



James Kenyon  
Planning and Development  
Broxbourne Borough Council  
Bishop's College  
Churchgate  
Cheshunt  
EN8 9XQ

Our Ref:

Your Ref:

28<sup>th</sup> October 2020 (by email)

Dear Mr. Kenyon,

**Application No. 07/20/0920/F**  
**Erection of 1x residential dwelling house (Resubmission of 07/20/0429/F, also refer to**  
**07/20/0122/PNAGR-RES) On Land To The East Of Stanford House,**  
**Burnt Farm Ride, Goffs Oak, Hertfordshire EN7 5JA**

CPRE Hertfordshire oppose this resubmission application for inappropriate residential development in the Green Belt contrary to the Green Belt policies in the National Planning Policy Framework and Broxbourne Local Plan.

We note that the applicant has substantially altered the proposed plans and elevations of the proposed dwelling in order to address concerns raised by the earlier application, but fundamental issues remain.

The Summary in the Design and Access Statement says that the intent is *"to create a better dwelling within a space already approved to a size and scale no larger or imposing, but prettier and not out of place."* That raises a number of points:

- There is nothing inherently better in new build. The adjacent barn, Stanford House, was converted to create a dwelling which, in the applicant's words, was carried out to an exemplary standard, without recourse to demolition and new build. The same could be done in this instance.
- The space already approved is the existing barn. This application is for development on open land, separate from the barn.
- While the proposed new building is no longer larger than the barn approval, it can hardly be described as unimposing, taking the form of a Georgian country house.
- As an independent residential structure it constitutes inappropriate development in the Green Belt, and hence is out of place. As such it is harmful to the Green Belt and NPPF para. 143 requires that it should not be approved except in very special circumstances.

The Applicant has highlighted the exclusions to inappropriateness in paras.145c and 145d of the NPPF in support of this application. 145c is concerned with the extension or alteration of an existing building, which is not the case here. 145d is for the replacement of a building provided it is in same use and not bigger. While it has approval for conversion to C3 use, the barn remains in its original agricultural use until such time as the approval is implemented, which has not happened.

The proposal remains inextricably linked to the extant approval for conversion of the existing barn to residential (07/20/0122/PNAGR-RES). The applicant correctly says that this should be considered as a fall-back position and specifically states in the Design and Access Statement that this option will be pursued should this application be refused. They cite the case of *Mansell vs Tonbridge and Malling* [2017 EWCA Civ 13414]. Paragraph 27 of that judgment held that *“The status of a fallback development as a material consideration in a planning decision is not a novel concept. ... This will always be a matter for the decision-maker’s planning judgment in the particular circumstances of the case in hand.”* In determining application 07/20/0429/F, the case officer expressed the view that the fall-back position of barn conversion represents a more appropriate approach for the site than demolition and new build. We agree with that view.

The Town and Country Planning (General Permitted Development) (England) Order 2015 only permits reasonable building operations (including partial demolition and rebuilding within the envelope of the existing structure) to convert a barn to a house, not the complete demolition of the barn and the construction of a new house in another location.

An appeal decision at Puttock End, Belchamp Walter in Essex (APP/Z1510/W/17/3189624) is put forward as a precedent for replacing a new build dwelling for an approved, but unimplemented barn conversion, but that case differs from this in two significant points. Firstly, the site at Belchamp Walter is not in the Green Belt and so Green Belt restraints and the policy presumption against inappropriate development did not apply. Secondly, the new build dwelling was located precisely over the existing footprint of the barn, not some distance away. The inspector in approving the appeal held that there would therefore be no material difference.

That is not the case here. Conversion of the barn would not alter the existing built forms at Burnt Ride, demolition of the barn and construction of a new house separated from them would. Given that the new house would be located on what is currently open farm land, it would be perceived as a separate entity and hence damaging to the openness of the Green Belt and contrary to its purpose of safeguarding the countryside from encroachment.

As mentioned above the applicant is required to present very special circumstances sufficient to outweigh the resulting harm to the Green Belt. Given their belief that the exceptions in



NPPF 145c and 145d apply, no such circumstances are formally presented. However, reference is made to the improvement of amenity for the residents of the existing properties. This takes the form of avoiding additional traffic movements through the Burnt Ride complex by upgrading the existing farm track into a residential drive. It is noteworthy that this was not proposed in the application for barn conversion when it was considered that the change in traffic levels and trip generation would be negligible.

The immediately adjacent Stanford House demonstrates that satisfactory barn conversion can be achieved and a similar approach to the approved barn would result in much more limited impacts and harm to the Green Belt.

We urge the Council to reject this application.

Yours sincerely,

David Irving