

**PLANNING STATEMENT
(INCORPORATING SUSTAINABILITY &
ENERGY STATEMENT)**

**AMENDMENTS TO APPLICATION
24/02908/PNQ - DEMOLITION OF
REDUNDANT AGRICULTURAL BUILDINGS
AND ERECTION OF FIVE DWELLINGS AND
ASSOCIATED WORK**

AT

**FEAR END,
FEARS GREEN
SANDON,
BUNTINGFORD,
SG9 0QY**



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1.0 INTRODUCTION

- 1.1 The application site is located in Sandon, outside of the development boundary and within the countryside. The site is situated amongst agricultural land, with little else in the immediate vicinity, the site is set well back from the highway. The site is a farmyard which consists of six vacant agricultural buildings, formerly used for housing pigs and associated storage. The subject barns are approximately 1.0 km north east of the village of Sandon, which itself is located around 6 km north-west of Buntingford and 8 km south-east of Royston. The barns lie to the east side of Kelshall Road (shown as Fears Green on some maps) between Sandon and Kelshall in the southern corner of Kelshall Parish and occupies a site which is generally level. The surrounding land is generally laid to arable farmland, although there are small, wooded areas located immediately to the south and east. Further residential properties, Fears End and Fallowfields, are immediately to the north west of the barns. Apart from some very low key storage of agricultural implements, the buildings are now underutilised.
- 1.2 None of the buildings are located within flood zones 2 and 3. All the buildings subject to this application comprise of timber frame, blockwork plinth, timber cladding, corrugated sheeting to the roof, with concrete floor, building 5 has a profiled sheeting roof. Apart from some very low-key storage of agricultural implements, the buildings are now underutilised. All of the buildings are estimated to be between 40 – 50 years old.
- 1.3 The buildings are barely visible from the public highway but are set back some 70 metres from the road. They are positioned behind existing hedging and the main house, therefore they are not prominent features in the landscape. The levels at the site are fairly flat, with a very slight incline from the road to the barn.
- 1.4 Historically, the access has been used by farm traffic and therefore the change to residential traffic associated only with five additional residential dwellings will not have an adverse impact. Notwithstanding this, the highway network is fairly quiet country



roads with few traffic movements and traffic movements associated with five additional dwellings can adequately be accommodated on the existing highway network. Adequate visibility can be provided at the access point, meaning there are no highway safety concerns which should warrant refusal of this application. Furthermore, seven dwellings have been approved at the site so this application proposes no additional traffic movements above those already consented, on the contrary, the vehicle movements will reduce from the earlier approved scheme.

2.0 BACKGROUND

- 2.1 This application follows an earlier prior approval application at the site (24/2908/PNQ) for the conversion of the agricultural buildings into seven residential dwellings. This permission is extant and will be implemented and completed if this planning application is refused and dismissed on appeal.
- 2.2 The approved Class Q application would see the creation of seven dwellings, these would be 2 x 1 bedroom, 2 x 2 bedrooms and 3 x 3 bedroom dwellings. The Class Q proposals would also see the demolition of one building. The total Gross External; Area of the buildings to be converted is 628 square metres (this excludes the building that is due to be demolished as part of the Class Q proposal).
- 2.3 It is now proposed to demolish all the existing agricultural buildings and replace them with five detached dwellings, providing enhanced accommodation on a lesser footprint to the previously approved Prior Notification plans, thus reducing the overall impact upon the countryside. There is little, built form in the immediate vicinity of the site, other than the applicant's house, Fear End. Therefore, the design approach has taken a modern form, as there is little to replicate in the vicinity. Starting with a blank canvas with allow for an enhanced development rather than trying to convert an old poultry building which was never meant for human habitation.



3.0 APPLICATION PROPOSALS

- 3.1 The application proposes the demolition of the existing agricultural buildings and the erection of five new dwellings. This will replace the Class Q permission which was secured on the 13th February 2025 for the conversion of the barns into seven dwellings. The application would see the removal of the existing redundant agricultural buildings, replacing them with a more appropriate and aesthetically pleasing, purpose built residential development of five dwellings.
- 3.2 The proposals would reduce the footprint of the building from 628 square metres to 409.94 square metres, a considerable reduction. If the agricultural build that was due to be demolished as part of the Class Q proposal is included, this increases to 717 square metres. The resulting floor area of the Class Q permission was 628 square metres and this was achieved from not utilising one of the buildings on site, this was proposed for demolition which allowed the development to take place without impact upon the amenities of the users of the proposed dwelling. In addition, the proposals will see the creation of a total of 2621.67 cubic metres of volume, and the consented barns would see the removal of 2679.2 cubic metres of built form, therefore there is a reduction in both footprint and volume, albeit that the height increases from 7.2 to 7.3 metres. The reduction in footprint and volume, coupled with the improved design and appearance and more appropriate location, a reduced scheme in terms of the number of units created, and overall appearance, result in a lessened impact, improved openness of the countryside and overall enhanced development.
- 3.3 This is a total reduction of 57.53 square metres from the existing agricultural building to the proposed new dwellings. It would see the use of high quality materials, including Siberian larch and render and zinc/corrugated metal to the roof. The site area does marginally increase on this application over that of the approved Class Q, however this is not to any unacceptable level, and will provide for a far improved amenity area of that of



the approved Class Q scheme. The full sizes of the proposed scheme is set out in the table below:

Location	Type	Description	GIA			GEA			Volume
			Ground	First	Total	Ground	First	Total	
1	1	3bed	53.86	53.86	107.72	66.65	68.00	134.65	426.00
2	1	3bed	53.86	53.86	107.72	66.65	68.00	134.65	426.00
3	2	4bed	65.88	65.88	131.76	80.64	82.27	162.91	506.00
4	3	5bed + Study	95.15	95.15	190.30	115.36	117.12	232.48	757.67
5	2	4bed	65.88	65.88	131.76	80.64	82.27	162.91	506.00
					669.26				2621.67

4.0 NATIONAL POLICY

- 4.1 The NPPF sets out Government planning policy and so is therefore a material consideration in determining planning applications, this was most recently updated in December 2024. Also, the NPPF is supplemented by the National Planning Practice Guidance (NPPG), which was published on 6th March 2014.
- 4.2 Development plan policies are material to an application for planning permission and the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 4.3 Paragraph 231 and 232 of the NPPF outlines that; the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) and where the Housing Delivery Test indicates that the delivery

of housing is more than 75% of the housing requirement over the previous three years, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method set out in planning practice guidance) is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan's adoption.

- 4.4 Paragraph 11 of the NPPF advises, amongst other things, that “plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- 4.5 Paragraph 84 of the NPPF states that “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;



- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

4.6 The NPPG provides guidance on design and states that:

“Good design should ‘enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well-being.’ and “address the need for different uses sympathetically”.

4.7 It goes on to state that *“Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design.”*

5.0 LOCAL POLICY

5.1 Local Policy comprises the North Herts Local Plan 2011-2031. The most relevant policies are mentioned below, whilst others may be pertinent to the application, they are covered in section 6 of this report.

5.2 Policy SP2 sets out the settlement hierarchy for the district. Sandon is stated to be a Category A village, where general development will be allowed within the defined settlement boundaries.

5.3 Policy CGB1 is concerned the Rural Area beyond the Green Belt. It states that planning permission will be granted provided that development:-

‘a) Is infilling development which does not extend the built core of a Category B village;

- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.'*

5.4 The most pertinent policy in the Local Plan in respect of these proposals is CBG4. This states that:-

'a) 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.'*

5.5 Policy D2 is also relevant, albeit not strictly directly relevant, being concerned with *inter alia* replacement dwellings. This planning application replaces a planning permission which secured consent for the conversion of an agricultural building into residential, therefore although this host application does not replace a dwelling, it does replace the consent to turn the building into a residential use and is therefore relevant, it states:

Planning permission for replacement dwellings and outbuildings will be granted where:

- c) The proposal does not harm the character and appearance of the site; and*



d) The location of the proposal does not have an adverse impact on the character and appearance of the streetscene or area.

- 5.6 In this instance the policies in connection with barn conversions are not strictly relevant, as although the barn has permission via Class Q to convert to residential, this proposal will see the replacement of the barns with a purpose built development.

6.0 CONSIDERATIONS

- 6.1 Turning firstly to the appropriateness of the proposed development within the countryside, the re-use of the redundant building has been considered as appropriate development in the countryside (24/02908/PNQ) which saw Prior Approval given for the conversion of the barns into seven residential dwellings.
- 6.2 This must be recognised as a fallback position in the determination of this proposal which will see the demolition of the existing buildings and the erection of five new dwellings of a smaller footprint in their place. It is a material consideration of considerable weight, as is recognised in the list of appeal decision appended to this Planning Statement.
- 6.3 The fallback position of the refurbishment and change of use of the building, although a very viable alternative, is not as cost effective or as simple to undertake as a new build dwelling(s). The obvious benefit of a new build scheme are the enhancements to the design of the dwellings, which is no longer restricted to that of the existing buildings, which was constructed for agricultural purposes and is of no architectural merit. That said, the proposal will maintain an agricultural appearance in order to remain in keeping with its rural surroundings. The 'clean slate' means that the dwellings can be designed from scratch and really secure a legacy development on the site.
- 6.4 The erection of five new dwellings is subsequently favourable for a number of reasons. Firstly, as previously mentioned, the replacement proposal will improve the overall design and appearance of the proposed dwellings. It will see the unit numbers drop from seven

to five, a more appropriate number for the site and rural location. This will allow for better circulation space around the dwellings, and provide a higher quality development. It will also see the use of more appropriate materials and detailing to the dwellings resulting in a more appropriate development compared to converting the pig sheds. The erection of new build dwellings will also reduce the amount of built form on site, making for a less intrusive development in the countryside.

- 6.5 In terms of the impact upon the countryside, for the purposes of this application, the impact will be minimal, as it will see the replacement of buildings rather than any isolated new dwelling(s). The location of the existing buildings are sited adjacent an existing dwelling, and two other dwellings are located close by, it is therefore not in an 'isolated' location.
- 6.6 The design and appearance of the existing buildings is currently poor and continuing to fall into a state of disrepair. This application gives the best opportunity to replace poor design with better design, in accordance with section 12 of the NPPF and will add to the Council's 5 year land supply promptly. The replacements will be in keeping with the surrounding dwellings and enhancing the overall appearance.
- 6.7 The proposals will reduce the number of units from seven dwellings down to five, this will reduce the impact upon the countryside and also produce a development that is more akin to the rural setting in terms of its size and scale. Seven units in this location, particularly smaller one bedroom units would not be particularly desirable in this location, away from shops and services.
- 6.8 The plans submitted show five dwellings in comparison to approval of seven units within the existing buildings. There are essentially three different designs proposed, although not identical, the dwellings will look similar to the below images.



- 6.9 Although the approved Class Q scheme is primarily a single storey development, one building is particularly tall, and had a second floor. This was the building closest to the nearest residential dwelling and the highway. This proposal will see a complete change in design from the existing poor quality utilitarian farm buildings to a far more modest and attractively designed dwellings, whilst retaining the 'barn conversion' style of appearance. Overall, this design is considered to be an improvement to that of the conversion scheme previously approved, and therefore in accordance with section 12 of the NPPF.
- 6.10 The character of the locality and surrounding area will also be safeguarded and indeed enhanced by the proposed development. Simple design and traditional choice of materials characterise the building and from beyond the site boundaries it will appear as five modern rural buildings, remaining in keeping with the surrounding built form and the proposals will not look incongruous in their context. The size and scale of the new dwellings is considered to be appropriate, in terms of design, than that previously approved Prior Notification approval.
- 6.11 In terms of sustainability, the NPPF is clear that there are three dimensions to sustainable development; economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles: an economic role, a social role and an environmental role. The NPPF goes on to state "these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environment standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- 6.12 Importantly in this instance, the applicant has the ability to convert the existing poor quality agricultural buildings into seven residential dwellings, and therefore the principle of more than five additional dwellings in this location has been agreed, this is an extant



permission and will be built out in the event that this application is refused and dismissed on appeal. This is a material consideration of considerable weight and if the LPA decided that the site is away from shops and services resulting in the occupants of the new dwellings relying on a private motor vehicle, the fallback position must be borne in mind.

- 6.13 It is our view that the proposal should be regarded as an appropriate form of development in the countryside given the support at paragraph 83 of the NPPF. It is also not an isolated dwelling (See *Braintree District Council v Secretary of State for Communities and Local Government* & 218052.) However, if it is considered to be inappropriate development then there are indeed very special circumstances to justify approval in this instance.
- 6.14 The applicant has the option of converting the building into seven separate residential dwellings using the permitted development rights. This has been confirmed through the grant of a positive prior approval application in February 2025. If five new dwellings are deemed inappropriate here in planning policy terms, consideration must be given to the fallback position, which the applicant believes would have far greater impact and provide for a poorer quality development than the one at hand.
- 6.15 The Encyclopedia of Planning Law, paragraph 70.30 of the commentary to Section 70 of the Town and Country Planning Act 1990 states that *"The planning authority are entitled, and indeed obliged, to have regard to the 'fallback' position i.e. what the applicant could do without any fresh planning permission."*
- 6.16 Planning permission or development rights related to land may be viewed as material considerations which have an important input into decision making. Failure to take account of the 'fallback position', which could take place even if the current planning application were to be refused or an appeal dismissed, has been the matter upon which the courts have ruled on several occasions. The weight attributed to the fallback position depends upon the likelihood of any fallback actually being exercised in the event of a refusal.



- 6.17 It is therefore important to consider what alternative options the applicant would have for developing this site should planning permission be refused. This includes the use of permitted development rights. The permitted prior approval application should therefore be considered alongside this planning application if it is considered that the proposal would be inappropriate development.
- 6.18 It is clearly in the applicant's interest to sell or construct the permitted development scheme if she was unsuccessful in obtaining planning permission for the proposed new dwellings. It is a realistic and viable alternative to the application proposed and they have confirmed that this would be the case should this application be refused. There is no doubt that if the application were to be refused, the fallback option would be implemented, as opposed to the barn remaining in agricultural use, which has essentially ceased with the sale of the converted barn. Although the prior approval consent is perhaps not quite as financially valuable as a planning permission would be (despite the unit numbers being higher), it is still of a value considerably higher than its use as an old poultry shed.
- 6.19 In considering weight to be attached to the fallback option, an appeal has been appended for a very similar proposal for the conversion of barns which already benefitted from Class Q prior approval. The inspector noted;
- "Whilst the proposed development would not wholly comply with all of the criteria within Policies S7, H6 and GEN2, I have had regard to the 'fall-back' position resulting from the extant approval. The previous consent would result in both barns being converted with their designs, scales and level of works proposed to be the same as this current appeal proposal. Therefore, whilst applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, I have given the fall-back position significant weight, given that the resulting development would be the same as what has been approved. As such, the proposed development would not be significantly more harmful than the approved scheme. Furthermore, there is no evidence that the fall-back*



position could not be implemented and I am confident that should this appeal fail it would be likely that the works would be carried out under the extant consent.” (See appendix 1).

- 6.20 The inspector was clear that significant weight should be attributed to the fallback position, as regardless of the outcome of the appeal the development would take place. The circumstances are very similar to those in this case and therefore it would be incorrect for the LPA to come to a different conclusion to the Inspector.
- 6.21 In respect of the case *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314 the Court of Appeal upheld a judgment of the High Court that Permitted Development rights can properly be taken into account as a fallback position where some alternative form of development is then proposed. As part of the judgement, it was in the Judge’s view that it is wholly unrealistic to imagine that were proposals to be turned down by the Council, the owner of the site would not take advantage of the permitted development provided for by Class Q to the fullest extent possible. It was not a precondition to the Council’s consideration of the fall back option that the owner had made an application indicating an intention to take advantage of Class Q. There was no requirement that there be a formulated proposal to that effect. The Officer was entitled to have regard to the planning history which was within his knowledge, and the obvious preference of the owners to make the most valuable use it could of the site.
- 6.22 Five further appeal cases are appended to this statement (Appendix 2, 3, 4, 5 & 6 APP/D3830/W/16/3156030, APP/H0520/W/17/317904, APP/Z1510/W/17/3189624 and APP/Y3940/W/18/3200095, APP/W3330/W/20/3248009) where Inspectors accepted dwellings approved via the prior approval route as fallback positions in relation to the suitability of location. Therefore, it is our view that the fallback position should therefore be given significant weight when determining this application.
- 6.23 Importantly, paragraph 29 of appeal decision APP/W3330/W/20/3248009 (appendix 6) states; *“there is a realistic fallback position which would result in the same amount of*

housing being delivered in the same location, and in these circumstances I afford the conflict with the development plan moderate weight. The appeal proposal would however deliver significant benefits to the appearance of the site compared to that fallback position, and this carries significant weight in favour of the appeal proposal.” Given this clear appeal precedent, the applicant is therefore firmly of the opinion that this proposal should be supported.

- 6.24 There is an existing access into the site from the highway with a hardstanding area which allows for sufficient parking for 13 vehicles as part of the earlier Class Q consent. It is not considered that the access is therefore inappropriate for five new dwellings, particularly in light of the fallback position of seven dwellings, coupled with the permanent loss of agricultural traffic from the site. The proposed layout shows sufficient parking for 15 dwellings.
- 6.25 The site includes ample amenity space to both the front and rear. The private amenity space to the rear exceeds 100 square metres but is not excessive to the point of becoming harmful to the countryside. The site area of this development does marginally increase the site area, which now sits at 0.4998. This increase does not allow the dwellings any significant gardens, just a sufficient one for the dwellings proposed.
- 6.26 The new dwellings will not have any increase in impact upon the neighbouring residential amenity, certainly when the fallback position is borne in mind. Furthermore, there are no neighbours affected other than perhaps the applicant’s current home, which still sits over 25 metres from the site. It is also worth bearing in mind the fallback position of the consented Class Q scheme for seven dwellings. The work will cause negligible impacts, none more than the permitted Prior Approval application.
- 6.27 In terms of energy efficiency and in order to future proof this development, air source heat pumps shall be fitted to each dwelling, and an EV charging point provided per dwellinghouse. Each dwellinghouse has the ability to allow for the provision of solar panels, should future owners wish. Windows and glazed doors shall be installed with U-

values in accordance with Building Regulations Approved Document L, Conservation of fuel and power, Volume 1: Dwellings, 2021 edition incorporating 2023 amendments, and with reflective coatings to reduce passive heat gain and glare during summer months. Insulation shall be installed in line with the standards set out in the above document, and Thermal Bridging shall be minimised wherever possible. Energy efficient lighting shall be installed within each dwelling. Further details of future-proofing measures may be secured via Condition if deemed necessary.

- 6.28 A Preliminary Ecological Appraisal (PEA) has been carried out at the site (Appendix 7) which incorporates a bat inspection report. This shows the site is not situated within nor bounding any statutory or non-statutory designated locations. It is therefore not considered reasonably likely that the proposal would have any adverse impact upon statutory or non-statutory designated locations. The buildings are considered to offer at the most a negligible level of bat roosting potential. Further surveys are therefore neither necessary nor appropriate in respect of the buildings. Again, it must also be borne in mind that a Class Q consent is extant so these buildings will be converted either via an application or a Class Q Prior Approval consent.
- 6.29 It is not considered that the proposal would have any adverse impact upon great crested newt, bats or reptile species. The PEA concludes that further bat surveys and reptile surveys are required, but no other surveys are necessary. No active or inactive badger setts were found, with no evidence of badger activity identified. No surveys have been advised. General appropriate precautionary measures for the construction phases have been advised in the PEA.
- 6.30 The bat and reptile survey did not reveal any bat emergence from either building and only a very low level of bat activity was recorded around the site generally. It is therefore considered highly unlikely that the redevelopment of the application site would have a significant adverse effect on the local bat population.



- 6.31 Biodiversity Net Gain Calculations have been provided, these can be found at appendix 8 of this report. This shows that the current proposal will not meet with the 10% Biodiversity Net Gain requirement, therefore off site credits will likely need to be purchased by the developer.
- 6.32 Finally, a Phase 1 Contamination Report has been provided at appendix 9. This demonstrates that the site is not contaminated, and no further surveys are required. In terms of flood risk, the site is located within flood zone 1, the area least likely to flood. No trees are affected by the proposal, and no Tree Preservation Orders are affected by the development.

7.0 CONCLUSION

- 7.1 It is not considered that the proposal represents inappropriate development within the countryside. The re-use of the rural building for residential purposes has been previously approved, a material consideration of considerable weight (as demonstrated by the appended appeal decisions). Subsequently, there will be no demonstrable harm resulting from its replacement with five detached dwellings on a smaller footprint. The reduction in unit numbers, the design and visual improvements will enhance the area as well as remaining in keeping with it. The proposals subsequently replace poor design with better design in accordance with the NPPF. The proposals are considered to be a sustainable form of development in accordance with the three dimensions contained within the NPPF. In addition, there will be minimal impact upon neighbouring amenity and no impact upon protected species.
- 7.2 Accordingly, in light of all of the above material considerations, which firmly weigh in favour of the proposal, and in accordance with both national and local planning policy, the Local Planning Authority is hereby respectfully requested to grant this application.

