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Planning and Economic Development

Dr R Ramani
Well End Lodge
Well End Road
Borehamwood
Hertfordshire
WD6 5PR

Your Ref: N/A
Our Ref: 23/0090/PA
Contact: James Wells
Tel no: 0208 207 2277 Ext 5205
Email: james.wells@hertsmere.gov.uk
Fax: N/A
Date: 28 December 2023

Dear Dr Ramani

TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 23/0090/PA

**Site Location: Well End Lodge, Well End Road, Borehamwood, Hertfordshire
WD6 5PR**

Description: Erection of 3 single storey detached outbuildings to include swimming pool, home office and garden store. (Pre-Application advice)

Please find attached a detailed report in response to your request for pre-application advice.

Yours faithfully

James Wells – Senior Planning Officer

Pre-Application Advice Report

James Wells

Reference Number: 23/0090/PA

Site Address: Well End Lodge, Well End Road, Borehamwood, Hertfordshire
WD6 5PR

DATE OF APPLICATION: 18 October 2023

WARD Shenley

GREEN BELT: Yes

CONSERVATION AREA: No

LISTED BUILDING: Locally Listed

TREE PRES. ORDER: No

Proposal: Erection of 3 single storey detached outbuildings to include swimming pool, home office and garden store. (Pre-Application advice)

Application Site and Surrounding Area

The approximately 0.53 Ha application site is located on the west side of Well End Road, opposite its junction with Buckettsland Lane. It comprises a large, generally open plot of land, located in the Green Belt with trees and landscaping around much of the site perimeter. It is occupied by a two storey, detached dwelling located towards the south of the site, which is a Locally Listed Building, and has a garden that wraps around the entire building. The site also contains two outbuildings located towards the north of the site. The site has two access points off Well End Road that provide vehicular and pedestrian access, one located at the southern end of the site and one at the northern end.

The existing, detached dwelling has its main entrance door to the side of the house in the south elevation. There is also a door in the north elevation. While the east (front) elevation does not contain any entrance doors, for the purposes of the assessment below, it is considered to be the principal elevation because it is wider than the side elevations and includes 6 large windows which appear to be important architectural features of the house.

The surrounding area is generally open, agricultural land, located in the Green Belt and open countryside. There are some, mainly detached agricultural and commercial buildings immediately to the north of the site, further to the north of the site and to the north-east of the junction of Well End Road and Buckettsland Lane.

Key Characteristics

Site Area	N/A
Density	N/A
Mix	N/A

Dimensions	<u>Swimming Pool building</u> Width – 20m Depth – 10m Height – 4m Height to eaves – 2.5m <u>Home Office</u> Width – 11.5m Depth – 11.5m Height – 4m Height to eaves – 2.5m <u>Garden Store</u> Width – 8m Depth – 8m Height – 4m Height to eaves – 2.5m
Numbers of Car Parking Spaces	N/A

Relevant Planning History:

Reference number	Description	Outcome and date
15/0056/APP	Appeal: Retrospective application for erection of rear conservatory.	Appeal Dismissed 22 December 2015
18/0004/APP	Appeal: Appeal against Enforcement notice dated 4 August 2017 - Without planning permission, the erection of a rear conservatory to dwelling house ('unauthorised development')	Appeal Dismissed 2 October 2018
15/1099/HSE	Retrospective application for erection of rear conservatory.	Refuse Permission 24 August 2015
16/0159/HSE	Erection of rear conservatory.	Grant Permission 7 March 2016
22/1122/CLP	Single storey side extension. Certificate of Lawful Development (Proposed).	Grant Lawful Certificate (Proposed Dev) 22 August 2022
22/1126/PD42	Single storey rear extension. Depth: 8.0m, Height: 3.7m, Eaves: 3.0m.	PD42 - Prior Approval not required 11 August 2022
22/1542/CLP	Erection of 3 single storey outbuildings within the curtilage of the existing	Refuse to Grant Certificate 2 November 2022

	dwelling house, to include swimming pool, home office and fitness studio. Certificate of Lawful Development (Proposed).	
23/0008/CLP	Construction of 3x outbuildings ancillary to main dwelling, to include pool building, home gym and office and garden store. Certificate of Lawful Development (Proposed).	Refuse to Grant Certificate 24 February 2023
23/1203/CLP	Erection of 3 x single storey detached outbuildings. Certificate of Lawful Development (Proposed).	Refuse to Grant Certificate 17 October 2023
23/1591/CLP	Construction of 3x single storey outbuildings ancillary to main dwelling to include swimming pool, home office/gym and garden store. Certificate of Lawful Development (Proposed).	Pending Consideration
TP/68/2194	CEDARWOOD DOUBLE GARAGE	Approval 19 August 1968

Of particular note is application ref 22/1542/CLP, which was considered in 2022. The application proposed the erection of three outbuildings which would be used a pool house (with associated facilities), a home office/games area and a garden store/pilates/yoga area. The footprint of the proposed outbuildings were as follows:

- Pool house - 399m²
- Home offices/games area – 410.75m²
- Garden store/pilates/yoga – 156.57m²

The combined footprint of the proposed outbuildings was just over 966m². The proposed outbuildings would be approximately 5 times larger than the footprint of the existing dwelling, occupying over 18% of the 0.53ha application site, significantly more than the 7.5% of the application site proposed in the current application. The proposed outbuildings were, by their scale, not considered to be incidental to the enjoyment of the main dwelling house and the application was refused.

Policy Designation

Green Belt and Locally Listed building

Relevant Planning Regulations

- Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- Permitted development rights for householders - Technical Guidance (September 2019)
- Planning Policy Guidance – Lawful Development Certificates (Online, accessed 27/12/2023)

The following is a list of the documents that the Council has received from you in relation to this pre-application enquiry.

- Application Form;
- Pre-app Supporting Statement;
- Site Location Plan;
- Site Photographs A;
- Site Photographs;
- Existing Site and Block Plan;
- Proposed Garden Store Floor Roof Plans;
- Proposed Home Office and Gym Floor Roof Plans;
- Proposed Swimming Pool Outbuilding Floor Roof Plans;
- Proposed Site and Block Plan;

Key Issues

The proposed development raises the following key issue, do the proposed outbuildings constitute development permitted by Class E (c), Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Comments

The applicant has submitted a Pre-application Supporting Statement which includes the following text.

“INTRODUCTION

This is an application for a Certificate of Lawful Development (Proposed)

This statement provides a brief description of the site and the proposal. It also demonstrates that the proposed development satisfies all of the requirements and conditions of Schedule 2, Part 1, Class E of the GPDO.

This statement should be read alongside the plans and drawings.

THE EXISTING SITE & BUILDINGS

The site is located in the east of England in Hertsmere, within Well End and falls within the Shenley ward. There is a two-storey detached family dwelling on the site. The site has two primary access points off Well End Road for both vehicular and pedestrian access.

THE PROPOSED PERMITTED DEVELOPMENT CLASS

Schedule 2, Part 1, Class E building within the curtilage of the dwellinghouse.

THE PROPOSAL

The proposed permitted development for three new single storey outbuildings all of which are within the curtilage of the existing dwellinghouse and are incidental to the enjoyment of the main dwelling.

THE USE

No change. The existing use is residential C3.

ACCESS

No change. The existing access onto the site is off Well End Road. The site has 2no existing access points from the main road.

STATEMENT IN SUPPORT OF APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE

All of the proposed outbuildings are within the curtilage of the dwellinghouse and would not infringe any of the requirements of the GPDO as demonstrated below.

CLASS E: The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

E1

The proposed new outbuildings are Permitted Development for the reasons set out below:

(a) The permission to use the dwellinghouse as a dwellinghouse was not granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

(c) The proposed outbuilding will not be situated on land forward of a wall forming the principle elevation of the original dwellinghouse. (i.e. it will not be in front of the dwelling)

(d) The proposed outbuilding will not have more than one storey.

(e) The proposed outbuilding height will not exceed 4 metres (with dual pitched/hipped roof) and it is situated further than 2 metres of the boundary of the curtilage of the dwellinghouse.

(f) The proposed outbuilding eaves height will not exceed 2.5 metres.

(g) The proposed outbuilding is not situated within the curtilage of a listed building.

(h) The proposed outbuilding does not include the construction or provision of a veranda, balcony or raised platform.

(i) The proposed outbuilding does not involve the creation of a new dwelling nor the installation of any microwave antenna/satellite dish.

(j) The proposed garden building does not involve a container.

(k) The building has not been built under Part 20 of the Schedule.

E2

The dwellinghouse is not located in a Conservation Area, a World Heritage Site, a National Park, ANOB or the Broads.

E3

The dwellinghouse is not located on article 2(3) land.

CONCLUSION

The analysis above conclusively demonstrates that the proposed outbuildings constitute permitted development under the requirements and conditions of the General Permitted Development Order, Schedule 2, Part 1, Class E.”

END OF PRE-APP SUPPORTING STATEMENT TEXT

Officer Comments

The proposed swimming pool building appears to be situated on land forward of a wall forming the principal elevation of the original dwellinghouse and therefore is not development permitted by Class E (c), Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, an application for a Certificate of Lawful Development (Proposed) would likely be refused on these grounds.

While the intended uses of the outbuildings could in theory be considered incidental to the enjoyment of the dwellinghouse, the activities made possible by the proposed outbuildings are not considered to require such large outbuildings. The swimming pool building includes a 12m x 5m pool, a spa and sauna, steam and 2 x changing rooms. The home office/gym includes desks, tables and chairs that appear to be able to accommodate up to 16 people and gym equipment that could accommodate more people than would be expected for the incidental domestic requirements of a

family. Officers' consider that an incidental domestic need for any outbuildings of this scale for the occupiers of a single dwellinghouse has not been demonstrated.

It has not been demonstrated that the outbuildings would be solely for the applicants' family's personal use. Given this, taking into account paragraph E.4 of Class E (Interpretation) and in view of the above, it is considered that the development as proposed cannot be considered to be for a "purpose incidental to the enjoyment of the dwellinghouse as such", as is required in order for the proposal to be permitted by Class E.

Overall, by virtue of the scale, of the outbuildings, being comparable to the size of the existing property and the intensification of their use of the site, cumulatively, it is considered the proposal would result in an unbalanced relationship between the main dwellinghouse and the proposed outbuildings and would not be for a purpose incidental to the enjoyment of the main dwellinghouse.

The applicant is advised to consider the assessment by officers in relation to the previous lawful development certificate applications at the subject site for outbuildings under permitted development (please see the planning history above). The assessment is set out by the delegated reports accompanying these applications, which are publicly available on our website. Here, detailed consideration is given to both case law and appeal decisions which are considered to support the view expressed within this report.

Conclusion

The proposed development is considered to fail to satisfy the criteria contained in Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed outbuildings would not be incidental to the enjoyment of the main dwelling due to their scale. The activities made possible by the proposals are not considered to require such large outbuildings. Accordingly, a future application for a Certificate of Lawful Development (Proposed) is likely to be recommended for refusal.

Subject to details, outbuildings that are significantly smaller than the proposed outbuildings may be considered incidental to the enjoyment of the main dwelling.

An alternative approach could be to submit an application for planning permission for the proposed outbuildings. However, national and local planning policy seeks to prevent "inappropriate" development in the Green Belt, with the fundamental aim being to prevent urban sprawl by keeping land permanently open. Development defined as 'inappropriate' is by definition harmful to the Green Belt and substantial weight should be given to this in decision making. Such development should only be approved in very special circumstances where the harm (by reason of inappropriateness, and any other harm resulting from the proposal) is clearly outweighed by other considerations. Whilst this has not been considered with this application, it is advised that the application give consideration to these limitations, should planning permission be sought for the buildings.

LIST OF DOCUMENTS TO ACCOMPANY A FUTURE PLANNING APPLICATION

Supporting information for the validation of planning applications:
<https://www.hertsmere.gov.uk/Planning--Building-Control/Planning-Applications/Apply-for-planning-permission.aspx>

A future application for planning permission should include the following:

- A completed application form (full application for planning permission);
- An Ordnance Survey style site location plan at a metric scale of 1:1250 showing the application site outlined in red, all neighbouring properties in full and two named roads;
- A set of metrically scaled (1:50 or 1:100) floor plans (existing and proposed) (must include scale bars);
- A set of metrically scaled (1:50 or 1:100) elevation and street scene plans (existing and proposed) (must include scale bars);
- A set of metrically scaled (1:50 or 1:100) section plans (existing and proposed) (must include scale bars);
- Planning Statement;
- Landscape and Visual Impact Assessment;
- Tree Report to BS5837:2012, including a Tree Survey, Arboricultural Impact Assessment and Tree Protection Measures;
- Preliminary Ecological Assessment;
- Climate Change and Energy Statement;
- Sustainability Statement;
- Statement of Sustainable Construction; and
- Any other information that may be deemed relevant to this application (site photographs to confirm the viewpoints provided in the Landscape and Visual Impact Assessment, details of materials, etc.).

You should ensure that any future formal planning application meets these requirements in order to avoid unnecessary delays in the registration of the application.

SUBSEQUENT ADVICE & APPLICABLE FEES

Refer to the revised published schedule of fees:
http://www.planningportal.gov.uk/uploads/english_application_fees.pdf

STATUS OF THE ADVICE

This pre-application advice does not constitute a formal response or decision of the Council and is therefore not binding. The views expressed by Council officers are given in good faith without prejudice to the formal determination of any subsequent planning application(s). Following the submission of a formal planning application, other matters and issues pertinent to the proposed development may be raised by further details, third parties, statutory and non-statutory consultees. Any fee paid to the Council is non-refundable and does not represent a legal contract with the Council. This advice is based on the available documentation submitted. If further documents and amended proposals are later provided in response to the concerns raised herein, this may incur an additional fee.

Case Officer Details

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