

ITEM NUMBER: 5c

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| 24/00504/FUL | Construction of Agricultural Barn | |
| Site Address: | Kiln Meadow, Chesham Road, Wigginton | |
| Applicant/Agent: | Ms Pollard | AVT Design Studio |
| Case Officer: | Robert Freeman | |
| Parish/Ward: | Wigginton Parish | Aldbury and Wigginton |
| Referral to Committee: | This application has been referred to the Development Management Committee due to the contrary recommendation of the Parish Council | |

1. RECOMMENDATION – That planning permission be REFUSED

2. SUMMARY

- 2.1 The Council is not satisfied that the scale of the proposed building is necessary to support the agricultural and equestrian uses of land and as such would comprise appropriate development in the Green Belt in accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy.
- 2.2 The proposals are inappropriate in terms of their siting and scale and would substantially detract from the open character, natural beauty and appearance of the Green Belt and Chilterns National Landscape (formerly Chilterns Area of Outstanding Natural Beauty) contrary to the aims and objectives of the NPPF and Policies CS5, CS12, CS24 and CS25 of the Core Strategy.

3. SITE DESCRIPTION

- 3.1 The application site extends to some 1.21 hectares (3 acres) of land on the western side of Chesham Road and to the south of the village of Bovingdon. The land is located within the Chilterns National Landscape and Green Belt. The land appears to have been historically used for equestrian purposes although the stables originally connected with the land have been converted to residential use (20/02913/FUL) A gate onto Chesham Road provides access to the site. An existing stable building and a caravan are located adjacent to the site entrance in the south eastern corner of the application site.

4.0 PLANNING HISTORY

- 4.1 No planning history has been identified for the site.
- 4.2 The stable and caravan on the site do not appear to benefit from planning permission.

5.0 PROPOSALS

- 5.1 The current application seeks permission for the construction of a new barn building within which the applicant would store machinery for maintaining the fields and future livestock. The proposed building would comprise a hay/feed store measuring some 5m x 6m and a tractor/store measuring some 10m x 7m. The building would be constructed in weatherboarding on a plinth brick wall and with a pitched clay tile roof. The main barn building would be some 8m in height with a 4m high eaves line.

6. REPRESENTATIONS

Consultation responses

6.1 These are reproduced at Appendix A.

Neighbour Responses

6.2 These are reproduced at Appendix B

7. PLANNING POLICIES

National Planning Policy Framework (NPPF)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

NP1 - Supporting Development

CS1 - Distribution of Development

CS5 – Green Belt

CS8 – Sustainable Transport

CS9 – Management of Roads

CS12 - Quality of Site Design

CS14- Economic Development

CS24 – Chilterns Area of Outstanding Natural Beauty

CS25 – Landscape Character

CS26 – Green Infrastructure

CS29 – Sustainable Design and Construction

CS31 - Water Management

CS32 - Air, Soil and Water Quality

Countryside Place Strategy

CS35 – Infrastructure and Developer Contributions

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Policy 13 - Planning Conditions and Planning Obligations

Policy 51 – Development and Transport Impacts

Policy 54 – Highway Design

Policy 97 – Chilterns Area of Outstanding Natural Beauty

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (2020)

Chilterns Building Design Guide

Energy Efficiency and Conservation

Hertfordshire County Council - Place and Movement Planning Design Guide

Water Conservation

8. CONSIDERATIONS

Policy and Principle

8.1 The site is located within the Green Belt where the Council will apply Green Belt policy in accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy.

8.2 Paragraph 154 of the NPPF advises that that the construction of new buildings within the Green Belt is inappropriate. However, a number of exceptions are made including buildings for agriculture and the provision of appropriate facilities for outdoor sport and recreation.

- 8.3 Whilst *R (Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd [2016]* concludes that agricultural buildings are, “in principle appropriate development in the Green Belt, regardless of their effect on the openness of the Green Belt and the purposes of including land in the Green Belt and regardless of their size and location” facilities for outdoor sport and recreation are only appropriate where “they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”
- 8.4 The application site is described as fallow land by neighbouring parties but there is evidence of some equestrian use of the site both current and historic. There do not appear to be any agricultural activities actively undertaken on the site nor does there appear to be sufficient space upon which to sustain viable agricultural activities alongside equestrian uses. Indeed, the historic buildings associated with the agricultural use of the land appear to have been demolished and the use ceased following the construction of a dwelling to the rear of 2 Kiln Cottages (20/02913/FUL)
- 8.5 Despite the submitted statement indicating that the intention is to reintroduce agricultural activities on the land, the existing stables would be retained at the site as set out within the submitted site plan. The land is barely sufficient to support the grazing of horses in accordance with the recommendations of the British Horse Society¹ whilst the description of the proposed agricultural use of the site is vague including the growing of hay, the storage of a tractor and farm equipment and the keeping of livestock. Insufficient information has been provided to satisfy the Council that the building would be necessary or completely used for agricultural activities or that it would be proportionate to any agricultural use of the land. The building is substantial in scale and size and would clearly detract from the open character of the Green Belt in this location exacerbated by the proliferation of buildings on the site and its siting adjacent to the highway. The proposed building would not preserve the openness of the Green Belt in this location; particularly given its scale, bulk and height contrary to the NPPF and Policy CS5 of the Core Strategy

Impact on the Chilterns National Landscape

- 8.6 Paragraph 182 of the NPPF places great weight on conserving and enhancing the landscape and scenic beauty of Areas of Outstanding Natural Beauty. The Chilterns is a landscape of natural beauty and distinctive character formed not just by the look of the landscape but also its landform and geology, ecology, cultural and heritage features.
- 8.7 Policy CS24 of the Core Strategy requires that in considering applications for development within the Chilterns Area of Outstanding Natural Beauty one should conserve the special qualities of the AONB and build upon the principles set out within the Chilterns Conservation Board Management Plan and Chilterns Building Design Guide.
- 8.8 Saved Policy 97 of the Local Plan 1991-2011 states that the primary planning consideration will be the conservation of the beauty of the area. New buildings should not be sympathetically sited and designed having regard to the landscape and topography of the site and use appropriate materials. The intensity of farming practices should not be detrimental to the landscape quality. Farm buildings and new buildings generally should be avoided or sited unobtrusively within complex of existing farm buildings
- 8.9 The siting, design and appearance of any new building is thus critical to its assimilation into the surrounding landscape. The village of Wigginton is described as a plateau village in the Chilterns Building Design Guide and these types of settlement are generally more compact

¹ The British Horse Society recommends a ratio of one horse per 0.4-0.6 hectares (1-1.5 acres)

locations providing a hard edge between housing and the adjacent countryside. The ribbon of development extending to the south of the Cholesbury Road junction with Chesham Road is inherently harmful to the settlement pattern in the Chilterns and the siting of the proposed building would augment this ribbon of development within the countryside. The effect of this ribbon development is to give an appearance of more extensive development in the countryside and is strongly discouraged under the Chiltern Buildings Design Guide. The proposed building is considered to be poorly sited extending the built form to Chesham Road. The proposed building would be located some 5m from the boundary of the site with Chesham Road with a large area of gravel being deposited to provide access. This gravel area would extend over 20m into the site from the access and between the proposed building, the existing stables and the highway. This would have a significant urbanising impact on the site, dominating the street frontage and cause significant visual harm to the appearance of the Chilterns.

- 8.10 The building itself is considered to be excessive in terms of its scale, bulk and height and would be clearly visible above the existing hedge line to Chesham Road. Although utilising traditional materials, it would nonetheless detract from the open character and appearance of the Green Belt and natural beauty of the Chilterns. This would be contrary to the NPPF, Policies CS10, CS12, CS24 and CS25 of the Core Strategy

Impact on Highway Safety and Parking

- 8.11 The use of the existing access onto Chesham Road for farming or equine purposes is considered to be unlikely to result in significant or demonstrable harm to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy. There is a good level of visibility from the site entrance in both directions on Chesham Road and although vehicles would be required to stop on the highway whilst the access gate is opened, the resulting obstruction of the highway would be fleeting and irregular in nature.

Biodiversity Net Gain

- 8.12 The application was submitted prior to the introduction of the requirements for biodiversity net gain as a mandatory requirement for minor developments and as such is considered to be exempt from the requirements for BNG in accordance with the Biodiversity Gain Requirements (Exemptions) Regulations 2024
- 8.13 There is scope to improve the overall biodiversity value of the site through potential landscaping to the site including the strengthening of existing hedgerows at the site perimeter and by soft landscaping screens to the proposed building. These could be secured by condition in the event that planning permission were recommended for approval.

Other Material Planning Considerations

Contamination

- 8.14 The Council's scientific officer has been consulted in relation to the application and has no objections to the proposals on the basis of land contamination.

Impact on Residential Amenity

- 8.15 The propose building is not considered to result in any significant harm to the residential amenities of properties neighbouring the site in view of the distance between the new building and these properties. There is little evidence that the use of the access would be

any more detrimental to privacy of residential units than a lawful use of the site and as such no grounds for objection could be substantiated under Policy CS12 of the Core Strategy.

Neighbours Comments

- 8.16 Two neighbouring parties to the site have expressed concerns with the veracity of the application given the history of the site and neighbouring land to the rear of 2 Kiln Cottages. Whilst these concerns are acknowledged, the Council is required to make a judgement on the information submitted; namely that the proposals would be an agricultural storage building. As indicated above there is a lack of information justifying the use of the building its scale and nature. Furthermore, given the absence of any viable business case for the agricultural development on the site, the Council is not satisfied that the proposals support the rural economy and maintenance of the wider countryside in accordance with Policy CS5 of the Core Strategy.

9. CONCLUSION

- 9.1 There is a lack of justification for a building of this scale within the countryside and in the absence of this information, the proposed building in view of its scale, bulk, height and siting is considered to result in significant harm to both the Green Belt and Chilterns National Landscape.

10 RECOMMENDATION.

- 10.1 That planning permission is REFUSED for the following reasons.
- 1) The proposed building in view of its siting, scale, bulk, and height is considered to result in significant harm to the open character and appearance of the Green Belt contrary to the NPPF and Policy CS5 of the Core Strategy.
 - 2) The proposed building in view of its siting, scale, bulk, and height is considered to result in significant harm to the character and appearance of the Chilterns National Landscape contrary to the NPPF, Policies CS10, CS12, CS24 and CS25 of the Core Strategy, Saved Policy 97 of the Local Plan 1991-2011 and the Chilterns Building Design Guide SPD

APPENDIX A: CONSULTATION RESPONSES

| Consultee | Comments |
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| Wiigginton Parish Council | The Parish Council supports the application, which pays due regard to the established Chiltern vernacular with the appropriate design and use of materials |
| Contaminated Land Officer | Having reviewed the documents submitted in support of the above application and the Environmental and Community Protection (ECP) Team records I am able to confirm that there is no objection to the proposed development and no requirement for land contamination conditions. |
| Environmental Health | With reference to the above planning application, please be advised the Environmental Health Pollution Team have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, Air Quality and Invasive and Injurious Weeds which we respectfully |

request to be included in the decision notice.

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air

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| | <p>quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and (paragraph 35) “incorporates facilities for charging plug-in and other ultra-low emission vehicles”. Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.</p> <p>In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.</p> <p><i>Invasive and Injurious Weeds – Informative</i></p> <p>Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</p> |
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APPENDIX B: NEIGHBOUR RESPONSES

| Address | Comments |
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| 1 Kiln Cottages, Chesham Road | <p>We object to the proposals for the following reasons:</p> <p><u>Destruction of the Green Belt by Stealth Planning for Profit:</u></p> <p>The applicants no longer own their family home but do own the land around it, of which they have recently sold part. They sold the barn and garages at the rear of the plot for redevelopment. We did not object to this as the buildings were already in situ and it was a good use of a depreciating asset, and the UK needs houses.</p> <p>However, this new application means building a new barn from scratch on Green Belt land, which we object to. The planning application is for a barn, but this could later become another</p> |

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| | <p>application to change the barn into a dwelling, just as highlighted previously, and the green belt will slowly be eroded by stealth planning for profit. We all need housing, but we also need green spaces and should not sacrifice one for the other.</p> <p><u>Noise and loss of privacy:</u></p> <p>The previous barn conversion did cause noise and impacted upon our privacy during construction. The temporary road across within the field runs parallel long the length of and within 20ft of our garden. The driver of heavy vehicles such as tractors sit high up and can therefore see straight into our garden. The entrance to the field is close to our bedroom. We do not wish for heavy farm machinery to be sat idling and moving in and out of the field to this new barn.</p> <p><u>Highways safety issues with large vehicles entering and exiting the site:</u></p> <p>The entrance / exit gate for the field is proximal to and within 5m of our driveway. Previous construction caused safety issues with large vehicles pulling into and out of the site through the gate onto Chesham Road (Chesham Road at this point is a national speed limit zone). The above was only mitigated by having a second man to watch and stop the traffic. It will be unlikely that farming vehicles will have a second man to stop and block the road to open the gate, therefore constant entry and exit of large farming vehicles will again cause safety concerns.</p> <p>Neighbours' safety affected regarding visibility onto the highway: Vehicles will sit in this entrance / exit whilst opening gates or waiting to pull out etc, severely block our view when exiting our driveway, causing a safety hazard that currently does not exist as the field is unused and is Green Belt land.</p> <p><u>Other</u></p> <p>Barn storage attracting vermin close to residential housing: A barn built so close to housing will attract vermin. Especially if the barn is to be used for hay feed and seed storage.</p> |
| <p>Merrymeade Barn, Chesham Road</p> | <p>We note with some concern the application for the erection of an agricultural building at 'Kiln Meadow'. Whilst we welcome this small fallow piece of land being brought back into use, we object to the size, scale and nature of the proposed building.</p> <p>It would appear to be in direct contradiction to Planning Policy CS5 Green Belt as it does not meet any of the listed provisions. Specifically we note that it has not been proven to support the rural economy. The supporting statement provided gives no information as to the long term fiscal support to the rural economy and we question how 3 acres of grassland could provide a farm income?</p> <p>In examining the supporting statement, we cannot actually find any direct confirmation of the type of enterprise proposed. In fact, the major influence appears to be equestrian, which is not an agricultural</p> |

classification, or some domestic use in the distant past. (Although we also note the stables are not used).

In recent years the land has lain idle, except for the burning of the Applicants rubbish and garden waste and occasional land management by a local agricultural contractor, this seems to be at odds with the expressed intent.

As regards the need for a building, we question why the applicant needs one? They have garaging (vacant) on the extension of their land to the south, which is not shown on their submitted plan.

Furthermore, the current stable block would provide adequate hay storage as the land is too small to support adequately more than one or two ponies.

Ref:- "Managing Land for Horses" a SEEDA Publication -As a guide one hectare of land will be needed to support a 500kg horse where the objective is to provide year round turnout and all or most of its nutritional requirements from that land*. (South East England Development Agency)

Finally, we question why the applicant sold their existing stables, garages and associated buildings not 4 years ago for redevelopment, if this enterprise is so central to their family life? We request that the Planning Officer also addresses this aspect in considering the veracity of the application.