



# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 31 OCTOBER 2024 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

## Membership

Councillor Garrick Stevens (Chairman)	Councillor Jan Maddern
Councillor Fiona Guest (Vice-Chairman)	Councillor Angela Mitchell
Councillor Ian Bristow	Councillor Brian Patterson
Councillor Toni Cox	Councillor Stewart Riddick
Councillor David Deacon	Councillor Caroline Smith-Wright
Councillor Nigel Durrant	Councillor Philip Walker
Councillor Claire Hobson	Councillor Colette Wyatt-Lowe

For further information, please contact Corporate and Democratic Support or 01442 228209

## **AGENDA**

**9      ADDENDUM**

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# Agenda Item 9



<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>
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## ADDENDUM SHEET

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### Item 5a

**24/01239/MFA      Change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping**

**Land Nettleden Road Potten End Berkhamsted Hertfordshire**

#### Conditions

The numbering of conditions is incorrect (16 is missing). As such, conditions 17-21 will be re-numbered as follows:

- Condition 17 will become condition 16
- Condition 18 will become condition 17
- Condition 19 will become condition 18
- Condition 20 will become condition 19
- Condition 21 will become condition 20

#### Representation from the Chair of Nettleden & Frithsden Society:

*"I note that the above application is due to be considered at next week's development management meeting. It seems that a number of objections, including those submitted on behalf of Nettleden & Frithsden Society, have not been included in full in the report pack for this application as has been represented in the pack under the 'neighbour notification /site notice responses produced in full at Appendix B' heading. It is important to residents of Nettleden and Frithsden that the Society's objections and the annex of annotated photos which we submitted are properly put before councillors and considered by them. I therefore request that you include them in full in an Addendum to be circulated*

*to Members before the Meeting, which should include all the other objections which have not been included with the pack. I am attaching them again for your convenience, but they were attached to the email I sent you on 23 July 2024.”*

Officer's Comment:

Certain types of representations, for example those received by email and that contain images, handwritten letters, scanned hard copy letters, etc. are included on Dacorum's Public Access website under the 'Documents' tab for the relevant application. The two documents submitted by the Nettleden & Frithsden Society are available to Members within the documents tab on the website: [Dacorum Public Access \(Application ref. 24/01239/MFA\)](#).

However, for the sake of clarity, the representations from the Nettleden & Frithsden Society are duplicated below:

*Dear Ms Robbins,*

*Proposed SANG at Potten End Hill/Nettleden Road Ref 24/01239/MFA*

*On behalf of the Nettleden & Frithsden Society (whose members comprise residents of the villages of Nettleden and Frithsden), its Committee have listened to views raised by residents and carefully looked at this proposed SANG at Potten End Hill/Nettleden Road Ref 24/01239/MFA and wish to raise the following objections and observations as they concern the residents of the two villages. Both these villages have Conservation Areas and are historic villages with many heritage assets, separated by the southern edge of Grade II\* listed Ashridge Park and Gardens. We believe this proposed SANG will harm the setting of all of these heritage assets and the Chilterns National Landscape and for the reasons detailed below should be refused.*

*1. Protection of the Chilterns National Landscape (AONB) The unspoilt natural nature of the countryside does need to be valued as part of the wider rural landscape surrounding rural villages, this site is particularly sensitive in this wider context, being an important landscaped setting to both Gaddesden Place and the Ashridge Estate and the villages beyond.*

*Section 85 of the Countryside and Rights of Way Act 2000 has been amended by the Levelling Up and Regeneration Act 2023 to create a new duty on relevant authorities, including local councils to “seek to further the purpose of conserving and enhancing the natural beauty of the area’ when discharging their functions in National Landscapes. The new duty replaces the previous requirement to ‘have regard to the purposes of AONBs’ and is a more pro-active and strengthened requirement.*

*Natural England has provided advice that:*

- *The duty to 'seek to further' is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered;*
- *The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose.*
- *The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan. The relevant protected landscape team/body should be consulted.*

*The new duty is applicable to all actions of relevant authorities, not just those relating to planning. In undertaking actions that impact or could potentially impact on National Landscapes and their settings, the relevant authority must be able to demonstrate how they have actively sought to further the purpose of conserving and enhancing the natural beauty of the National Landscape. The way in which the purpose of designation might be furthered, or the evidence of the genuine attempt to seek to do so, should be open to scrutiny.*

*\* Advice provided by Natural England to the Lower Thames Crossing DCO Examining Authority on the implications of the new duty to further, Annex 2 of letter dated 15th December 2023*

*The proposals put forward by the applicants involve:*

*- Extensive fencing to provide off lead safe dog walking, the fencing will be clearly visible from many surrounding public footpaths and the Nettleden Conservation Area and is also completely contrary to the Article 4 direction put in place over this site many years ago removing permitted development rights for subdividing the site through fencing. This was put in place specifically to ensure that this land could not be fenced because of its impact on the natural beauty of the surrounding AONB/Chiltern National Landscape.*

*-free public access across the entirety of the site rather than the public being limited to public footpaths with mown additional paths and regular mowing of other areas. This fundamentally and negatively changes the nature and character of the site from open agricultural land with footpaths having very limited visibility and human impact limited to those narrow corridors, to a site which will effectively be a park in all but name, with no controls on the activities the public will engage in on that land - including the ability to cycle across it, picnics, playing ball games etc. this will all be 100% visible from the*

*surrounding public footpaths, changing the unspoilt natural nature of this side of the valley and impacting on the setting of the local area and the Grade II\* Ashridge Park and Gardens whose southern area abuts Nettleden Road.*

*- manmade features such as a large car park, seating and information boards which again removes the feel of unspoilt, natural landscape, effectively turning it into a park.*

*- likely damage to Hezdin's Wood, an ancient semi-natural woodland, from walkers and dogs in particular. The Forestry Commission has already expressed significant concerns in this regard in its comments on this application, and pointed out that under paragraph 186 of NPPF, 'development resulting in the loss and deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons. "They have also advised that as ancient woodland, ancient trees and veteran trees are irreplaceable, Dacorum should not consider proposed compensation measures. It is quite clear that the increase in visitor numbers through this wood, the likelihood of the site being heavily used by dog walkers and in particular commercial dog walkers who will want to take advantage of a secure dog walking area to allow dogs off leads means that there will be no control over the trampling, soil erosion and root damage to this wood. One of the key issues at Ashridge SAC is the damage to roots from excessive numbers of people and also the damage to sensitive habitats from dog faeces. Allowing this SANG just creates the same issues as Ashridge face on another very sensitive site, which needs to be protected.*

*- Significant damage to wildlife habitats including ground nesting birds in particular the yellow hammer and corn bunting which are section 41 species, and wild hares. The requirement of a SANG to allow dogs to roam freely is totally incompatible with the s 41 protection. The site will be used by significant number of dog walkers and commercial dog walkers and they WILL cause a nuisance. Therefore this site cannot be considered as a SANG.*

*Section 16 NPPF para 206 requires that any development that would cause harm to a designated asset should require a clear and convincing justification. The car park, the public right of access across the entire site, the fencing, gates, seating and information boards and subdivision of a sweeping open vista into small units will all individually and collectively cause harm to the Chilterns National Landscape and several designated heritage assets already mentioned, and there is no clear and convincing justification for overriding the other policies, including the revised section 85 CROW.*

*Again, paragraphs 182 and 183 of the NPPF required that 'great weight' be given to conserving and enhancing landscape and scenic beauty of AONBs and permission should be refused for major development within the AONB unless exceptional circumstances exist. There are no exceptional circumstances here. Given Dacorum's long term plans to develop extensively on Green Belt /agricultural land to the north of Hemel Hempstead as part of Hemel Garden Communities project, it is even more important that land within the AONB/National Landscape on the northern edges of Hemel Hempstead is preserved in its natural state. We urge planning officers to re-examine the whole*

premise of SANGS and make them work properly by requiring that they are placed within the developments which the developers are seeking planning permission for.

## 2. Historic setting

The proposed SANG site borders the length of Nettleden Road known as 'Lady's Mile' coming off the Leighton Buzzard Road. The 'Lady's Mile' is of historic significance as it formed the access road to the Ashridge Estate which then crossed Roman Road across the grade II listed bridge and wound through Golden Valley to Ashridge House. Dacorum Council's own landscape assessment refers to this and the wide open field patterns. The 1822 map below demonstrates the proximity of the southern edge of Grade II\* listed Ashridge Park and Gardens to the proposed SANG at its northern edge, and the historic two hilltop plantations (ringed) acting as a gateway flanking the valley sides.



**Map 6, Ashridge Park, 1822, Bryant, Map of Hertfordshire, at the end of the 7<sup>th</sup> Earl's work**  
Extent of park outlined in black, with later extension to south-east (dotted line);  
Nettleden Drive from south-east gives access from Water End & Hemel Hempstead.  
NB 2 hilltop plantations (ringed) flanking public road from Water End to Nettleden Drive entrance.

The two large arable fields either side of Lady's Mile with their woods on the ridges provide a balanced and historically important open vista as the gateway to the Ashridge Estate. The proposals to enclose the site of the SANG with extensive dog proof fencing and new hedgerows would materially upset this important historic vista.

*Paragraph 206 of NPPF relates to the conservation and enhancement of the historic environment and requires that any development that would cause harm to the setting of a designated asset to have a clear and convincing justification. While the proposed car park clearly causes harm to designated heritage assets at Water End and Gaddesden Place, the northern end of the site which neighbours the southern end of the Grade II\* listed Ashridge Park and Gardens has largely been ignored by the applicant, as has its impact on the setting of the Nettleden Conservation Area and the landscaped setting of Gaddesden Place. We believe the conversion of this important and historic agricultural land into a SANG with the addition of fencing, gates, footpaths, sign boards, seating and the ability for the public to roam at will across the entirety of the site rather than limiting access to existing public footpaths will significantly negatively affect the setting of the Ashridge Park heritage asset and the Nettleden Conservation Area. It would be contrary to Policy CS 27 which states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.*

*The attached photos in Annex 1 to this letter demonstrate views of the proposed SANG from the following viewpoints:*

- Roman Road close to the bridge which is itself a listed heritage asset*
- The southern end of Nettleden and footpath 70 where the whole eastern side of the proposed SANG is visible as currently sweeping open farmland*
- Footpath 13 from where the SANG can be seen clearly as the backdrop to Nettleden Conservation Area, and the proposals to install fencing/hedgerows and footpaths with mown areas will be clearly visible*
- Public Bridleway/Footpath 5 opposite the Frithsden Conservation Area where the Conservation Area can be viewed alongside the proposed SANG as currently completely open natural farmland where the crops hide the very limited public footpaths in summer and in winter, they are indiscernible due to the ploughed up field.*

*None of these viewpoints have been properly drawn to the planning officer's attention by the developer and the developer has not supplied LVIA's/rendered images of the site from these viewpoints. The photos in Annex 1 clearly demonstrate the negative impact on the setting of heritage assets at the northern end of the proposed site by the proposed fencing, new hedgerows and footpaths, mown grassland, signage boards etc all of which will be highly visible.*

*3. Transport The applicant's supporting documentation is not as transparent as it should be on which development this SANG is seeking to offset. Certain documents submitted have make it clear that this scheme is intended to be an offset for their development of 1100 homes at Pouchen End, and others are less specific. However, the transport strategy document figure 3.5 shows in the 5-20 minutes walking isochrone that the only residential developments within a 20 minute walk of the proposed site are the eastern*

*parts of Potten End, Water End and Great Gaddesden I.e. none of the Berkhamsted, Chaulden and Hemel Hempstead residents which it is apparently there to provide access for. Similarly in figure 3.6 of the same document, the 5-20 minute cycling isochrone begs the question of just how many cyclists will cycle a distance to a destination to then walk. It certainly won't include dog walkers or cyclists who are going for a bike ride. That means that the intended users will most likely come by car, particularly dog walkers and most likely professional dog walkers with multiple dogs. It is to be noted that the only bus route close to the site operates a single daily service and that is therefore not a practical option.*

*Hertfordshire's local transport plan LTP4 (2018) objectives are to provide:*

- reduced need to travel*
- Less car dependant*

*This proposal does the exact opposite and is therefore contrary to the strategy. Similarly LP policy 21a requires the Council to ensure the impacts of traffic and transport infrastructure on the natural, built and historic environment are minimised - this does the opposite by increasing traffic into the Chilterns AONB/ National Landscape.*

*Sight lines from Potten End Hill and Nettleden Road exits onto Leighton Buzzard Road are severely impaired and the figures quoted has failed to capture all of the incidents where no injury has occurred and which have not been reported. This again makes it unsuitable as a SANG site.*

#### *4. Suitability of site topography and terrain*

*The applicant's assertion that the site will provide access all year round without areas becoming waterlogged or inaccessible due to wet or muddy terrain is simply incorrect. The underlying soil is chalk on clay and the existing footpaths through the site get extremely muddy in wet weather, as do the grass footpaths through nearby Golden Valley, and all the public footpaths in Ashridge, including the grass footpaths on Northchurch Common. This will be exacerbated by the hilly terrain and the site therefore does not meet the Natural England requirements for SANGs in this regard.*

*This site is up a fairly steep hill - again not suitable as a SANG site, and the consequence will be that those using the site will use the car park and then opt to use the footpaths to exit the site on Nettleden Road and walk through the Gade Water meadows towards Great Gaddesden where the land is flat. This will lead to even more damage to what is a very sensitive ecological site and the chalk stream.*

#### *5. Proximity to Chilterns SAC*

*The applicant asserts that the Chilterns Beechwoods SAC is 4 miles away (Flood risk assessment 1.1.4). This is totally incorrect. It is a mere 1.1km and within walking distance from the southern end of the Chilterns SAC, the very thing that SANGs are supposed to be diverting people away from. This begs the question of how exactly a SANG so close to the Chilterns Beechwoods SAC and with public rights of way linking into it, is going to*

*divert people attracted by the 50 space car park from walking straight through to the Chilterns SAC. It would appear that the creation of the SANGs that are in walking / cycling distance to the Ashridge SAC have a greater chance of increasing the accessibility to the Ashridge SAC by creating parking hubs within walking / cycling distance.*

*Applications for changes of use to SANGs are being submitted to Dacorum thick and fast. So far, they have all been approved despite their proximity to the Chilterns SAC, the loss of important agricultural land which is desperately needed for food security and the fact that they are in AONBs/ Chilterns National Landscape. Of all the proposals submitted so far, this is by far and away the most sensitive site, the worst located for visitors having to use cars to access it, the topography being completely unsuitable due to a fairly steep slope and the impact on a significant number of heritage assets, including the very important Grade II\* listed Ashridge Park and Gardens and the landscaped setting of Gaddesden Place. .*

#### *6.Noise and Disturbance*

*The Dacorum planning officer in their own pre-application advice acknowledges the potential for increase in noise and disturbance as a result of antisocial behaviour due to the car park and increase in public access. They suggest that this could be dealt with by installation of a height restriction barrier at the entrance of the car park between sunset and sunrise. With respect, if the clear possibility of noise and disturbance to residents is acknowledged as an issue, this should be given due weight as a reason for refusing this application, as it will effectively be impossible to properly police. Residents should not have to fall back on civil remedies for nuisances which were clearly identified and anticipated as likely to cause significant harm to both the Chilterns National Landscape and the amenity of existing residents. The harm should be avoided in the first place by refusing the application.*

#### *7. Lack of clear ownership and management of the site*

*It should be noted that Natural England have emphasised the importance of securing long term and stable ownership of SANGS with their preference being local or parish councils, a charitable trust such as the Land Trust or National Trust. The least preferred option is a privately owned or management company with step in rights for the Council in the event of insolvency. The applicant has not put forward any viable proposal as to how this land would be managed and on that ground alone it should be rejected.*

*It is also noted that the site is to be split into 2 phases - this raises significant concerns as to how the area to the north and east identified as phase 2 will be managed/protected unless and until it is decided to incorporate it into the SANG. Will it still be farmland and left unfenced? If it is not to be utilised as farmland what will happen to it? Who will be responsible for its upkeep and security?*

*Conclusion*

*The Society and many other objectors have concluded that the proposal to use this particular site for a SANG should be rejected due to the significant harm it would cause highlighted above and by many others.*

*There needs to be a much more considered approach taken when choosing possible sites for a SANG. We would also like to see a well reasoned argument put forward by the developer of large sites to explain why they cannot provide public amenity space within its own large development site, avoiding the necessity of these SANGs that impacts on areas outside the development site so that people can walk their dogs and exercise without having to get into their cars and travel to do so.*

*It seems perverse that to achieve a housing site in Pouchen End and Berkhamsted, that green field land close to the Ashridge SAC is being changed in use and character to enable this development creating an imbalance to the rural valley setting.*

*We urge Dacorum to take a step back from all of these individual SANG applications and really scrutinise whether they meet the fundamental premise behind SANGS , which is to attract people AWAY from the Chilterns Beechwoods SAC. Approving SANGs on the very edge of the Chilterns Beechwoods SAC is not going to achieve the desired effect.*

*It is even more unacceptable to allow this highly sensitive location as a SANG for developments in Pouchen End, and potentially Berkhamsted which are as yet not properly identified but clearly not within reasonable walking distance and which will cause significant harm for all the reasons we and many objectors have highlighted.*

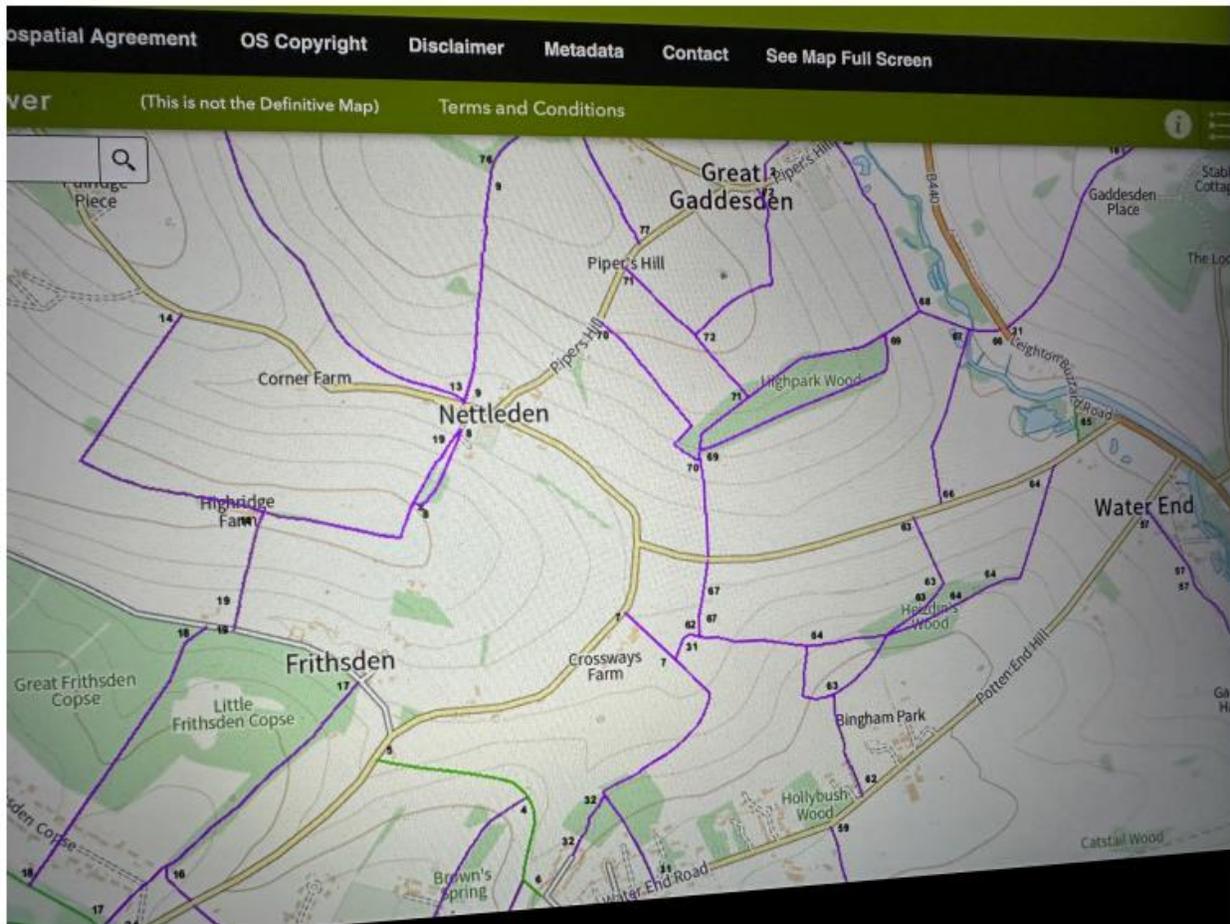
*Yours sincerely, Nettleden and Frithsden Society*

*Attachment: Annex 1 views of SANG from surrounding public footpaths/bridleways:*

## Annex 1 to Nettleden & Frithsden Society response to proposed SANG 24/01239/ MFA land at Nettleden Road, Potten End

The northern end of the proposed Sang - views from :

- Roman Road (part of the setting of the Grade II\* listed Ashridge Park and Gardens)
- Bridleway no 5
- Footpath no.70
- Footpath no.13
- Footpath no.7
- Nettleden Road from Nettleden direction







**View of eastern side of SANG from close to listed bridge on Roman Road**



Annotated view of SANG from Roma Road showing new fencing/hedgerow and new footpaths/mown areas



Views across to the northern end of the SANG from public bridleway/footpath no. 5



**Views from public footpath no. 70**



Views from public footpath no.70



**View from Footpath 70 - early Spring**



**View from Footpath 70**



**View from footpath no. 70 toward northern end of SANG**



Views from Footpath 13 across Nettleden Conservation Area to SANG



View from footpath no. 7 on Nettleden Road



**Views from Nettleden Road heading east out of Nettleden**



**View looking west over SANG from Nettleden Road**



Recommendation

As per the published report.

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**Item 5b**

**24/01740/MFA      The demolition of existing structures and redevelopment for E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution Uses (applied flexibly) with hard and soft landscaping, servicing and associated works.**

**Hemel One, Boundary Way Hemel Hempstead Hertfordshire HP2 7YU**

## Conditions

Amendments to the following conditions:

- Condition 3 omits the word 'dwelling' which is replaced with 'development'
- Condition 4 removes "No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved."
- Condition 8 includes drawing number H100-CMP-U1-01-DR-A-00121 rev PL1
- Condition 9 includes 'above ground development'
- Condition 11 includes 'prior to occupation'
- Inclusion of conditions 17, 18, 19 and 20 following the reconsultation response from the Lead Local Flooding Authority

## Representation from the Lead Local Flooding Authority

Thank you for your consultation on the above site, received on 24 October 2024. We have reviewed the application as submitted and wish to make the following comments. The applicant has provided a Flood Risk Assessment (FRA) and a Drainage Strategy. These are to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and local planning policy Flood Risk Objective 1 – Achieve flood risk reduction through spatial planning and site design.

Whilst we previously objected to long term storage via the complex control approach, the supporting calculations show the tank having over 1000m<sup>3</sup> of storage. This is approximately 200m<sup>3</sup> higher than the requirement for the whole site. We understand that the permeable paving will act as overflow storage when the tank is full. In order for the drawings to fully represent the calculations, we request that the bioretention areas are shown clearly on the drainage layout drawing (dated 23 July 2024, REF 40168-BGL-XX-XX-DR-C-00210-P03) similar to the rain gardens.

We have **no objection subject to conditions being attached to any consent** if this application is approved. We suggest the following wording.

### **Condition 1**

All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 26 July 2024, REF 40168-BGL-XX-XX-RP-D-0001) and drawings (dated 23 July 2024, REF 40168-BGL-XX-XX-DR-C-00210-P03), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and maximum design water level and 150mm above the surrounding proposed external ground level unless otherwise first approved in writing by the Local Planning Authority.

**Reason:** To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and policies of Dacorum Borough Council.

## **Condition 2**

Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (dated 26 July 2024, REF 40168-BGL-XX-XX-RP-D-0001) and Drawings (dated 23 July 2024, REF 40168-BGL-XX-XX-DR-C-00210-P03) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

**Reason:** To ensure that the development achieves a high standard of sustainability and to comply with NPPF and policies of Dacorum Borough Council.

## **Condition 3**

The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation
- ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

**Reason:** To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and policies of Dacorum Borough Council.

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 2. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and policies of Dacorum Borough Council.

**Informative:**

The LLFA note the applicant has set a lifespan of 60 years, however, have included climate change parameters 1% AEP event plus 40% climate change. The LPA should satisfy themselves that the 60-year lifespan of this development is appropriate.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at [FRMConsultations@hertfordshire.gov.uk](mailto:FRMConsultations@hertfordshire.gov.uk).

**Maylands Urban Realm Infrastructure Contribution**

Maylands Urban Realm Improvements (MURI) A Maylands Urban Realm Improvement (MURI) contribution is requested for all applications which are within Maylands Business Park. The purpose of the MURI contribution is to improve the public realm in the area to help people working in, living in and visiting the area to access and move more easily within the area by walking and cycling. The improvement specification also aims to improve the visual appeal of the area to make it an attractive business park.

The application site falls within Sheets 55/56 of the Maylands Business Park Improvement Specification and following division of proportionality, a contribution of £44,360 (at 2013 prices, equivalent to approximately £68,000 to today's pricing would be sought for this development. However, many of the Maylands improvements in this location have been implemented by Hertfordshire County Council using other funding streams. As such, a figure of £50,000 has been requested to support active projects being delivered by County to improve active travel at Maylands in the vicinity. This can be secured via a legal agreement.

Recommendation

As per the published report.

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**Item 5c**

**24/00504/FUL      Construction of Agricultural Barn**

**Kiln Meadow Chesham Road Wigginton Tring Hertfordshire**

Representation from Applicants

**Green Belt Policy Compliance**

The term “agriculture” is not defined in the GPDO itself. However, case law has established that the definition in section 336(1) of the Town and Country Planning Act applies for these purposes. This states that, “Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skin or fur, or for the purpose of its use in the farming of land), the use of the land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of the land for woodlands where that use is ancillary to the farming of land for other agricultural purposes and “agricultural” shall be construed accordingly”

**Necessity of the Proposal**

Neighbouring landowners have highlighted that agricultural use on the site has been minimal in recent years, and the officer questions if the site can sustain meaningful agricultural operations. To provide the committee with a little bit of history, the site has always been used for some form of farming. A previous owner of the property, John Langston, wrote a book called “I’m a country Bumpkin”. In this book, he talks about this parcel of land and states *“Dad always worked on or around farms, one day he came home and told us we were moving to a farm of our own. Although it was a smallholding, we had three acres and a farmyard with buildings of brick and galvanised roof”*

My parents bought the house, barns to the rear, and associated land (approximately 3 acres) in 1976. At the time of purchase, the barns and the associated land had been significantly neglected. Bringing the barns and the associated land back to life became my father's passion. Over a number of years, my father tidied the land and refurbished the barns to the rear. During my lifetime, my father maintained the land independently and housed geese, chickens, pigs and horses on the land and in the associated barns.

Unfortunately, he turned unwell with age, and the livestock slowly dwindled in numbers. My parents passed the field and yard to me in 2007, however, after my dad's death in 2018, my mother passed the responsibility of maintaining it to me as well. Finances were an issue at the time, and we had no choice but to sell No. 2 Kiln Cottage and the barns to the rear and all associated equipment; however, it was important for us to keep the land. Although it is appreciated that the barns to the rear have since been replaced with a dwelling, I want to be clear that this wasn't pursued by us nor any member of my family, as you can see if you refer to the application form associated with application 20/02913/FUL.

At the moment, the land is currently maintained by outside contractors and as noted by neighbouring landowners, it is underutilised. We now have the time and the money to pursue agricultural activities on the land once again. Moving forward, the intention is for me and my son to farm the land independently for hay. In order to achieve this, we require a tractor and various associated materials / equipment, which are listed below. Due to theft, which has been reported to Police, where tools and equipment were stolen after my Dad's death, we aren't comfortable purchasing the tractor or any of the associated material / equipment until we have a secure location on the site.

There is no question that the cutting of grass for hay production and sale does constitute as agricultural use. The proposed agricultural building is required predominantly for the storage of hay, but also for the storage of seed, fertiliser and associated equipment for cutting of hay and maintaining the field (i.e. fencing). The building has been designed to allow for a variety of other agricultural uses in the future as well, such as processing honey from hives.

### **Scale and Impact on the Chilterns National Landscape (AONB)**

Pre-application advice was sought earlier this year for the erection of a building for storage. Although the officer concluded there was a lack of clarity to the proposed use and location, it was advised that the building:

- Be located in close proximity to the site access, thereby minimising any adverse impact.
- Be located parallel to the boundary of 1 Kiln Cottages, thereby minimising any visual impact in views from Chesham Road and any encroachment onto the wider field.
- Respond to the sections regarding the scale, form and use of materials within The Chilterns Building Design Guide.

In line with the advice received, the proposal is located in close proximity to the site access and parallel to the boundary of 1 Kiln Cottages. As noted in the supporting statement produced by our agent, the proposal has been carefully designed to adhere to the Chilterns Building Design Guide:

- The traditional design and materials have been carefully designed to reduce impact with its black stained weatherboarded walls and plain clay pitched roof.
- The scale and form are stepped to mitigate impact and create interest
- The roof pitch reflects adjacent, older buildings
- Existing vegetation will be retained
- The setting of the agricultural barn is near the access track and existing buildings

In his report, the officer highlights that there is a stable and caravan on the site that do not appear to benefit from planning permission. I want to clarify that both are mobile. This was confirmed by our agent via email on 22 April 2024. At this time, she explained that the existing mobile field shelter housed a pony following the sale of the buildings to the rear in 2021. There have been ponies in the field, owned by our family since 1976 until 2021. The intention is to keep the mobile field shelter as we wish to house a pony (or other livestock) in the future; however, it can easily be removed. Furthermore, the caravan has now been moved from the field.

The officer challenges the size of the barn in relation to the size of the land. He also states that the design would create an 'urbanising' effect; however, the proposal is for a traditional barn specifically designed to be in keeping with the Chilterns Building Design Guide, as recommended in the pre-application advice sought earlier this year. It is considered that the design minimises visual impact and will blend well into the surrounding countryside with its black stained weatherboard walls and traditionally pitched plain clay tiled roofs. However, we would be happy to address landscape and biodiversity concerns, such as additional hedgerows or landscaping, which could be conditioned should the committee be minded to grant planning permission for the proposal.

Regarding the scale and the overall design, I would like to highlight that we have full support from the Parish Council. Furthermore, the former barns associated with the same parcel of land had a gross external floor area of approximately 230 m<sup>2</sup>. The enclosed photos illustrate the size and number of buildings including stables, barns, etc. that my father used to their full capacity. The current proposal is for a traditional barn with a gross external floor area of 100 m<sup>2</sup> – more than half the size. In comparison, it is considered the size of the barn is reasonable. Although we feel that the size is appropriate, the agent emailed the officer on 1 May 2024 and, in an attempt to work with the council, queried the amount in which the officer would like the building to reduce but the officer didn't respond.

The officer also challenges the location of the building, stating it would contribute to a 'ribbon of development' along Chesham Road. Again, our agent highlighted in her email to the officer on 1 May 2024 that we would be happy to work with him if he felt there was a more suitable position to locate the proposal within the red line boundary but, again, he didn't respond. As mentioned to him at the time and above, we were guided by the pre-application advice received. Personally, we feel the proposed location with its close proximity to the site access and 1 Kiln Cottages minimises any visual impact in views from Chesham Road and any encroachment onto the wider field in line with both national and

local plan policies. Ultimately, the NPPF does not require a test of whether an agricultural building is reasonably necessary as there is a presumption that agricultural buildings are appropriate in the Green Belt. However, I appreciate there is still a need to consider whether the new building has been designed for agricultural purposes or not and I trust the additional information provided in this statement has clarified the matter. Paragraph 83 of the NPPF states that, to support a prosperous rural economy, 'planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.' For these reasons, it is considered that the proposed barn is appropriate development in the Green Belt. It is also considered that its design in terms of its scale, form, materials and its siting is in line with the Chilterns Building Design Guide.

In conclusion, what I want most is for my family to have the same experience as me growing up. We sincerely hope that you, the committee, will be minded to grant planning permission to enable me and my family to farm the land and contribute to the rural economy once again.

Photos of my family on the land, illustrating the scale and size of the former barns / stables





# I'M A COUNTRY BUMPKIN

by JOHN N. LANGSTON  
of TRING



## WE MOVE TO OUR SMALLHOLDING

Dad always worked on or around the farms, and one day he came home and told us we were moving to a farm of our own.

Although it was a smallholding of about three acres, we had a farmyard of very good buildings made of bricks with galvanised roofs. There were double doors on the stables and cowshed. These were always good because you could undo the top half to let in the air without letting the animals out.

The smallholding was situated in the middle of nowhere between Wigginton and Heath End. We decided to take our henhouse and chicken wire with us as there were only two on our new place. The henhouse was on wheels but they were fixed so it would only go in a straight line. We borrowed a cart-horse and set off.

We had four hills to go up and down on our four mile journey so we all had to go and help. When we went downhill we had ropes tied on the back to hold the henhouse from running into the horse which Dad was leading. We had an iron crowbar so each time the henhouse strayed to one side or the other, the person with the crowbar would lever it straight again. So we rattled on with the iron wheels leaving tracks on the road.

When we got near home we missed our youngest brother, the little devil had opened the door and was riding inside. I said 'What do you think you're doing'. He replied 'I'm helping. I'm inside carrying the perches'. We eventually rumbled home to our new and somewhat different life.

Autumn was upon us once more and I used to go and watch the ploughman with his horses at work in the fields. This was a very slow job as a pair of horses could only pull a one furrow plough.



## **Business Case for Agricultural Use**

In response to whether the proposal will support the rural economy and maintenance of the wider countryside, the initial intention is to farm the field to produce hay. Hay has a very long life if stored correctly, which is why we have decided this to be our first venture. The market for hay is for local horse and livestock owners. By storing the hay in a fully enclosed building with ventilation, we can market a top-quality product at an appropriate price. The hay will be sold in relatively small quantities and will, therefore, need to be stored until the point of sale. It is hoped that each year's harvest will be sold within 12 months but sufficient storage is required in the event this doesn't occur. We have no other agricultural land or barns within this geographic area, so the building is required on the application site.

From a security perspective, a large storage area is needed to house a tractor with a cab as well as various tractor attachments (i.e. mowers, hedge cutters, rakes, balers, etc). As discussed with our agent at the time, it would also be beneficial for me to have sufficient space for a potential ATV to carry out minor maintenance works on a day to day basis, such as maintaining the existing fences and hedging. As noted on the plans, the smaller storage area is to house hay and feed for future livestock. The average hay yield is approximately 100 small bales per acre of meadow per cut. The intention is to cut twice per year. The total field is 2.3 acres with an expected yield of over 200 bales per cut, up to 260 bales per year. The capacity of the building is less than what could be cut from the field; however, we have taken an objective view on the building size rather than attempting to maximise it to the largest possible size. In accordance with the figures, it can be seen that the building is appropriately sized and is 'reasonably required'. If anything, we feel we could fully justify a larger building for the site.

For these reasons, it is considered that the proposed floor area is reasonable and justified for its intended use. Provided that you, the committee, are minded to grant planning permission, we intend to purchase the following machinery and equipment:

International Harvester 454 Tractor

<https://www.tractordata.com/farm-tractors/000/3/3/333-international-harvester-454.html>

Tractor Attachments

- Loader  
<https://www.tractordata.com/farm-tractors/000/3/3/333-international-harvester-454-attachments.html>
- Tractor Topper Mower  
<https://www.zarosmachinery.co.uk/winton-wtm110-pto-topper-mower>
- Hydraulic Tractor Tipping Trailer  
<https://www.zarosmachinery.co.uk/wessex-15t-lgpw-hydraulic-tipping-trailer>

Additional Equipment

William Hackett B-HC05 5ft 3-Way British Drag Harrow (pulled by a Quad Bike)  
<https://www.zarosmachinery.co.uk/william-hackett-b-hc05-3-way-british-drag-harrow-5ft-wide>

Officer Comments

The applicants and their agent have been provided within numerous opportunities to provide justification for the scale and size of the building proposed and to the nature of activities upon the site. It should be noted that the keeping of horses would not normally be considered an agricultural use within the Green Belt but may fall under the description of outdoor sport and recreation with the associated assessment of impact on openness, character and appearance.

Recommendation

As per the published report.

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**Item 5d**

**24/01768/FUL Detached four bedroom dwelling in side garden to the west of no.22 Verney Close including rear garden and associated car parking.**

**22 Verney Close Berkhamsted Hertfordshire HP4 3JS**

Garages Team

The Garages team have advised that a legal agreement or bare licence would likely be sought for permission to access the rear of the site. However, this is a process that would be managed outside of the planning system.

Recommendation

As per the published report.

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Item 5e

24/01360/FHA Proposed part two-storey rear extension; loft conversion; new front porch; new windows and doors and extended terrace.

Angle Place Cottage Montague Road Berkhamsted Hertfordshire HP4 3DZ

Additional plans were submitted by the agent to demonstrate the sight lines from neighbouring properties and the application site.

1.



2.

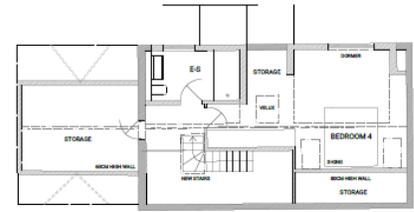
ALL DIMENSIONS/SCALES AND OTHER CRITICAL INFORMATION ARE  
 DRAWING PURPOSES ONLY AND ARE TO BE VERIFIED ON-SITE PRIOR TO  
 CONSTRUCTION. ANY CHANGES SOUGHT OR DISCREPANCIES FOUND TO BE  
 REPORTED TO ENRAPPT LTD FOR FURTHER ADVICE AND INSTRUCTIONS

PROPOSED PLANS  
 AT ANGLE PLACE COTTAGE  
 FOR V&R BODHANI

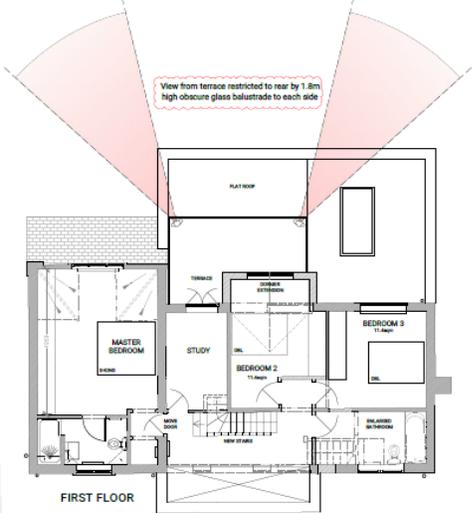
1064-P03-1C  
 2024.10.25  
 ENRAPPT LTD



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 HELLO@ENRA.PT  
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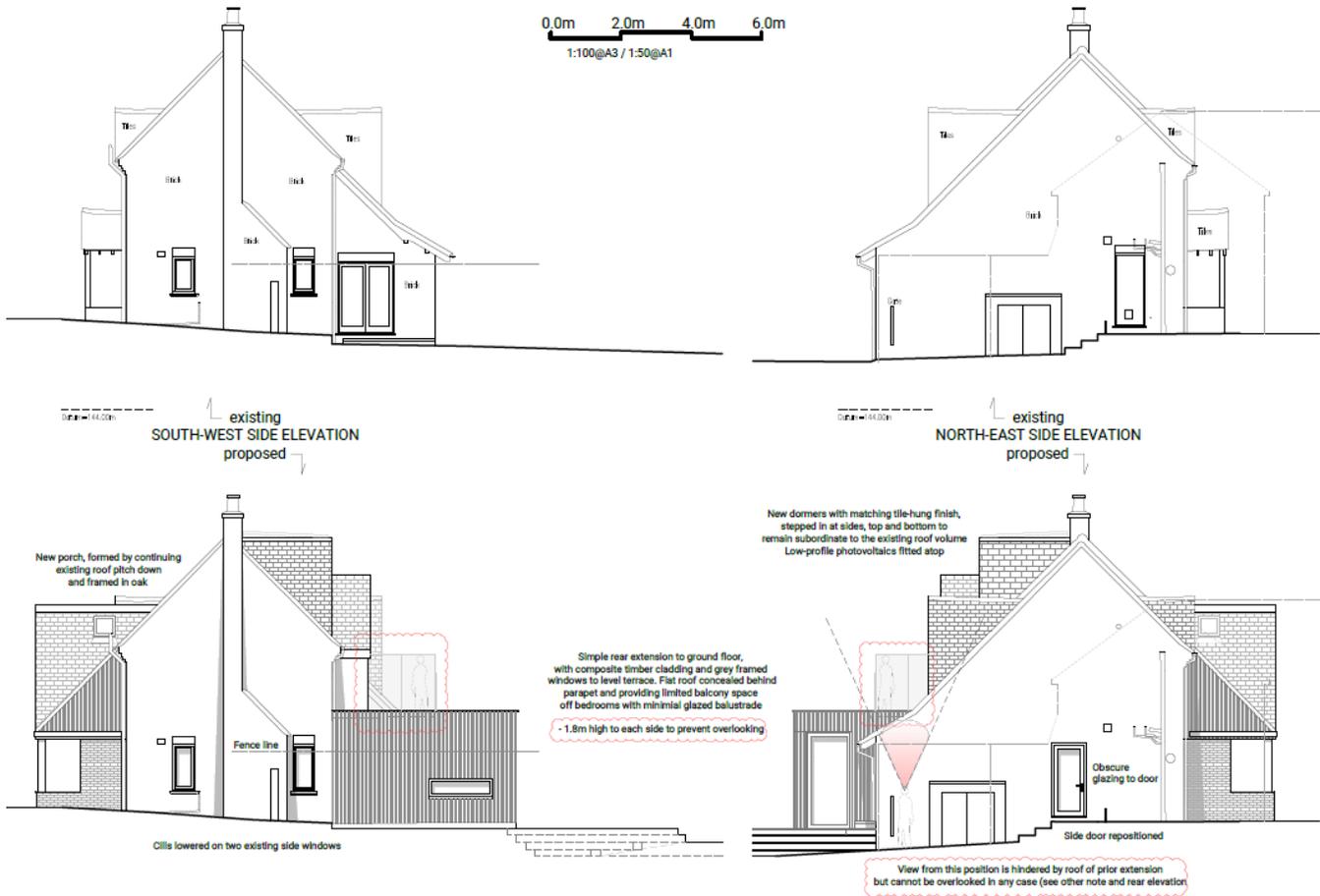


LOFT PLAN



FIRST FLOOR

3.



### Recommendation

As per the published report.

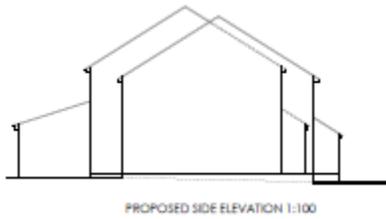
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### Item 5f

24/01797/FHA      Single storey rear extension

24 Merling Croft Northchurch Berkhamsted Hertfordshire HP4 3XB

Amended plan reference 240701/PL101D received showing details of the proposed extension on the side elevation drawing



This plan replaces 240701/PL101C

Recommendation

As per the published report.

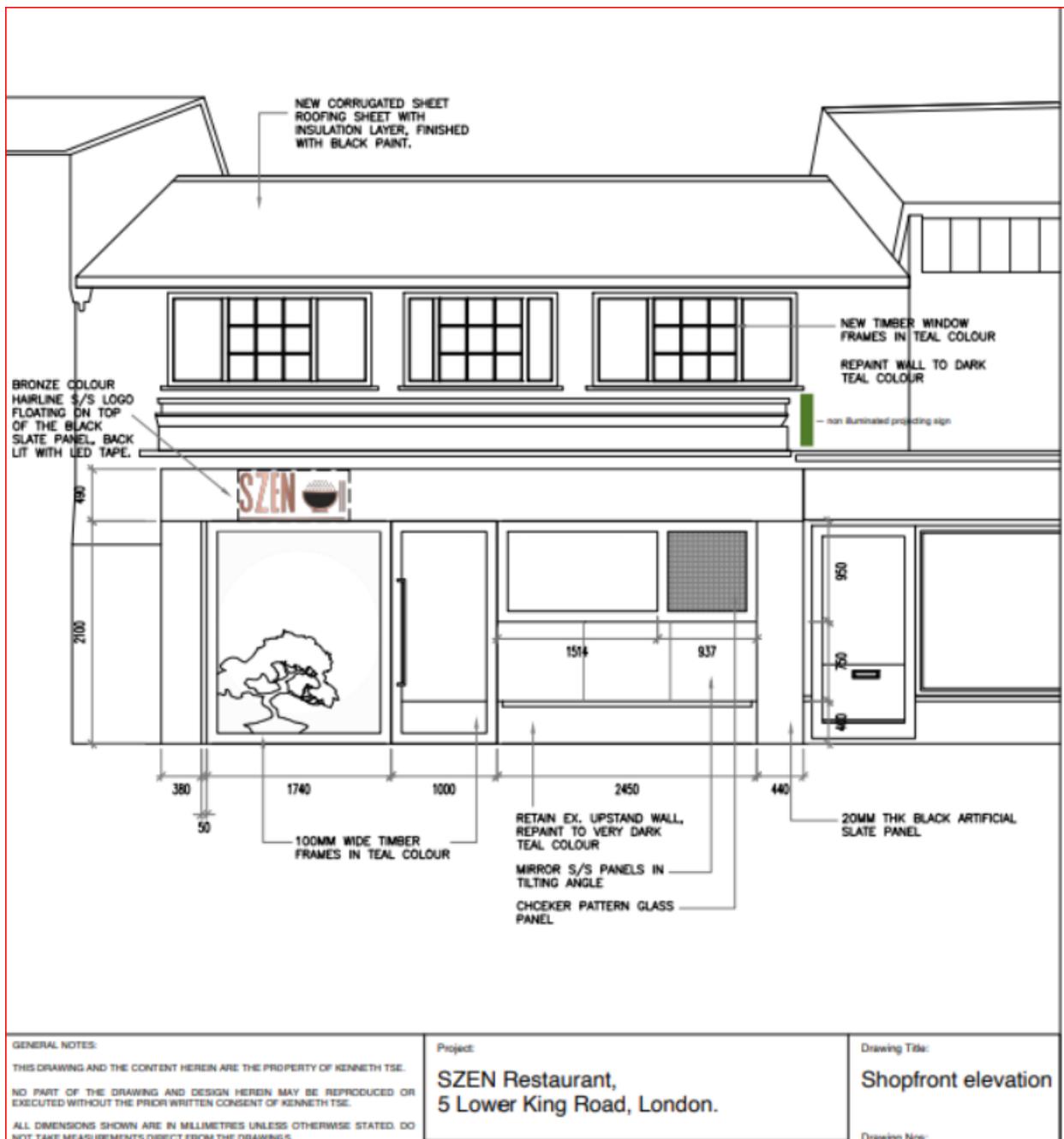
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**Item 5g**

**24/00258/ADV Display of an illuminated fascia sign affixed to the front of the restaurant premises and projecting non illuminated sign.**

**5 - 7 Lower Kings Road Berkhamsted Hertfordshire HP4 2AE**

An updated Shopfront Plan has been received showing the location non illuminated projecting sign:



The Applicants have confirmed that they are unable to attend the meeting as they will be working in the restaurant business on 31 October 2024.

### Recommendation

As per the published report subject to a change to recommended Condition 5 to:

5. The consent hereby approved shall be carried out fully in accordance with the following plans:

Location Plan (PP-127603301)

Amended Version of Plan LA-101 Revision D received by the local planning authority on 24 October 2024

Non-Illuminated Projecting Sign Plan (no reference) named 'Sign Dimensions' received on 2 February 2024

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**DEVELOPMENT MANAGEMENT COMMITTEE**

**CASE OFFICER RESPONSE TO MEMBER QUESTIONS**

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**Item 5a**

**24/01239/MFA      Change of use from agricultural land to Suitable Alternative Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping**

**Land Nettleden Road Potten End Berkhamsted Hertfordshire**

No questions received.

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**Item 5b**

**24/01740/MFA      The demolition of existing structures and redevelopment for E(g)(iii) Industrial Processes, B2 General Industrial and B8 Storage and Distribution Uses (applied flexibly) with hard and soft landscaping, servicing and associated works.**

**Hemel One Boundary Way Hemel Hempstead Hertfordshire HP2 7YU**

No questions received.

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**Item 5c**

**24/00504/FUL      Construction of Agricultural Barn**

**Kiln Meadow Chesham Road Wigginton Tring Hertfordshire**

No questions received.

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**Item 5d**

**24/01768/FUL      Detached four bedroom dwelling in side garden to the west of  
no.22 Verney Close including rear garden and associated car parking.**

**22 Verney Close Berkhamsted Hertfordshire HP4 3JS**

No questions received.

\*\*\*\*\*

**Item 5e**

**24/01360/FHA      Proposed part two-storey rear extension; loft conversion; new  
front porch; new windows and doors and extended terrace.**

**Angle Place Cottage Montague Road Berkhamsted Hertfordshire HP4 3DZ**

No questions received.

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**Item 5f**

**24/01797/FHA      Single storey rear extension**

**24 Merling Croft Northchurch Berkhamsted Hertfordshire HP4 3XB**

No questions received.

\*\*\*\*\*

**Item 5g**

**24/00258/ADV      Display of an illuminated fascia sign affixed to the front of the restaurant premises and projecting non illuminated sign.**

**5 - 7 Lower Kings Road Berkhamsted Hertfordshire HP4 2AE**

No questions received.

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