of the district plan: "Applications for planning permission are sometimes received by the Council for a number of special residential uses, such as caravans, mobile homes, houseboats and other residential institutions. All of these uses will be considered as though they were for normal residential building and the policies relating to residential development will apply."

As the district plan has no policy for temporary accommodation for rural workers, this would seem to be a most relevant statement. If the policies relating to residential development in GBR2 and elsewhere are to be applied, then clearly this application fails. This consideration ought to be explicitly addressed.

PPS 7 Sustainable Development in Rural Areas, Annex A

Notwithstanding the previous point, it is common ground between the applicant and the planning authority that PPS 7 Sustainable Development in Rural Areas, Annex A is a useful framework against which to assess the merits of applications for temporary rural accommodation. However, in the Statement of Common Ground there are omissions of relevant considerations from Annex A and the reasons as to why the LPA consider that certain tests are not met are also left unstated. Some of these omissions are addressed here as we consider each of the tests in paragraph 12 in turn:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);

The intention of the investment in a mobile home, when it was made, was not to support an alpaca breeding programme. The investment in the mobile home and the recruitment of an arable specialist were made well in advance of any consideration of an alpaca venture and so should be discounted as evidence of intention. The temporary allocation of an existing asset to a speculative venture is not evidence of a firm intention.

No other obvious investment has been made e.g. in shelters, paddock fencing, livestock, recruitment of expertise and so forth. It appears that the only investment has been in commissioning an appraisal report, which is not evidence of intention and ability.

(ii) functional need

It is accepted that it is essential for the proper functioning of the alpaca farm that a worker be readily available at most times, for animal welfare reasons. However, it is not demonstrated that this needs to be provided from the highest, most visible location on the earmarked land.

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;

The Agricultural Appraisal Report of June 2018 including the financial report does not appear to be in the public domain so no comment is made on whether or not this need is met. However, it is claimed that over the 1200ha of the estate, only these 2.5ha are available for pasture. It has not been demonstrated that to make use of it in a profitable way, alpaca farming - which the applicant has no experience of nor has invested in suitable fixed and mobile assets – is a necessity. The lower risk usage for the pasture

would be more traditional livestock with less demanding welfare needs. This would intuitively seem to offer a sounder financial basis for the use of this land.

- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;**

The applicant admits that there are several other estate workers homes but it seems that priority has been given to making these available to support other activities. If housing resource is scarce, then the applicant needs to allocate what is available according to business priorities. The lack of available accommodation on the estate simply reflects allocation decisions the applicant has taken previously. It should not be for the rural countryside to be blighted with the consequences of failing to prioritise alpaca farming in those decisions. As no investment has yet been made in the alpaca enterprise and there is no pressing need for it, the applicant should wait for nearby accommodation on the estate e.g. on Bromley Lane to become available first.

- (v) other normal planning requirements e.g. on siting and access, are satisfied.**

The LPA's decision to refuse permission made the case that several planning policies had not been met. Since then, the 2018 district plan has been adopted. GBR 2 is the starting point for residential development in the rural area and its exceptions not met in this case. Contrary to DES1, damage to the landscape character is a given as the mobile home is located at the highest point of the surrounding land and is thus intrusive. Facing north, the observer's view of sweeping, unbroken countryside is now spoilt by a factory-assembled lodge and an anomalous fenced garden space.

Other Matters

In the Statement of Case, paragraph 4.7, the applicant expresses a clear intention to replace the cabin with a permanent dwelling after 3 years funded by the surplus from the business. It should be made clear now that a permanent dwelling will not be permitted. Paragraph 13 of Annex A: "If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 (*i.e. similar to those above*) are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling." (*Emphasis added.*)

From this the applicant should recognise that the lifespan of this venture, if the functional need test is to be met, is 3 years (or a maximum of 6 years if an extension to any temporary permission were to be granted) as after that period there is no scope for permanent onsite accommodation under the district plan policies for residential accommodation in the rural area beyond the green belt.

Conclusion

It is difficult to conclude anything other than that the physical presence of the mobile home is now being used to justify an alpaca venture and not the other way around, as an alpaca business at that location would be one of the very few agricultural activities that could enable the functional need test to be argued. However, the other tests in the PPS are not met (or in the case of the financial test, not evident) so the balance of the decision weighs heavily against approval.

Ian Hunt

5 April 2019

Decision to approve this submission made at the Much Hadham Parish Council Planning Committee meeting 16th April 2019.