

## TOWN AND COUNTRY PLANNING ACT 1990

### AGENT

Mrs Julie Robinson  
Robert Doughty Consultancy Limited  
32 High Street  
Helpringham  
Lincolnshire  
NG34 0RA

### APPLICANT

Butterfly World Project Ltd  
C/o Agent

### PLANNING PERMISSION

**Construction of indoor eating area and siting of five container units (incorporating cafe staffroom, cafe office and three storage units) to allow the retention of the buildings until 16/06/2019 and the retention of minor changes to buildings- retrospective**

**Butterfly World Miriam Lane Chiswell Green St Albans Hertfordshire**

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **permit** the development proposed by you in your application dated 08/12/2014 and received with sufficient particulars on 11/02/2015 and shown on the plan(s) listed below subject to the following conditions and reasons:-

#### Condition

1. This permission shall be for a limited period only expiring 2 years after the date of this notice, or within 2 months of the completion of the biome granted planning permission under reference 5/2003/1343 dated 16/02/2005, whichever occurs soonest. On or before that date the building and structures hereby permitted shall be removed, the use hereby permitted shall be discontinued and the land restored to its condition as set out in the approved drawings within application reference 5/2003/1343 or as required by any details approved pursuant to a condition of that permission, or in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

#### Reason

1. The café seating area and containers hereby granted temporary consent are inappropriate development in the Green Belt and are detrimental to the openness of the Green Belt in this location. However, Very Special Circumstances exist to justify their retention in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended) to support the retention of the established use as permitted under planning permission reference 5/2003/1343 dated 16/02/2005. A temporary planning permission for 2 years or as set out in this condition is therefore reasonable in this case, in the interests of the openness of the Green Belt, in accordance with the aims of Policy 1 (Metropolitan Green Belt) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework, 2012.

#### Condition

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 824-07-SL01 Rev. A, 824-07-BP04 Rev. A, 824/7/2/DD01 and 824-07-02-DD02.

#### Reason

2. For the avoidance of doubt and in the interests of proper planning.

**Justification for the grant of planning permission**

The temporary buildings represent inappropriate development in the Green Belt and therefore very special circumstances need to be demonstrated to justify the development. It is considered that, collectively, there exist very special circumstances to justify inappropriate development in the Green Belt for a temporary period of two years, or until the biome approved under planning permission ref. 5/2003/1343 dated 16/02/2005 is completed, whichever occurs soonest. On this basis, the proposal accords with the provisions of Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

**Signed**



**Tracy Harvey**  
**Head of Planning & Building Control**

**Dated 08/03/2016**

**SEE ATTACHED SHEET FOR NOTES**

**INFORMATIVES:**

**This determination was based on the following drawings and information: Planning Statement, 824-07-SL01 Rev. A, 824-07-02-DD01, 824-07-BP04 Rev. A received 11 February 2015, and 824/7/2/DD02 received 16 June 2015.**

**The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.**

**Appeals to the Secretary of State**

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

This is a decision to **grant** planning permission for a **Full planning permission / Change of Use**. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

**THIS IS AN IMPORTANT DOCUMENT AND IS LIKELY TO BE REQUIRED WHEN YOU COME TO SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.**

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

The Secretary of State may allow a longer period for the giving of notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

Reference No: 5/14/3464

Valid Date: 11/02/2015

End of Stat Period Date: 07/04/2015

Case Officer: Gillian Donald

Report Written Date: 11/02/2016

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**Applicant:** Butterfly World Project Ltd

**Proposal:** Construction of indoor eating area and siting of five container units (incorporating cafe staffroom, cafe office and three storage units) to allow the retention of the buildings until 16/06/2019 and the retention of minor changes to buildings- retrospective

**Site Address:** Butterfly World Miriam Lane Chiswell Green St Albans Hertfordshire

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**Ward:** ST STEPHEN

**Parish:** ST STEPHEN

**Constraints:**

Metropolitan Green Belt

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**BACKGROUND**

**Site / Surroundings:**

Butterfly World occupies a significant area of land to the south of Chiswell Green Lane, north of the M25 motorway and west of Watford Road. The application site is within the Metropolitan Green Belt.

The application relates to an existing extension to the cafe that is used for additional seating and five container units within a service area to the side of the cafe/seating area, located within a fenced enclosure.

**Proposal:**

Temporary planning permission is sought, in accordance with S73A of the Town and Country Planning Act 1990 for the retention of:

- Seating area in association with the café. Seating area comprising a timber cabin style structure to measure 10m wide by 16m deep (incorporating a roof overhang of 1.5m). The structure is attached to the existing temporary café building. The building has a pitched roof, measuring 2.7m to the eaves and 4.5m to the ridge with a felt roof.
- 5 metal storage containers, as follows:

Container 1 (office in relation to café) – measuring 7.4m by 2.7m, 2.4m high  
Container 3 (staffroom in relation to café) – measuring 7.4m by 2.7m, 2.4m high  
Containers 2, 4 and 5 (used for storage) – measuring 6.1m by 2.4m, 2.6m high

**Relevant Planning History:**

5/2014/3467 Variation of condition 1 (time limit) of planning permission 5/1020/0872 dated 16/06/2010 for the temporary replacement of café and shop with study centre and breeding house to allow the retention of the buildings until 16/06/2019 and the retention of minor changes to buildings – retrospective

Temporary permission for 2 years granted on 10 April 2015.

5/2014/3466 Variation of condition 1 (time limit) of planning permission 5/2008/2878 dated 06/06/2009 for the erection of twelve buildings to provide catering and retail facilities and butterfly exhibition to allow the retention of the buildings until 16/06/2019 and the retention of minor changes to buildings

Temporary permission for 2 years granted on 10 April 2015.



## DISCUSSION

### Main Issues:

The main issues of relevance to the consideration of this application relate to the impact of the development as proposed on the openness of the Green Belt and the purposes of including land in it.

The applications seeks, in accordance with S73A of the Town and Country Planning Act 1990 (as amended), the retention of the café seating area and five containers for a temporary period, to end on 16 June 2019.

In 2005 planning permission was granted for the erection of a building for the exhibition of butterflies and plants in association with the Gardens of the Rose with a related horticultural training and research complex, visitors centre, cafeteria, coach/car parking and access drive (planning permission reference 5/2003/1343). This planning permission was granted on the basis of Very Special Circumstances to justify inappropriate development in the Green Belt as follows:

*In conclusion the proposal is inappropriate development in the Metropolitan Green Belt. There are however very special circumstances to justify the proposal and outweigh the harm caused. These include the importance of maintaining the tourist attraction, improved amenity for residents in Chiswell Green Lane and the highway improvements. The proposal provides opportunity for landscaping and provides adequate parking. There is no change to highway safety subject to improvements that will be sought. It is considered the proposal, subject to conditions and a Section 106 Agreement will comply with Policies in the Hertfordshire County Structure Plan Review 1991-2011 and Alterations 2001-2016 (1, 2, 5, 20, 22, 25, 27, 29, 38 and 48) and the St Albans District Local Plan Review 1994 (Policies 1, 34, 39, 69, 74, 97, 104 and 143A).*

That planning permission has been implemented, but not completed and the biome element of the development is yet to be constructed (although foundations appear to have been laid on site) because, as noted in the accompanying Planning Statement, it has been difficult to secure funding for this part of the development.

Over time, planning permission has been granted for various temporary buildings to house the facilities that will eventually be located in the biome, to allow the visitor attraction to open to the public. These planning permissions have been granted temporary planning permission because, when the biome is completed, there will be no need for the additional buildings and they represent inappropriate development in the Green Belt.

The Planning Statement notes that the buildings at the site (which are the subject of the current planning application) are crucial to enable Butterfly World to continue to trade and the applicants have requested a temporary planning permission, to expire on 16/06/2019.

Three further applications that related to extensions to existing temporary planning permissions were granted on 10 April 2015, relating to other buildings and structures on the site (planning references 5/2014/3465, 5/2014/3466 and 5/2014/3467). These were granted temporary planning permission for a period of two years from the date of the decisions. Those applications also sought temporary planning permission until 16 June 2019, but that length of time was not considered to be appropriate as *'this would lend the development an unacceptable degree of permanence and the buildings were only originally supposed to be on site for a maximum of three years in total. Such a long additional time period would be excessive and the Local Planning Authority needs to be confident that the applicants are trying to implement the 5/2003/1343 planning permission'*.

Planning permission has not, however, previously been granted for the structures currently under consideration. The Planning Statement sets out that the structures applied for are required to enable Butterfly World to continue to trade.

The National Planning Policy Framework (NPPF) notes that the planning system should not act as an impediment to sustainable growth and investment in business should not be overburdened by planning policy expectations. Furthermore, the NPPF supports a prosperous rural

economy and Chapter 3 of the NPPF notes that planning policies should do the following (paragraph 28):

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Allowing a temporary planning permission would allow the applicants additional time to implement the original planning permission (5/2003/1343), which would fulfil the aims of the NPPF referenced above (i.e. supporting a tourism / leisure facility in a rural area). Allowing a temporary permission would also enable the Local Planning Authority to retain control over the development. Combined, it is considered that these considerations amount to 'Very Special Circumstances' to justify inappropriate development in the Green Belt and it is considered appropriate to allow a temporary planning permission for a period of two years.

**Comment on Town / Parish Council / District Councillor / Concern(s):**

None.

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**CONCLUSION**

**To include justification for recommendation and relevant development plan policies**

The temporary buildings represent inappropriate development in the Green Belt and therefore very special circumstances need to be demonstrated to justify the development. It is considered that, collectively, there exist very special circumstances to justify inappropriate development in the Green Belt for a temporary period of two years, or until the biome approved under planning permission ref. 5/2003/1343 dated 16/02/2005 is completed, whichever occurs soonest. On this basis, the proposal accords with the provisions of Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

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**HUMAN RIGHTS CONSIDERATIONS**

The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998

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**RECOMMENDATION:** Conditional Permission      **Decision Code:** A1

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**Conditions/Reasons**

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2. The development hereby permitted shall be carried out in accordance with the following approved plans: 824-07-SL01 Rev. A, 824-07-BP04 Rev. A, 824/7/2/DD01 and 824-07-02-DD02.

For the avoidance of doubt and in the interests of proper planning.

**Informative(s):**

1. This determination was based on the following drawings and information: Planning Statement, 824-07-SL01 Rev. A, 824-07-02-DD01, 824-07-BP04 Rev. A received 11 February 2015, and 824/7/2/DD02 received 16 June 2015.

2. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.

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**PLAN NO'S:**

**LOCAL GOVERNMENT ( ACCESS TO INFORMATION ) ACT 1985**

**Officer**

**Gillian Donald**

**Section 65 Parties  
Plans on website**

[http://planning.stalbans.gov.uk/Planning/lg/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG\\_NAME=gfplanningsearch&Param=lg.Planning](http://planning.stalbans.gov.uk/Planning/lg/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lg.Planning)

Author:

Gillian Donald

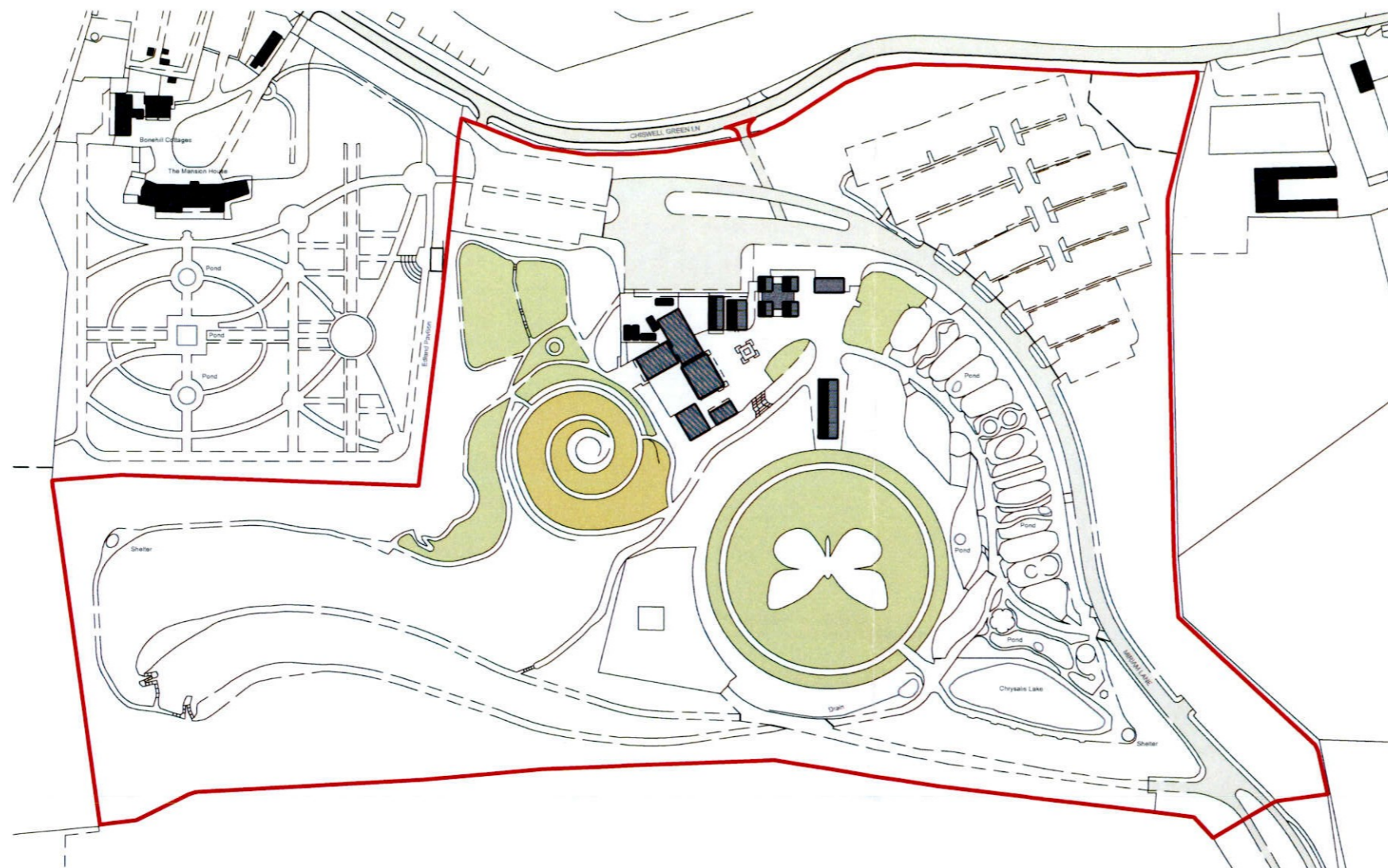
Date:

11/02/2016

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THIS DRAWING IS FOR THE  
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PLANNING PERMISSION ONLY



PLANNING & BUILDING  
CONTROL  
10 DEC 2014

Rev.	By	Notes	Date
A	AB	Client amendments.	08/12/14

**rdc**  
**Robert Doughty**  
**Consultancy**

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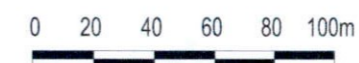
Client:  
BUTTERFLY WORLD PROJECT LIMITED

Project:  
Butterfly World, St Albans

Drawing title:  
Site Location Plan

Drawing No. 824-07-SL01	Rev. A	Drawn AB
Scale 1:2500 @ A3	Date 24/09/14	Checked

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All measurements should be checked against on site conditions and any discrepancies should be brought to the attention of the Robert Doughty Consultancy.

CHISWELL GREEN LN



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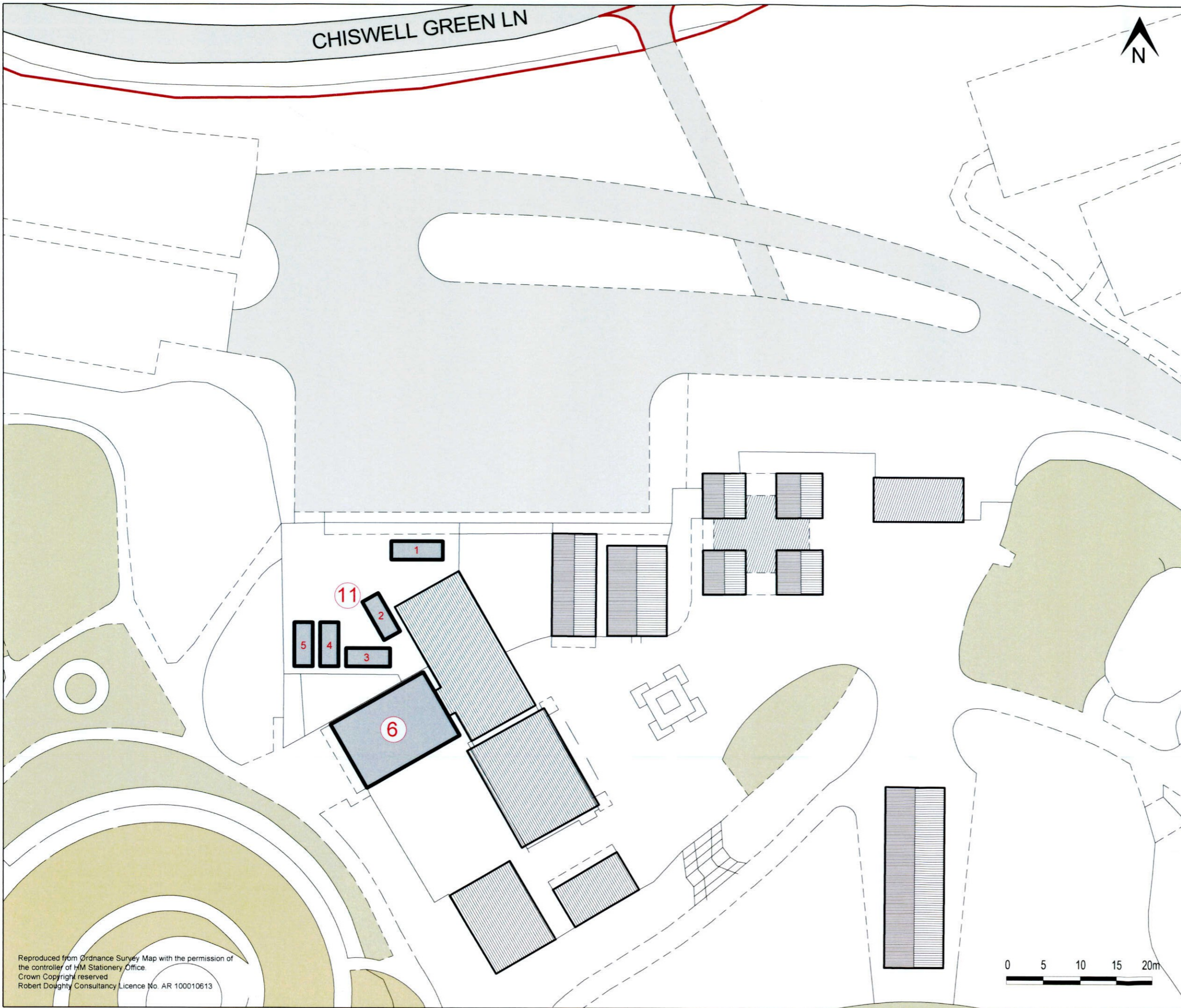
**CDM NOTE:**

The design has been undertaken as far as possible to avoid risks to health and safety or to reduce and control the effects of any unavoidable risks.

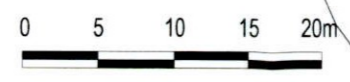
All relevant information identifying the unavoidable risks has been passed to the planning supervisor for inclusion in the Health & Safety plan.

The Health & Safety plan will be issued by the planning supervisor with these drawings.

- ⑥ INDOOR EATING AREA
- ⑪ KITCHEN YARD CONTAINERS



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Rev.	By	Notes	Date
A	JB	Container numbers added	11-02-15

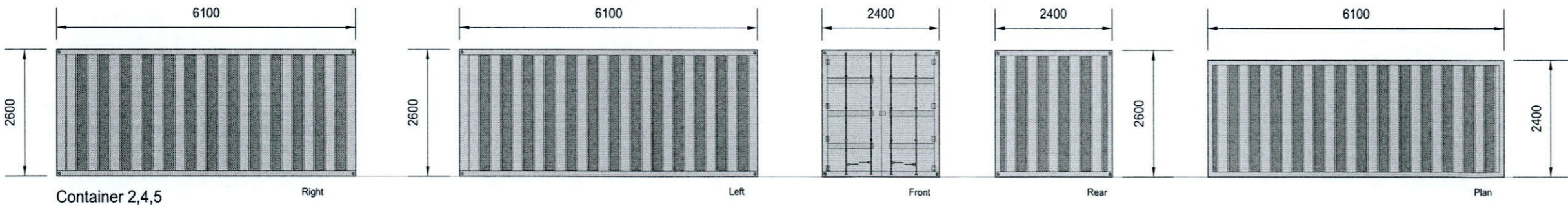
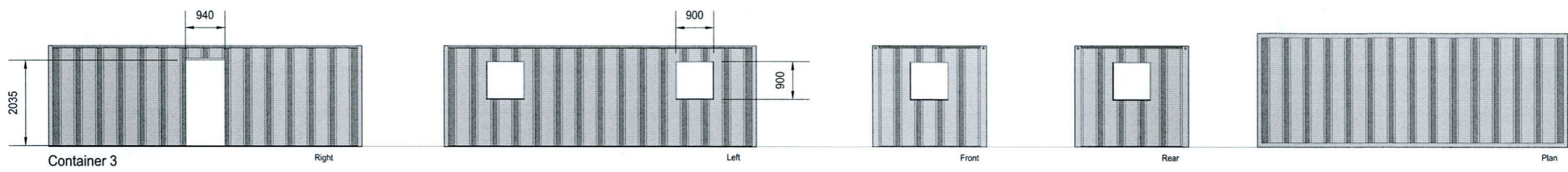
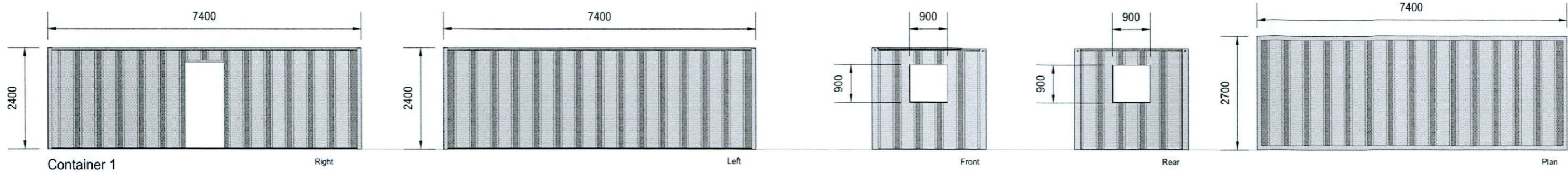
**rdc**  
Robert Doughty  
Consultancy

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Email: admin@rdc-landplan.co.uk  
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Client: BUTTERFLY WORLD PROJECT LIMITED		
Project: Butterfly World, St Albans		
Drawing title: Block Plan 04: 6 & 11		
Drawing No. 824-07-BP04	Rev. A	Drawn AB
Scale 1:500 @ A3	Date 08/12/14	Checked

All measurements should be checked against on site conditions and any discrepancies should be brought to the attention of the Robert Doughty Consultancy.

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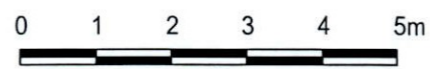


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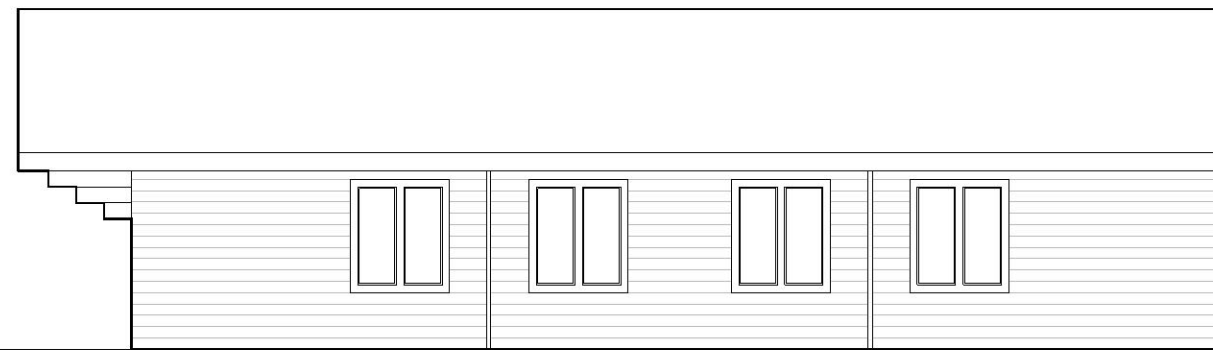


Rev.	By	Notes	Date
<p><b>rdc</b> Robert Doughty Consultancy</p> <p>32 High Street, Helpringham Sleaford, Lincolnshire NG34 0RA</p> <p>Tel: 01529 421646 Fax: 01529 421358 Email: admin@rdc-landplan.co.uk Web: www.rdc-landplan.co.uk</p>			
Client: Breheny			
Project: Butterfly World			
Drawing title: Containers			
Drawing No. 824-07-02-DD01	Rev.	Drawn WW	
Scale 1:100 @ A3	Date 10/02/2015	Checked	
All measurements should be checked against on site conditions and any discrepancies should be brought to the attention of the Robert Doughty Consultancy			

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Indoor eating area - Front (South-west elevation)



Indoor eating area - Side (South-east elevation)

**CDM NOTE:**

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The Health & Safety plan will be issued by the planning supervisor with these drawings.



Rev.	By	Notes	Date

**rdc**  
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Consultancy

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Email: admin@rdc-landplan.co.uk  
Web: www.rdc-landplan.co.uk

Client:  
**J Breheny Contractors Ltd**

Project:  
**Butterfly World St Albans**

Drawing title:  
**Design Details**

Drawing No. <b>824/7/2/DD02</b>	Rev.	Drawn <b>WW</b>
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Scale <b>1:100@A3</b>	Date <b>16/06/15</b>	Checked <b>JS</b>
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All measurements should be checked against on site conditions and any discrepancies should be brought to the attention of the Robert Doughty Consultancy.