

East Herts Council
via Planning Portal



26th October 2023

To Whom it May Concern

Application for retrospective planning permission for the erection of a workshop, laying of hardstanding and change of use of land from former agricultural land to residential curtilage on land adjacent to Little Croft, Ermine Street, Colliers End, Ware, Hertfordshire SG11 1EH

We have been instructed by our clients, [REDACTED] who reside at the above address to apply for retrospective planning permission for the erection of a workshop with associated hardstanding for use in association with the applicant's hobby of collecting and restoring vintage cars.

Site Context & Background

The application site is an area of former, surplus farmland to the rear of the applicant's home. It was until recently owned by a local farmer but was offered for sale as it was no longer in active farm use (i.e., was never cultivated) and was only used for storing farm equipment.

In advance of the transfer of title, the applicant came to an agreement with the former owner to use this land for the storage of materials and equipment being used in association with the remodelling of their dwelling. However, planning difficulties placed the build on hold and as such the temporary storage of materials extended longer than originally anticipated.

In connection, and whilst the transfer of land was going through, the applicant agreed with the farmer to erect a workshop to the west of the land, immediately adjacent to the boundary of the residential curtilage already owned by the applicant but unfortunately without the benefit of planning permission.

Enforcement enquiries within the residential curtilage led the Council to question the planning position of this workshop and have agreed that the applicant is able to submit a retrospective planning application to seek to regularise the position prior to any further action being undertaken.

The Proposed Development

The workshop has been built on the west of the surplus land, in the applicant's residential curtilage, on land which was formerly used as farm storage and accommodated redundant wooden telephone poles.

The workshop comprises a main structure, split into two interconnecting sections comprising shelving and storage of tools in the smallest section, to the workshop area which has been fitted out to enable work on automobiles. The enclosed workshop building measures circa 107 sqm and at its highest point measures 4m.

Two 'canopies' are connected to the main workshop on either side, at a lower level (2.76m) which take the form of 'lean-tos' which cover an area of 48.33 sqm to the east and 36.73 sqm to the west.

The overall footprint of the structure measures 6m x 18.9m (113 sqm), which in the setting of the wider site area of 4,014 sqm, only represents 2% of built form.

Loose Hardcore has been laid around the perimeter of the workshop to create a level and mud free access to the workshop, covering an area of 452 sqm.

The remainder of the site (3343 sqm) has been left as vacant grass and shrub land (as it was previously). As mentioned above this area is currently but temporarily being used to store materials and equipment being used in association with the remodelling of the applicant's house. But the applicant is willing to ensure that this area is clear of materials etc and would accept a condition to that effect to provide the local planning authority with security in this regard.

There is historical evidence of dirt being piled on the site, but this was not in the applicant's control as the site was purchased in this position.

The site does not have a separate vehicular entrance. Entrance to the site is via a gate to the south of the applicant's garden.

Design & Materials

The workshop has been constructed in materials which are sympathetic and surrounding development – slatted wood with a mixture of corrugated steel roof and felt membrane.

The lean-tos are timber framed with similar roofs to the main structure but without side panels. They have also been built in this way to lessen the overall built form within this rural location.

The hardstanding is porous hardcore.

Accordingly, the proposed materials ensure that the structure blends into the site particularly when viewed against the background of the applicant's outbuildings which have been constructed using a similar style (colour and materials). This ensures that the

visual impact of the structure would be imperceptible when viewed from a long distance and thus would ensure that the proposal would not result in any demonstrable visual impact on the openness of the Green Belt.

Relevant Development Plan policies and national Planning Policy and Guidance

The Development Plan for the District of East Hertfordshire comprise: County Council's Minerals Local Plan 2007, Waste Core Strategy and Development Management Policies DPD 2012; Waste Site Allocations Document 2014; the adopted East Herts District Plan 2018.

National Planning Policy is set out in the National Planning Policy Framework (NPPF) 2023 and the National Planning Practice Guidance (NPPG).

The site is located just inside the allocation Rural Area Beyond the Green Belt which is covered by Policy GBR2. This policy allows for certain types of development. This includes buildings provided that the size, scale, mass, form, siting, design and materials construction are appropriate to the character, appearance and setting of the site and / or surroundings.

Colliers End is identified as a Group 2 Village where limited infill development together with small-scale employment, leisure, recreation and community facilities be permitted subject to certain design criteria and other policies within the Local Plan. The design criteria include the following:

- Relate well to the village in terms of location, layout and connectivity.
- Be of a scale appropriate to the size of the village.
- Be well designed and in keeping with the character of the village.
- Not represent the loss of significant open space or gap important to the form and/or setting of the village.
- Not unacceptably block important views or vistas and or detract from openness of the countryside.
- Not be significantly detrimental to the amenity of neighbouring occupiers.

Another key policy is Policy DES4 Design of Development which requires all development proposals, including extensions to existing buildings to be of high standard of design and layout to reflect and promote local distinctiveness. One of the individual requirements within this policy is to make the best possible use of available land and to incorporate homes and buildings that are flexible to future adaptation, including the changing needs of occupants and users. This policy also requires developments to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and ensure that their environments are not harmed by noise and disturbance.

Planning Justification

It is acknowledged that the site lies within the Rural Area Beyond the Green Belt and as such this area forms an important part of the character of the District. However, Policy

GBR2 does allow for limited development within this area and so is not as sacrosanct as development within the Green Belt would be.

Whilst the proposal does not fall neatly within any of the definitions of compatible development identified within Policy GBR2, the structure complies with the majority of provisions behind each criteria of this policy.

The building does facilities a recreation activity, and is of an appropriate size, scale, mass, form, siting, design and materials are appropriate to the character, appearance and setting of the site and/or surrounding areas. The site is also redundant and will not be used for any other purpose.

Moreover, the location of the site is critical to its proposed use. There is a clear need for the workshop to be within close proximity of the applicant's existing outbuilding which is required for the secure storage of the valuable cars as explained further below.

The applicant has a long-standing hobby of the restoration of classic and vintage cars. These cars are extremely valuable and as such need to be securely stored. To this end, the applicant has erected an outbuilding within his residential curtilage to store the cars when restoration is complete. However, this garage is at capacity in terms of car storage so has no space for the restoration side of the applicant's hobby.

The sale of the land immediately to the rear of the applicant's land provided opportunity to provide additional space for the erection of a workshop that could be used in association with this hobby. However, he was not aware that the erection of this workshop would not be covered under permitted development rights and that the use of the land as an extension of his residential curtilage would require a change of use in the land.

Notwithstanding, the land is currently vacant, underused grassland. However, the design of the outbuilding, including the materials used, ensure that the building is in keeping with the character of its rural setting and also would not cause any demonstrable visual impact if viewed from a distance, given that it has been designed in similar materials to the neighbouring outbuildings that are located within the applicant's site.

Furthermore, the location of the workshop would ensure that the sometimes-noisy restoration work is undertaken as far away from neighbouring properties as possible to reduce any propensity for disturbance and harm to the amenity of adjacent properties.

It is also considered that the grant of planning permission for this workshop would enable the Council to include conditions that would require the overall visual improvement to this surplus land including the removal and cessation of the storage of materials and equipment. This could include boundary landscaping that would improve the visual appearance of the wider site from longer distance views, thus providing an overall benefit to the quality and visual appearance of this part of the Green Belt.

Accordingly, it is considered that the proposal fully adheres to the provisions of Policy DES4 in that the proposal is making the best possible use of the available land by respecting and improving the character of the site and the surrounding area, would avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and would ensure that their environments are not harmed by noise and disturbance. This should be considered as a significant positive benefit of the proposal.

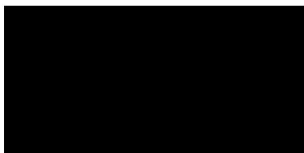
The proposal also enables the opportunity to enhance the biodiversity of the site, through the future conditional control of the land to not be used for the storage of any equipment or materials. The proposal also enables the ability of the applicant to provide mitigation measures in the form of additional planting that would improve the habitat of the wider site, which could be conditioned upon the grant of planning permission.

The applicant is also aware of a considerably sized development that has been permitted within a similar location within this village setting. However, the scale of the development granted planning permission under LPA Reference 3/16/2847/FUL (at 1,769 sqm) with extensive ancillary built form including hard landscaping, car parking areas and access roads) is considerably in-excess of the development proposed within this application. Yet the Council granted (against officer's recommendation) to grant this permission. It would therefore be perverse to consider this minor development to be contrary to policy.

It is therefore considered that conditional retrospective planning permission should be granted for this development.

Should you need any further clarification on any of the above, please contact the undersigned.

Yours Sincerely



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