

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01737/FP	Change of use of first floor to residential use including installation of external staircase and insertion of additional fenestration	Lannock Manor Farm Hitchin Road Weston Hitchin Hertfordshire SG4 7EE

Submitted Plan Nos

24/04/01 24/04/02 24/04/03

SP5	Countryside and Green Belt
SP9	Design and Sustainability
D1	Sustainable design
D3	Protecting living conditions
CGB3	Rural workers dwellings
NE4	Biodiversity and geological sites
T2	Parking
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land

2.0 **Site History**

2.1 Extensive site history. None relevant to this application.

3.0 **Representations**

3.1 **Weston Parish Council** – None received.

3.2 **North Herts Ecology** – No objection subject to an informative.

3.3 **Site Notice and Neighbour Consultation** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is Lannock Manor Farm which is a farm located on the south side of Lannock Hill, Weston. The site is within the Green Belt. The building to which this application relates is a vacant two-storey brick building with a dual-pitched roof, adjacent to the existing farmyard.

4.2 **Proposal**

4.2.1 The application seeks planning permission for the change of use of first floor to residential use including installation of external staircase and insertion of additional fenestration.

4.2.2 The change of use would be facilitated by the insertion of windows and doors at first floor and the erection of an external staircase. The Design and Access Statement, proposed plans and application form state that the proposal is for 'occasional accommodation'. Following correspondence with the agent where Officers queried this matter asking for further detail and justification, the agent stated that *"it is proposed to use the accommodation for Airbnb in the short term but would like the facility to be used later on for farm workers"*.

4.3 **Key Issues**

4.3.1 The key issues in this case are:

- ☐ Principle of Development/Green Belt
- ☐ Design and Appearance
- ☐ Impact on Neighbours/Future Occupiers
- ☐ Highways, Access, and Parking
- ☐ Ecology and Biodiversity Net Gain

Principle of Development/Green Belt

4.3.2 The site is allocated as within the Green Belt. Policy SP5 of the Local Plan states that the LPA will only permit development proposals in the Green Belt where they would not result in inappropriate development, or where very special circumstances have been demonstrated. Section 13 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 154 and 155 of the NPPF offers several exceptions to inappropriate development, which are as follows:

4.3.3 ***"154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:***

(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) 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;

(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, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

4.3.4 ***“155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:***

(a) mineral extraction;

(b) engineering operations;

(c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

(f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order”.

4.3.5 The proposal is split in two parts in respect of Green Belt considerations. The first is the physical development to facilitate the change of use, namely the erection of an external staircase to the side of the building to access the first floor, and the insertion of windows, rooflights and doors. It is considered that this part of the proposal comes under paragraph 154 c) of the NPPF. The proposed staircase would be a relatively modest addition compared to the size of the existing building, finished in black steel which would also have see-through railings. The proposed windows and doors would be mainly in existing openings, with a few additional openings required in the walls and roof. For these reasons, it is considered that the staircase and fenestration would not be considered a disproportionate addition over and above the size of the original building, such that they would not amount to inappropriate development in the Green Belt in line with paragraph 154 c).

4.3.6 The second part to consider is the change of use aspect of the existing building to ‘occasional residential’. It is considered that this part of the proposal comes under paragraph 155 d), as the existing building is currently vacant with no real use, is of permanent and substantial construction as is, and the proposal would bring it back into

some use for residential. As such, the proposal is acceptable in this respect so long as it preserves the openness of the Green Belt and do not conflict with the purposes of including land within it.

4.3.7 Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It is well established in case law that openness is split into two dimensions, the spatial and visual.

4.3.8 In respect of the spatial element, the proposal is fundamentally a change of use of an existing building which is of permanent and substantial construction, with the only facilitating development necessary to accommodate the change of use limited to the erection of an external staircase, which has already been deemed to not be a disproportionate addition, and the insertion of windows, rooflights and doors, which are all modest additions in a spatial sense. As such, it is considered that the development would not give rise to any harm to spatial openness.

4.3.9 In respect of the visual element, as set out above, the external staircase and proposed fenestration are considered to be acceptable elements to facilitate this use, improving the external appearance of the existing vacant building. As such, whilst the scheme would be facilitated by noticeable changes, it is considered that these would not result in harm to visual openness.

4.3.10 The Green Belt serves five purposes in line with paragraph 143 of the NPPF, which are as follows:

*“(a) to check the unrestricted sprawl of large built-up areas;
(b) to prevent neighbouring towns merging into one another;
(c) to assist in safeguarding the countryside from encroachment;
(d) to preserve the setting and special character of historic towns; and
(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.*

4.3.11 It is considered that the proposed development would not conflict with any of the five purposes of the Green Belt.

4.3.12 Overall, it is therefore deemed that the proposed development would not constitute inappropriate development in the Green Belt, in accordance with paragraph 154 c) and 155 d) of the NPPF. The proposal would not result in harm to the openness of the Green Belt, nor would it result in any conflict with the five purposes.

4.3.13 However, notwithstanding the above in respect of Green Belt matters, it is considered that the proposal is unacceptable in principle as insufficient information has been submitted to support the proposed use.

4.3.14 The application has been supported by a Design and Access Statement (DAS), but its contents are fairly limited. The DAS does not consider the detail and material Local Plan policy implications of the proposed use. The DAS, proposed plans and application form state that the proposal is for ‘occasional accommodation’, which is vague. Following

correspondence with the agent where Officers queried this matter asking for further detail and justification, the agent stated that *"it is proposed to use the accommodation for Airbnb in the short term but would like the facility to be used later on for farm workers"*.

4.3.15 Proposals for Airbnb's should be supported by detailed justification including the number of people who will be occupying the property, the frequency of use/number of nights that will be used for this purpose over a given period, and how the impacts on future occupiers' residential amenity will be managed, in line with Policy D3 of the Local Plan. This proposed use is amongst a number of commercial uses utilising the old barn buildings, with various impacts and comings and goings of vehicles from the number of businesses operating within close proximity. No information has been provided to justify and detail the proposed Airbnb use.

4.3.16 Furthermore, proposals for residential dwellings for farm workers is covered specifically under Policy CGB3 of the Local Plan. The policy sets out that *"permission for new isolated new homes in the countryside to support agricultural, forestry and other rural businesses will be granted provided that:*

a) There is a clearly established existing functional need;

b) The unit and the rural business concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and should remain so;

c) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

d) The proposal responds appropriately to the site's local context and the needs of the business in terms of design, scale and function.

Where accommodation is proposed in association with a new business, applicants will need to demonstrate the business is viable with secure future prospects as an exception to criterion (b).

If a new home is deemed essential to support a rural business, it should first be permitted through a time-limited permission, or temporary accommodation such as a caravan. Permission for permanent dwellings will normally only follow in the event of a persistent need".

4.3.17 As stated, the application has not been supported by any detailed justification which speaks to the above matters which is required to support applications for rural workers dwellings. As such, it is considered that in the absence of detailed justification for the proposal, which the agent was invited to submit, the principle of development cannot be supported in this instance.

- 4.3.18 Therefore, it is considered that the proposed development cannot be supported in principle, due to the submission of insufficient information to support the proposed Airbnb and Rural Worker Dwelling uses, contrary to the requirements of Policies D3 and CGB3 of the Local Plan.

Design and Appearance

- 4.3.19 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. 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. These considerations are echoed in Section 12 of the NPPF.
- 4.3.20 The proposed external staircase and the insertion of windows, roof lights and doors are considered acceptable in design terms, given their sympathetic external appearance and modest scale.
- 4.3.21 Therefore, the proposed development is deemed in accordance with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbours/Future Occupiers

- 4.3.22 Policy D1 of the Local Plan states that permission will be granted for proposals which for residential schemes, 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.
- 4.3.23 It is considered that the proposed occasional use of the first floor of the building for Airbnb/Rural Worker Dwelling would not result in material harm upon the reasonable living conditions and well-being of existing neighbours.
- 4.3.24 Concerns have already been raised in respect of the lack of supporting information to justify the proposed use for Airbnb and how the impacts of future occupiers' amenity would be managed, given that the site is within close proximity to several existing business and comings and goings of large vehicles which would need to be fully considered in this respect before planning permission could be granted.
- 4.3.25 However, in terms of the proposed use of the site as a Rural Worker Dwelling, it is also important to consider the nationally described space standards in line with Policy D1 of the Local Plan. The proposed floor plans appear to indicate that the first floor would be to accommodate a 1-bedroom/2-person dwelling, given the double bed shown on the floor plans. The DAS states that the floor space for this unit would total 37.4sqm, but the proposed first floor plan measures 6.74m wide and 5.37m deep, which totals 36.2sqm of floor space. As such, whether the floor space is 36.2sqm or 37.4sqm, this is significantly below the 50sqm required for a 1-bedroom/2-person dwelling, which is what the unit is assumed to be for, given the provision of a double bed on the floor plans. If the proposal was to be for a 1-bedrom/1-person dwelling, then it would need to show a single bed.

Again, no detailed justification or supporting information has been provided to explain this matter so the Council must take the submission on face value.

- 4.3.26 As such, it is considered that insufficient information has been provided to allow full consideration of the potential impacts on future occupier's amenity from the existing uses at the site. Moreover, the proposed first floor area (36.2sqm/37.4sqm) would be below the required size for a 1-bedroom/2-person unit (50sqm) as per the nationally described space standards. This is deemed contrary to Policy D1 and D3 of the Local Plan and Section 12 of the NPPF.

Highways, Access, and Parking

- 4.3.27 In terms of highways, access and parking, the site is suitably served by a long access road from Lannock Hill and the plans do show the provision of a single parking space, which is suitable given the use proposed. As such, there are no concerns in respect of highways, access and parking, in line with Policies T1 and T2 of the Local Plan.

Ecology and Biodiversity Net Gain

- 4.3.28 The Council's Ecologist has considered this application and the submission of further details regarding the possibility of bats roosting at the site, concluding no objections subject to an informative.
- 4.3.29 This development is considered exempt from BNG Legislation, defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, due to it falling under the scope of the 'de minimis' exemption
- 4.3.30 Overall, the scheme is considered acceptable in respect of Ecology, in line with Policy NE4 of the Local Plan.

4.4 Conclusion

- 4.4.1 Overall, it is considered that the proposed development cannot be supported in principle as insufficient information has been submitted. The proposed use of this site, for an Airbnb and Rural Workers Dwelling, has not been supported by detailed justification relative to the material Local and National policy implications, contrary to the requirements of Policy D3 and CGB3 of the Local Plan. It is also considered that the development has not been supported by any detailed justification which considers how the impacts of future occupiers' amenity would be managed, given that the site is within close proximity to several existing business and comings and goings of large vehicles, which is contrary to D3 of the Local Plan

Moreover, the proposed floor plans indicate that the residential unit is to be a 1-bedroom/2-person unit, which requires an internal floor space of 50sqm as per the nationally described space standards. The proposed residential unit would be significantly under this floor space requirement, which would dictate that future occupiers would have an unacceptable level of amenity, contrary to Policies D1 and D3 of the Local Plan.

As such, notwithstanding the considerations in respect of Green Belt policy and design, there are clear Local Plan policy conflicts at this stage to justify the refusal of planning permission.

4.5 **Alternative Options**

4.5.1 None.

4.6 **Pre-Commencement Conditions**

4.6.1 N/A.

5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. By reason of the insufficient information submitted with this application, the development cannot be supported in principle. The proposed use of this site, for an Airbnb and Rural Workers Dwelling, has not been supported by detailed justification relative to the material Local and National policy implications, contrary to the requirements of Policy D3 and CGB3 of the Local Plan. It is also considered that the development has not been supported by any detailed justification which considers how the impacts of future occupiers' amenity would be managed, given that the site is within close proximity to several existing business and comings and goings of large vehicles, which is contrary to D3 of the Local Plan.
2. The proposed floor plans indicate that the proposed residential unit is to be a 1-bedroom/2-person unit, which requires an internal floor space of 50sqm as per the nationally described space standards. The proposed residential unit would be significantly under this floor space requirement, which would dictate that future occupiers would have an unacceptable standard of amenity, contrary to Policies D1 and D3 of the Local Plan.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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 Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 6 November 2024	