

3.0 PLANNING HISTORY

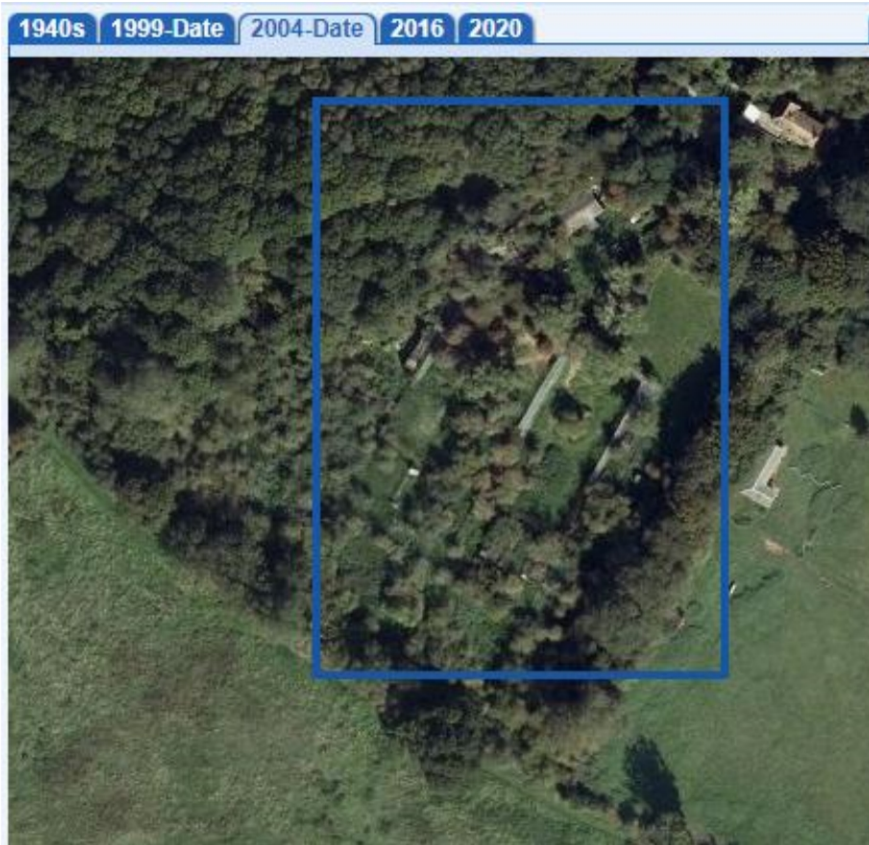
3.1. The planning history for the site is outlined below.

5/1975/0646 Use as animal sanctuary and breeding centre
Approved: 14/08/1975

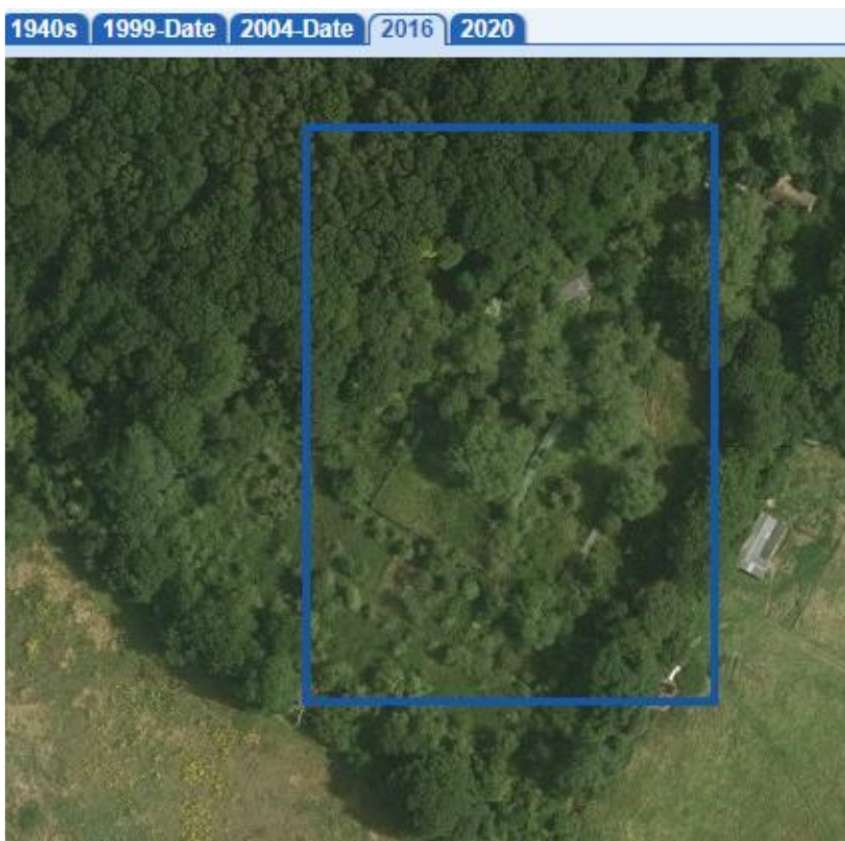
3.2. Historic mapping and aerial photography indicate the site was extensively populated with buildings and enclosures, and certainly the larger structures are visible in amongst the heavily wooded site. A range of aerial images have been secured and are shown below:



Aerial Photograph 1999



Aerial Photograph 2004



Aerial Photograph 2016

- 3.3. Since taking ownership of the site the applicant has cleared away many of the enclosures and buildings that were not worthy of retention. The remaining structures onsite represent what is left. These buildings have been maintained and repaired in accordance with the owner's rights extended under Section 55(2) (a) for the maintenance, improvement of other alteration of any building which effects the interior only, or does not materially affect the external appearance.

Bowersbury (now Bowersbury Farm)

- 3.4. The planning history for the dwelling formerly known as Bowersbury which is also in the Applicants ownership is outlined below.

5/2018/2218 Certificate of Lawfulness (proposed) - Erection of side and rear extension

Refused: 23/08/2018

5/2018/1580 Certificate of Lawfulness (proposed) - Enlarged dormer window (resubmission following withdrawal of 5/2018/0991)

Refused: 10/09/2018

5/2018/1220 Certificate of Lawfulness (proposed) - New structure to the rear of the existing dwelling to have an indoor swimming pool-

Refused: 27/06/2018

5/2018/1019 Certificate of Lawfulness (proposed) - Erection of outbuilding to comprise double garage, games room and gym

Approved: 08/06/2018

5/2018/0992 Certificate of Lawfulness (proposed) - Erection of side/rear extension

Withdrawn: 04/06/2018

5/2018/0991 Certificate of Lawfulness (proposed) - Enlarged dormer window and first floor rear extension

Withdrawn: 04/06/2018

- 5/2018/0948** Prior Notification - Single storey rear extension 4m in height x 6.5m in depth and 2.4m in height to the eaves
Prior Approval not required: 17/05/2018
- 5/2017/1796** Replacement dwelling
Refused: 16/10/2017
- 5/2017/0166** Certificate of Lawfulness (proposed) - Single storey side extension
Approved: 15/03/2017
- 5/2016/2689** Part single, part two storey side extension incorporating rear and front dormer windows and front roof light
Approved: 02/11/2016

4.0 PLANNING POLICY

- 4.1. The following national and local planning policies are considered relevant to this proposal.

NATIONAL PLANNING POLICY

- 4.2. The National Planning Policy Framework sets out government's planning policies for England and how these are expected to be applied. As set out in paragraph 2, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.
- 4.3. The Framework should be read as a whole, and therefore all policies within the Framework are relevant to the determination of an application; however, some parts are more relevant than others, and the following paragraphs are considered most relevant to this application:

National Planning Policy Framework

4.4. **NPPF Paragraph 8**

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-

designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.5. **NPPF Paragraph 11**

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

4.6. **NPPF Paragraph 143**

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.7. **NPPF Paragraph 144**

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.8. **NPPF Paragraph 145**

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

THE DEVELOPMENT PLAN – LOCAL PLANNING POLICY

- 4.9. The adopted Development Plan for this authority is the City and District of St Albans District Local Plan Review 1994.

City and District of St Albans District Local Plan Review 1994

4.10. **Policy 1 – Metropolitan Green Belt**

Within the Green Belt, except for development in Green Belt settlements referred to in Policy 2 or in very special circumstances, permission will not be given for development for purposes other than that required for:

- a) mineral extraction
- b) agriculture;
- c) small scale facilities for participatory sport and recreation;
- d) other uses appropriate to a rural area;
- e); conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.

New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.

Emerging - St Albans City & District Local Plan 2020-2036

4.11. **Policy S3 – Metropolitan Green Belt**

The Council attaches great importance to the Metropolitan Green Belt, which will be protected from inappropriate development. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are its openness and permanence.

Green Belt in the District performs important national policy objectives as part of the Metropolitan Green Belt (MGB). The Green Belt is also regarded as performing an important local objective for maintaining the exiting settlement pattern and the individual identity of settlements, as far as reasonably possible.

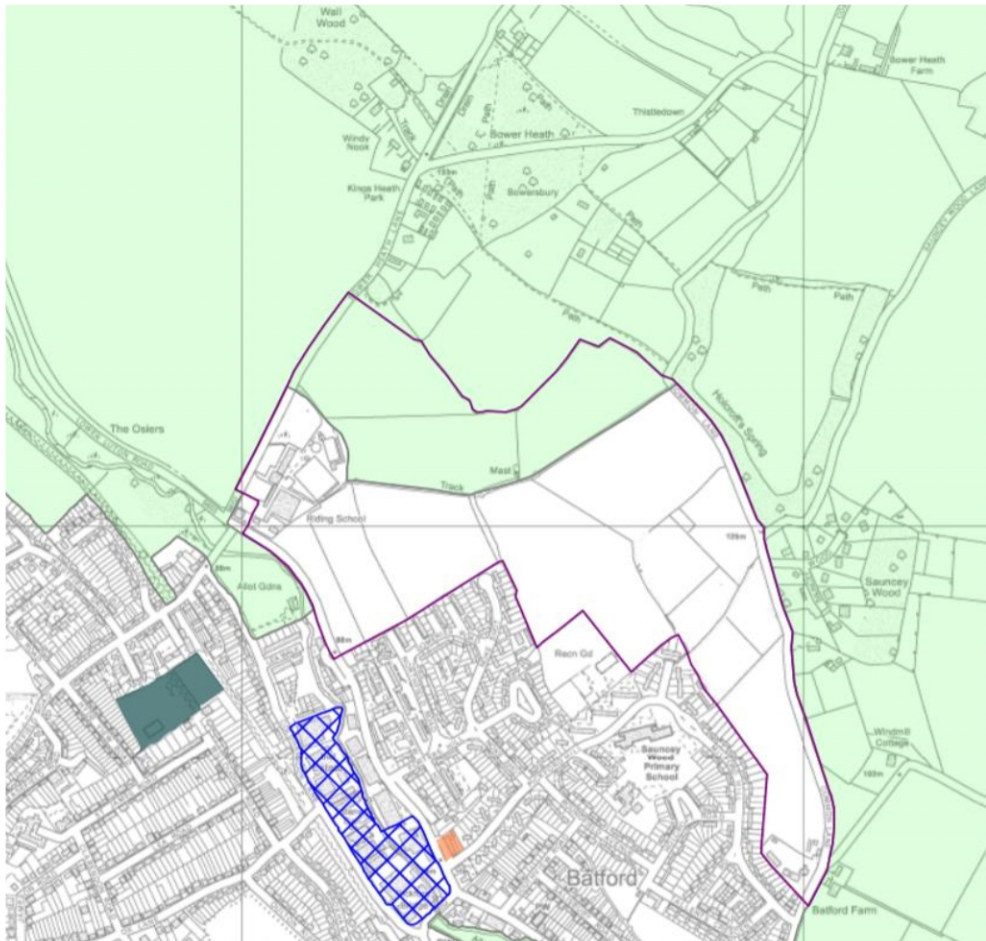
Consistent with its purposes and objectives, primarily where opportunities arise through development, Green Belt land will be proactively managed to:

- protect and create attractive landscapes and countryside
- promote healthy ecosystem services
- support productive and sustainable farming and forestry

- provide space for local and wider recreational needs

4.12. Policy S6 VII – North East Harpenden Broad Location

This allocation is of relevance to the sustainability of the location. The Emerging Plan allocates land to the south of the Application Site for up to 760 dwellings and associated infrastructure. This site is shown within the purple line on the plan below, and is located due south of the proposed development site.



Policy S6 VII – North East Harpenden Broad Location

5.0 PLANNING ANALYSIS

- 5.1. The proposal is for the demolition of outbuildings and structures associated with a Wildlife Breeding Centre, and the erection of a dwelling.
- 5.2. The issues for consideration are:
- Principle of Development
 - Design
 - Amenity
 - Structural Survey
 - Ecology
 - Trees
 - Access & Parking

PRINCIPLE OF DEVELOPMENT

Presumption in favour of Sustainable Development

- 5.3. As identified in paragraph 7 of the National Planning policy Framework, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 identifies that achieving sustainable development means that the planning system has three overarching objectives:
- An economic objective
 - A social objective
 - An environmental objective
- 5.4. Paragraph 10 states: “So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).” That presumption in favour is explicitly set out in paragraph 11 and states that for **decision-taking** this means:
- (para 11 (c)) approving development proposals that accord with an up-to-date development plan without delay; or
 - (para 11 (d)) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (para 11 (d) (i)) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (para 11 (d) (ii)) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.5. If paragraph 11 (d) is triggered, the Framework highlights that under para 11 (d) (i), land designated as Green Belt is a protected area of particular importance, however, that alone is not a reason to refuse, but must be considered in the planning balance, and permission can only be refused in that instance, where it provides a clear reason for doing so. On this basis therefore, compliance with the policies in the Framework regarding protecting the Green Belt, would not trigger para 11 (d) (i).

The three strands of Sustainable Development

- 5.6. It is our contention that the proposed development meets the objectives of the three strands of sustainable development set out in NPPF Paragraph 8 – the social, economic, and environmental objectives:

Social

- 5.7. The proposal will create a well-designed dwelling within approximately one mile of the services and facilities in Bower Heath which include two public houses, two convenience stores, two primary schools, a secondary school and numerous other shops and services. There is also a bus stop providing links to Luton, St Albans, and Borehamwood.
- 5.8. The Draft St Albans City & District Local Plan 2020-2036 has an allocation for 760 on a site just to the south of the Application Site, known as North East Harpenden, under Policy S6 vii (see Map under paragraph 4.11). This demonstrates the general sustainability credentials of the location and indicates that the release of land in this part of the Green Belt has been deemed acceptable.

Economic

- 5.9. The proposed development will create jobs during the construction phase, and the Government recognises that development of all scales is an important part of the

economic recovery from the Covid 19 pandemic. Once complete there is the potential for the future occupiers to support and sustain local services.

Environmental

- 5.10. The environmental benefits include the tidying up of the site and the removal of numerous unattractive and dilapidated buildings and structures from the site which will improve the visual amenity of this part of the Green Belt and reduce the impact of the site on its openness. The proposal also creates an opportunity for a significant net biodiversity gain through the creation of new habitats and the planting of specimen trees.
- 5.11. The applicant is committed to achieving the highest level of sustainable construction. The proposed dwelling will be constructed using SIPs, on a house deck low impact foundation. The walls will be clad in natural timber, sustainably sourced. The roof will be a standing seam metal roof system, the Lindab SolarRoof, which will be linked to a battery storage facility (Tesla or equivalent system). The house will be heated using under floor heating, linked to an air source heat pump, with heat recovery managed via a decentralised Mechanical Ventilation and Heat Recovery system. An electric car charging point will be installed. The proposal will exceed the Target Emissions Rate under the current Approved Document Part L1A.
- 5.12. We are therefore of the opinion that the proposal constitutes sustainable development.

Paragraph 11 (d) – the “Tilted Balance”

- 5.13. The latest Annual Monitoring Report published in March 2019 confirms that the Council can only demonstrate a 1.9-year supply of housing land. Where a Local Authority is unable to demonstrate a five-year supply of housing land, NPPF Paragraph 11 (d) requires development that is in accordance with policies in the Framework that “protect areas of particular importance”, to be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.14. We would therefore highlight that as the principle of the redevelopment of previously developed land in the Green Belt is supported by NPPF Paragraph 145 (g) the tilted

balance is engaged under paragraph 11 (d) and the presumption in favour of approval applies. This is an important material consideration which carries significant weight in the planning balance.

Green Belt Policy

- 5.15. The site is located within the Metropolitan Green Belt. NPPF Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF Paragraph 144 states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. '*Very special circumstances*' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.16. NPPF Paragraph 145 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, but also lists numerous exceptions to this. The exception in subsection g is relevant to this proposal as it relates to the partial or complete redevelopment of previously developed land, (whether redundant or in continuing use) which would not have a greater impact on the openness of the Green Belt than the existing development.
- 5.17. The site is a former Animal Sanctuary and Wildlife Breeding Centre following the granting of planning permission (5/1975/0646) in August 1975. The types of animals that were kept on site included deer, foxes, and birds of prey, as well as more exotic animals including maned wolf, caracal lynx, and leopard cats. The National Land and Property Gazetteer confirms that this use is "sui generis". The site is therefore not agricultural; and it meets the definition of previously developed land. Therefore, the proposed development of this site is an exception to inappropriate development in the Green Belt as set out in NPPF Paragraph 145 (g).
- 5.18. Policy 1 (Metropolitan Green Belt) of the Local Plan Review 1994 states that permission will not be granted for development in the Green Belt except in a limited number of circumstances and this does not include the redevelopment of previously developed land. However, this plan is over 25 years old and this policy does not fully accord with the NPPF. NPPF Paragraph 213 states that due weight should be given to policies made prior to the adoption of the Framework according to their