

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00686/FP	Erection of a detached agricultural barn following demolition of two existing detached agricultural barns. Realignment of existing Public Right of Way (Bridleway 005).	Langley Bottom Farm London Road Langley Hitchin Hertfordshire SG4 7PJ

Submitted Plan Nos

Site Location Plan LB-2024-001 LB-2024-002- LB-2024-003 LB-2024-004 LB-2024-005

D1	Sustainable design
D3	Protecting living conditions
HE1	Designated heritage assets
NE4	Biodiversity and geological sites
SECN11	Making effective use of land
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land
SECN15	Conserve + enhance natural environment
SECN9	Promoting sustainable transport
SP1	Sustainable development in North Herts
SP12	Green infrastructure, landscape and biod
SP13	Historic environment

SP5	Countryside and Green Belt
SP6	Sustainable transport
SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

2.0 **Relevant site history**

- 2.1 00/00644/1 - Erection of three polytunnels – Approved 26/06/00.
- 2.2 00/00308/1PUD - 1. Use of field as a horticultural nursery with plants grown in open ground and containers. Erection of three polytunnels.

2. Use of part of dwelling for business purposes

3. Use of outbuilding for storage of garden implements and horticultural equipment

4. Use of open yard for vehicles associated with a parcel courier business

Split Decision 29/03/00 – Refuse part 1 for the following reason:

1. The area of land is less than 5 hectares, thus the erection of the 3 polytunnels would not fall within Class A, Part 6 of The Town and Country Planning (General Permitted Development) Order 1995.

3.0 **Representations**

- 3.1 **Neighbours** – 1 comment was received on the following grounds:

☐ Supportive of the improvements to be made.

- 3.2 **HCC Rights of Way** – The Public Bridleway that runs through the site (Langley Bridleway 005) should be unobstructed and safe for the public to use at all times. If, for safety reasons, it is necessary to close the Bridleway, then a Temporary Traffic Regulation Order must be applied for and granted before any work can take place. Any

damage to the surface of the Bridleway should be repaired and 'made-good', this includes spillages of material as well as damage to the surface structure itself.

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 application's 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 confirmed 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 Bridleways should be an absolute minimum of 4m in width, but HCC and user groups would prefer more than that, additionally, consulted user groups may object to the proposal on the grounds that the proposed diversion route includes multiple sharp angled bends and that it brings users out onto a blind bend in the road.

3.3 **Highways Officer** – Does not wish to restrict the grant of permission.

3.4 **Ecologist** - I would have no ecological objection to the proposal.

The Small Sites Metric identifies the site biodiversity baseline as 0.2854 Habitat Units, the post-development habitats of the site are valued at 0.3158 Habitat Units resulting in a Biodiversity Net Gain of 10.66%. Thereby meeting the mandatory requirement for 10% BNG.

The case officer should note Biodiversity Gain condition wording should be added to the decision notice, the biodiversity gain condition is a pre-commencement condition having its own separate statutory basis and is deemed to apply to every planning permission granted for the development of land in England. To ensure the applicant is clear about this distinction the biodiversity gain condition should not be included in the list of conditions imposed in the written notice when granting planning permission but should remain separate.

3.5 **Environmental Health** - Noise (and other nuisances), and Local Air Quality

No comments.

Land Contamination

There is no mention of land contamination in the submitted information. Given the historical use of the land, I recommend the following conditions are placed on any decision notice, should you be minded to grant approval.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site comprises two barns with pitched roofs. The barns are adjacent to a dwelling to the west, a commercial yard to the north, and agricultural/horticultural land NE of the site (all of which are in the blue-edged areas).

- 4.1.2 The site is in rural agricultural surroundings. Only one dwelling is nearby, which is Grade II listed opposite the site to the west. A public bridleway goes through the site, which adjoins its north boundary. The site is in the Green Belt.

4.2 **Proposal**

- 4.2.1 The erection of a replacement barn to be used for agricultural purposes, which would replace the two existing barns. The bridleway would be diverted to the southern area of the site.

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the development is acceptable in principle, design, neighbour amenity, highways and parking, and ecology.

Principle

- 4.3.2 The site is in the Green Belt. Policy SP5 of the adopted Local Plan states that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. Policy SP5 refers to the National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 154 and 155 (December 2024 version). Para. 154 is:

154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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;

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;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

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e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed

land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

ii. engineering operations;

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

4.3.4 Para. 155 states that housing, commercial and other development should not be regarded as inappropriate development where:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed;

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework(57); and

d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 – 157.

4.3.5 It's stated in the submitted Planning Statement that the existing barns are used in connection with the agricultural/horticultural use of the site, which is blue-edged land NE of the site. This land includes a small polytunnel near the commercial yard, with the rest of the agricultural land being grassland that did not appear to be used for any particular purpose from a site visit, albeit this was one particular point in time.

4.3.6 Of the two existing barns to be demolished, one has partially collapsed and is not in use. The other barn is in a better state of repair. Photos from the Planning Statement and Preliminary Roost Assessment show the barns being used for storage of building materials and equipment.

4.3.7 It's not therefore certain that the barns and the blue-edged land are presently in use for agriculture, with no agricultural machinery etc. visible in the red-edged and blue-edged areas. The existing barns however may also have been used for agricultural purposes at times in the past, with the two 2000 consents supporting this.

4.3.8 It's therefore considered that the existing barns have an agricultural use, notwithstanding their presently being used for other storage or not being in use. The proposed

replacement barn is proposed to be used for agricultural purposes, which is consistent with the uses of the existing barns.

- 4.3.9 On the basis of the proposed barn being used for agricultural purposes, the barn is considered to fall under 154 a) as a building for agriculture, which is not inappropriate development in the Green Belt.
- 4.3.10 The other element of the proposal is the realignment of a public bridleway, from the north of the site to the south of the site. An unmade track presently exists which the new bridleway would use, therefore it's not considered that new physical development would be required.
- 4.3.11 The realignment of the bridleway would result in a change of use of part of the south of the site. This use would be for outdoor recreation, which is considered would comply with 154 h) v of the NPPF, and would not be inappropriate development. The proposal is acceptable in principle, and complies with Policy SP5 of the Local Plan and Section 13 of the NPPF.

Design

- 4.3.12 The proposed realignment of the bridleway would not involve physical works as an unmade track presently exists. As the location for the realignment would be close to the existing, this is considered acceptable. Furthermore there would be benefits from realignment as users of the amended bridleway would not now potentially have conflicts with uses of the red and blue-edged areas of the site.
- 4.3.13 There are no objections to removing the existing barns as one has partially collapsed, and the other is not of significant architectural or historical significance or visual quality.
- 4.3.14 The proposed replacement barn would have a similar siting and footprint to the existing barns, which will minimise the impacts of the new barn, particularly as it will be set back from the highway and obscured by the dwelling to the west.
- 4.3.15 The new barn would be higher than the existing barns at eaves and ridge height (5m and 7.1m of the proposed compared to the 4.5m and 4m of the maximum heights of the existing barns). The proposed height is not however considered excessive for such a building, and as the roof would be shallow and the barn set back from the highway and obscured by the dwelling to the west, the barn is not considered to be of a size, height, scale and bulk that would be harmful to the locality.
- 4.3.16 The barn is proposed to be constructed externally of green metal sheeting for its walls, and dark green fibre cement for its roof. These materials and colours are considered in keeping with its function as an agricultural barn and with the rural character of the locality. It's considered that external lighting should be controlled by condition given the isolated rural location of the site.
- 4.3.17 The proposed barn is not considered harmful to the setting of the listed building to the west due to its distance from it and intervening buildings, trees and vegetation. It's considered that the use of the barn should be restricted to agriculture by condition so that potential changes of use can be controlled given its proximity and relationship with a commercial yard and dwelling. It's not considered that the land contamination conditions

recommended by the environmental health officer should be imposed as these are more relevant to a land use where there would be permanent occupation such as a new dwelling. The design is acceptable. The proposal complies with Policies D1 and HE1 of the adopted Local Plan; and Sections 12 and 16 of the NPPF.

Neighbour amenity

- 4.3.18 The only dwelling near the proposed barn is Willow Tree Farm to the west (the other is Langley Bottom Farmhouse which is owned by the applicant and in the blue-edged area, therefore potential impacts on this dwelling do not need to be considered due to the relationship of the applicant to the proposal).
- 4.3.19 The new barn is not considered harmful to the amenity of Willow Tree Farm due to its distance from that dwelling, intervening buildings and trees and London Road, and the relatively small size of the proposal.
- 4.3.20 The proposed bridleway realignment would bring the west entrance to the bridleway closer to Willow Tree Farm. It's not however considered harmful to amenity as no physical development is proposed, it's on the other side of busy London Road, the new bridleway entrance would be obscured from Willow Tree Farm by trees/vegetation on its east boundary, and expected numbers of users of the bridleway would be small. The proposal is not considered harmful to amenity. The proposal complies with Policy D3 of the adopted Local Plan and Section 12 of the NPPF.

Parking and highways

- 4.3.21 There are no parking standards for agricultural buildings in the District. In any case, more than sufficient parking provision is considered to exist within the barn and outside it (including the adjacent commercial yard), therefore parking is acceptable.
- 4.3.22 The proposal will not affect the existing vehicular access to the site, and there are no concerns over expected traffic generation which would be expected to be small. There have not been objections to the proposed bridleway realignment from the highways officer and the County Council rights of way section, therefore this is acceptable. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Ecology

- 4.3.23 The application was submitted with a Preliminary Roost Assessment that did not find evidence of protected species or their roosts, and is not disputed by the Council's Ecologist. The application would deliver more than the 10% mandatory BNG required, which will be secured by condition. Impacts on ecology are acceptable. The proposal complies with Policy NE4 of the Local Plan, and Section 15 of the NPPF.

Conclusion

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

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 approved building shall only be used for agricultural purposes.

Reason: In the interests of character and appearance, managing the relationship of the barn with nearby uses, amenity, and parking and highway. To comply with Policies D1, D3 and T1 of the Local Plan.

4. Prior to commencement of the development permitted, additional plans must be submitted to and approved in written by the Local Planning Authority in consultation the HCC's Public Rights of Way Team which show details engineering design and construction of bridleway 005 diversion works (as indicated on the proposed block plan, Ref-LB-2024-004), and all these works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation.

Reason: To ensure that the highway network is adequate to cater for the development proposed and in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan and Section 9 of the NPPF.

5. There shall be no external lighting unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the appearance of the locality within the countryside. To comply with Policy D1 of the Local Plan.

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).
Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 21 May 2025	