

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02333/PNR	Change of use of an agricultural building to a flexible use within Class B8 (Storage or Distribution).	Lilley Hoo Farm Lilleyhoo Lane Lilley Luton Hertfordshire LU2 8NQ

Submitted Plan Nos

J0088591-24-04_01 - Location Plan J0088591-24-04_01 - Block Plan J0088591-24-04_01 - EAU Plan
J00XXXX-25-02_01 - Floor Plan

1.0 Policies

1.0 Site History

- 1.1 25/00616/PNR: Change of use of an agricultural building to a flexible use within Class B8 (Storage or Distribution).

Refused on 28th April 2025 for the following reason:

The proposed development would have unacceptable transport and highway impacts and therefore fails to comply with the criterion set out in R.3 (1)(b)(i) Class R of the General Permitted Development Order 2015 (as amended). Prior approval is refused and the proposal is therefore not permitted development under Class R of the Order

- 1.2 25/00617/PNR: Change of use of an agricultural building to a flexible use within Class B8 (Storage or Distribution).

Refused on 28th April 2025 for the following reason:

The proposed development would have unacceptable transport and highway impacts and therefore fails to comply with the criterion set out in R.3 (1)(b)(i) Class R of the General Permitted Development Order 2015 (as amended). Prior approval is refused and the proposal is therefore not permitted development under Class R of the Order

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 **Environmental Health** – Advises as follows:

‘Notwithstanding the farmhouse appears to be in the same ownership as the agricultural building subject to the application, there is a concern in relation to noise from deliveries/loading unloading etc.

Given the proposals, location and ownership, whilst I am minded not to object to the application, there appears to be no mention of hours of use on the building. It may be prudent to restrict the use (or at least deliveries) to daytime hours.’

- 3.3 **Highways Officer** – Comments on amended plans (received 13th November 2025) . Maintains an objection – see comments in full below.

- 3.4 **Site Notice** – No responses received

- 3.5 **Lilley Parish Council:** Objection as follows:

25/02334/PNR & 25/02333/PNR Lilley Parish Council wish to object to both of the above applications. The road and footpath network surrounding and leading to the site is unsuitable for frequent access by large vehicles. The council considers this a safety risk

for both drivers and pedestrians. The surrounding roads are already operating at capacity, and traffic accidents are a recurring issue. The parish council is concerned that these problems would worsen if the proposed development were to proceed

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The agricultural building subject of this proposal is located at Lilley Hoo Farm, off Lilley Hoo Lane, Lilley and forms part of an Established Agricultural Unit. The Established Agricultural Unit extends to 63 hectares (156 acres), and has been farmed under an Agricultural tenancy since 1928 by the applicant's farming business for a number of generations. Agricultural practices include arable crops such as winter wheat and oats. The tenancy is ending in September 2025 and the building is no longer required to be used as an agricultural building.

4.2 **Proposal**

- 4.2.1 Prior Approval is sought for the conversion of the 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 includes the change of use of the application building from agricultural use to a flexible use within Class B8 (Storage or Distribution).

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-*

(a) 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(c) (outdoor sport or recreation) of Schedule 2; or*
- (b) for the provision of agricultural training.*

The application proposes the change of use of the building. As above, Class R relates to the change of use of a building and any land within its curtilage. The existing building is considered to be in agricultural use, and the proposal relates to the whole building.

- 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 statement provided alongside the application confirms that the building has been solely used for agricultural purposes in association with an established agricultural unit since before 3rd July 2012. The proposal complies with this criterion.

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

The floor space would be under 1000 sqm. 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 compliant with the above condition.

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

The site is not, and does not, form part of a safety hazard area. The proposal complies with the above criteria.

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

The building is not a listed building and is not a scheduled monument. The proposal complies with the above criterion.

4.3.3 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' use will be regarded as a '*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.

4.3.4 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 building has a floor space of 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.**

4.3.5 Transport and Highways Impacts

HCC Highways have been consulted twice and have raised objections to the proposal on both occasions (notwithstanding the submission of amended information) recommending that permission be refused for the following reasons:

'There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation. In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for highway safety and convenience. Please see reason for refusal below:

While the TRICS assessment indicates a low level of trip generation, including HGV movements, the Highway Authority must consider not only statistical likelihood but also the operational and safety implications of potential vehicle conflicts on a narrow rural lane with limited forward visibility. The applicant's analysis assumes ideal conditions and does not fully address the risks posed by the geometry of Lilley Hoo Lane, particularly the two sharp bends previously highlighted.

To mitigate these risks, the inclusion of a third passing bay, as proposed in the October 2025 Technical Note, is considered necessary and proportionate. This measure aligns with Hertfordshire's Place & Movement Planning Design Guidance (Part 3, Chapter 8), which emphasizes the need for passing opportunities on single-track roads carrying HGV traffic to avoid reversing and maintain safe operation. The Highway Authority is satisfied that the third passing bay will provide adequate space and visibility for heavy goods vehicles (HGVs) to pass safely without reversing. Positioned between the two bends, it will maintain forward visibility and reduce potential conflict points. In line with the guidance, the bay should be constructed to accommodate HGV dimensions, typically requiring a length of 15–20 metres and a widened carriageway of approximately 6.0–6.5 metres to allow two HGVs to pass without encroaching on verges.

The land immediately behind the proposed passing bays rises substantially above the existing carriageway level, forming an embankment. This topographical constraint means that retaining structures will be likely be required to support the widened sections and prevent slope failure. Without these measures, there is a risk of embankment collapse, which could compromise both the highway and adjacent land.

The Highways Officer comments are considered accurate in respect of Lilley Hoo Lane, which lacks adequately large passing areas for large vehicles. The applicant has stated that vehicles using the site would be likely to be smaller than existing agricultural vehicles, however that can't be guaranteed or enforced over time.

Sufficient space for vehicles to manoeuvre and park outside the building and within the wider farmyard site would be available, however this is not considered to outweigh the objections from the highways authority.

In respect of the transport and highways impacts of the proposal, taking into account the above, it's considered that prior approval should be refused.

CONCLUSION The applicant should provide: Cross-sectional or 3D plans showing how the widened carriageway and passing bays will interface with the embankment. Details of retaining wall type, height, and foundation design, nor drainage provisions to manage surface and groundwater. Dimensions of the passing bays and existing carriageway width, which are essential to confirm compliance with design standards.

CONCLUSION The Highway Authority recognises the applicant's efforts to address previous concerns and agrees in principle with the proposed passing bays and swept path analysis. However, the application cannot be approved until further information has been provided. This must include detailed dimensions for the passing bays and carriageway width, as well as cross-sectional or 3D plans showing retaining structures to ensure long-term stability and compliance with Hertfordshire's Place & Movement Planning Design Guidance. The Highway Authority are unable to extend the grant of planning permission until the information discussed above has been provided.'

4.3.6 Noise Impacts of the Development

No objection has been raised by Environmental Health (Noise), although the EHO considers that hours of use could be restricted if the application was to be approved, due to the site being near a dwelling (the farmhouse). Overall it's not considered that noise impacts would be harmful.

4.3.7 Contamination risks on the site

No objections have been received from Environmental Health in relation to the contamination risks of the site. The supporting statement submitted alongside the application does not suggest any contamination risks.

4.3.8 Flood Risks

The applicant has stated that the site is situated wholly in Flood Zone 1, where there is less than 0.1% annual probability of river or sea flooding. In addition, the site has a very low risk of surface water flooding. As such, it is considered that there will be no unacceptable flood risks of the proposed change of use.

4.4 **Conclusion**

4.4.1 The proposed development would not comply with the criterion set out in Class R of the General Permitted Development Order. The prior approval of the local planning authority is therefore refused. The proposal is therefore not permitted development under Class R of the Order.

4.5 **Alternative Options**

4.5.1 None applicable

5.0 **Recommendation**

5.1 That prior approval is **REFUSED** for the following reason:

1. The proposed development would have unacceptable transport and highway impacts and therefore fails to comply with the criterion set out in R.3 (1)(b)(i) Class R of the General Permitted Development Order 2015 (as amended). Prior approval is refused and the proposal is therefore not permitted development under Class R of the Order.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 14 November 2025	

