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DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02814/FP	Conversion and extension of existing barns to create two dwellings following demolition of existing shed/outbuildings/silos. Alterations to existing vehicular access. (as amended by plan nos. 22203-PL12C, PL13B, PL15A & PL16A)	Land At Mill Farm Charlton Road Hitchin Hertfordshire SG5 2AB

Submitted Plan Nos

22203_PL01_A 22203_PL02_A 22203_PL03 22203_PL05 22203_PL06 22203_PL12 C 22203_PL13 B
22203_PL15A 22203_PL16A 10923-E1-ELEVATIONS A-D 0923-E2-ELEVATIONS E-F 10923-FP1-FLOOR
PLANS 10923-T1-TOPOGRAPHIC SURVEY

1.0 Policies

1.0 **Relevant Planning Policy**

1.1 National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

1.2 North Hertfordshire Draft Local Plan (2011-2031)

Strategic Policies:

- SP1 - Sustainable development in North Hertfordshire
- SP2 – Settlement Hierarchy and Spatial Distribution
- SP5 – Countryside and Green Belt
- SP6 – Sustainable transport
- SP8 – Housing
- SP9 – Design and sustainability
- SP11 – Natural resources and sustainability
- SP12 – Green infrastructure, landscape and biodiversity
- SP13 – Historic environment

Development Management Policies:

- T1 – Assessment of transport matters
- T2 – Parking
- HS2 – Affordable housing
- HS5 – Accessible and adaptable housing
- D1 – Sustainable design
- D3 – Protecting living conditions
- D4 – Air quality
- NE1 – Strategic green infrastructure
- NE4 – Biodiversity and geological sites
- NE7 – Reducing flood risk
- NE8 – Sustainable drainage systems
- NE11 – Contaminated land
- HE1 – Designated Heritage Assets
- HE4 – Archaeology

2.0 **Site History**

2.1 None

3.0 **Representations**

3.1 Charlton Neighbourhood Planning Forum:

Advise as follows: No objections in principle. Concern over vehicular access, parking and pedestrian / cycle movements.

3.2 Adjacent occupiers:

Comment received from occupiers of No. 22 Mill Corner:

- No objection in principle
- No off-street parking for Mill Farm House
- Impacts on FP42
- Suggest amendments / alternative proposals

3.3 NHDC Ecologist

No ecological objection. Recommends planning conditions.

3.4 Historic Environment Advisor:

Recommends a Written Scheme of Investigation condition

3.5 NHDC Conservation officer:

Requests a Level 1 recording exercise. Supportable with some minor amendments

3.6 NHDC Waste & Recycling

Requires further detail on waste management

3.7 Environment Agency

Advises no objections. Requires condition and an Informative

3.8 NHDC Environmental Health

Noise – No objections

Air Quality – Recommends EV charging condition

Contamination – Recommends contamination conditions

3.9 Hertfordshire Highways

Raises objections and comments can be summarised as follows:

The Highway Authority has reviewed the existing accesses and noted that while they have been used for agricultural purposes, a change to residential use will increase traffic frequency and diversity. The applicant must demonstrate safe visibility for passenger vehicles and LGVs, as the current design may not meet residential standards. Additionally, the submitted plans lack pedestrian access facilities, which are required by Policy 5 of the Hertfordshire Local Transport Plan. Achievable levels of inter-visibility between drivers and other highway users are not shown, and a visibility splay of 43m in each direction is recommended for a 30mph speed environment. The

Highway Authority continues to refuse the application until all the matters discussed have been addressed.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site lies south east of Charlton Road on a narrow rural lane which connects to Brick Kiln Lane to the north east. The site (approximately 1100 sqm) is within the Charlton Conservation Area and is close to the Grade II listed Mill Farmhouse (opposite to the west). It is also located within the Green Belt.

The site comprises several farm buildings and structures including silos. The authorised use of the buildings and site is agricultural.

4.2 **Proposal**

- 4.2.1 Conversion and extension of existing barns to create two dwellings following demolition of existing shed, outbuildings and silos. Alterations to existing vehicular access. (as amended by plan nos. 22203-PL12C, PL13B, PL15A & PL16A).

The proposed dwellinghouses will both be three bedroomed, with Unit 1 having an internal floor area of approximately 125 square metres and Unit 2 having an internal floor area of approximately 136 square metres.

4.3 **Key Issues**

4.3.1 **Principle of development**

- 4.3.2 Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate subject to certain exceptions including exception 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;'*

- 4.3.3 This proposal involves the retention of some of the existing barns on site and their extension and alteration. The existing buildings amount to 440 sq metres in floor area (excluding silos to be demolished) whilst the new floorspace to be created amounts to 261 sq metres. There would be no increase in height above and above the original buildings.

- 4.3.4 In my view the proposed development would meet the criteria in exception c) of paragraph 154 by reason of the reduced floorspace proposed and consequently that there would be no disproportionate additions over and above the size of the original building. The proposals would therefore not be inappropriate development in the Green Belt.

- 4.3.5 In spatial terms the development would maintain if not improve the openness of the Green Belt in this location and in visual terms there would be an improvement to the appearance of the site through the removal of a modern barn and outdoor storage of materials.

4.3.6 Impact on Character and Appearance

- 4.3.7 The site is located in a quiet lane located off the main vehicular route through the village. The pattern of development here is loose knit and random with most development fronting the lane.
- 4.3.8 Apart from the adjoining site to the north which is to remain an agricultural use and the Windmill Pub further to the north west, all of the surrounding properties are in residential use.
- 4.3.9 The development proposals are effectively a re-use of and adaptation of the older, red brick existing buildings on the site plus the removal of a large, modern Tyler agricultural barn and two modern silos. A small red brick slate roofed storage building adjacent the lane is also to be retained. The proposal would include two extensions to the retained barns perpendicular to their south east elevation. Materials would include black stained feather edge boarding for the projections as well as the retained northern section of plot 2.
- 4.3.10 The existing access off the lane will be retained for plot 2 and plot 1 will also have direct access off the bend in the lane to the south. The existing hardstanding along the north west boundary will be cleared and renewed and the area around the entrances to the new dwellings will be landscaped comprising footpaths, shrub and hedgerow planting.
- 4.3.11 The proposals would reduce the bulk of buildings on the site but retain the original courtyard farm buildings. I consider that the development would retain the historic and rural character of the lane and the immediate surroundings.
- 4.3.12 Taking into account the form, layout and appearance of the development as proposed it is considered that the proposals would not be in conflict with Local Plan Policies SP9 and D1 which support development that is well designed and responds positively to its local context.

4.3.13 Sustainability

- 4.3.14 The application site is in a rural location where the range of shops or other facilities is limited. However the site is close to Hitchin with its large range of facilities to which there are direct footpath connections. The Framework recognises that transport solutions will vary between urban and rural areas. On this basis, the development would be in a sustainable location having particular regard to paragraphs 110 and 115 of the Framework.

4.3.15 Impact on heritage assets

- 4.3.16 The LPA is required by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (The LBCA Act) to have special regard to the desirability of preserving a listed building and its setting when exercising planning functions. Considerable importance and weight must be given to the desirability of preserving the significance of a listed building, and there is a strong presumption against the grant of permission for development that would harm its heritage significance. In addition, Section 72 (1) of the LBCA Act requires that in the exercise of planning powers in conservation areas.

Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 4.3.17 The main heritage assets potentially affected by the proposed development is the Charlton Conservation Area and Mill Farm House and Ivy Cottage both grade II listed buildings. The submitted Heritage statement evaluates the setting and significance of the group of farm buildings as follows:

'The remaining buildings on the site date to the second half of the 20th century although Barns 1 and 2 could just date to the late 1940s. These two buildings in particular provide evidence of post-war changes in agricultural practice with the introduction of the combine harvester and the consequent need for industrial-scale grain-drying facilities. The East of England research agenda note that conversion of such buildings often sees the loss of 20th century grain processing and other equipment, which is often overlooked or removed before recording takes place (Andrew 2021). These buildings, therefore, have regional significance, which should be considered to be Medium following ICOMOS guidance.'

'While they contribute to the settings of the Conservation Area, listed farmhouse and historic farmyard, by helping to define the agricultural character of Mill Farm, Barns 2a, 2b and 3, and the associated grain silos, are considered to be of Negligible heritage significance.'

I would concur with this statement. Barns A, B and C (as identified in the submitted structural statement) are all to be retained, these being the older mid 20th century farm buildings.

- 4.3.18 The Conservation officer has requested the retention of a small slate roofed and brick built storage building at the front of the site alongside the lane and this has been agreed via an amended plan. Otherwise the Conservation officer has raised no objections to the proposals in heritage terms.
- 4.3.19 Mill House Farm is the original farmhouse serving Mill Farm and it sits on the opposite side of the lane to the south west. It is not directly affected by the development proposed and its setting will not be materially affected given that the older barns on the site are to be retained with only two new single storey wings projecting to the eastern boundary which will largely be screen by the retained structures.
- 4.3.20 Ivy Cottage is located some 35 metres to the south east within a defined residential curtilage. It is not thought that Ivy Cottage has any historical or functional association with the application site and indeed its setting is already contained by the lane and Brick Kiln Lane on two sides and agricultural land to the south west. The special historic interest and significance of the listed building is primarily derived from its architectural features and historic fabric rather than its curtilage or wider area around it and therefore I consider that the proposed development would not have any impact on the setting or significance of the grade II listed Thatched Cottage.
- 4.3.21 There are no key views in the Charlton Conservation Area Character statement that would be affected by the proposed development.
- 4.3.22 The site falls within an area of archaeological significance. The County Historic Environment officer recommends a WSI should permission be granted.

4.3.23 In terms of an assessment under Paragraph 11 and Footnote 7 of the Framework there is no strong heritage reason to refuse the development. Indeed, the development would have the potential to retain some farm buildings that record the past history of Mill Farm and its development as well as improving the appearance of the CA through the removal of unattractive / utilitarian agricultural buildings. The development would comply with Policy HE1 (Designated heritage assets) of the NHLP and conserve and enhance the setting of the CA in accordance with Section 16 of the NPPF.

4.3.24 **Living conditions**

4.3.25 The nearest affected properties are Mill Farm House, 22 Mill Corner and Ivy Cottage. All of these properties are in residential use therefore the residential use of the farm buildings hereby proposed would be compatible with the use of these properties.

4.3.26 The submitted plans indicate that the proposals would meet the nationally prescribed space standards which is required by Local Plan Policies SP9 and D1. The dwellings would have gardens and therefore adequate outdoor amenity space is provided.

4.3.27 The Environmental Health officer has queried the use of the immediately adjacent farm buildings to the north of the site although he does not raise an objection on noise grounds. However, although these immediately adjacent farm buildings seem to be redundant and / or in some light storage use there is the potential for them to be more intensively used for farming use and because they share the same vehicular access off the lane as the proposed dwellings there is the potential for this use to be detrimental to the residential amenity of the occupiers of the new dwellings through for example the comings and goings of farm machinery and vehicles and the like. In the absence of any information to confirm the use of the buildings or their proposed future use, there is the real prospect of noise and disturbance. As such this potential adverse effect is of significant concern especially in the light of the requirements of Policy D3 of the Local Plan.

4.3.28 **Landscaping, Ecology and Biodiversity**

4.3.29 The application site has no special landscape designation. The area is considered to be of low landscape sensitivity and value with some capacity for incremental small scale developments. The proposal has the potential to add significant value to the local landscape with a comprehensive landscape scheme adding new trees and a landscaping belt at the rear of the site with potential enhancements of the river environment .

4.3.30 A Preliminary Ecological Appraisal (PEA) review has been undertaken which concluded that this site does not contain any habitats of importance or ecology of significance.

4.3.31 The Council's Ecologist notes that the site is bisected by the River Hiz, an important chalk stream, and that a Biodiversity Net Gain & MoRPh Report was undertaken. This concludes that the watercourse is in moderate condition but that the banks are in poor condition. To achieve in a Biodiversity Net Gain of 10% it is proposed to improve the condition from poor to good. The proposals are expected to deliver net gains of 35.67% habitat units and 12.02% watercourse units thereby meeting the mandatory requirement. Due to the proposed enhancement of the River Hiz, which is deemed significant, a Habitat Management and Monitoring Plan will be required and adherence to which should be conditioned.

4.3.32 The Council's Ecologist raises no objections subject to the inclusion of conditions.

4.3.33 The development will meet the requirement to deliver measurable net gains for biodiversity as required by Policy NE4 of the NHLP.

4.3.34 Highway and parking matters

4.3.36 The Highway Authority has raised objections on two occasions. Firstly the HA advised the following:

- Plot 1 the position of the access is unsafe.
- Plot 2 Visibility splays are required.
- Substandard parking spaces (can be conditioned)

4.3.37 The applicant responded on 1st April with a supplementary comment on highway matters with the following points:

- The comments have not had regard to the fact that both accesses already exist and serve the existing agricultural use and buildings on the site i.e. the proposal entails the use of existing accesses for the proposed use rather than the introduction of new accesses.
- The access to serve Plot 1 already exists in a position on the apex of the bend on the Lane serving an agricultural shed, which is proposed for demolition. At present this access can be utilised by large agricultural vehicles serving the established agricultural use of the site.
- The proposed access arrangements for the dwellinghouses involve Plot 1 using the existing access serving the agricultural shed, to be demolished, and Plot 2 using the other access which currently serves the Farm.
- The applicants consider there to be a highway safety benefit from the proposed residential use through the removal of the potential for large agricultural vehicles to continue to use the site.
- Traffic speeds in the vicinity of the site are low due to the rural nature of the highway network in the vicinity of the application site and the bend in the Lane acts as a physical feature to keep traffic speeds low.
- The demolition of buildings on the site and the associated change of use of buildings will result in a change in traffic nature and volume but it will not be a detrimental change and in the applicants' view will be beneficial as it will replace large agricultural vehicles with residential traffic associated with 2 no. dwellinghouses.
- The parking spaces measure the standard 4.8 x 2.4 metres. However if the Planning Authority conclude that such dimensions are substandard then the applicants have no objection to these being increased to 5.0 x 2.5 metres, and as pointed out by the Highway Authority such an increase can be controlled through the imposition of a condition.
- Paragraph 116 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. The applicants contend that a strong case has not been put forward that the proposal would result in an unacceptable impact on highway safety.
- The Planning Authority will need to carefully weigh up the comments of the Highway Authority 'in the round' and against all of the other material considerations relating to the proposal, and accord appropriate weight, including the weight which should be attached to the preservation and enhancement of the character and appearance of the Conservation Area which will result from the proposal.

- 4.3.38 The HA responded to the applicants comments in April 2025 confirming that the applicant must demonstrate safe visibility, suitable pedestrian access and adequate visibility and thereby dismissed the applicants supplementary comments as not being sufficient grounds to override their highway concerns.
- 4.3.39 Discussions were had with the applicants agents however a compromise situation and or further amendments could not be agreed. As such, with a recommendation of refusal on technical highway safety grounds as confirmed by the Highway Authority the LPA are not in a position to go against highway advice despite the other benefits of the scheme – such as housing delivery, enhancement to heritage assets and a general improvement to the character and appearance of the area. Accordingly the LPA has no option other than to recommend refusal on highway safety grounds.
- 4.3.40 Environmental matters**
- 4.3.41 The site is located within Flood Risk Zone 1 where there is the lowest risk of fluvial flooding. The site is not at a potential risk of surface water flooding.
- 4.3.42 The Environment Agency, whilst raising no objection, note that the rear gardens to the east of the main river to both plots may be partially located within Flood Zone 3b and therefore require a condition if permission is granted, restricting any structures or planting in these areas.
- 4.3.53 The Council's Sustainability Supplementary Planning Document adopted in 2024 seeks to ensure that new developments are future proofed against the challenge of climate change. The application does not include any Sustainability & Energy Statement. However full details of the measures to ensure that the development meets the challenge of climate change by incorporating low energy and carbon reducing measures could be conditioned should permission be granted. Overall however, the scale of development is unlikely to have any significant impact on local climate change.
- 4.3.54 Any potential contamination on the site can be adequately addressed through the condition recommended by the Council's Environmental Health officer.

4.4 Planning Balance

- 4.4.1 The Council are currently unable to demonstrate a five-year supply of land for housing. Accordingly, the 'tilted balance' in paragraph 11d is engaged and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits
- 4.4.2 The proposed development would not be inappropriate development in the Green Belt as it meets paragraph 154 c) of the Framework.
- 4.4.3 The proposal would provide two new family sized dwellings. This social benefit attracts moderate weight given North Herts Council's current inability to demonstrate a five year supply of deliverable housing sites. Further modest benefits to the local economy would stem from the dwellings construction and from spending of future occupants of the dwellings.

4.4.4 The proposed layout, would mean that there would not be a significant loss of privacy to neighbouring occupants. The retention of the older buildings on the site would be in keeping with the agrarian and rural character of the lane and the immediate surroundings and the extensions proposed would reflect the scale and character of the retained buildings. The removal of some of the more modern agricultural buildings and structures and the general tidying up of the site would enhance the setting of the conservation area and that of nearby historic buildings and would also improve the character and appearance of the area.

4.4.5 The proposal would however result in harm to highway safety as advised by the Highway Authority. Highway safety is an important aspect of any development and as advised by paragraph 117 of the Framework development should *‘create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;’*

4.4.6 Paragraph 116 of the Framework advises that:

‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.’

In this case the Highway Authority have not been convinced by the applicant's arguments that there are two existing vehicular access points that are used by agricultural vehicles and that the development is likely to lead to a reduction in traffic movements and consequent improvement to highway safety.

4.4.7 There is potential for the occupants of the dwellings to be adversely affected by noise and disturbance from the immediately adjacent agricultural buildings which share the same vehicular access with the proposed dwellings. Paragraph 135 f) of the Framework states that development should:

‘f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’

There is no guarantee that the health and well being of the prospective occupants can be secured because of the adjacent agricultural use.

4.4.8 There are various social, economic and environmental benefits to the scheme and these are acknowledged and attributed moderate weight. The harm arising from access location is considered to be severe and there would also be moderate harm to residential amenity for future occupiers and these matters together attract significant weight and provide strong reasons for refusing the development under paragraph 11 d) i) of the Framework. When assessed against the policies of the Framework taken as a whole, the adverse impact of the development upon the highway and concerns relating to residential amenity of future occupiers is considered to significantly and demonstrably outweigh the benefits.

4.4 **Conclusion**

- 4.4.1 The development is considered to be unacceptable in planning and highway terms. For the reasons given above, the proposal would be contrary to the development plan as a whole and planning permission should be refused.

4.5 **Alternative Options**

- 4.5.1 None applicable

5.0 **Recommendation**

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

1. The proposed development fails to demonstrate safe visibility for passenger vehicles and Light Goods Vehicles. In addition, the development does not provide for safe pedestrian access or achieve adequate levels of inter-visibility between drivers and other road users. As a result the proposed development is likely to lead to conditions prejudicial to highway safety and amenity contrary to the requirements of Policy T1 of the North Herts Local Plan and policies contained within the Local Transport Plan (LTP4) and the guidance within the Hertfordshire County Council Place and Movement Planning Design Guide.
2. The proposed development will share a vehicular access with the adjacent agricultural buildings to the north. In the absence of a noise survey and any verification of the continuing use or otherwise of the adjacent agricultural buildings it is likely that there could be noise and disturbance arising from the remaining agricultural buildings that would have an adverse impact on the living conditions of the prospective occupiers of the proposed dwellings. As such the development is likely to be in conflict with Policy D3 of the North Herts 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  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 3 October 2025	