

**Date of expiry of statutory period:** 28/01/2026

**Extension of statutory period:** N/A

**Reason for Delay:** None.

**Reason for Referral to Committee:** Site Area exceeds 0.5ha.

## 1.0 **Policies**

### 1.1 **North Hertfordshire District Local Plan 2011 – 2031**

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy and Spatial Distribution

Policy SP7 Infrastructure requirements and developer contributions

Policy SP8 Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Policy CGB1: Rural Areas beyond the Green Belt.

Policy CGB4: Existing buildings in the Rural Area Beyond the Green Belt

Development Management Policies

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy NE4 Biodiversity and geological sites

### 1.2 **Supplementary Planning Documents**

Design SPD

Sustainability SPD

### 1.3 **National Planning Policy Framework (2023)**

Section 2: Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 8 - Promoting healthy communities

Section 11 – Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

## 2.0 **Site History**

- 2.1 24/02712/PNQ - Conversion of existing agricultural buildings to provide 8 residential units – prior approval given.

- 2.2 23/02338/PNQ - Conversion of existing agricultural barn to provide 4 residential units (2 x 2bed, 1 x 3bed and 1 x 4bed) with all associated building works - prior approval given.

### 3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – None received.

- 3.2 **Ashwell Parish Council** – None received.

- 3.3 **HCC Highways** – Objection

*“The proposal is contrary to:*

- *NPPF Paragraphs 110 & 112*
- *Manual for Streets*
- *HCC Place & Movement Planning Design Guidance (2024)*
- *Hertfordshire LTP4 Policy 1*

*It would result in an unsustainable pattern of development with no realistic provision for active travel or public transport. The Highway Authority therefore recommends refusal.”*

- 3.3 **NHC Environmental Health** – No objection subject to conditions.

- 3.4 **Environmental Agency** – None received.

- 3.4 **NHC Ecology** – None received.

- 3.5 **NHC Waste and Recycling** – None received.

### 4.0 **Planning Considerations**

#### 4.1 **Site and Surroundings**

- 4.1.1 The application site is a cluster of farm buildings and associated hard standing area at Kirby Manor farm, which lies to the north of Ashwell, outside the settlement boundary and on the east side of Northfield Road. The site is within the Rural Area Beyond the Green Belt as per the Local Plan.

- 4.1.2 The site has two access points, a metal gate to the south and a northern access which open to the road. The site consists of 4 agricultural buildings. To the south-west is Kirby Manor Farmhouse, a two-storey dwelling in separate ownership, and to the west is the smaller Kirby Cottage on the other side of Highfield Road, which is owned by the applicant.

#### 4.2 **Proposal**

- 4.2.1 Planning permission is sought for the conversion of 3 existing agricultural buildings to provide 8 residential units, including gardens and formation of vehicular access. There would be 2 x 2-bedroom dwellings and 6 x 3-bedroom dwellings.

- 4.2.2 The proposed materials are:

**Roof** – slate tiles

**Windows** – Aluminium framed windows

**Walls** – render

**Doors** – Aluminium panelled and glazed doors

**Boundaries** – closed timber board picket fencing on garden boundaries. Rendered block walls where visual separation required.

**Vehicle Access** – tarmac to driveway entrances and permeable paving to access road and car parking areas

#### 4.3 Key Issues

##### 4.3.1 The key considerations are:

- The Principle of Development
- Rural Area beyond the Green Belt
- Design/Impact on the Character of the Area
- Impact on the Amenities of Neighbouring Properties/Future Occupiers
- Highways and Parking
- Landscaping

##### The Principle of Development

##### 4.3.2 The Local Plan Policy SP2 sets out the hierarchy for new residential development within the District, with the majority of new housing located within the adjusted settlement boundaries of identified towns with general development allowed within the category A villages, in-filling within category B villages and development for limited affordable housing and facilities for local community needs meeting the requirements of policy CGB2 in category C settlements. This site is located within a semi-rural context which falls outside of the category A, B and C settlements and is an area protected by the designation of Policy CBG1, Rural Areas beyond the Green Belt where there is a presumption against new development.

##### 4.3.3 Local Plan Policy CGB1 states:

*“In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:*

- a) Is infilling development which does not extend the built core of a Category B village;*
- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.”*

##### 4.3.4 As the proposed development would relate to existing agricultural buildings, Local Plan Policy CGB4 provides further guidance:

*“Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:*

- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.”*

4.3.5 The proposal seeks a minor extension to unit 4 which would not have a materially greater impact on the openness than the existing. The submitted Design and Access Statement states that the barns are of permanent and substantial construction, “external alterations are limited to works reasonably necessary for residential use, such as replacement of windows, doors, roofs, and external wall finishes, without wholesale reconstruction”. The proposal therefore complies with Policies CGB1 and CGB4.

4.3.6 In addition to this, it is acknowledged that there is a valid fallback position in the form of prior approval for the conversion of these units provided via application refs: 24/02712/PNQ & 23/02338/PNQ under Class Q of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015. The most recent prior approval was for 8 dwellings, which is a scheme that is similar to the proposal with two years remaining for the completion of that approved development. As it is considered that there is a real prospect for the implementation of that development it is considered that it is a relevant material consideration to which significant weight should be attached.

Therefore, in conclusion on this matter it is considered that the proposed development is acceptable in principle.

#### Benefits of the Development

4.3.7 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social and environmental objectives.

4.3.8 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase which is a benefit. The spending of future occupiers would also contribute to the local economy. Secondly, in terms of the social objective, this proposal would add 8 additional dwellings to the District’s housing supply which could be delivered in a relatively short space of time. Lastly, in terms of the environmental objective, the proposal would incorporate some sustainable building features, such as EV charging points and new landscaping where appropriate. Section 8 of the submitted Design and Access Statement addresses sustainability and confirms a fabric first approach but that there are opportunities to insert pv panels and air source heat exchange systems. However, reference is not made to the Council’s adopted SPD and it is therefore anticipated that the applicant will seek to meet the requirements of Building Regulations and therefore achieve SPD Bronze standards.

4.3.9 Overall, on the grounds of sustainability, the economic and social benefits of the proposal are modest in my opinion, which is relative to the scale of development of eight dwellings.

Moreover, there would be some environmental benefits through the incorporation of sustainable building features. Moderate weight is attributed to economic and environmental benefits that would arise. Given that the Council does not currently have a five-year supply of deliverable housing land, significant weight is attributed to the modest number of dwellings proposed, which would make a positive contribution to the local housing stock.

#### Design/Impact on the Character of the Area

- 4.3.10 Policy D1 of the Local Plan states that planning permission will be granted for development proposals that respond positively to local context and create or enhance the public realm. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. This is echoed in Section 12 of the NPPF.
- 4.3.11 The proposed development would be located in an isolated position outside of the settlement boundary. The proposed units have been designed to retain the agricultural aesthetic with sympathetic materials and retaining the scale of the existing barns. The materials are considered to be of high quality and would add to the overall quality of the area. I therefore consider that the proposed development would be appropriate in terms of appearance and design within the context of the locality in accordance with Policies SP9 and D1 of the Local Plan.

#### The Impact on Neighbouring Dwellings/Future Occupiers

- 4.3.12 Policy D1 of the Local Plan also requires that development proposals meet or exceed the nationally described space standards. Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. These considerations are echoed within Section 12 of the NPPF.

#### *Impact on Kirby Manor Farmhouse*

- 4.3.13 Kirby Manor Farmhouse sits in proximity to the boundary with the application site (approximately 6.2m) and has four first-floor windows facing towards the site on its northern elevation. There is direct overlooking from first floor windows within the north elevation to the farmhouse of the gardens for Units 1, 2 & 4 but views into the units themselves would be very limited. Conversely, users of the gardens would also have views into the neighbouring dwelling. Due to the position of the windows at first floor and the angle when looking up at them, the severity of the overlooking increases the further from the shared boundary. It is also acknowledged that there would be some acute views from the parking court which sits at slightly higher ground level than Units 1, 2 and 3. I consider that there would be harm arising due to overlooking that would result in a loss of privacy within the gardens to Units 1, 2 and 4 and some harm to the occupiers of Kirby Manor House from use of the gardens to Units 1, 2 and 4 neighbour's amenity. However, the prior approval for 8 dwellings at this property is a valid fallback position and therefore it is necessary to consider the difference between the approved scheme and this proposal.

- 4.3.14 The main difference between the approved scheme and proposal relates to additional garden land that would serve Units 1, 2 and 4. Overall, the provision of additional garden to these units would be beneficial for future occupiers compared to the approved scheme. As Kirby Manor Farmhouse is set at a higher level and the ability to look into the windows at the distance proposed would be limited, it is considered that the impact upon the privacy of occupiers of the farmhouse would not be significantly greater than the approved scheme. The Environmental Health officer has not raised any objection in terms of noise ingress and egress. Therefore, there would be some adverse impact upon the privacy of existing occupiers of Kirby Manor Farmhouse but moderate weight is given to this harm in the light of the fallback position.

*Impact to Kirby Manor Cottage*

- 4.3.15 Unit 1 at the front of the development is single storey, the proposed windows would not provide any overlooking of neighbouring amenity than can already be given from users of the road. No impact to this neighbour's amenity.

*Impact to future occupiers*

- 4.3.16 The proposed units would comply with the minimum nationally described space standards and would see all habitable rooms achieve suitable levels of natural light. However, gardens to Units 1 & 2 would have garden space that would be overlooked by Kirby Manor Farmhouse. Nevertheless, such overlooking of gardens is common within residential developments, and these units would have some garden spaces that would not be heavily overlooked.
- 4.3.17 As such, I consider that there would be some harm to privacy within the gardens to units 1 and 2 due to overlooking from Kirby Manor Farmhouse and therefore some conflict with Policies D1 and D3 of the Local Plan. However, in the light of the valid fallback position it is considered that the adverse impacts upon living conditions would not significantly and demonstrably outweigh the benefits of the proposed development.

Highways and Parking

- 4.3.18 Hertfordshire Highways have objected to the proposed scheme. Objections focus on the sustainability of the site and its connectiveness with the surrounding area, predominantly due to there being a lack of footpaths, cycle paths and public transport links. However, agricultural barn conversions are usually in isolated locations with limited public or active transport links. Moreover, the approved scheme for 8 dwellings is a valid fallback position against which this proposal should be assessed and therefore the objection does not outweigh the benefits that would arise and local and national planning policies that allow for this form of development within the countryside.
- 4.3.19 The proposal would retain the existing accesses with adequate space to allow for vehicles to turn and exit the site in forward gear. 2 parking spaces are provided per unit with 5 visitor parking spaces to comply with Policy T2 of the Local Plan. However, no cycle storage has been provided given the isolated location, but this matter can be controlled by condition.

Biodiversity and landscaping

- 4.3.20 A preliminary ecological appraisal has been carried out which identifies potential to support protected species. Bat Emergence Surveys confirmed the presence of a low-use day roost by common pipistrelle bats in one of the buildings and a license will need to be obtained from Natural England and the timing of works will need to be undertaken for building 3 outside the main maternity season and under the supervision of a licensed ecologist.
- 4.3.21 Four integrated bat boxes and four bird boxes are proposed to be installed.
- 4.3.22 The proposed development is supported by a biodiversity metric and Preliminary Ecological Appraisal which assures that a 10% biodiversity net gain can be achieved in line with Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. If permission was to be granted, this would be secured by imposing the standard BNG Condition. The proposal is considered acceptable regarding ecology. The proposal complies with Policy NE4 of the Local Plan, and Section 15 of the NPPF.
- 4.3.23 The site would be re-landscaped, with new hard and soft landscaping. The proposed layout, and the balance between the two, are considered acceptable. This matter can be controlled by condition. If permission was to be granted, details of new hard and soft landscaping would be required by condition. The proposal complies with Policy NE2 of the Local Plan.

#### Waste Storage

- 4.3.24 The proposed units would be served by two bin stores which are set back and screened from the highway.

#### Sustainability and Environmental Implications

- 4.3.25 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, which sets out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.
- 4.3.26 The proposed development, would have no significant implications for the local environment in terms of carbon emissions Whilst consultation responses are outstanding, given the valid fallback position I am satisfied that the proposal would be generally in compliance with Section 14 of the NPPF and Policy D1 of the Local Plan.

#### Other Matters

- 4.3.27 Although Environmental Health has requested a condition for an EV Charger. This is now a building regulation requirement, as such a condition is unnecessary.
- 4.3.28 Given the relatively constrained nature of the site, it is considered necessary and reasonable that the Permitted Development Rights for classes A to E of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, be removed by condition to control future development on the site. However, cycle storage

should be provided and can be achieved within the development. Therefore, a condition is recommended requiring details of cycle storage.

#### **4.4 Conclusion**

- 4.4.1 The Council cannot demonstrate a five-year supply of deliverable housing sites – currently estimated at between 2.6 and 3.3 years – and therefore there is a potential presumption in favour of development as set out in Paragraph 11 of the NPPF with the tilted balance engaged. The eight new homes will make a positive contribution to the delivery of housing numbers in the District, which is a planning benefit to which significant weight is attached, and the proposed scheme would have a suitable design and appearance.
- 4.4.2 HCC Highways have objected to the proposed scheme on sustainability grounds due to a lack of active and public transport links. However, given that local and national planning policies allow for the reuse or redevelopment of rural buildings in isolated locations with the countryside, this objection does not outweigh these policy considerations and the benefits that would arise from the proposed development.
- 4.4.3 In addition, the fallback position demonstrated via the two PNQ applications is given significant weight.
- 4.4.4 Regarding the harm to neighbouring amenity, whilst this relationship is not ideal, it would be similar to that experienced in residential areas of two storey developments where overlooking of neighbouring gardens occurs.
- 4.2.4 I therefore consider that a refusal on amenity grounds would be limited to this area of between units 1, 2, 3 and 4 which due to the reasons listed above, and in the light of the valid fall-back position it is considered that the identified harm would not significantly and demonstrably outweigh the benefits. It is concluded therefore that planning permission should be granted subject to the recommended conditions.

#### **4.5 Alternative Options**

- 4.5.1 N/A

#### **4.6 Pre-Commencement Conditions**

- 4.6.1 The applicant is in agreement to the proposed pre-commencement conditions.

#### **4.7 Legal Implications**

- 4.7.1 In making decision on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and any other material considerations. The decision must be in accordance with the plan unless material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached the applicant has a right of appeal against the decision.

#### **5.0 Recommendation**

- 5.1.1 That planning permission resolved to be GRANTED subject to:

A) A response of no objection and any relevant conditions from the North Herts Ecology, to be delegated to the Development and Conservation Manager prior to any decision.

B)

B) the agreement to an extension of time to the statutory determination date to allow time for (Ato occur; and

C) the conditions and informative set out below:

#### **BNG Statement**

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.

#### ***Standard Time Limit***

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.

#### ***Development in accordance with Plans***

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.

#### ***Bin Stores***

3. Prior to the occupation of the development hereby approved, details including materials and elevations of the bin store shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

#### ***Land Contamination***

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:
- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
  - A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
  - 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.

#### ***Construction Environmental Management Plan***

5. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be informed by an up to date ecological appraisal and include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To safeguard local biodiversity and to comply with Policy NE4 of the Local Plan

### ***Validation Report***

6. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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

### ***Permitted Development Rights***

7. 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, D 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, except for the provision of cycle stores under condition 9 below.

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.

### ***Landscape Completion***

8. The approved details of 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.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

### ***Cycle parking***

9. No dwelling shall be occupied until provision is made within the site for the storage of bicycles to serve each dwelling. Details of storage buildings for bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to their construction.

Reason: To make provision cycle parking to encourage active travel and in accordance with the provisions of Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.