

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01462/PNR	Change of use and conversion of two bays of existing agricultural barn to form two light industrial units (Class E (g) (iii)).	Agricultural Barn Hall Barn Ashwell Road Newnham Hertfordshire SG7 5JX

Submitted Plan Nos

AF01 - Site Location Plan AF02 - Proposed Block Plan AF03 - Existing Floor and Site Plan AF04 - Proposed Floor and Site Plan

1.0 Policies

1.0 Site History

- 1.1 26/01538/FP - Change of use of part of existing agricultural barn to facilitate artisan bakery (Use Class E(a)) including replacement roof with insertion of rooflights, alterations to fenestration and external cladding. Decision Pending.

2.0 Policies

- 2.1 Class R, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

3.0 Representations

- 3.1 **Neighbour Consultation** – None received.

3.2 Statutory Consultees

Caldecote & Newnham Parish Council – Offer a neutral view and raise the following areas of concern:

- Recognise need for farm diversification but not at the expense of character, safety and long-term sustainability of the surrounding community.
- Increased pressure on rural road network with increased volume of traffic.
- Change in the nature and intensity of the site's use.
- Vehicular access being on a challenging bend with restricted visibility resulting in a danger to other road users.
- Extension of existing speed restriction 20mph zone, improved signage and highway improvements.
- Cumulative commercial development within Newnham and the impact on the character of the village with an infrastructure that cannot reasonably support the level of development.
- Light pollution and the impact of this on the character and setting of Newnham with external lighting controlled to minimise impact on rural environment.
- If approved, the Highway Authority needs to introduce a programme of infrastructure improvements.

HCC Highways – No objection.

Environmental Health (Noise & Other Nuisance) – No objection.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The site comprises two modern agricultural buildings situated within an established yard area. The buildings are located to the northwest of a single-storey Cart Barn, a Building of Local Interest (BLI), which fronts Ashwell Road. Vehicular access to the site is provided via an existing access point located to the southwest of the Cart Barn, serving both the buildings and the wider site. The Newnham Conservation Area cuts through the application site, with the front part of the buildings being within the designated boundary.

4.2.1 For planning policy purposes the site is within the Rural Area beyond the Green Belt.

4.2 Proposal

4.2.1 Prior Approval is sought for the conversion of two bays of an existing barn into commercial use under Class R, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

4.2.2 The proposal is for the change of use of 730m² of buildings from agricultural use to light industrial (Class E (g) (iii)).

4.3 Key Issues

4.3.1 The key issues are firstly whether the proposed works are permitted development as defined by The Town and Country Planning (General Development Order) 2015 as amended, Schedule 2, Part 3, Class 'R' and meets the limitations and conditions set out in R.1 and R.2 of the Order. Secondly, whether the prior approval of the LPA is required in relation to the conditions listed in paragraph R.3 of the same.

4.3.2 *R. Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use - falling within one of the following provisions of the Use Classes Order—*

- (i) Class B2 (general industrial) of Schedule 1;*
- (ii) Class B8 (storage or distribution) of Schedule 1;*
- (iii) Class C1 (hotels) of Schedule 1*
- (iv) Class E (commercial, business or service) of Schedule 2; or*
- (v) Class F.2 (outdoor sport or recreation) of Schedule 2; or*
- (b) for the provision of agricultural training.*

The application proposes the change of use of the barns and the curtilage as shown on the Proposed Block Plan AF02 as Units A and B.

4.3.3 Qualification as permitted development (Paragraph R.1)

R.1 Development is not permitted by Class R if—

(a) the building was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 3rd July 2012;

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;

The submitted planning statement advises that the building was used for agricultural purposes in association with an established agricultural unit on 3rd July 2012.

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1000 square metres;

The applicant proposes that 730m² of the two units would be subject to the change of use under Class R. The proposal would comply with the above criterion.

(c) the site is, or forms part of, a military explosives storage area;

The site does not form part of a military explosives storage area and is therefore complies with the above criterion.

(d) the site is, or forms part of, a safety hazard area; or

The site does not form part of a safety hazard area and is therefore complies with the above criterion.

(e) the building is a listed building or a scheduled monument.

The buildings are not a listed building and are not a scheduled monument and therefore complies with the above criterion.

4.3.4 Conditions (Paragraph R.2)

The change of use is permitted subject to the conditions in paragraph R.2. It should be noted that once changed the new 'flexible' Class E (g) (iii) use will be regarded as '*sui generis*' meaning planning permission would be required to move away from the flexible use to any other use which amounts to development. A further application for prior approval will also be required to change to another of the flexible uses within Class R, should prior approval be given and the change of use implemented.

4.3.5 Prior approval (Paragraph R.3)

This section falls into two parts:

(a) A building or buildings with a floor space under 150 square metres;

(b) A building or buildings with a floor space that exceeds 150 square metres;

The buildings have a floor space that exceeds 150sqm and as such, R3 (1b) is activated and therefore prior approval is required with relation to:

- (i) transport and highways impacts of the development;
- (ii) noise impacts of the development;
- (iii) contamination risks on the site; and
- (iv) flooding risks on the site.

4.3.6 Transport and Highways Impacts

HCC as the Highway Authority have been consulted and have raised no objection to the proposal.

No condition(s) regarding Highway Safety are required.

4.3.7 Noise Impacts of the Development

No objection has been raised by Environmental Health (Noise and Other Nuisances).

No condition(s) relating to noise are required.

4.3.8 Contamination risks on the site

No objections have been received from Environmental Health (Noise and Other Nuisance).

No condition(s) relating to contamination are required.

4.3.9 Flood Risks

The applicant has stated that the site is situated wholly in Flood Zone 1, and the applicant states that there are no known flooding or drainage issues at the site. As such, it is considered that there will be no unacceptable flood risks of the proposed change of use.

4.3.10 Landscaping

No conditions or additional information is required in regard to the submission of details of landscaping or boundary treatment.

4.3.11 Conditions

The proposed Class E (g) (iii) use is unlikely to be significantly noise generating and I do not consider an hour of operation condition would be reasonable given the buildings location and proposed use.

4.3.12 The provision of a communal parking space is considered to result in no need for a parking delivery condition. No external changes are proposed, and therefore, it is not considered reasonable to require a scheme of lighting be submitted. The restriction of additional lighting is considered reasonable given the site's location with the countryside.

4.4 **Conclusion**

- 4.4.1 The proposed development would comply with the criterion set out in Class R of the General Permitted Development Order 2015 (as amended). The prior approval of the local planning authority is not required in this case.

4.5 **Alternative Options**

- 4.5.1 N/A

5.0 **Recommendation**

- 5.1 That prior approval is not required.

1. The development hereby permitted shall be completed before the expiration of 3 years from the date of this decision notice.

Reason: As required by the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3 Class R.

2. There shall be no external lighting installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the visual amenities of the rural area and protect the habitat of nocturnal species including bats in accordance with Policies SP12, D1, D3 and NE4 of the North Hertfordshire Local Plan 2011-2031.

Informative/s:

1. AN1) Storage of materials: 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.

AN2) Obstruction of highway: 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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 29 July 2026	