

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/03052/PNR	Building A is to be used for general industry and Building B for storage and distribution.	Barns At Winch Hill Farm Winch Hill Road Luton Hertfordshire LU2 8PA

Submitted Plan Nos

WinchHill-PA-2025-01 WinchHill-PA-2025-02

1.0 **Site History**

1.1 None relevant

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 **Site Notice, Advertisement, and Neighbour Consultation** – None received.

3.2 **Parish Council / Statutory Consultees**

Kings Walden Parish Council – None received.

HCC Highways – No objection.

Environmental Health (NHDC) – Advises as follows:

The application is supported by a noise impact assessment. The report concludes that with noise management practices in place (doors being kept closed during operation in conjunction with hours of use), the noise generated from the proposed use will not materially impact the nearby residential premises. I am minded to agree with this and therefore recommend that the following condition is placed on any decision notice should you be minded to grant approval.

No development shall commence until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such a management plan shall identify measures to control noise emanating from the hereby permitted facility. Any identified measures shall be implemented in accordance with the approved plan at all times.

Reason: To protect the amenity of neighbouring residents

This noise management plan condition could be used to control hours of operation (i.e. 0700 - 1800 hours Monday to Friday and at no other time), however, it may be prudent to condition the hours of use separately in this instance.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is some 0.5914Ha and contains two buildings labelled A and B in the submitted plans. Currently both are not in use but the farming use can restart without any works being required. The area around site of the buildings is to enable the moving and holding of cattle together with the movement of farm machinery and the outdoor storage of silage. The access has been blocked with a bund to prevent fly tipping.
- 4.1.2 Building A measures some 366 sqm (GEA) and is a grain store. Building B measures 351 sqm (GEA) is a cattle shed and fitted out accordingly. The total area is 717 sqm (GEA). The buildings were last used for agricultural purposes in 2015

4.2 **Proposal**

- 4.2.1 Prior Approval is sought for the conversion of the existing barns 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 717sqm of the application buildings from agricultural use to commercial use.

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—*

- (a) Class B8 (storage or distribution) of Schedule 1;*
(b) Class C1 (hotels) of Schedule 1; or
(c) Class E (commercial, business or service) of Schedule 2.

The application proposes the change of use of both barns on site and the curtilage as shown on the existing site plan WinchHill/PA/2025/01.

- 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 application form provided alongside the application confirms that the buildings were solely 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 all 717 sqm of both barns 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 compliant with the above condition.

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

The site is, 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 buildings are 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 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 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.

4.3.5 Transport and Highways Impacts

HCC Highways have been consulted and have raised no objection to the proposal. Having considered vehicle movements to and from the site, on site car parking, and the impact upon highways safety, no objection is raised to the impact of the development upon transport and highways.

No condition for parking is required.

4.3.6 Noise Impacts of the Development / Hours of use

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

The Council's EHO has recommended a noise report condition and a separate hours of use condition. For this location near to other residential properties (Winch Hill House immediately to the south and Winch Hill Cottages to the north)

4.3.7 Contamination risks on the site

No objection have been received from Environmental Health in relation to the contamination risks of the site. The supporting statement submitted alongside the application states that the site does not contain contamination risk.

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.

4.3.9 Landscaping

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

4.3.9 Conditions

Limited detail has been provided alongside the application in relation to a number of matters including external lighting and hours of use.

In this case it is considered reasonable and necessary to include a number of conditions requiring the submission of specific details to the Local Planning Authority prior to first occupation of the development.

External lighting details are to be required to ensure that the development would not result in any harmful impact upon the amenities of nearby residential properties, or upon the rural area and nocturnal species.

An hours of use condition will be included. The supplementary document submitted alongside the application state that Building A is to be used for general industry and Building B for storage and distribution. These uses can lead to noise and disturbance if continued outside normal working hours.

Given the proximity of the site close to residential development to the south (Winch Hill House) , it is considered necessary to limit the opening hours to ensure the living conditions of residential occupiers are safeguarded.

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. The prior approval of the local planning authority is not required in this case.

4.5 **Alternative Options**

- 4.5.1 None applicable

5.0 **Recommendation**

- 5.1 That prior approval is not required.

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. No development shall commence until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such a management plan shall identify measures to control noise emanating from the hereby permitted facility. Any identified measures shall be implemented in accordance with the approved plan at all times.

Reason: To protect the amenity of neighbouring residents. To comply with Policy D3 of the Local Plan

3. The use shall only operate between the hours of 8.00 AM to 19.00 PM on Mondays to Fridays, and 8.00 AM to 12.00 PM Saturday(inclusive) and at no time on Sundays or Bank Holidays.

Reason: To protect nearby amenity and living conditions in compliance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

4. 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 Policy D1, D3, SP12 and NE4 of the North Hertfordshire Local Plan.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 22 January 2026	