

Location: Rye End Farm
Green Lane
Codicote
Hitchin
Hertfordshire
SG4 8SU

Applicant: Dr & Dr K & S Lotzof

Proposal: Change of use of Barn and East & West Stables to ancillary residential accommodation and change of use of land from agricultural to residential. Single storey link extension between Farmhouse and East Stables and between East Stables and Barn and single storey extension to front (east side) of West Stables.

Ref. No: 20/00642/FP

Officer: Simon Ellis

Date of expiry of statutory period : 13.05.2020

Reason for Referral to Committee:

This Planning application has been called into Committee by Councillor John Bishop due to concerns regarding some works on site.

Reason for Delay:

Case officer resigned and many months of negotiation between the applicant and the Council's Senior Conservation Officer.

1.0 Relevant Policies

1.1 North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies):

Policy 2 'Green Belt'

Policy 28 'House Extensions'

Policy 30 'Replacement or Extensions to Dwellings in the Countryside'

1.2 NPPF:

Green Belt and Heritage Sections

1.3 Emerging Local Plan (2011-2031)

Policy D2 'House Extensions, Replacement Dwellings and Outbuildings'

Policy HE1 'Designated Heritage Assets'

2.0 **Site History**

2.1 None relevant

3.0 **Representations**

3.1 **Hertfordshire Ecology:**

Submitted mitigation strategy for bats is acceptable and it is commendable that works to mitigate the impact on bats has started at this building where possible. Every confidence that they will be continued based on current record. **See recommended condition no. 4.**

3.2 **CPRE:**

Proposal needs to be assessed as effecting the character of the listed building and as development within the Green Belt. Concerned that the proposed link extensions undermine the character of the courtyard with a series of out buildings clustered close to the original listed farmhouse. There does not appear to be any justification put forward in the planning application to justify the erosion of this character and layout of existing buildings on this site.

3.3 **Environmental Health (Noise):**

No objections

3.4 **Kimpton Parish Council:**

Insufficient detail to comment on the proposal.

3.5 **Codicote Parish Council:**

Objection:

- Green Belt
- Rare chalk stream must be protected and comments from the Herts & Middx Wildlife Trust must be heeded
- Small bridge over the river on access track totally unsuitable for construction vehicles

3.6 **Herts and Middlesex Wildlife Trust:**

Objection: Bat survey required. Once a suitable survey has been submitted and approved, the objection can be withdrawn provided any required actions are conditioned in the planning approval.

The design of the buildings (barn and stables) is extremely suitable for bats, they are situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. Therefore there is a reasonable likelihood that bats may be present.

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the

decision.

LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2017 in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of the presence of European Protected Species it has not acted lawfully. R (on the application of Simon Woolley) v Cheshire East Borough Council clarified that planning authorities are legally obligated to have regard to the requirements of the Habitats Directive when deciding whether to grant planning permission where species protected by European Law may be harmed.

Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey in almost all circumstances.

In this instance a bat survey of the buildings will be required before a decision can be reached. The survey should be consistent with national survey standards and the information submitted in accordance with BS42020.

3.7 Senior Conservation Officer:

See comments on next agenda item relating to listed building matters

3.8 Local Residents:

All letters of objection from local residents are displayed on the Council's website. The concerns expressed can be summarised as follows:
Insufficient detail to fully appraise the heritage issues;
Work has started on site which is not appropriate before any consents are issued;
A bat mitigation strategy needs to be undertaken and worked through in accordance with the advice of the Herts and Middlesex Wildlife Trust.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 Large grade II listed farm house in substantial grounds with many outbuildings forming a courtyard appearance at Rye End Farm, Green Lane, Codicote.

4.2 Proposal

- 4.2.1 The main proposal requiring planning permission for this scheme are the minor external works to the Farm House and the single storey link extensions to link the farm house to the outbuildings. The overall effect would be to link the Farm house to the current outbuildings to form a continuous area of additional ground floor accommodation for the existing residents. The proposal does not include the creation of a new residential unit(s). The works connecting the link extensions to the main house consist of an increased scale of the existing lean to and replacement roof of the entire lean to, existing and proposed. The proposal also involves some external window alternations within the main house and the current outbuildings. The links between the house and the outbuildings are proposed as glazing to minimise their impact on the countryside and

surrounding area. The proposed boarded link between the stables and main barn would however be more prominent and contemporary and would be seen from the main entrance.

- 4.2.2 Amendments have been negotiated over the course of the application to omit hard landscaping proposals and reduce the visual prominence of the proposed link extensions.
- 4.2.3 The current use of the outbuildings were/are either as ancillary stables associated with the main house or an agricultural use. On the basis that they had agricultural use separate to the dwelling, then the proposal also represents a material change of use of these buildings from agricultural to extended living space to the existing dwelling, not as a separate dwelling. On the basis that the buildings were already in the curtilage of the dwellinghouse (hard to establish without full knowledge of the history) this proposal does not even represent a material change of use of the outbuildings.

4.3 **Key Issues**

- 4.3.1 Taking account of the relevant policies referred to above, technical consultation responses and the response from Parish Councils and local residents I consider the key issues to assess in relation to this planning application are Green Belt and Heritage aspects. It is also necessary to consider the Bat mitigation strategy.
- 4.3.2 In terms of Green Belt policy limited extensions to dwellings that do not make a material greater impact on the openness of the Green Belt are not inappropriate development (see relevant sections of the NPPF and Saved Local Plan Policy 30).
- 4.3.3. Whilst these proposals would create significantly greater floor space for residential occupation within current outbuildings, the vast majority of this new floor space would be within current built form. It is only the proposed link extensions that add to the overall built form of development on site. In terms of overall impact on openness these limited and subservient link extensions would not harm the openness or undermine the objective of Green Belt policies and on that basis I conclude that the proposed additional built form set out in this scheme would not be inappropriate development in the Green Belt in that they would not have a material greater impact on existing buildings on openness and the wider landscape.
- 4.3.4 Turning to heritage issues, these are set out in more detail on the following report on this agenda, dealing with the listed building consent issues. However, overall all the changes proposed to the listed building both internal (listed building consent only) and external (listed building and planning) have been negotiated over many iterations between the applicant and the Council's Senior Conservation Officer. To the extent that he now supports the latest amendments to the scheme proposed. On that basis I consider that the proposed development would be appropriate and preserve the character of the designated heritage asset, the listed building and associated curtilage buildings.
- 4.3.5 I note the concerns of the CPRE reported above regarding the character of the site at present, with separate outbuildings forming a courtyard close the main listed buildings and I understand their concerns. This linking proposal would undermine the overall

appearance and would by definition change the character of a group of buildings to a series of linked structures. However, given the design and scale of the proposed link extensions and when seen in their wider context, in my view, shared by the Council's Senior Conservation Officer, the visual prominence of the original outbuildings and most importantly the Farm House itself would remain when seen from the wider area and within the site itself. On that basis I do not consider that this overall change in built form and character would be significantly detrimental the overall character of the heritage asset and the wider locality.

4.3.6 A bat mitigation strategy has been submitted and commended by Herts Ecology. I set out below a recommended condition to ensure that all measures within the mitigation strategy are carried out in accordance with the terms of the document.

4.3.7 Some work has been taking place on site in advance of any planning permission or listed building consent. These works have been investigated on site in detail by the Council's Senior Compliance Officer in consultation with the Council's Senior Officer. Most of the works do not require planning permission or listed building consent (such as mobile loose boxes) or relate to roof repairs as part of the bat mitigation strategy. Even so, although these works on site have generated considerable local concern, any enforcement investigations into these issues are not relevant material considerations for this planning application and are to be considered separately.

4.4 **Conclusion**

4.4.1 Although on the face of it the concept behind this scheme would lead to a significant increase in residential floor space for this dwelling, extending the floor area considerably, when considered in detail I conclude that the modest link extensions would not undermine the openness of the Green Belt and following extensive negotiations between the applicant and the Council's Senior Conservation Officer which whilst leading to improvements to the detail of the scheme have considerably delayed the project, I am also of the view that the proposal would also be well designed and sympathetic to the character and appearance of the listed building.

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed

5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to

refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

6.1 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 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.

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. The required works set out in the submitted bat mitigation strategy (ref. RSE_4516_01_V1) (dated January 2021) shall be carried in full throughout the development project hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate mitigation of protect species habitat on site.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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.