

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00881/FP	Change of use of two barns from agricultural use to B8 storage (development already carried out).	Dog Kennel Farm Lilley Bottom Lilley Luton Hertfordshire LU2 8LQ

Submitted Plan Nos

24_056227_0001 24_056227_0002 24_056227_0006 24_056227_0010 24_056227_0011
24_056227_0106 24_056227_0110A 24_056227_0111

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
SECN13	Protecting Green Belt Land
SECN6	Building strong, competitive economy
SP1	Sustainable development in North Herts
SP3	Employment

2.0 **Site History**

- 2.1 03/00581/1EUD: On adjacent land to the east - Use for existing storage and distribution of refrigerators and other goods, parking circulatory and access areas (as amended by site plan received 13.06.03) - approved in June 2003.
- 2.2 07/00102/1: On adjacent land to the east - Continued use of two former agricultural buildings for B8 (storage) purposes - approved in January 2008.

3.0 **Representations**

- 3.1 Offley Parish Council: No response
- 3.2 Herts Highways: 'Does not wish to restrict the grant of planning permission'.
- 3.3 Site Notice / Adjacent occupiers: No responses received
- 3.4 Herts County Council Rights of Way Unit: Advises as follows:

'On either side of the roadway leading into the site are two Public Rights of Way, these are Offley Footpath 10 and Lilley Footpath 5. These Rights of Way must not be obstructed at any time and the safety of the public using the routes should be a paramount concern at all times. If, for safety reasons, it is necessary to close either of the Rights of Way then a Temporary Traffic Regulation Order must be applied for and granted before any works can take place.'

Finally, any damage to the surfaces of either Public Right of Way must be repaired and 'made good' in line with HCCs approved specifications, this includes any material spillages, damage from vehicle tyres, or other damage to the surface caused during the development.'

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.2 Existing barns located within Dog Kennel Farm located to the west of Lilley Bottom Road and south of the A505. The site is within the Green Belt. The wider site area consists of several barns only one of which is in agricultural use the rest being in employment use.
- 4.1.3 Public Footpaths Offley 009 and Offley 010 run to the north either side of the industrial estate.
- 4.1.4 The barns the subject of this application are located in the site west corner of the former farmyard. The barns are of modern construction materials (green corrugated metal sheeting around a steel frame) .

4.2 **Proposal**

- 4.2.1 Change of use of two barns from agricultural use to B8 storage (development already carried out). The barns are used for the storage of scaffold equipment.

4.3 **Key Issues**

4.3.1 Principle of the use / Green Belt policy

- 4.3.2 Paragraph 154 of the NPPF states that development in the Green Belt will be considered inappropriate unless it accords with one of the defined exceptions, including: [...] h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: [...] iv. the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 4.3.3 Both barns are constructed of a steel frame and metal sheeting on a brick plinth. The buildings are considered to be of permanent and substantial construction. Therefore the development is not considered inappropriate development in the Green Belt.
- 4.3.4 As the buildings exist there would be no harm to openness and no adverse spatial or visual impacts on the Green Belt.
- 4.3.5 Policy SP3 states that support will be given to proposals for light industrial and other B-related uses in appropriate locations outside of defined settlement boundaries. Policy ETC2 states that employment uses will be permitted outside of designated employment areas where it:
 - Is for small scale employment development; and
 - Is appropriate to the location in terms of size, scale, function, catchment area and historic character; and
 - There would be no significant adverse impacts on living conditions.

4.3.6 The development is relatively small scale and is appropriate to the character and appearance of the farm site. There is no impact on living conditions of residential occupiers to the north.

4.3.7 Impact on character and appearance and impact on neighbours

4.3.8 The development accords with the wider use of the site, diversification of which began several years ago. The use of the barns for the storage of scaffold equipment is in keeping with the other uses occurring at the site, whereby the neighbouring buildings are similarly used. This includes another scaffolding business. The proposal therefore relates to a well established business currently operating on the site.

4.3.9 The use as B8 storage units is in keeping with the prevailing character of site, with the neighbouring buildings operating within the same use class. The wider Dog Kennel farm, which is of a mixed commercial character is similar in terms of scale, siting and appearance to other sites located near to the A505

4.3.10 The nearest dwellinghouse, Dog Kennel Farmhouse, is 60metres from the site and occupied in conjunction with the wider site. The main form of Lilley and the dwellings located there are separated from the site by way of the A505. The proposals would not result in any significant adverse impacts on the amenity of any neighbouring residential occupiers. The proposal therefore accords with Local Plan Policy D3 and paragraph 135 of the NPPF

4.3.11 Ecology

A Preliminary Ecological Appraisal (PEA) has been produced by Brown & Co. in support of this application. The PEA includes desk and site based assessments of the barns and surrounding areas, with particular regard for protected species. No evidence of protected species using the site for nesting, roosting or hunting was recorded within the barns, or near to the application site. The proposal relates to an existing use, and therefore there are no works requiring ecological mitigation. The report confirms that the application site comprises of existing buildings and associated areas of hardstanding. The proposals would not result in the loss of any habitat and so would accord with the de minimus exemption for delivering mandatory biodiversity net gain.

4.3.12 Parking and access

The development is accessed by an existing private drive to Lilley Bottom Road which has a wide bellmouth with good sightlines.. Traffic movement to and from the development is limited due to the floorspace (298 sq metres). The Highway Authority raise no objection to the development. Adequate staff parking can be provided around the buildings (see red line site plan).

4.3.13 Climate change

The development has no significant impact on local climate change because of its limited scale.

4.3.14 Conditions

Given the remote location and the nature of the surrounding buildings it is recommended that a condition is attached limiting the use of the buildings to Class B8 Storage and distribution purposes only and for no other use unless approved in writing by the Local Planning Authority

4.4 **Conclusion**

The development is acceptable in planning terms.

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 restricted to the use of the buildings for Class B8 Storage and distribution purposes only and for no other use unless approved in writing by the Local Planning Authority.

Reason: Given the rural location and surrounding uses the Local Planning Authority consider it appropriate to retain control of the use in the interests of sustainability and general amenity

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
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Date: 4 June 2025	
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