

15 September 2006

Our Ref: LAC – Old Bakery, Bendish
Your Ref:
Contact: Nigel Schofield
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To: Councillors: Simon Bloxham, Paul Clark, Julian Cunningham, Marilyn Kirkland and Michael Weeks.

You are invited to attend a meeting of the

LICENSING AND APPEALS COMMITTEE
(Planning Appeal –
The Old Bakery, Bendish)

to be held at

COUNCIL CHAMBER , COUNCIL OFFICES, GERNON
ROAD, LETCHWORTH GARDEN CITY

on

TUESDAY 26 SEPTEMBER 2006

at

7.30 p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

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LICENSING AND APPEALS COMMITTEE

26 September 2006

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

2

NORTH HERTFORDSHIRE DISTRICT COUNCIL LICENSING AND APPEALS COMMITTEE

SUGGESTED PROCEDURE FOR THE DETERMINATION OF APPEALS RELATING TO PLANNING APPLICATIONS

1. The Chairman to ask who appears on behalf of planning control in defence of a recommendation of refusal on Policy grounds and who appears on behalf of the Area Committee from which the application was referred in support of the application, and whether the applicant or applicant's representative wishes to speak or read a statement in support of the application and whether any person wishes to speak or read out a statement as an objector to the planning application.
2. The Board to consider and determine the procedure for the hearing. The parties involved should be asked if they are in agreement with the recommended procedure. Any reasonable request for a revision should be agreed with all involved.
3. The Chairman to invite the officers appearing in support of their recommendation (i.e. Planning Control and Conservation Manager, Principal Planning Officer, Planning Officer, Conservation Officer) to present their case.
4. The Chairman, members of the Board, the applicant or the applicant's representative and the representative from the Area Committee to ask any questions of the officers on their presentation.
5. The Chairman to invite the applicant or applicant's representative to speak or read out a statement in support of the application.
6. The Chairman to invite the representative from the Area Committee to present the case in support of the application. (Note: The representative from the Area Committee may decline to speak if he/she feels that the applicant or the applicant's representative has covered all points).
7. The Chairman, members of the Board, the applicant or applicant's representative (if applicable) and officers to put any questions to the representative from the Area Committee.
8. The Chairman to invite any objector or objectors to the application to speak or read out a statement in support of their objection to the application.
9. The Chairman, members of the Board and officers to put any questions to the objector/s.
10. The Chairman to give the applicant or applicant's representative, the representative from the Area Committee, the objector/s and the officers the opportunity to make a final statement.
11. The Board to make their decision in public.
12. The Chairman to notify all parties present of the Board's decision.

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**TITLE OF REPORT: LAND ADJACENT TO THE OLD BAKERY, BENDISH, HITCHIN
SG4 8JH – REFERENCE 06/00612/1**

REPORT OF THE PLANNING CONTROL AND CONSERVATION MANAGER

Item referred by the Southern Rural Committee from its meeting of the 24th August 2006

1.0 Background

- 1.1 The application proposes the erection of a two bedroom dwelling for use by a 'key' worker within the curtilage of The Old Bakery, a Grade II listed building at Bendish. The site is within the Green Belt and the Bendish Conservation Area and as identified in the District Local Plan No 2 within a Landscape Conservation Area and Countryside Area.
- 1.2 A copy of my report to the meeting of the Southern Rural Committee on the 24th August 2006 is attached as Appendix A in which the proposal is considered against the relevant Development Plan policies. It is concluded that whilst understanding the wish for the applicant to provide a self-contained independent dwelling for his daughter nevertheless the circumstances put forward in support of the application are of insufficient weight to justify an exception being made to well established national and local policies which seek to restrict inappropriate development in the Green Belt. In addition to which as set out in the reasons for refusal it is considered that the development is not sustainable, would harm the setting of the listed building, the character and appearance of the Conservation Area and the residential amenities of the existing occupiers of the Old Bakery.
- 1.3 Some Members of the Committee disagreed with this conclusion and by the casting vote of Chairman it was resolved to refer the application to the Licensing and Appeals Board with a recommendation that permission should be granted. It was felt that the special circumstances put forward, as set out in paragraph 4.3.5, were justifiable reasons why this proposal should be considered as an exception to both national and local policies. The need for a dwelling for a key worker outweighed the policy presumption against development and because of the existing permission for an ancillary building to the Old Bakery would not have a detrimental effect on the immediate locality.

2.0 Planning Considerations

- 2.1 The planning considerations are set out in the paragraph 4.3 Key Issues and it is not my intention to reiterate in this supplementary report the reasons that lead to the recommendation of refusal.
- 2.2 Between the preparation of the report to the Southern Rural and the meeting itself a letter was received from the applicant which was reported orally to the Members and is copied as Appendix B to this report. Reference is made to a new dwelling in Bendish and I have taken the opportunity to attached the appeal decision

(Appendix C) from 1995 which sets out the background to the subsequent planning permission and the policy implications.

With regard to Woodlands I would agree with the applicant that the application under consideration is not "exactly on all fours" with that proposal which was for the continued use of an existing building as a separate independent dwelling. In my opinion, the appeal decision was not as 'clear cut' as perhaps would have been anticipated in which it was identified that the grounds to dismiss the appeal were the significant more intensive use if occupied by a family and the lack of curtilage to the building. The conclusion of the decision of the Inspector becomes a material consideration and the agent in addressing the issues raised resulted in a finely balanced decision made to grant permission. The papers associated with this decision will be available at the meeting should any questions arise. I would conclude, however, that, it is my view, both cases referred to do not directly relate to the circumstances of the proposals under consideration.

3.0 Conclusion

- 3.1 My report (Appendix A) and the supplementary comments in the preceding paragraphs deal with the material issues relating to the application. Whilst acknowledging the views of the Members of the Southern Rural Committee and their support for the application nevertheless I remain firmly of the opinion that in planning policy terms there are no grounds to change my recommendation that permission be refused for the reasons set out in my report which for ease of reference are re-iterated in Section 4.
- 3.2 Should the Licensing & Appeals Committee be minded to take the opposing view, it is considered that the decision would prejudice the implementation of the policies and proposals of the Development Plan, in particular the Green Belt policy. It is my intention to present at the Committee any conditions which, in my view, any planning permission which may be granted should be subject.

4.0 Recommendation

- 4.1 That permission be **REFUSED** for the following reasons :
1. The application site is within the East of Luton Green Belt wherein permission will only be given for the erection of new buildings or the use of existing buildings or land for agricultural use, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The application fails to demonstrate that the proposal complies with the criteria set out in Policy 2 of the North Hertfordshire Local Plan No. 2 with Alterations. The proposed development cannot be justified in terms of the purposes specified and no exceptional circumstances are apparent in this case.
 2. The proposal would result in the sub-division of an existing garden and the provision of boundary fencing which would be harmful to the setting of the adjacent listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and detract from the character and appearance of the Bendish Conservation Area contrary to Policy 20 of the North Hertfordshire District Local Plan No 2 with Alterations.
 3. The proposed dwelling, by reason of its location on the site, the close proximity of the access and parking and turning areas to the adjoining dwelling at the Old Bakery and the general increase in activity would combine to result in a significant increase in noise and disturbance to the detriment of the adjoining occupiers amenity. The development would therefore be contrary to Policy 57 of the North Hertfordshire District Local Plan No 2 with Alterations.

4. The occupiers of the proposed dwelling would be heavily dependent on services provided outside of the settlement, giving rise to a significant reliance on trips by car contrary to the sustainability criteria embodied in Policy 1 of the County Structure Plan Review 1991 - 2011.

APPENDICES

- A.** Report to Southern Rural Committee – 24 August 2006
- B.** Letter from applicant dated 8 August 2006
- C.** Letter from The Planning Inspectorate dated 7 August 1995