

<u>Location:</u>	Barn Adjacent To Church Farm West Street Lilley Hertfordshire LU2 8LH
<u>Applicant:</u>	Ms & Mr McNeill & Johnson
<u>Proposal:</u>	Change of use and conversion of barn to provide one 4-bed dwelling including two front extensions and one rear extension, hip to gable roof extension, alterations to openings, and installation of solar panels (amended by plans received on 29/06/23 and 30/06/23)
<u>Ref. No:</u>	23/00334/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

12 April 2023

Reason for delay and Extension of statutory period:

Statutory period extended to 8 December 2023. The reasons for the delay are amended plans and re-consultation and delay in receipt of consultation responses.

Reason for referral to Committee:

This application is being presented for determination on the basis that an objection has been received from the Parish Council which is supported by Councillor Strong, therefore reference to the Planning Control Committee is as required by 8.4.5 (c)(ii)B of the Council's Constitution. This is set out in detail below.

1.0 **Relevant site history**

1.1 22/00827/FP - Change of use and conversion of barn to provide one 3-bed dwelling including two separate front extensions and two separate rear extensions – Approved 14/06/22.

2.0 **Policies**

2.1 **North Herts Local Plan 2011 - 2031**

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP12: Green infrastructure, landscape and biodiversity
Policy SP13: Historic Environment

Policy T1: Assessment of Transport matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy NE2: Landscape
Policy NE3: The Chilterns Area of Outstanding Natural Beauty (AONB)
Policy NE4: Biodiversity and geological sites
Policy HE1: Designated heritage assets

2.2 **National Planning Policy Framework**

Section 5 – Delivering a sufficient supply of homes
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 13 – Protecting Green Belt land
Section 15 - Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

3.0 **Representations**

3.1 **Neighbouring Properties:**

The application has been advertised via neighbour notification letters, the display of a site Notice, and a press notice. At the time of finalising this report, the following objections were received from Church Farm:

- Accept the broad principle of development.
- Different to the 2022 application.
- Near listed farmhouse and in Conservation Area.
- Competing visually with the listed building.
- Cramped development, and urbanising effect.
- Over-development.
- Disproportionate additions, inappropriate in the Green Belt.
- Erode the strongly rural character and appearance of the existing barns.
- Unsympathetic, particularly glazing and solar panels.
- Potential precedent for further solar panels.
- Partly open onto a driveway owned by Church Farm.
- Block light to a frosted bathroom window.

Consultees

3.2 Parish Council

Object to this amended application. The concerns are:

1. The proposed solar panels would be too prominent and out-of-keeping with the character of the area, which is in an AONB and a conservation area.
2. Impact on neighbouring amenity – a reduction of the space standards and/or privacy currently enjoyed by existing residents.
3. The potential precedent for over-development, increasing housing density and thereby altering the character of the area, especially as the property is within the conservation area.
4. The potential effect of the development on the setting of an existing neighbouring Listed Building.

3.3 Environmental Health Air Quality

No objection.

3.4 Waste Officer

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

3.5 Environmental Health Noise

No objections.

3.6 Environmental Health Land Contamination

No objections.

3.7 Conservation Officer

The latest iteration introduces a brick plinth with the vertical boarding brought forward to sit above this plinth. The flank projections are no longer evident. The small-pane windows are indicated and the solar PV array is reduced.

I raised the question previously regarding whether the solar PV array requires planning permission or not? I understand the following to be the case.

Planning Permission: Solar equipment mounted on a house or a block of flats or on a building within the curtilage.

All the following conditions must be observed:

- Equipment on a building should be sited, so far as is practicable, to minimise the effect on the external appearance of the building and the amenity of the area.
- When no longer needed equipment should be removed as soon as reasonably practicable.

All the following limits must be met:

- Panels should not be installed above the highest part of the roof (excluding the chimney) and should project no more than 200mm from the roof slope or wall surface.
- The panels must not be installed on a building that is within the grounds of a listed building or on a site designated as a scheduled monument.
- If your property is in a conservation area, or in a World Heritage Site, panels must not be fitted to a wall which fronts a highway.

None of the above apply and I am aware that there's no specific limits on the number of panels that can be installed other than the amount of suitable roof space available. I assume that the solar panels do not need planning permission - is that the case?

Recommendation

It is considered that the proposal will not occasion harm to the host building or harm the setting to Church Farmhouse/Parish Church opposite or harm the character or appearance of the Lilley Conservation Area. Subject to the above conditions I raise **NO OBJECTION** on the basis that the proposal will satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The site is a single storey L-shaped building with a pitched roof and some land around it, which was part of a range of buildings used in connection with Church Farm House to the south. The barn does not now appear to be in use for agricultural purposes. Land surrounding the barn is mainly hardstanding, with some grass and vegetation. It should be noted that while Church Farm House is a listed building, the barn the subject of this pre-application request is not curtilage listed.

4.1.2 Adjacent land uses are dwelling Church Farm House to the south, and what is considered to be an equestrian livery yard to the north-east. The site is in the built core of Lilley, a small rural village. Nearby uses are those above, other dwellings, and a church.

4.1.3 The site is within the settlement of Lilley, which is washed over by the Green Belt. Church Farm House is a Grade II listed building. The site is in a Conservation Area, and the Chilterns Area of Outstanding Natural Beauty (AONB).

4.2 Proposal

4.2.1 The change of use of the barn to a 4-bedroom dwelling. A single storey front and single storey rear extensions with pitched and flat roofs, a hip-to-gable side roof extension,

solar panels on the front roof slopes, alterations to openings and new openings, and new hard and soft landscaping. Vehicular access would be shared with an existing crossover serving Church Farmhouse, with parking spaces provided in the site.

4.3 Key Issues

4.3.1 The key material considerations are:

- Whether the development is acceptable in principle,
- Character and appearance, including impacts on designated heritage assets,
- Impacts on residential amenity,
- Future living conditions,
- Highways and parking,
- Trees and landscaping and ecology

Principle

4.3.2 The site is within the settlement of Lilley which is washed over by the Green Belt. Local Plan policy SP2 sets out the settlement hierarchy and identifies Lilley as a category B village where infilling development is allowed provided that it does not extend the built core of the village. The site is located within the village core. 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. The NPPF Section 13 'Protecting Green Belt land' sets out what types of development are inappropriate.

4.3.3 The NPPF in paragraphs 149 and 150 sets out what development is not inappropriate in the Green Belt.

Paragraph 149 states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- 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) 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;*
- 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, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the*

development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 150 states:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

- 4.3.4 There are no policy objections to the loss of the existing use, therefore this is considered acceptable in principle. Moreover, planning permission was granted in June 2022 for the change of use and conversion of this barn to provide one 3-bed dwelling including two front extensions and two separate rear extensions. This is an extant permission. The applicants have indicated in the submitted Design, Access and Planning Statement that they have purchased the barn with this previous approval and wish to alter the plans to better suit their needs and are keen to make the property highly energy efficient and sustainable with a view to meeting the Passivhaus retrofit criteria EnerPHit Plus as a minimum. This approved scheme constitutes a valid fallback position against which this revised proposal can be considered.
- 4.3.5 Therefore, the proposal should be assessed against the approved scheme and not the existing situation. There are several differences between the approved scheme and the current proposal. It is considered that the main differences in terms of impacts on the Green Belt between the extant and the proposed scheme are that the extant scheme approved a 44.6% increase in floor space with four extensions (with one replacing an existing smaller projection); and the proposed scheme would be slightly smaller in floorspace with a 43.6% increase, two main new extensions, and some smaller enlargements to the east and west of the building and small canopies.
- 4.3.6 To summarise the above, the development now proposed is considered slightly smaller than the extant permission. The proposed solar panels and alterations to openings would not materially enlarge the building or be inappropriate for other reasons. The proposed change of use element of the proposal is considered acceptable in principle under NPPF 150 d), with the use not conflicting with the five purposes of Green Belts.
- 4.3.7 The proposed enlargements will be smaller than those approved under 22/00827/FP and are considered to comply with 149 c) of the NPPF notwithstanding NPPF 149 (e) and 150 (d) are also relevant. I therefore consider the proposal acceptable in principle in the Green Belt as it would not be inappropriate development. The proposal complies with Policy SP5 of the Local Plan and Section 13 of the NPPF.

Character, appearance, and impacts on heritage assets.

- 4.3.8 The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB), where Local Plan Policy NE3 confirms that planning permission for any proposal within the AONB, will only be granted subject to six criteria, which include conserving or where possible enhancing the special qualities of the AONB and achieving high quality design that respects the traditional built character.
- 4.3.9 The barn is near and within the setting of the Grade II listed Church Farmhouse, although it is not curtilage-listed. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be had to the desirability of preserving the building or its setting. The impacts of the proposed development on the setting and significance of this listed building as a designated heritage asset is an important material consideration as set out in para. 199 of the NPPF, which stipulates that great weight should be given to the asset's conservation. The site is also in a Conservation Area, which is also a designated heritage asset, therefore the impacts of the proposed development on its significance is a material consideration too. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.
- 4.3.10 The proposed extensions and alterations to openings and materials will be of a modest size and scale relative to the host building and will have limited impact on the character and appearance of the wider locality as they will be set back from the public highway and will also be obscured to some extent by buildings and fencing. The proposed solar panels would be the most visible part of the development, and visible to some extent in the context of the listed building.
- 4.3.11 The Council's Conservation Officer has considered the proposal and not raised any objections but has queried whether solar panels could be erected on the building under permitted development. It is confirmed that solar panels could be fitted on the existing building under the provisions of Class J of Part 14 of the General Permitted Development Order (GPDO), subject to the conditions set out in the Order and provided a roof slope does not front a highway. Permitted development rights would also allow for the addition of solar panels should the building become a dwelling (subject to all relevant criteria being complied with and subject to not removing such permitted development rights by condition). Solar panels could be fitted to the approved scheme subject to the conditions and limitations set out in Class A for Part 14 to Schedule 2 of the GPDO
- 4.3.12 The Conservation Officer (CO) has ultimately not objected to the proposed solar panels, in terms of how they would affect the setting and significance of the listed building, and the significance of the Conservation Area. There are no objections to the proposed development as a whole from the CO, therefore it is considered that the proposal is not considered harmful to designated heritage assets relevant to the site and proposal.

4.3.13 The proposed enlargements and alterations will have limited and acceptable impacts on the street scene and character and appearance of the locality as they will be of a relatively small scale and will benefit from some screening from buildings, fences, and vegetation. The solar panels on the front roof of the higher barn would be the most visible part of the development. However, the panels would provide renewable energy that would help minimise climate change through decarbonisation of electricity generation which weighs in favour of the proposal. As with the 2022 permission, Class A and Class C permitted development rights will be removed by condition in the interest of protecting the character and appearance of the area, and the setting of the nearby listed building. The proposed development is considered to be of an acceptable design. The proposal complies with Policies SP9, SP13, D1, NE3 and HE1 of the Local Plan; and Sections 12 and 16 of the NPPF.

Residential amenity

4.3.14 Church Farm House is the only dwelling near the proposed development that could be affected. The occupiers of this dwelling have submitted objections to the application, most of which have been dealt with elsewhere in this report. One of the objections relating to direct impacts on Church Farm is that the front extension would block light to a window. This window is however a small obscure glazed window to a bathroom and does not serve a main habitable room, while the extension would be approx. 1.1m from that window, therefore some light would be able to reach that window, and the overall impacts are not considered unreasonable for a bathroom. The main habitable rooms and private garden of Church Farm would be further away and would not be affected by the proposed development.

4.3.15 The objectors also refer to a workshop/store opening out onto a shared driveway. Certificate B has been served on the owner of this land; therefore, the correct procedure has been carried out. The doors would open onto only a small part of the driveway and would be unlikely to cause unacceptable obstruction or loss of amenity. It is considered that the proposal would not cause unacceptable impacts on the amenities of occupiers of nearby residential properties compared to the fall-back position offered by the approved development at this site. Therefore, it is considered that the proposal complies with Policy D3 of the Local Plan, which seeks to avoid unacceptable harm to living conditions.

Future living conditions

4.3.16 Main habitable rooms would be of an acceptable size and quality in compliance with National Space Standards, and receive adequate outlook, light and privacy. The private garden area would be large and sufficient for any potential occupants. A bin store is proposed that is considered of a suitable size and location. Future living conditions for potential occupants would be acceptable. The proposal complies with Policy D1 of the Local Plan which seeks to achieve sustainably designed developments.

Parking and highways

- 4.3.17 The dwelling would have at least two parking spaces with turning space, therefore complying with Council parking standards. Covered cycle storage would be available. The dwelling would be accessed by the existing access which would be unchanged, which does not raise any highways concerns. Parking and highways impacts are acceptable. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Landscape and trees and ecology

- 4.3.18 A tree at the front of the site is proposed to be removed. However, it is small and does not make such a contribution to the character and appearance of the locality that it must be retained, therefore there are no objections to its removal. The most notable vegetation is on the site's NW boundary, which is proposed to be retained.
- 4.3.19 The balance of landscaping appears acceptable, and the replacement of the poor-quality inner courtyard and a large rear concrete area with lawn, planting and new hardstanding will be a significant improvement in this respect. Further details of hard and soft landscaping are not considered necessary as these are shown on the Master Plan drawing.
- 4.3.20 A bat survey was carried out and submitted with the application, which did not find evidence of bats or their roosts. This is consistent with surveys submitted for previous application 22/00827/FP; therefore it is not considered that bats or other protected species would be harmed. The application includes a large amount of new planting, which is considered would provide a required biodiversity net gain in the site. The proposal complies with Policies NE2 and NE4 of the Local Plan, and Section 15 of the NPPF.

Climate change mitigation

- 4.3.21 The proposed development will include solar panels, which will help minimise climate change at this scale. An electric vehicle charging point will also be required by condition, which will encourage sustainable travel.

4.4 **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 **APPROVED** 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. Prior to occupation, the new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

4. All roofs shall be covered in either reclaimed or new natural slate unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to preserving the setting of Church Farmhouse and the special character of the Lilley Conservation Area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

5. A sample panel indicating brick type, bond and mortar mix for the brick plinth to the south-west gable end of the main barn shall be erected on site and made available for inspection by the Local Planning Authority, prior to the commencement of that part of the development. Once a sample panel has been approved, the works shall be undertaken in accordance with approved sample panel.

Reason: To ensure that special regard is paid to preserving the setting of Church Farmhouse and the special character of the Lilley Conservation Area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

6. The two small-pane windows on the south-east side of the main barn shall be refurbished and retained in their existing position unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of Church Farmhouse and safeguarding the character and appearance of the Lilley Conservation Area under Sections

66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990. To comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

7. Prior to the vertical boarding being installed, details of the external finish (if any) to the boarding shall be submitted to and approved in writing by the Local Planning Authority. Once the external finish (if any) is approved, the works shall be undertaken in accordance with approved finish.

Reason: To ensure that special regard is paid to the setting of Church Farmhouse and safeguarding the character and appearance of the Lilley Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990. To comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.

8. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

9. Any contamination encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority, and subsequently fully implemented prior to the occupation of the dwelling.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

10. The following biodiversity enhancements (unless otherwise agreed in writing with the LPA) shall be incorporated into the approved development prior to first use, and shall be retained in perpetuity:
 - A gap/hole in the rear garden fencing measuring a minimum of 13cm by 13cm to provide passage for hedgehogs;
 - A hedgehog nesting box to be sited in the rear garden at the base of boundary vegetation.
 - Two bird nesting boxes to be sited on trees or buildings at the site.

Reason: In the interests of ecology and biodiversity. To comply with Policy NE4 of the Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no enlargement as set out in Class A, and no development under Class A and Class C of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and of the area and impacts on designated heritage assets. To comply with Policies D1 and HE1 of the Local Plan.

Proactive 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.