



PLANNING STATEMENT

on behalf of R & EM Andrews

Change of use of barns to B8 storage (retrospective)

at Dog Kennel Farm, Lilley Bottom Road, Lilley

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For and on behalf of Brown & Co.

Brown & Co is a leading provider of agency, professional and consultancy services across the whole range of rural, commercial, residential, and agricultural markets.

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Reference: 24/056227

1. INTRODUCTION

1.1 This Planning Statement has been prepared by Brown & Co on behalf of R & EM Andrews to support a retrospective planning application for the change of use of two former agricultural barns to use as a B8 storage facility, at Dog Kennel Farm, Lilley.

1.2 The purpose of this statement is to set out the background to the applicant's proposals and the key planning issues raised by them. The statement is structured as follows:

- **Section 1:** introduction
- **Section 2:** describes the physical characteristics of the site and its surroundings;
- **Section 3:** outlines relevant planning history;
- **Section 4:** outlines the proposed development;
- **Section 5:** summarises the relevant national and local planning policy context;
- **Section 6:** provides a planning assessment of the key considerations raised by the proposal; and
- **Section 7:** sets out in brief our overall conclusions on the proposal.

1.3 This Statement should be read in conjunction with the following application documents submitted as part of the applications:

- Planning application form;
- Drawing No. 24.056227. 0001—Site Location Plan;
- Drawing No. 24 056227 0002— Site Layout Plan;
- Drawing No. 24 056227 0006— Existing Floor Plans;
- Drawing No. 24 056227 0010—South Barn Existing Elevations;
- Drawing No. 24 056227 0011—North Barn Existing Elevations;
- Drawing No. 24 056227 0106—Proposed Floor Plans;
- Drawing No. 24 056227 0110—South Barn Proposed Elevations;
- Drawing No. 24 056227 0111—North Barn Proposed Elevations; and
- Preliminary Ecological Appraisal ref. BCEnv.25.0077. AP061104 by Brown & Co.

2. SITE & SURROUNDINGS

2.1 Dog Kennel Farm is located approximately one mile to the northeast of Luton, within an area of countryside. The wider site is broadly rectangular in shape, and lays directly south of the A505 dual carriageway. The village of Lilley is located on the opposite side of the A505, to the north of the site. The site is typical of the pattern of development in the area where numerous farm and commercial sites are located next to the road, away from the built up parts of villages.

2.2 The wider farm site comprises six main barn buildings constructed over a concrete pad. Only one, a grain store, remains in agricultural use. The majority of other barns within the wider farmyard have been used for employment related purposes for some considerable time, including the two barns subject of this application. The wider site also includes Dog Kennel Farmhouse, a listed building located a short distance to the northwest of the buildings subject of this application, directly abutting the A505. Beyond the wider farm site to the south and east is open farmland.

2.3 The application site comprises of two modern agricultural buildings to the southwestern corner of the former farm yard. Both are orientated on a northeast-southwest axis, offset from one another creating a zig-zag form. The northern barn is constructed of green corrugated sheeting atop a red brick plinth, with open four-bay frontage to the northwestern elevation. The southern barn is constructed of corrugated sheeting atop a blockwork plinth. The building is fully enclosed, with large roller shutter and personnel door to the northeast



Figure 1: Aerial view [source: Google Maps]

elevation.

2.4 The areas around the building are utilised for outdoor storage. The neighbouring former agricultural barns are in use as B8 storage facilities by Angle Scaffold Ltd., and as a hazardous waste transfer station by TOC Recycling.

2.5 The site is accessed via a long access road, linking the site with Lilley Bottom to the northeast.

2.6 The site is located outside of any defined settlement or employment boundary. It is located within the greenbelt. The site is located near to, but not within The Chilterns National Landscape boundary which is on the opposite side of the A505.



Figure 2: Photo of barn 1

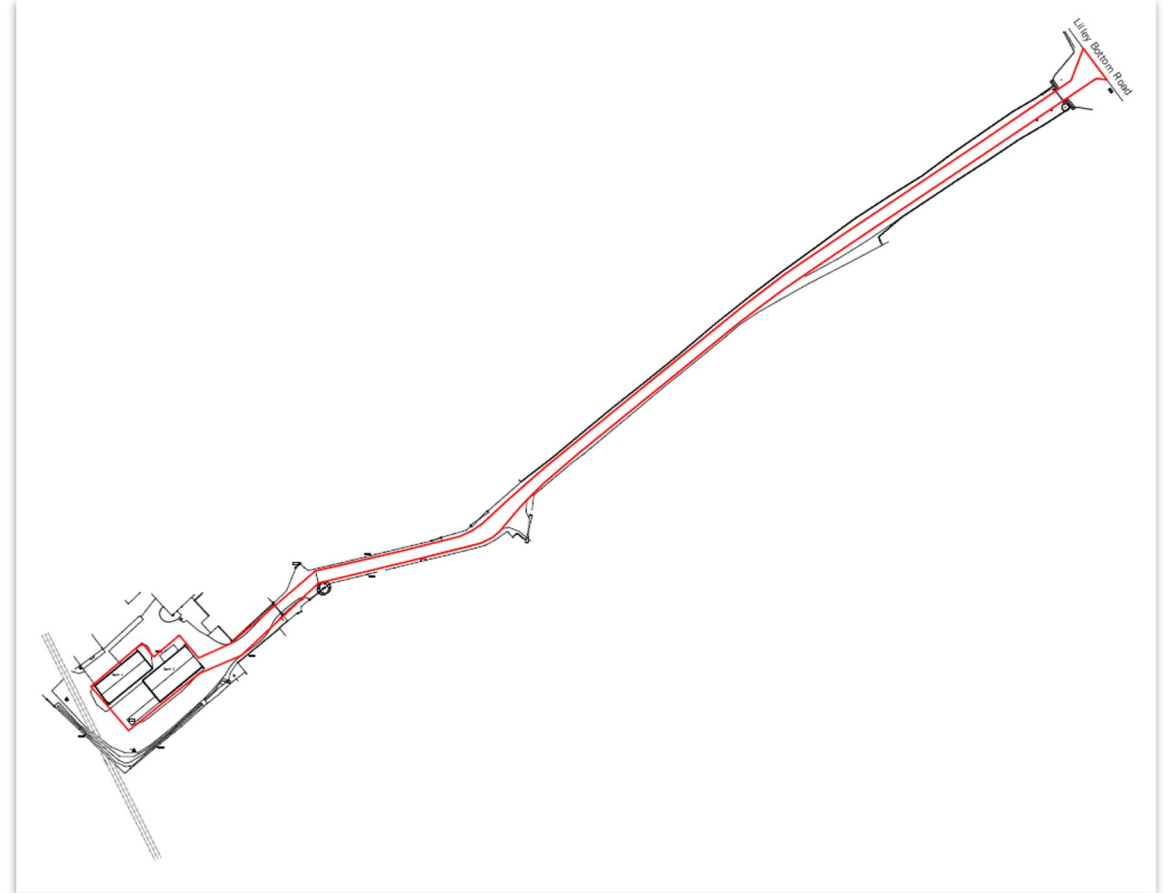


Figure 3: Site Location (Drawing No. 24.056227. 0001)

3. PLANNING HISTORY

3.1 The planning history of Dog Kennel Farm includes the following decisions of relevance to this proposal:

- **LPA reference 03/05581/1EUD**
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.
- **LPA reference 07/00102/1**
Continued use of two former agricultural buildings for B8 (storage) purposes - approved in January 2008.

4. PROPOSED DEVELOPMENT

4.1 Retrospective permission is sought for the continued use of two former agricultural barns as B8 storage units, for the storage of scaffold equipment.

4.2 The barns have been in use for the storage of scaffold equipment for approximately eight years. The business operating from the barns, Select Scaffolding Ltd have been the sole operator during this period.

4.3 No external alterations to the buildings were

undertaken as part of the change of use, indeed they remain as per their form and appearance when utilised for agricultural purposes. Internally, racking has been installed to allow for the storage of the scaffolding equipment. Racking and additional container storage has been introduced to the southwest and northeast of the buildings.

4.4 Access is by way of the driveway from Lilley Bottom to the northeast. Parking is positioned to the south of the buildings.

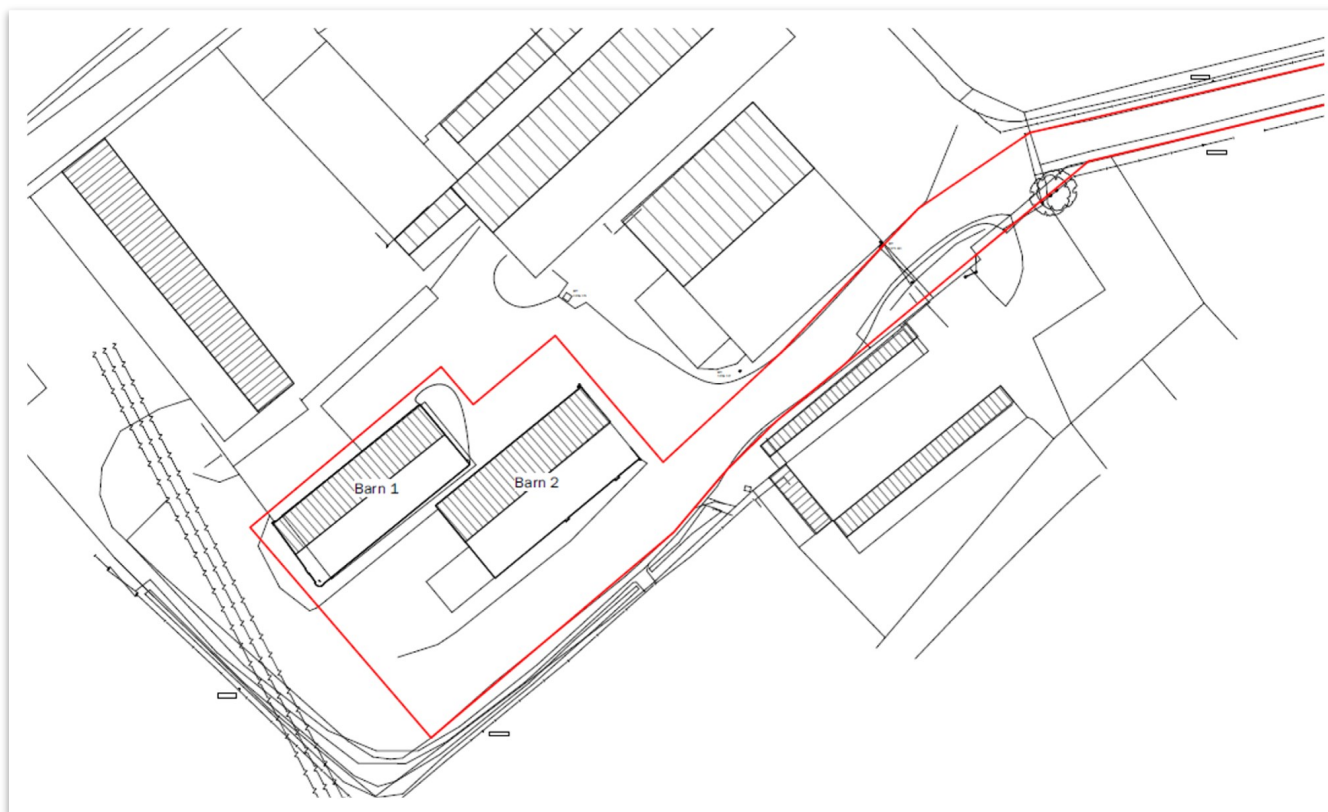


Figure 4: Site plan showing barns (Drawing No. 24 056227 0002)

5. PLANNING POLICY CONTEXT

5.1 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is, therefore, the starting point for the assessment of all planning proposals.

5.2 The Government's planning policies, as set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), are also a significant material consideration in deciding planning applications.

Development plan policies

5.3 For the purposes of this application, the Development Plan currently comprises the:

- North Hertfordshire Local Plan 2011-2031; and the
- The adopted Minerals Local Plan and Waste Local Plan for Hertfordshire.

Policies of relevance are summarised in the inset box to the right.

National Planning Policy Framework

5.4 The NPPF sets out the Government's planning policies and how these are expected to be applied, and advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Three objectives of sustainable development are identified: economic, social and environmental.

- **Policy SP1: Sustainable development** - which permits development that would support economic, social and environment objectives, including by making use of previously developed land.
- **Policy SP2: Settlement hierarchy and distribution** - which confirms that Lilley is a category B village.
- **Policy SP3: Employment** - which encourages economic growth and supports B-class uses in appropriate locations outside of designated employment areas.
- **Policy SP5: Countryside and Green Belt** - which indicates that development in the Green Belt will be supported where it would not result in inappropriate development.
- **Policy SP6: Sustainable transport** - which seeks to ensure that developments are accessed safely and sustainably.
- **Policy SP9: Design and sustainability** - which sets out design principles for development to adhere to.
- **Policy SP11: Natural resources and sustainability** - which seeks to meet the challenges of climate change.
- **Policy SP12: Green infrastructure, landscape and biodiversity** - which seeks to protect landscape character, including the Chilterns National Landscape.
- **Policy SP13: Historic environment**—which seeks to preserve and enhance the significance of heritage assets.
- **Policy ETC2: Employment development outside Employment Areas** - which permits appropriate employment uses outside of allocated employment areas where a number of criteria are met.
- **Policy T1: Assessment of transport matters** - which seeks to ensure that development would not result in highway safety problems.
- **Policy T2: Parking** - which seeks to ensure that the relevant parking standards are met.
- **Policy D1: Sustainable design** - which sets out the design principals to which development will be permitted.
- **Policy D3: Protecting living conditions** - which states that planning permission will not be granted for development resulting in harm being caused to living conditions.
- **Policy NE2: Landscape** - which seeks to protect the character and appearance of the prevailing landscape.
- **Policy NE3: The Chilterns Area of Outstanding Natural Beauty (AONB)** - which seeks to protect the setting of the neighbouring AONB.
- **Policy NE4: Biodiversity and geological sites** - which seeks to prevent harm to biodiversity.
- **Policy NE7: Reducing flood risk**—which seeks to reduce the risk of flooding.
- **Policy HE1: Designated heritage assets**—which seeks to ensure that designated heritage assets are preserved and enhanced by development.

5.5 The economic objective includes ensuring that sufficient land of the right type is available in the right places and at the right time to support growth. The social objective includes supporting healthy communities by creating high quality environments with accessible local services. The environmental objective includes protecting and enhancing the natural, built and historic environments.

5.6 In relation to employment uses in the Green Belt, the NPPF includes several paragraphs of relevance, including paragraph 154 which lists a series of exceptions where development may be considered appropriate within the Green Belt. This includes through the re-use of buildings, provided that they are of permanent and substantial construction.

5.7 The NPPF also supports economic development in rural areas, noting that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, including the diversification of agricultural businesses.

5.8 Other core principles of particular note in relation to the development proposed include:

- conserving the natural environment and heritage assets;
- achieving well-designed places; and
- managing patterns of growth to make fullest use of sustainable transport, whilst recognising that opportunities to maximise sustainable

transport will vary between urban and rural areas.

National Planning Practice Guidance

5.9 The Government's Planning Practice Guidance (NPPG) provides a web-based resource of national planning guidance covering a wide range of topics. Of particular relevance to this application is the guidance set in the sections of the NPPG relating to development within the Green Belt, the natural environment, design and the use of planning conditions.

6. ASSESSMENT

Principle of development

6.1 The application site is located outside of the defined settlement boundary for Lilley, the main form of which lays to the north, separated by the A505. The site is therefore located within an area designated as Countryside for the purposes of planning policies. Furthermore, the site is located within the defined Green Belt. Policy SP5 states that development in the Green Belt will only be permitted:

[...] where they would not result in inappropriate development or where very special circumstances have been demonstrated.

6.2 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.

6.3 The development has resulted in the change of use of two former agricultural buildings to B8 storage, specifically for a scaffolding business. Both are constructed of steel portal frame, with external walls formed of corrugated sheeting atop either

brick or blockwork plinth. The northern building is open to the northwestern elevation, whilst the southern building is fully enclosed. As such, the buildings are considered to be of permanent and substantial construction. Indeed, no external or structural works were undertaken as part of the change of use. Consequently, the proposed development is not considered to represent inappropriate development in the Green Belt.

6.4 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.

6.5 The proposals would represent small scale employment use, allow for the continued operation of Select Scaffolding Ltd. from the site (having started trading there in July 2018). The proposals are considered appropriate to the location, utilising two redundant buildings in a sustainable location close to Luton and well

positioned within the catchment area of the business.

6.6 The scheme would accord with the wider use of the site, diversification of which began a substantial period of time 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.

6.7 As discussed below, it is not considered that the proposals would harm the openness of the Green Belt, or the purposes of included the land within it. Nor would the scheme result in significant adverse impacts upon living conditions. The recent relevant planning history of the wider site supports the principal of the proposed retrospective change of use from agriculture to commercial B8 storage. The proposed retrospective change of use is therefore considered to accord with Local Plan Policies SP1, SP2, SP3, SP5 and ETC2, and Section 13 of the NPPF.

6.8 Taking these considerations into account, including relevant planning policies, it is concluded that the principal of the proposed development is acceptable in planning terms.

Effects on local character

6.9 Paragraph 187 of the NPPF indicates that planning decisions should recognise the intrinsic character and beauty of the countryside. Consistent

with this, Policy NE2 requires that development would not cause unacceptable harm to the character and appearance of the surrounding area. Furthermore, the application site is located within the Green Belt and adjacent to the Chilterns National Landscape. Careful consideration has therefore been given to how the proposal would affect the surrounding area.

6.10 Policy NE3 states that proposals affecting the setting of the AONB will be granted where a series of criteria are met, including that it is appropriate in scale and would conserve the special character of the AONB.

6.11 The proposal relates to an existing use, and does not involve any alterations to the external appearance of the barns, nor were external alterations made to the buildings at the time of the use commencing. The impact of the proposed change of use on the prevailing local character would therefore be limited.

6.12 The proposed use as B8 storage units is in keeping with the prevailing character of site, with there being 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.

6.13 The application site is located to the southwestern corner of the wider Dog Kennel Farm site. As such, the proposed development would be

viewed in the context of the existing surrounding uses, including the hazardous waste transfer station. It is considered that in this context the proposed development would not appear as a significant detracting factor, whilst the scale of the proposed use would prevent adverse cumulative impacts arising.

6.14 The site is separated from the National landscape by way of the A505 and the wider site, with the former located on higher ground. As such, the site is not prominent or dominant with the streetscene, or wider views of the AONB. The form and appearance of the buildings has been retained, and so they still retain their agricultural character within the wider agricultural setting.

6.15 The proposal, by virtue of relating to an existing use, at an established commercial site, where no external changes are proposed, will not have any significant impacts on the character of the local landscape, or the setting of the Chilterns AONB. The proposed retrospective change of use to B8 storage would therefore accord with the requirements Local Plan Policies NE2, NE3 and HE1, and Sections 12 and 15.

Transport

6.16 Access to the application site is gained from a shared access road, linking the wider site with Lilley Bottom approximately 350 metres to the east. The concrete access road is long established and conforms with all relevant highway safety

requirements. The site access road is of concrete construction, with a splayed entrance onto Lilley Bottom Road. The access emerges onto a straight section of road, and suitable visibility can be achieved in either direction along Lilley Bottom. The site is located within close proximity of the A505 which provides access to the nearest town of Luton, and surrounding road networks.

6.17 The proposed retrospective change of use would not result in any changes to the current situation in terms of the type and volume of traffic generated by the site. The existing site layout includes several car parking spaces for those employed as part of the business, and the vehicles associated with its operation

6.18 Impacts on the surrounding road network are therefore limited and that the existing access arrangements provide a safe and suitable means of access. The proposal would therefore accord with policies T1 and T2 of the Local Plan.

Other matters

Local amenity

6.19 The proposal relates to a long established existing use of the barns, at a site where similar commercial uses have been taking place for a considerable time. 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.

6.20 As such, 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.

Heritage

6.21 Dog Kennel Farmhouse is a Grade II listed building, dating from the late 18th Century, with 19th Century alterations. Its significance derives principally from its historic fabric and architectural features. Its setting within the countryside has been substantially eroded by the construction of the A505 dual carriageway, which abuts its western boundary. The construction of larger, modern agricultural buildings on the adjoining farmstead site has further diminished its setting. Consequently, the farmhouse now appears detached from its original surroundings.

6.22 The barns subject of this application are located on the opposite side of the wider site, approximately 60 metres away. The continued use of the barns as B8 storage units will therefore have only limited impacts on the character, significance and setting of the neighbouring listed building.

Flooding

6.23 The application site falls within Flood Zone 1 as shown on the Environment Agency's (EA) Flood Risk Maps, and is therefore considered to be at low risk from fluvial flooding. Nor is the wider site and access shown to be at risk of surface water flooding. The proposal therefore accords with Policy NE7 of the Local Plan.

Ecology

6.24 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.

6.25 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.

6.26 The proposals therefore accord with Local Plan NE4, and Section 15 of the NPPF.

7. CONCLUSIONS

7.1 Retrospective planning permission is sought for the change of use of two former agricultural barns to be used as B8 storage units on land at Dog Kennel Farm, Lilley. The barns have been used by a local business, Select Scaffolding Ltd, for the storage of scaffold equipment since July 2018.

7.2 For the reasons detailed above, it is considered that the development would accord with both local and national planning policies, which promote the development of the rural economy. The proposals are considered to accord with the provisions of paragraph 154 of the NPPF, and would therefore not represent inappropriate development within the Green Belt.

7.3 The proposals retain the buildings in their previous form, with no need for structural or external alterations. As the proposal is for retrospective planning permission, and relates to an existing use where the same business has been operating for considerable time, the proposal will not alter the current situation in terms of amenity, transport, ecology and landscape.

7.4 On this basis, it is concluded that the proposed development would amount to sustainable development, as defined in local and national planning policy, and to which the presumption in favour applies.