

Mick Gavin
Planning and Building Control
Hertsmere Borough Council
Civic Offices
Elstree Way
Borehamwood
Hertfordshire
WD6 1WA

Our Ref:

Your Ref:

27th November 2020 (by email)

Dear Mr. Gavin,

Application No. 20/1752/FUL Retrospective permission for use of a glamping site within an established site boundary.

Land At Home Farm Aldenham Road Elstree Hertfordshire WD6 3AZ

and

Application No. 20/1763/FUL

Erection of a yoga tent for a temporary period of two years.

Home Farm, Aldenham Road, Elstree, Hertfordshire WD6 3AZ

CPRE Hertfordshire are responding to these two applications together as, in certain respects, the second is dependent on the outcome of the first.

Application 20/1763/FUL is a resubmission of withdrawn application 20/1312/FUL. In our response to that application we pointed out that the extent of the glamping site went beyond the defined site area shown on the original application for that site (Application 15/0145/FUL). Current application 20/1752/FUL is an attempt to rectify that situation.

However, ambiguities regarding the boundary of the site remain. In the supporting documentation accompanying 20/1752/FUL the applicant claims that the discrepancy between the 'red line' plan HF1 and site layout plan HF3 was an administrative error. In the Planning Statement for 20/1763/FUL it says that the council made a slight oversight when approving the red line plan as it appears the red line plan does not cover the entire approved glamping site. While it is clear that the Council should have reconciled the discrepancy between the two drawings before determining the application, it appears that the applicant is attempting to absolve themselves of any responsibility, when it was the applicant who produced and submitted both drawings.

Drawing HF1 is a standard 'red line' drawing produced to demonstrate and define the extent of the application site. The red line was drawn by the applicant. Drawing HF3 does indeed



show the positions of yurts and tents on land beyond that demarcated on HF1, but it contains no drawn boundary definition to aid identification of the site limits and includes nos. 1 and 2 Burness Cottages, the large barn and a number of ancillary farm buildings which are clearly not part of the glamping site. Consequently, it could not have been taken as the definitive site area.

The proposed 'red line' boundary in 20/1752/FUL however, introduces a further complication. It extends the original boundary on HF1 to incorporate the large barn and the area behind it into the approved glamping area. Both physically and visually they are not connected and to do so would remove them from an agricultural use into commercial recreation. The intention, presumably, is to facilitate Application No. 20/1763/FUL as an integral part of the glamping site. We have no desire to inhibit the glamping business which now has a lawful use, but the boundary should not be extended beyond the area actually being used for the tents and yurts (which can be clearly seen on google earth images.)

Turning to 20/1763/FUL, we see nothing in the present application which would alter the objections expressed in our response to 20/1312/FUL.

In our view this application cannot be considered as part of, or an extension of the glamping use. It is located within the farmyard complex on land between Burness Cottages and the large barn, separated from the glamping field by substantial agricultural buildings. (This can be clearly seen on image 5 included with 15/0145/FUL and the aerial views in the Planning Statement.)

As mentioned in our previous objection, we do not agree that the proposal meets the exception criteria in National Planning Policy Framework paragraphs 145(b) and 146(e). Those criteria, among others, cover the use of land for outdoor sport and recreation and require any development to preserve the openness of the Green Belt. The NPPF does not define 'outdoor sport and recreation', but, in considering use classes, the Court of Appeal in *Rugby Football Union vs Secretary of State*. [EWCA Civ 1169] held that Class D2(e) (areas for other indoor or outdoor sports or recreations) is clearly dealing with physical activities ... It cannot cover all those ways in which a person can enjoy recreation in a broad sense without becoming so broad as to render the rest of Class D otiose. The definition of outdoors is straightforwardly in or into the open air outside a building or shelter. (Since the September 2020 changes to use classes, D2(e) is now F2(c)). Yoga in a tent does not represent outdoor recreation and consequently is inappropriate development.

Nor does the proposal preserve the openness of the Green Belt. The proposed tent is not a small structure. It has a footprint of 42 sq.m and is 3.62 m high. It is described as non-permanent, with an intended life span of two years, but that is premised on future redevelopment of Home Farm, which may or may not happen. This is relevant in the



determination of the application. The planning status of non-permanent structures has been subject to considerable legal debate. In essence it depends on size, permanence and the degree of physical attachment (*Skerritts v Secretary of State* [2000 2 PLR 102]). The Courts have held that *“one must look at the whole circumstances...in order to see whether the operation has been such as to constitute development.”* Consequently, the Council will have to satisfy itself on the permanency of the building before determining the application.

We urge the Council to amend the ‘red line’ boundary in Application 20/1752/FUL to accurately reflect the extent on the ground of the glamping use and to refuse Application 20/1763/FUL as inappropriate development in the Green Belt.

Yours sincerely,

David Irving
Senior Planning Volunteer
CPRE Hertfordshire