

Item No. 11

APPLICATION NUMBER CB/18/03451/VOC
LOCATION Valley View, Hemel Hempstead Road,
Dagnall, Berkhamsted, HP4 1QR
PROPOSAL Variation of Condition: Conditions 3 &
5 of planning permission
CB/13/03219/FULL .
PARISH Studham
WARD Caddington
WARD COUNCILLORS Cllrs Collins &
Stay CASE OFFICER Judy Martin
DATE REGISTERED 25 September 2018
EXPIRY DATE 20 November 2018
APPLICANT Mrs Golby Webb & Family
AGENT BFSGC
REASON FOR Cllr Richard Stay has called in the application for
COMMITTEE TO the following reasons:
DETERMINE

- Contrary to policy: Development contrary to Green Belt & contrary to original Secretary of State decision
- Over development: Highly sensitive area & unsuitable for additional development
- Overbearing: Existing site is an eyesore & a constant issue for neighbours, enlargement would make this situation worse
- Impact on landscape: Located within the Green Belt this proposal would add to an already negative impact on Green Belt & adjacent AONB
- Other: CBC would not entertain development in this location unless it was an application from the G& T community

**RECOMMENDED
DECISION**

**Variation of Condition – Recommended for
Approval**

Recommendation:

That a Variation of Conditions 3 and 5 be approved to grant permanent planning permission subject to the potential call-in by the Secretary of State for his further consideration and should the application not be called in, the Assistant Director be authorised delegated powers to grant permission subject to the following:

RECOMMENDED CONDITIONS

- 1 The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of *Planning policy for traveller sites (2015)*.

Reason: To ensure that use of the site is restricted to Gypsies and Travellers having regard to the location of the site in the Green Belt together with the provisions of the National Planning Policy Framework and the Planning Policy for Traveller Sites.

(Policies BE8 & H15 SBLPR & Policies H8, SP4, SP8, EE5 & HQ1 of the emerging Central Bedfordshire Local Plan)

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls or any other means of enclosure or any amenity or storage buildings or other structures shall be erected on the land without the grant of further planning permission.

Reason: In order to ensure that the overall appearance of the development has regard to the views into and over the site and that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and having particular regard to the location of the site in the Green Belt and to the provisions of the National Planning Policy Framework.

(Policies BE8 & H15 SBLPR & Policies H8, SP4, SP8, EE5 & HQ1 of the emerging Central Bedfordshire Local Plan)

- 3 The occupation of the site hereby permitted shall be carried on only by the following: Mrs Jade Golby Webb, Mr Charlton Webb and their resident dependants.

Reason: In recognition of the location of the site in the Green Belt and the “very special circumstances” case accepted in accordance with the National Planning Policy Framework.

- 4 No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a static caravan) shall be stationed on the whole of the site at any time.

Reason: In recognition of the location of the site in the Green Belt, AONB and AGLV and having regard to the provisions of the National Planning Policy Framework.

(Policies BE8 & H15 SBLPR & Policies H8, SP4, SP8, EE5 & HQ1 of the emerging Central Bedfordshire Local Plan)

- 5 When the premises cease to be occupied by those named in condition 3 above, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works

undertaken to it in connection with the use shall be removed within one month of the cessation date.

Reason: In recognition of the location of the site in the Green Belt and the “very special circumstances” case accepted in accordance with the National Planning Policy Framework.

- 6 No commercial activities shall take place on the land, including the storage of materials.

Reason: To ensure the retention of planning control by the Local Planning Authority in recognition of the location of the site in the Green Belt, AONB and AGLV and having regard to the provisions of the National Planning Policy Framework.

(Policies BE8 & H15 SBLPR & Policies H8, SP4, SP8, EE5 & HQ1 of the emerging Central Bedfordshire Local Plan)

- 7 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To ensure the retention of planning control by the Local Planning Authority in recognition of the location of the site in the Green Belt, AONB and AGLV and having regard to the provisions of the National Planning Policy Framework.

- 8 Within 6 months of the date of this permission a native landscape planting scheme shall be submitted to the Local Planning Authority for approval, which clearly shows the position of new native hedging to be planted around the boundary of the site, and to include a satisfactory planting specification. The hedgerow shall be supplied as "Transplants" being of a size range of at least 60 to 90cm, and be comprised of the following mixture:-

40% Hawthorn (*Crataegus monogyna*)

30% Blackthorn (*Prunus spinosa*) 10% Dogwood (*Cornus sanguinea*) 10% Spindle (*Euonymus europaeus*) 10% Hazel (*Corylus avellana*)

The above mixture shall be set out as a double staggered row, with each row set 500mm apart, and the transplants set 500mm apart in each row. The hedge shall be maintained for a period of 5 years until established, with any losses replaced in accordance with the approved plan.

REASON: To successfully establish a dense, native boundary hedge that shall screen and visually integrate the site into the surrounding rural landscape and soften the visual impact of both new car parking and static homes in the interests of maintaining visual amenity and rural character. (Policies BE8 & H15 SBLPR & Policies H8, SP4, SP8, EE5 & HQ1 of the emerging Central Bedfordshire Local Plan)

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning

(Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).

**Statement required by the Town and Country Planning
(Development Management Procedure) (England) Order 2015 - Part 6, Article
35**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.