

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00044/FP	Conversion of existing stables into dwelling following demolition of outbuildings	Fen Farm Rabley Heath Road Codicote Welwyn Hertfordshire AL6 9UA

Submitted Plan Nos

6009-E01-B 6009-P01-D 6095-E01 6095-P01A

1.0 Policies

SP5	Countryside and Green Belt
D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild

D3	Protecting living conditions
T1	Assessment of transport matters
T2	Parking
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN15	Conserve + enhance natural environment

2.0 **Site History**

- 2.1 12/01033/1 - Erection of a Barn for the storage of hay (as amended by drawings received 2/07/12). - Refused

3.0 **Representations**

- 3.1 **Neighbour Consultation** – None received.
- 3.2 **Parish Council** – No representation.
- 3.3 **Ecology** – Recommends inclusion of BNG condition and enhancement condition.
- 3.4 **Waste** – No comments.
- 3.5 **Highways** – No objection. Recommends inclusion of cycle storage condition.
- 3.6 **Environmental Health:**
- Contaminated Land – No Objection. Recommends inclusion of condition.

Noise – No Objection. Recommends noise informative.

Air Quality – No objection. Recommends EV charging condition.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises Fen Farm, a residential dwelling off Rabley Heath Road, Welwyn. The site is within the Green Belt.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the subdivision of the site to allow for the conversion of the existing barn into a residential dwelling separate to the main dwellinghouse.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The principle of the development in the Green Belt.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties and future occupiers.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development – Green Belt:

- 4.3.2 The site is designated as being within the Green Belt. In the Green Belt, only certain types of development are acceptable in principle. If development is not acceptable in principle it will be inappropriate and should not be approved except in very special circumstances.

- 4.3.3 Policy SP5 refers to the National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 154 and 155 (December 2024 version). Para. 154 is:

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- 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), including buildings, 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;*
- 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 (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) *Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

4.3.4 Para. 155 states that housing, commercial and other development should not be regarded as inappropriate development where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework(57); and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 – 157.*

4.3.5 'Grey belt' is defined in the NPPF Glossary as:

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

The relevant parts referred to above in para. 143 are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- d) to preserve the setting and special character of historic towns

Previously developed land (PDL) is defined in the NPPF Glossary as:

Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 4.3.6 Assessing the proposal against the above, starting with para. 154, it is considered that the proposed change of use of the building would fall within h) iv as it would be the re-use of buildings provided that the buildings are of permanent and substantial construction. The proposed external alterations to the building would fall within c) as they would be an alteration to the building but would not enlarge it. The erection of the bin store would also fall under c) given that it is not considered to disproportionately enlarge the dwelling.
- 4.3.7 Existing containers and outbuildings would be demolished as part of the development, and it is considered that the proposed intensification of the use of the site and any associated residential paraphernalia would be off-set by the removal of these structures. Owing to the large site, and its location within the green belt, I consider that it is prudent to withdraw permitted development rights for the dwelling hereby proposed, should permission be granted.
- 4.3.8 The proposed development is considered acceptable in principle in respect of Green Belt policy. The proposal complies with Local Plan Policy SP5 and Section 13 of the NPPF.

Design and Appearance:

- 4.3.9 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.
- 4.3.10 The built form of the existing structure would be retained, with new window and door openings created to allow for the conversion of the building for residential use. A new store is to be provided for bin and bike storage, with this comprising a structure tantamount to a garden shed in scale, built form and appearance. The division of the site is not considered to harm the grain of development found locally, and would utilise the existing layout of buildings within the site, and is therefore unlikely to detract from the character and appearance of the site and its surroundings.
- 4.3.11 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Standard of Amenity for Future Occupiers:

- 4.3.12 The proposed internal floor space for the dwelling would exceed the minimum space required for a three-bed, single storey dwelling as required by the Nationally Described Space Standards. Amenity space is provided to the rear. Overlooking is not considered to arise from the existing dwelling into this plot, and I therefore consider that the amenities of future occupiers would be suitably served by the building and garden area.

Impact on Neighbouring Properties:

- 4.3.13 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.14 The proposed development would not seek to enlarge the built bulk of the existing building, but would introduce a storage shed, and the intensification of the residential use of the site by introducing an additional household. I do not consider that the impacts of the development would be significant or adverse due to the modest scale of the development. Therefore, the relationship between the development and neighbouring dwellings is acceptable. No neighbour objections were received.
- 4.3.15 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Highways and Parking:

- 4.3.16 The proposed development would be served by a minimum of two parking spaces that are off-street, therefore impacts to parking provision locally would not be harmful. Hertfordshire Highways have not objected to the proposed development, but have recommended conditions. Therefore, it is considered that the impacts of the proposed development upon the safe operation of the highway would not be unacceptable.

Environmental Implications:

- 4.3.17 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

Ecology:

- 4.3.18 Ecology have made representation, and have recommended the inclusion of two conditions, firstly to provide enhancements within the site for bats, and the inclusion of the standard biodiversity net gain condition. Subject to their implementation, I consider that prospective impacts upon ecological assets would not be unacceptable.

4.4 **Conclusion**

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 **Alternative Options**

- 4.5.1 None applicable.

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which

form the basis of this grant of permission.

3. Prior to the first commencement of the development hereby permitted a plan of cycle parking should be submitted in accordance with (Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020) and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

4. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
 - o A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
 - o A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
 - o A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

5. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

7. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

8. Prior to the commencement of the development hereby permitted full details of all hard and soft landscaping as well as boundary treatment shall be submitted to and approved in writing by the Local Planning Authority.

The approved details of soft landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement. Approved hard landscaping and boundary treatment details shall be implemented prior to the first occupation of the dwelling hereby permitted.

Reason: To ensure satisfactory landscaping and to comply with Policies NE2 and D1 of the Local Plan.

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply

(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively 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.

Informative/s:

1. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>
The Biodiversity Gain Plan should be submitted as an 'application for approval of details reserved by condition following grant of planning permission' via the Planning Portal.
2. AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer	

Date: 26 March 2025	
----------------------------	--