

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01947/PNR	Change of use of existing agricultural building to flexible commercial use comprising pottery studio and workshop, pottery teaching and associated storage, together with gym equipment repair and associated storage.	Waterhall Farm The Valley Whitwell Hitchin Hertfordshire SG4 8BN

Submitted Plan Nos

2026-415-01 2026-415-02 2026-415-03 2026-415-04

1.0 **Site History**

- 1.1 26/01572/PNR - Change of use of redundant barns (units 3a, 3b and 3c) from Agricultural to flexible use (B8) (Storage or Distribution). - Withdrawn
- 1.2 26/00349/PNR - Change of use from Agricultural to flexible use (B8) Storage – Prior Approval Given (Wider Site)

2.0 **Policies**

- 2.1 Class R, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

3.0 **Representations**

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

3.2 **Statutory Consultees**

HCC Highways – Does not wish to restrict grant of permission. Would not affect the safety and operation of the wider public highway network.

Environmental Health – *“Based on the submitted information, I have no objections to the proposals.”*

Street naming and Numbering Officer – *“I have reviewed the plans associated with the application and do not believe any Public Rights of Way are within the area of development and therefore No Comments are required from myself”*

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is approximately 0.04Ha in area, and contains various units, however, the buildings that this application relates to are Units 3a, 3b and 3c. It is evident that the wider site is in operation, with varying uses and small units providing business uses. A communal parking area is present at the entrance to this part of the site.
- 4.1.2 Unit 3a comprises a floor area of approximately 70 sqm, with Unit 3b comprising approximately 34sqm and 3c comprising approximately 33sqm.

4.2 **Proposal**

- 4.2.1 Prior Approval is sought for the conversion of the existing barns into commercial use under Class R, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- 4.2.2 Change of use of existing agricultural building to flexible commercial use comprising pottery studio and workshop, pottery teaching and associated storage, together with gym equipment repair and associated storage.

4.3 **Key Issues**

- 4.3.1 The key issues are firstly whether the proposed works are permitted development as defined by The Town and Country Planning (General Development Order) 2015 as amended, Schedule 2, Part 3, Class 'R' and meets the limitations and conditions set out in R.1 and R.2 of the Order. Secondly, whether the prior approval of the LPA is required in relation to the conditions listed in paragraph R.3 of the same.

- 4.3.2 *R. Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within one of the following provisions of the Use Classes Order—*

- (a) Class B8 (storage or distribution) of Schedule 1;*
- (b) Class C1 (hotels) of Schedule 1; or*
- (c) Class E (commercial, business or service) of Schedule 2.*

The application proposes the change of use of the barns on site and the curtilage as shown on the existing site plan 2026/405/03.

- 4.3.3 Qualification as permitted development (Paragraph R.1)

R.1 Development is not permitted by Class R if—

(a) the building was not used solely for an agricultural use as part of an established agricultural unit—

- (i) on 3rd July 2012;*
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or*
- (iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;*

The submitted planning statement advises that the buildings were solely used for agricultural purposes in association with an established agricultural unit on 3rd July 2012.

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1000 square metres;

The applicant proposes that 137 sqm of the three units would be subject to the change of use under Class R. The proposal would comply with the above criterion.

(c)the site is, or forms part of, a military explosives storage area;

The site does not form part of a military explosives storage area and is therefore compliant with the above condition.

(d)the site is, or forms part of, a safety hazard area; or

The site does not form part of a safety hazard area. The proposal complies with the above criteria.

(e)the building is a listed building or a scheduled monument.

The buildings are not a listed building and are not a scheduled monument. The proposal complies with the above criterion.

4.3.3 Conditions (Paragraph R.2)

The change of use is permitted subject to the conditions in paragraph R.2. It should be noted that once changed the new 'flexible' B8 use will be regarded a '*sui generis*' meaning planning permission would be required to move away from the flexible use to any other use which amounts to development. A further application for prior approval will also be required to change to another of the flexible uses within Class R, should prior approval be given and the change of use implemented.

4.3.4 Prior approval (Paragraph R.3)

This section falls into two parts:

- (a) A building or buildings with a floor space under 150 square metres;
- (b) A building or buildings with a floor space that exceeds 150 square metres;

The buildings do not have a floor space that would exceed 150sqm, however, cumulatively, the existing Class R prior approval changes of use within the site would exceed 150 sqm together with this, and as such, R3 (1a) is activated and therefore prior approval is required with relation to:

- (i) Transport and highways impacts of the development;
- (ii) Noise impacts of the development;
- (iii) Contamination risks on the site; and
- (iv) Flooding risks on the site.

4.3.5 Transport and Highways Impacts

HCC Highways have been consulted and have raised no objection to the proposal. Having considered vehicle movements to and from the site, on site car parking, and the impact upon highways safety, no objection is raised to the impact of the development upon transport and highways.

The recommended condition related to cycle parking is considered acceptable. Informatives recommended by Highways are also considered to be reasonable.

4.3.6 Noise Impacts of the Development / Hours of use

No objection has been raised by Environmental Health (Noise).

No condition for noise is required.

4.3.7 Contamination risks on the site

No objections have been received from Environmental Health in relation to the contamination risks of the site. The supporting statement submitted alongside the application states that the site does not contain contamination risk.

4.3.8 Flood Risks

The applicant has stated that the site is situated wholly in Flood Zone 1, where there is less than 0.1% annual probability of river or sea flooding. In addition, the site has a very low risk of surface water flooding. As such, it is considered that there will be no unacceptable flood risks of the proposed change of use.

4.3.9 Landscaping

No conditions or additional information is required in regards to the submission of details of landscaping or boundary treatment.

4.3.9 Conditions

The proposed B8 use for a pottery studio and workshop, pottery teaching and associated storage, together with a gym equipment repair business and associated storage is unlikely to be significantly noise generating. Although Environmental Health have not recommended a condition for hours of operation, it is prudent to restrict the hours of operation in line with other determinations for B8 uses within the district. This would restrict operation to 8am to 7pm Mon-Fri and 8am to 12pm on Saturdays with no Sunday or Bank Holiday operations. This is considered to be reasonable and a consistent approach.

4.3.10 The provision of a communal parking space is considered to result in no need for a parking delivery condition. No external changes are proposed, and therefore, it is not considered reasonable to require a scheme of lighting be submitted. The restriction of additional lighting is considered reasonable given the site's periphery location with the countryside. The recommended cycle storage condition by Highways is considered to be reasonable and would enable sustainable transport options for the unit.

4.4 **Conclusion**

4.4.1 The proposed development would comply with the criterion set out in Class R of the General Permitted Development Order. The prior approval of the local planning authority is not required in this case.

4.5 **Alternative Options**

4.5.1 None applicable

5.0 **Recommendation**

5.1 That prior approval is not required.

1. The development hereby permitted shall be completed before the expiration of 3 years from the date of this decision notice.

Reason: As required by the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3 Class R.

2. There shall be no external lighting installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the visual amenities of the rural area and protect the habitat of nocturnal species including bats in accordance with Policies SP12, D1, D3 and NE4 of the North Hertfordshire Local Plan 2011-2031.

3. The use shall only operate between the hours of 8.00 AM to 19.00 PM on Mondays to Fridays, and 8.00 AM to 12.00 PM Saturday(inclusive) and at no time on Sundays or Bank Holidays.

Reason: To protect nearby amenity and living conditions in compliance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

Informative/s:

1. AN1) 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.

AN2) 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 Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 28 September 2026	