

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01833/FP	Erection of stable building and diversion of existing public footpath including alterations to vehicular access (as a revision to planning permission ref: 23/01478/FP).	West Barn Damask Green Road Weston Hitchin Hertfordshire SG4 7BU

Submitted Plan Nos

1044 - PL40A 1044 - PL41A 1044 - PL42

1.0 Policies

D1	Sustainable design
HE1	Designated heritage assets
SECN13	Protecting Green Belt Land
SECN16	Conserve + enhance historic environment

2.0 **Site History**

- 2.1 23/01478/FP: Erection of stable building (as amended by plans received 22/8/23)
Granted 30.1023. Not implemented.

3.0 **Representations**

- 3.1 Weston Parish Council : Objects on the following grounds:

- ☐ Adverse visual impact in the Green Belt
- ☐ Diversion Order for footpath 22 must be applied for prior to commencement of works
- ☐ Object to new vehicular access
- ☐ Concern that two stables could be built under two separate permissions.

- 3.2 HCC Rights of Way unit:

- 3.3 *'The Public Footpath that runs through the site (Weston 022) should be unobstructed and safe for the public to use at all times. If, for safety reasons, it is necessary to close the footpath, then a Temporary Traffic Regulation Order must be applied for and granted before any work can take place.'*

With regard to diverting the footpath, an application should be made to divert the definitive Right of Way to the proposed new route. It should be noted that whilst receipt of a planning permission application allows for a landowner/developer to apply for a diversion under Section 257 of the Town and Country Planning Act 1990, there is no

guarantee of an applications success. Whilst an application to divert a Right of Way is being processed, the existing route must remain unobstructed and open for the public to use. No work may take place which would obstruct the existing Right of Way until an application has been confirm and an order made to change the route of the Right of Way.

Finally, it should be noted that HCCs policy for new routes is that footpaths should be an absolute minimum of 2m in width, but HCC and user groups would prefer more than that.'

3.4 Site Notice / Neighbours:

No responses received

3.6 EHO: No response.

3.7 NHDC Technical Project officer (Naming and numbering)

Advises that if permission is granted then a condition should be attached requiring the submission of a footpath diversion order prior to the commencement of works.

3.8 Procedural Note

Under the Councils Constitution (Section 8.4.5) where a Parish Council has submitted a written opinion contrary to the recommendation of the Service Director : Regulatory, this has to be supported in writing by at least one Ward Member within five working days of being notified. In this case , Weston Parish Council has raised objections to the proposed development contrary to this officer recommendation and therefore the Ward Member has been asked whether they wish to support the objection of the PC (sent 29th October 2024). On 1st November 2024 confirmation was received from the ward councillor that he did not require this application to be taken to the Planning Committee. Accordingly, this application can be considered under powers delegated to the Development Control and Conservation Manager and is not required to be reported to the Planning Control Committee.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.2 The application site is an irregular shaped area of paddock land forming part of the curtilage of west barn at Friends Green Farm, Damask Green Road. West Barn has recently been converted into a dwelling with associated garaging.

The site is located south of the village of Weston and lies within the Green Belt.

Both West and East barn are Grade II listed buildings.

4.2 **Proposal**

- 4.3 The application is for a detached stable building. The building will be located in the north west corner of the site set back from the hedgerow frontage along Damask Green Road. The stables will be sited to avoid the current route of Footpath Weston 022 which runs diagonally across the site from south west to north east.

The stable building would be 8.5m in depth and 13m in length and would be 4.6m in height and would contain 2 x stables, tack room and food equipment storage area. The roof would be covered in slates and black stained timber weatherboarding used for the elevations. The roof pitch would be 20 degrees.

The building would be approximately 35m north east of West Barn.

4.3 **Key Issues**

4.3.1 Principle of the use

- 4.3.2 The site is within the Green Belt. Paragraph 149 of the Framework advises that a local authority should regard the construction of new buildings as inappropriate in the Green Belt with certain exceptions including those set out in sub-paragraph b) which states:

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;

- 4.3.3 In this case the proposal is for a building in association with an equine use associated with the adjacent dwelling and not for any commercial purposes (as confirmed in writing by the applicants agent) . Such a use can reasonably be described therefore as an outdoor recreational activity and therefore the proposed building and use would fall within those uses described in sub-paragraph b) of paragraph 154 of the Framework. The proposal is therefore considered to be an appropriate use within the Green Belt and no very special circumstances are required to be demonstrated.
- 4.3.4 There is also the question of whether the stable building would preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. This is generally understood to be a spatial assessment. In this case, although the building has a relatively large footprint (110sqm) , it is to be located in an open paddock of approximately 2400 sqm (0.6 acre) and there are open fields to the north. It is considered that given the above described context of the development the proposal would preserve the openness of the Green Belt.
- 4.3.5 Paragraph 143 of the Framework sets out the five purposes of Green Belt. Taking these in turn:
- a) the proposed stable building is not in an urban area or adjacent to such an area therefore it will not result in the unrestricted sprawl of large built-up areas.
 - b) the location of the stable block is not between towns and would not result in towns merging into one another.
 - c) the proposal is a relatively modest recreational building with land retained around it and therefore would not result in encroachment into the countryside.

d) the location is not within a town and therefore does not affect the setting and special character of historic towns

e) the location is not within an urban area and therefore the purpose of assisting in urban regeneration by encouraging the recycling of derelict and other urban land does not apply.

Given the above analysis the proposal would not conflict with the purposes of including land within the Green Belt.

4.36 In terms of the visual impact on the Green Belt due to the limited height of the building (approximately 4.6m to the ridge) and its siting behind a hedge that is located along Back Lane and partially behind a new hedge to the northern boundary of the paddock it is considered that the visual impact on the Green Belt would be limited.

4.37 In terms of any other harm, the design and appearance of the building and other matters are considered below.

4.38 Overall, it is considered that the proposed development would be an acceptable and appropriate form of development in the Green Belt in accordance with Section 13 of the Framework and Policy SP5 of the Local Plan

It must be acknowledged that the LPA approved a similar stable block on partially the same footprint (see history above). Because this revised proposal is partially on the footprint of that earlier extant approval there is no possibility of two permissions being implemented separately.

4.39 Design and appearance

4.40 The proposed stable building would be of a classic stable block footprint and an overhanging roof in front of the stables to provide weather protection. The shallow pitched roof would be typical of a rural stable building. The materials to be used slates and stained cladding are also traditional materials seen in many rural and equine related buildings. As such, I consider that the design and appearance of the building is appropriate to this rural location.

4.41 Impact on heritage assets

4.42 Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impacts on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest possessed. Policy HE1 of the Local Plan and paragraph 201 of the NPPF requires Local Authorities to take account of development affecting the setting of a heritage asset.

4.43 In this case, whilst there is no conservation area in the immediate location (the nearest being in Weston village several hundred metres to the north), there are three listed

buildings within relatively close proximity to the site - West and East Barn and Friends Green Farmhouse (all Grade II).

4.44 I assess the impact of the development on the above heritage assets as follows:

4.45 West Barn : This dwelling is located some 35 metres to the south. The paddock to the north serves to provide some breathing space from the Grade II listed building. Given this distance and the small scale of the proposal it is not considered that the development will have any material impact on the setting of the LB.

East Barn: This building (the subject of a permission to convert to a dwelling) is in a similar location as West Barn but more screening by a garage to West Barn. The paddock to the north also provides a good separation from the development and similarly it is not considered that the development will have any material impact on the setting of the LB.

Friends Green Farmhouse: This dwelling is located further to the south and well screened by West and East Barn. As such the development will not have any material impact on the setting of the LB.

In summary it is considered that the proposal will have no material impact on the setting or special character of the above referenced listed buildings.

4.46 Environmental matters

4.47 This proposal would result in only a small loss of scrub grassland and no loss of trees. It is recommended that soft landscaping scheme is submitted prior to the use of the building to assist in providing some biodiversity net gain in accordance with Policy NE4 of the Local Plan and the Framework

4.48 There would be no requirement for any land contamination scheme given the end use of the proposed building

4.49 The site is in Flood Zone 1 (low probability of flooding). Any surface water run will be minimal and can easily be drained into the existing paddock.

4.50 Access

4.51 Vehicular access to the building will be via a repositioned vehicular access off Back Lane. The Highway Authority have no objection to the proposed access stating :

'The proposed new access point is safer and will reduce maintenance costs to the council for safety checks on the foot bridge. Consultation for the changes as been discussed and in principal agreed with planning and there is no reason to refuse the revisions.'

4.52 Climate Change

4.53 The proposed development, by virtue of its limited scale would have no significant implications for the local environment in terms of carbon emissions and therefore would

be generally in compliance with the criteria set out in Policy D1 'Sustainable Design' of the North Hertfordshire Local Plan 2011-2031 and Section 14 - 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF 2023.

4.54 Biodiversity

This application is in association with a household use and is therefore exempt from the BNG Regulations.

4.4 **Conclusion**

The development is acceptable in planning terms.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

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. The stables hereby permitted shall be used for equine purposes only and in connection with the residential use of West Barn at Friends Green Farm and shall not be used for any commercial purposes unless agreed in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority can control the use in the interests of visual and residential amenity and to ensure that scale and intensity of use is appropriate for this location within the Green Belt. To comply with Policy D1 and SP9 of the North Herts Local Plan 2011 - 2031

4. The proposed new hedges shown on the submitted drawing no. PL41A shall be of mixed foliage and shall be retained in perpetuity and maintained to at least 2.5 metres in height. The existing close boarded fence sited along the northern boundary of the site shall also be retained in perpetuity.

Reason: To minimise the impact of the proposed stable block on the visual amenities of the area. To comply with Policies D1 and SP9 of the Local Plan.

5. Prior to the commencement of the works hereby granted a footpath diversion order shall have been applied for to the Local Planning Authority under the Town and County Planning Act 1990 and a temporary diversion order granted by the Hertfordshire County Council Public Rights of Way department. At no point shall the public footpath be blocked or access impeded.

Reason: To ensure that the route of the public footpath remains open for use by members of the public at all times . To comply with Policy D1 of the North Herts Local Plan.

6. The relocated vehicular access hereby granted permission shall not been brought into use until the existing access has been closed and the carriageway and ditch reinstated to the satisfaction of the Local Planning Authority.

Reason: To ensure that no additional vehicular access is created and in the interests of highway safety and amenity. To comply with Policy D1 of the Local Plan.

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. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. 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 November 2024	