

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02876/FP	Change of use of agricultural building into three business/storage units (Commercial Business Services Use Class E(g)(iii) light industrial and Storage or Distribution B8) including external alterations and re-cladding, layout of car parking, cycle store, landscaping and all ancillary works following demolition of open storage yard.	Titmore Green Farm Stevenage Road Titmore Green Little Wymondley Hitchin Hertfordshire SG4 7JT

Submitted Plan Nos

2737-BC-PL201 2737-BC-PL202- 2737-BC-PL203 2737-BC-PL204- 2737-BC-PL205 2737-BC-PL206
2737-BC-PL207 2737-BC-PL208 2737-BC-PL209- 2737-BC-PL212

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
D4	Air quality
ETC2	Employ Dev outside Employ Areas
HE1	Designated heritage assets
NE2	Landscape
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places
SECN11	Making effective use of land
SECN13	Protecting Green Belt Land
SECN15	Conserve + enhance natural environment

SECN16	Conserve + enhance historic environment
SECN6	Building strong, competitive economy
SECN9	Promoting sustainable transport
SP12	Green infrastructure, landscape and biod
SP13	Historic environment
SP3	Employment
SP2	Settlement Hierarchy and Spatial Distrib
SP5	Countryside and Green Belt
SP6	Sustainable transport
SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

Wymondley Neighbourhood Plan 2016

Policies NHE2, NHE3, NHE6, NHE7, NHE8, NHE9, GB1, TM1, SLBE1, HOD 2, HOD3

2.0 Relevant site history

- 2.1 22/00986/FP - Alterations to existing agricultural barns with light industrial and storage and distribution with ancillary offices, and associated parking and landscaping – Approved 18/05/22.
- 2.2 22/00222/FP - Change of use of agricultural barns to light industrial and storage and distribution with ancillary offices, and associated parking and landscaping (renewal of planning application 11/02173/1 granted 31.10.2011) – Approved 28/03/22.
- 2.3 11/02173/1 - Renewal of application number 08/01332/1 granted 26 September 2008 for change of use of 2 agricultural barns to a Light Industrial (B1) unit with ancillary offices and a Storage (B8) unit with ancillary offices. Provision of 18 car parking spaces and 4 cycle racks – Approved 31/10/11.
- 2.4 08/01332/1 - Change of use of 2 agricultural barns to a Light Industrial (B1) unit with ancillary offices and a Storage (B8) unit with ancillary offices. Provision of 18 car parking spaces and 4 cycle racks (as amended by plans received 26.8.08) – Approved 26/09/08

3.0 Representations

- 3.1 **Environmental Health** – No objections.
- 3.2 **Highways Officer** – Does not wish to restrict the grant of permission.
- 3.3 **Ecologist** – No ecological objection.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site comprises an agricultural barn with a pitched roof, which adjoins another barn. The barn did not appear to be in agricultural use at the time of a site visit. Near the west of the barn is an enclosed open storage area. West and NW of the storage area is an area primarily of hardstanding used for parking and access onto Stevenage Road.
- 4.1.2 Near the site in the blue-edged area is a smaller barn to the north used for parking and storage, three barns in two buildings that were converted into offices (now Use Class E) in the 1990's, and Titmore Green Farmhouse which is a two storey detached dwelling and Grade II listed building.
- 4.1.3 The wider locality has a rural agricultural character, although it's not far from Stevenage. There are a small number of dwellings near the site in all directions. The site is in the Green Belt.

4.2 **Proposal**

- 4.2.1 The conversion of the barn to three business/storage units (Use Classes E and B8) with new wall and roof cladding materials, new solar panels and rooflights to the roof, and new front openings and the removal of two side openings. The enclosed outside storage yard will be demolished, and this area and nearby hardstanding will be used for vehicle turning and parking, a bin store and cycle store, and planting.

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the development is acceptable in principle, character and appearance, impacts on residential amenity, highways and parking, and trees and landscaping and ecology.

Principle

- 4.3.2 The site is in 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;

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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's considered that the proposed change of use of the buildings would fall within h) iv as being 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.
- 4.3.7 The proposed new parking, turning and landscaped areas that would be at the front of the building h) v as the new use of the land would have comparable or lesser impacts than the existing uses. As the existing area is hard surfaced and used by vehicles for parking and manoeuvring, and also used for storage, it's not considered that the proposed use of the land would conflict with h). The proposed development is not considered inappropriate development in the Green Belt. It's also not required to consider whether the site is Grey Belt in this case.
- 4.3.8 In respect of the loss of the agricultural use, the Local Plan does not include Policies that seek to protect such uses. In any case, the two 2022 planning permissions to change the use of the barn to light industrial and storage and distribution with ancillary offices remain extant, which are given significant weight.
- 4.3.9 The proposed new uses would be Use Classes E and B8 (light industrial, and storage and distribution respectively). Local Plan Policy ETC2 is applicable as the site is outside an Employment Area. The proposal is considered to comply with a) ii and iii, and b), of that Policy, as it would be small scale with no adverse impacts caused. As stated above, the two extant 2022 planning permissions are given significant weight in favour of the proposed use.
- 4.3.10 The proposed development is considered acceptable in principle in respect of Green Belt policy and the location of the light industrial and storage uses. The proposal complies with Local Plan Policies SP3, SP5 and ETC2; Sections 6 and 13 of the NPPF; and Policy GB1 of the Neighbourhood Plan.

Character and appearance

- 4.3.11 The proposed external alterations to the building would be extensive as it would have replacement brown metal clad walls and grey metal clad roof, new and removed openings, and new solar panels on the roof. These works will not enlarge the building.

- 4.3.12 The existing roof is asbestos, therefore the proposed replacement metal cladding is considered to be an improvement. The existing walls are breeze blocks and timber cladding which appear agricultural although aren't of a high quality. The proposed replacement metal cladding would be brown which is considered to be a material of an acceptable quality and colour, would continue to be of an agricultural and rural appearance, and is acceptable. There are no objections to the new and altered openings, solar panels, and bike shelter. The proposed works will have limited impacts on the locality due to their location and screening by buildings etc.
- 4.3.13 The proposal is not considered harmful to the setting and significance of the listed farmhouse to the NE due to the distance between them and the sympathetic nature of the proposals. The proposal complies with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

Neighbour amenity

- 4.3.14 The closest dwelling is the farmhouse to the NE, which is also within the blue-edged area on the site plan. The closest dwellings outside the blue-edged area are Beech Cottage and Elmwood to the NW of the site.
- 4.3.15 The barn and hardstanding are sufficiently far from the closest dwellings for the proposed alterations to not affect them. Each unit would be small and their number would also be small, which would limit the amount of traffic that could be expected, and the scale and potential noise of operations. The distance of the parking and turning area from the dwellings will also mitigate potential impacts.
- 4.3.16 The opening hours are proposed to be 8 to 6 Monday to Fridays, and 8 to 1 on Saturdays (not opening on Sundays and Bank Holidays). These opening hours can be required by condition, which are considered would mitigate unreasonable harms. The Council's Environmental Health Officer has not objected, which is given weight. Impacts on amenity are acceptable, and complies with Policy D3 of the Local Plan.

Parking and highways

- 4.3.17 The proposal will not alter the existing access, will not be considered to generate vehicular traffic that could adversely affect the highway network, and will provide sufficient manoeuvring space within the site for vehicles. Given that the highways officer has not objected, impacts on the public highway are acceptable.
- 4.3.18 Parking standards are set out in the Council's 2011 SPD. The closest category to what's proposed is 'Mixed B1/B2/B8', which requires a maximum of 1 space per 40 sqm gfa; and for cycles, a minimum standard of 1 space per 500sqm for staff plus 1 space per 1000sqm for visitors.
- 4.3.19 For car parking, the gfa proposed would be 396 sqm, resulting in a maximum requirement of 9 spaces. 15 spaces would be proposed, which exceeds the maximum and is acceptable. The surplus spaces would be able to provide sufficient visitor parking. Ten cycle spaces are proposed which exceeds the minimum standards and are acceptable. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Landscape and trees and ecology

- 4.3.20 The proposal will not affect any trees. The new landscaping is considered to improve the appearance of the site given the unsightly storage area will be removed. Further details of hard and soft landscaping will be required by condition.
- 4.3.21 Regarding impacts on ecology, the application was submitted with a Preliminary Ecological Appraisal that did not find protected species, with no to very low risk that the conversion would affect protected species or their roosts. The Council's Ecologist has not raised any concerns in this regard, and the two conditions recommended by the Ecologist relating a CEMP and lighting will be attached to the permission.
- 4.3.22 The proposal will deliver biodiversity net gains of 11.85% which exceeds the minimum 10% mandatory requirement under BNG legislation. The standard BNG condition will be attached to the permission. The proposal complies with Policies NE2 and NE4 of the Local Plan, and Section 15 of the NPPF.

4.4 **Conclusion**

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

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 occupation, the approved new units shall incorporate Electric Vehicle (EV) ready domestic charging points in a minimum of 10% of the parking spaces provided.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality. To comply with Policy D4 of the Local Plan.

4. Prior to commencement of the approved development, landscaping details shall be submitted to the LPA for approval and shall include the following:
- a) which, if any, of the existing vegetation is to be removed and which is to be retained
 - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
 - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. 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.

6. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the submitted Lustre consulting Ltd report dated December 2024 (Ref: R235-PH1-01.0_4948), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. To comply with Policy NE11 of the Local Plan.

7. The premises shall not be used except between 0800 hours and 1800 hours Monday - Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: In the interests of amenity. To comply with Policy D3 of the Local Plan.

8. Prior to the first occupation of the development hereby permitted the proposed onsite car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan (Ref- BC-PL105, Rev-) and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T2 of the Local Plan.

9. No development shall take place (including ground works or 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) should be informed by the December 2024 Preliminary Ecological Appraisal to include the following.
 - a) Reasonable avoidance measures for Great Crested Newts.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to harm to biodiversity features.
 - e) Responsible persons and lines of communication.
 - f) 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: In the interests of ecology. To comply with Policy NE4 of the Local Plan.

10. Prior to commencement of use, a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall;
 - a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive where lighting is likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging, and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of ecology. To comply with Policy NE4 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. 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  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 6 March 2025	