

DELEGATED FILE NOTE

CASE OFFICER: ...Henry Thomas.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02446/FP	Single storey rear extension, replace existing barn roof and insertion of fenestration to facilitate conversion of barn into one 4-bed dwelling including associated parking and landscaping.	Marshfield Barn New Inn Road Hinxworth Hertfordshire SG7 5HB

Submitted Plan Nos

3852 01A 3852 02 3852 29 3852 32D 3852 33A

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
SECN12	Achieving well-designed places
CGB4	Exist buildings in the RA Beyond GB
SP9	Design and Sustainability
T2	Parking
HE1	Designated heritage assets
SECN16	Conserve + enhance historic environment

2.0 **Site History**

2.1 **22/00547/PNQ** - Conversion of existing agricultural barn to provide one 2-bed dwelling.

Prior Approval Granted

2.2 **23/02947/FP** - Single storey front and rear extensions to existing redundant barn to facilitate conversion into one 4-bed dwelling and landscaping (as amended by plans received 2nd February 2024).

Refused / Appeal dismissed.

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – One representation received objecting to the scheme on the following grounds (summary):

- ☐ The rearranged layout still constitutes a major extension which does not overcome the previous reason for refusal or the appeal decision.
- ☐ A four bedroom dwelling would generate more wastewater than a septic tank and natural drainage could support due to a high water table. Which could result in harm to neighbour's drainage systems.
- ☐ Alterations to farm track / bridle path and erection of fencing would harm openness of the landscape.
- ☐ Four bedroom dwelling would put strains on mains water supply which is already low pressure.
- ☐ Impact from construction equipment on the existing road and traffic.

3.2 **Environmental Health** - No objection subject to conditions and informatives.

3.3 **Hertfordshire Highways** – No objection.

3.4 **Waste and Recycling** – Insufficient information provided.

3.5 **Hinxworth Parish Council** – No objection.

3.6 **North Herts Ecology** – No objection subject to condition.

3.7 **County Council Archaeology** – No objection subject to condition.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is situated to the east side of New Inn Road, Hinxworth. The site features a single barn located on the edge of a small hamlet, with comprises a group of farm buildings and converted dwellings. The barn has a lean-to roof, finished with corrugated metal sheeting. The barn is located close to a small cluster of buildings in a relatively isolated open countryside location. The orientation of the barn is such that it projects away from the nearby group of buildings, and into its host field which has an open character. The orientation of the barn, along with mature intervening vegetation means that it appears detached from the nearby cluster of buildings. As such the barn itself appears as an isolated building within an otherwise open and rural landscape. A public right of way passes close to the barn, from which the building is clearly prominent.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for two single storey rear extension, replace existing barn roof and insertion of fenestration to facilitate conversion of barn into one 4-bed dwelling including associated parking and landscaping.
- 4.2.2 Prior approval was granted under application ref: 22/00547/PNQ to convert the existing barn into a 2-bedroom dwelling. This proposal looks to increase the size of the building through the erection of two single storey extensions to facilitate the conversion of the building into a 4-bedroom dwelling. The proposal also incorporates a private parking area in front of the building, landscaping, and a sizable private garden.

4.3 **Key Issues**

- 4.3.1 The key considerations are:

- ☐ The Principle of Development
- ☐ Rural Area beyond the Green Belt
- ☐ Design/Impact on the Character of the Area
- ☐ Impact on the Amenities of Neighbouring Properties/Future Occupiers
- ☐ Highways and Parking
- ☐ Heritage Assets
- ☐ Landscaping

The Principle of Development

- 4.3.2 Policy SP2 of the Local Plan states that the majority of the district's housing development will be located within the settlement boundaries of the major towns. It goes on to categorise the remaining villages into A, B and C based on their size and availability of services, with Hinxworth categorised as a Category B village. Policy SP2 goes on to state that infilling development which does not extend the built core of the village will be allowed in the Category B villages.
- 4.3.3 The site is located close to a cluster of existing buildings off New Inn Road, which is a fairly isolated location away from the main built areas of built form in Hinxworth. In the context of Policy SP2, it is considered that this proposal would not constitute infill development, as there are open fields on 3 sides of the existing barn. Therefore, the proposal could be said to be unacceptable in principle given the clear conflict with Policy SP2 of the Local Plan.
- 4.3.4 However, the site has been the subject of an approved Prior Approval Class Q under application ref: 22/00547/PNQ, which has permitted the conversion of the barn into a 2-bedroom dwelling. This is a weighty material consideration insofar as under a Class Q, the principle of residential development can be formalised as a material fall back position for residential development in places where the Council would normally maintain an objection. In this case, it is considered that the Council would not normally be supportive of new residential development in this location, given its isolation away from the main services in Hinxworth. That said, the existence of the approved Class Q acknowledges that barns will be located in fairly remote locations.

- 4.3.5 As such, whilst the proposal can be considered contrary to Policy SP2 of the Local Plan, the approved Class Q Prior Approval is a weighty material consideration in favour of the principle of development. On balance, it is considered that the proposed development is acceptable in principle, notwithstanding this policy conflict.

Rural Area beyond the Green Belt

- 4.3.6 The site is located within the Rural Area beyond the Green Belt. Policy CBG4 of the Local Plan considers existing buildings in the Rural Area beyond the Green Belt, stating:

“Planning permission for the re-use, replacement, or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:

b) Any existing building to be converted for re-use does not require major extension or reconstruction;

c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and

d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them”.

- 4.3.7 This proposal is for the re-use and extension of the existing barn building into a 4-bedroom dwelling, which makes this policy relevant. The existing barn building measures approx. 29.5m wide and 5.1m deep, with a lean-to roof measuring approx. 2.5m on the principal elevation and 3.9m on the rear elevation. The footprint of this building is approx. 150.4 sqm. The proposed extensions to this building would result in the addition of two single storey rear extensions adding approximately 59.8sqm and 46.3sqm for a total of 106sqm. An increase of roughly 70%. Under the refused application that was dismissed at appeal, the proposed footprint increase was approximately 75%. Therefore, in respect of Policy CGB4, the development would constitute a major extension to the existing building and therefore would not comply with part B of the policy. Under the Part Q application under ref: 22/00547/PNQ, the applicant demonstrated that the conversion of the building could be undertaken without the need for any extension. In my view, I do not consider that this fallback position gives any significant weight to the proposed extensions of this scale.

- 4.3.8 Under the previous application (23/02947/FP), the scheme was found to be non-compliant with part C of Policy CGB4 which states that *“The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the*

Green Belt than the original building(s)”. Whilst this was supported in the appeal, the inspectorate focused on the front extension as the primary offensive addition giving reference to the rear extension on in cumulation. In their decision they stated that “the front extension would erode the open landscape setting in which the building is set. Therefore, I find that the development would have a materially greater impact on the openness of the rural area.” It is my view, that the proposed rear extension would not harm the openness of the host field as seen from the front which is the primary position the dwelling would be seen from. Although there is a bridle path to the side of the dwelling which would allow for views of the rear of the property, I consider the design to be sympathetic in roof form and scale to minimise the harm to the openness. Therefore, I do not consider the non-compliance with part C of Policy CGB4 to be a strong reason for refusal.

- 4.3.9 As such, by virtue of the proposed development’s scale and size compared to the existing building, the scheme fails to comply with parts b) and c) of Policy CGB4 of the Local Plan.

Design/Impact on the Character of the Area

- 4.3.10 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.
- 4.3.11 The proposed development, in terms of its external appearance, is considered to respond positively to the site’s local context. The proposal would utilise appropriate external materials with a facing brick plinth and stained black hit and miss timber walls and plain brown clay tiles. The use of large amounts of glazing is considered contemporary. In terms of materials, the proposed extensions and alterations to the building are sympathetic to the existing barn. However, notwithstanding my views on materials, the proposal is still considered in conflict with Policy CGB4 of the Local Plan, due to its scale and pursuant impact on openness.

Impact on the Amenities of Neighbouring Properties/Future Occupiers

- 4.3.12 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.
- 4.3.13 In terms of neighbour amenity, the building would be in an isolated location in the corner of a wider agricultural field. The closest neighbour to the site would be Hinxworth Place, which is immediately to the west on the opposite side of the bridle path. In my view, the location of this building is sufficient distance from this neighbour to not have any adverse impacts on it, with respect to over-dominance, loss of privacy through overlooking, and loss of daylight/sunlight, even with the proposed extensions, boundary treatments and landscaping.

4.3.14 In terms of the amenity of future occupiers, the dwelling would exceed the nationally prescribed minimum space standards for a 4-bedroom/8-person dwelling, would benefit from a sizable private amenity space, and all rooms would have adequate levels of natural light. Therefore, the scheme would ensure a suitable standard of amenity for future occupiers.

4.3.15 As such, the proposal would comply with Policies D1 and D3 of the Local Plan.

Highways and Parking

4.3.16 The site would be accessed via the existing road that serves the dwellings nearby and the bridle path in the western corner of the field. The scheme looks to utilise the bridle path before siting a parking area in front of the building for at least 4 vehicles. The application form also states that no right of way would be diverted or extinguished, contrary to the concerns raised by interested parties.

4.3.17 The Highway Authority have formally commented on this application, stating no objection subject to informatives concerning the storage of materials and ensuring the highway and public right of ways are unobstructed at all times. It is not considered that increasing the number of bedrooms from 2 to 4 will have a material impact on traffic in this area. There were no objections raised on highway grounds during the previously approved Prior Approval Class Q under ref: 22/00547/PNQ, so it would be unreasonable to maintain an objection for this application in my opinion.

4.3.18 The provision of 4 parking spaces would exceed that required under Policy T2 of the Local Plan, which is acceptable in my view.

Heritage Assets

4.3.19 The immediate neighbour to the site, Hinxworth Place, is a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.

4.3.20 In my opinion, given the nature of the development and the distance between this listed building and the host building, it is not considered that the proposal would result in any level of harm to the setting or significance of the heritage asset. This is in accordance with Policy HE1 of the Local Plan and Section 16 of the NPPF.

Landscaping / Ecology.

4.3.21 The proposed conversion of this barn building would be further facilitated by the formation of a sizable private garden, which would incorporate boundary fencing and landscaping through the planting of trees and hedges. No details have been given for the boundary treatments which would have been reserved by condition if permission was to be granted. It is likely that the

Council would only support a low-level picket type of fencing, in order to maintain the character and openness of the area. In my view, this is unobjectionable.

Biodiversity Net Gain

- 4.3.22 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 'self-build' exemption.

Waste Storage

- 4.3.23 Although NHC Waste and Recycling Team have not provided any further comment on the application. It is considered that the proposal would have ample room for the site the bins adjacent to the dwelling and the resident will be required to drag the bins to the end of the driveway for collection in line with the neighbouring dwellings.

Sustainability

- 4.3.24 The scheme would also incorporate 16 solar PV panels on the roof of the proposed lean-to element and an Air Source Heat Pump. These are sustainable additions to the proposal which are considered acceptable and a benefit of this scheme.

Other Matters

- 4.3.25 Interested parties have commented on this proposal, stating concerns that the scheme would make existing services worse than they already are. Whilst I note these concerns, they are not material planning considerations.
- 4.3.26 With regards to the objection received regarding wastewater management. The agent has provided the following comment: *"The intention is to install a Biodisc sewage treatment plant. Any discharge of the plant is clean and flows into attenuation crates alongside stormwater. Looking at the soil and ground contamination reports the site does not sit within a drinking water protection area and its permeability is high on sand, gravel, silts, clay and chalky till."* This is a further consideration for Herts Building Control.

4.4 Conclusion

- 4.4.1 Overall, whilst the proposal can be considered contrary to Policy SP2 of the Local Plan, the approved Class Q Prior Approval under application ref: 22/00547/PNQ is a weighty material consideration in favour of the principle of development. On balance, it is considered that the proposed development is acceptable in principle, notwithstanding this policy conflict.

In terms of external materials and general design, the proposal would be sympathetic to the existing barn. The proposal would be acceptable in terms of its impact in the amenities of neighbouring dwellings/future occupiers, highways, parking, landscaping, and impacts on the

nearby listed building. The scheme would also incorporate sustainable methods of power generation.

However, the site is within the Rural Area beyond the Green Belt and given the scale and size of the proposed extensions to this existing building which would increase its footprint by approx. 70% and be very noticeable, significant changes, the scheme would constitute major extensions and re-construction of the existing building which would result in a materially greater impact on the openness of the Rural Area beyond the Green Belt. Therefore, the proposal would fail to comply with parts b) and c) of Policy CGB4 of the Local Plan. It is considered that the proposal should be refused on this basis.

The Council cannot demonstrate a five-year supply of deliverable housing sites – currently estimated at 3.5 years’ worth of supply – and therefore there is a potential presumption in favour of development as set out in Paragraph 11 of the NPPF. Although the benefit of one additional dwelling to help address the current shortfall of housing in the district is of limited value, given that the proposal would be acceptable in all matters excluded Policy CGB4, it must then be considered whether this would be a strong reason for refusal in line with the NPPF. Due to the reasoning given in Paragraph 4.3.8, it is acknowledged that the proposal would be a large extension contrary to part B of Policy CGB4, however in the absence of any substantial harm to the openness of the host field and the wider Rural Area Beyond the Green Belt under part C of the same Policy, I do not consider this to be a strong enough reason to refuse planning permission. It is therefore considered that the harm to Policy CGB4 does not outweigh the benefits of the proposed development and planning permission should therefore be granted on that basis.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 N/A

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. An Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, shall be submitted to and approved in writing by the local planning authority. The approved measures must be implemented on site prior to the first occupation of the first dwelling hereby approved and retained on site thereafter.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

4. Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
 - a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Control of dust and dirt arising from construction
 - d) Waste management proposals
 - e) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour during construction.

Reason: In the interests of environmental impacts

5. Prior to occupation, each new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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.

6. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and the Rural Area Beyond the Green Belt and to comply with Policy D1, D3 and CGB4 of the North Hertfordshire Local Plan 2011 to 2031.

Biodiversity Net Gain

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.

Informative/s:

1. 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.

2. 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.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Further information is available by telephoning 0300 1234047.

4. A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.
Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)
 - o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
 - o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
 - o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
- o UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 22 January 2025	