

ITEM NUMBER: 5a

24/01409/FUL	Construction of Agricultural Building	
Site Address:	Land at Upper Bourne End Lane	
Applicant/Agent:	Mr Kerai	Authorised Designs Ltd
Case Officer:	Robert Freeman	
Parish/Ward:	Bovingdon Parish Council	Bovingdon/Flaunden and Chipperfield
Referral to Committee:	This application has been referred to the Development Management Committee at the request of Councillor Riddick. Councillor Riddick has expressed concerns as to the appropriateness of the development in the Green Belt.	

1. RECOMMENDATION – That planning permission be GRANTED

2. SUMMARY

- 2.1 The use of the proposed building for agricultural purposes is entirely appropriate in the Green Belt in accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. It would support a small farming enterprise on the application site and the rural economy in accordance with Policy CS14 of the Core Strategy.
- 2.2 The proposals are acceptable in terms of their design, bulk, scale, height, use of materials and appearance and would not detract from the character and appearance of the countryside in accordance with Policies CS5, CS12 and CS25 of the Core Strategy.

3. SITE DESCRIPTION

- 3.1 The application site extends to some 1.62 hectares of agricultural land accessed via a track off Upper Bourne End Lane. The plot is located to the north east of Coleshill Wood and extends to the north western boundary of the wider land parcel forming fields off Upper Bourne End Lane.

4.0 PLANNING HISTORY

- 4.1 The application site benefits from planning permission for the construction of a barn and greenhouse with a total footprint of some 60m² (22/02561/FUL) This has not been implemented as a larger building is required. Permission for this development is extant until the 12th July 2026.
- 4.2 This proposal follows the refusal of planning application 23/02566/FUL for the construction of an ‘agricultural’ building on the site. This building had a footprint of 320m² and included areas for agricultural storage, toilets, a meeting room and space for educational purposes. The application was accompanied by a supporting letter from Little Learners Montessori nursery who wished to undertake educational visits to the site. This application was refused for the following reasons:

“The Council is not satisfied on the basis of the information provided that the proposed building would be solely for the purpose of agriculture nor would be proportionate to any agricultural use of the site. As such it does not consider the proposal to comprise appropriate development within the Green Belt in accordance with the exceptions at paragraph 149 of the NPPF. The proposals would be inappropriate development in the Green Belt contrary to the NPPF and Policy CS5 of the Core Strategy. Furthermore, in view of its scale, height and siting, the proposed building would be visually intrusive and

result in significant harm to the open character and appearance of the Green Belt in this location contrary to the NPPF and Policies, CS5, CS10, CS12, CS25 and CS26 of the Core Strategy. There are no very special circumstances in this case” and

“The Council is not satisfied that appropriate access and parking arrangements are included for all users of the site in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)”

4.3 The wider parcel of land off Upper Bourne End Lane is subject to an Article 4 Direction removing rights for the subdivision of the fields into smaller land parcels and erection of fences and means of enclosure. There are a number of enforcement cases relating to activities on the wider site including one for the removal of a number of storage containers associated with a pig breeding enterprise immediately adjacent to the site entrance.

4.4 The following other applications are of relevance:

4/02935/17/FUL – Planning permission was granted for the construction of two polytunnels and a barn on appeal on the 6th August 2019. These barns were to be located to the south of the application site and to the rear of a small group of residential units on Upper Bourne End Lane. The proposed buildings were to be constructed between a copse and Coleshiill Wood on the south western boundary to the area covered by the Article 4 Direction with access being take from the north western end of the access track across the site and perpendicular to Upper Bourne End Lane. Subsequent attempts to discharge (20/02947/DRC) or amend the conditions (20/02945/ROC) have been refused and the permission for these buildings has since lapsed.

20/03349/FUL – Planning permission was granted for the construction of an agricultural building and access track to the east of the application site. This application demonstrated that an area of some 4.05 ha was being utilised for arable farming, the growing of apples and honey production.

21/042323/RET – Planning permission was refused for the retention of three steel container and post and rail fences on land adjacent to the site on the grounds that:

1) The proposed buildings are not considered to be necessary for an agricultural use of land and as such are considered to constitute inappropriate development in the Green Belt contrary to paragraphs 149 and 150 of the NPPF and Policy CS5 of the Core Strategy.

2) The proposed buildings in view of their site coverage, scale, height and appearance are considered to result in substantial harm to the open character and appearance of the Green Belt. The proposed buildings do not appear to be designed for agricultural operations on the site and would be incongruous in the design. This would be contrary to Policies CS5, CS12 and CS25 of the Core Strategy.

An appeal against this refusal was dismissed on the 16th November 2022 (APP/A1910/W/22/3294517)

The application followed the earlier appeal of an enforcement notice served in respect of a change in use of the land for pig breeding. This notice was quashed (APP/A1910/C/20/3257704) on the basis that there had been no material change in use of the land. A new enforcement notice requiring the removal of the containers is currently subject to an appeal (APP/A1910/C/23/3315084)

5.0 PROPOSALS

- 5.1 The current application seeks permission for the construction of a new barn building within which the applicant would store agricultural machinery including a tractor, trailer and grass cutters and rollers. The applicant also intends to store equipment associated with the keeping of bees. The agricultural operations to be undertaken from the site include the general maintenance of the land, the growing of seeds and fruit together with the keeping of bees and harvesting honey. The scale of honey processing is not considered to be industrial in nature. The proposed building would measure some 16m x 10m and would be constructed from concrete panels with timber cladding beneath a metal profile clad pitched roof. The building would be located at the northern end of the access track with a small area of hard standing provided for the parking of vehicles.
- 5.2 The proposals would be an alternative to the agricultural building approved under 22/02561/FUL
- 5.3 The application is accompanied by a supporting statement detailing the equipment and size requirements for storage. The equipment includes a tractor, trailer, roller, mini digger and a battery storage area. Space is also allocated within the building for work benches with heat lamps/incubators, seed storage and storage and workspace associated with bee keeping. The applicants indicate that they have 20 bee hives.

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
CS25 – Landscape Character
CS26 – Green Infrastructure
CS29 – Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Soil and Water Quality
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

Supplementary Planning Guidance/Documents:

Car Parking Standards SPD (2020)
Energy Efficiency and Conservation
Hertfordshire County Council - Place and Movement Planning Design Guide
Landscape Character Assessment: Area 108: Bourne Gutter & Hockeridge Bottom
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 The application site is agricultural land and it is established in paragraph 154 of the NPPF that the construction of new buildings for agricultural and forestry would not comprises inappropriate development in the Green Belt. There should be no objections in principle to the proposals.
- 8.3 The building has been carefully justified on the basis of agricultural operations on the site. These operations include the general maintenance of the land, the growing of seeds and fruit together with the keeping of bees and harvesting honey. Space for the storage of a tractor and work spaces are identified on the submitted floor plan. I note that the scale of such buildings is not a determining factor as set out in *R (Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd [2016]* This judgement ruled that all such 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”

Layout and Design

- 8.4 The proposed building is considered to be appropriate in terms of its siting, scale, bulk, design, height and materials and would not, in the view of officers detract significantly from the visual amenities of the area in accordance with Policies CS5 and CS12 of the Core Strategy. The scale of the proposed building appears to be proportionate to the agricultural use of the land within the applicant’s ownership and use and its appearance is functional and rural in aesthetic. The cumulative impact of approved development at the wider land off Upper Bourne End Lane is also appropriate given the nature of activities undertaken and having regard to their lawful use.
- 8.5 The building would be located on the southern portion of the applicant’s land thereby minimising the need to undertake additional works to facilitate access the building and the harm to the appearance of the fields in accordance with Policies CS12 and CS25 of the Core Strategy. Whilst this is inevitably more prominent than the approved buildings alongside the northern boundary of the site and hedge thereto, it is no more intrusive in view of the topography, distance from public views and landscaping around the south western boundary.

Impact on Highway Safety and Parking

- 8.6 The use of the track for farming 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 Upper Bourne End Lane and vehicle movements are limited both on the site and on Upper Bourne End Lane.
- 8.7 The current access track provides an appropriate means of access to the wider site and although this does not extend up to the proposed siting of the building under consideration, the use of an unmade track thereafter by agricultural vehicles is not considered problematic.

Biodiversity Net Gain

- 8.8 The applicants have submitted a Biodiversity Net Gain Statement indicating that the proposed development will provide the 10% net gain in biodiversity required under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)
- 8.9 The biodiversity gains will be achieved on site through the provision of a line of 29 trees and the creation of an area of modified grassland as set out in the assessment by Cherryfield Ecology and the Biodiversity Matrix. There appears to be further scope to improve the overall biodiversity value of the site through landscaping to the site including the strengthening of existing hedgerows at the site perimeter and by soft landscaping screens to the proposed building. It is prudent to secure a biodiversity net gain plan and landscaping works through the use of a planning condition. It is considered appropriate that measures to discharge the landscaping condition seeking to reduce the visual impact of the development and its impact on the character and appearance of the countryside in this location. This would be in accordance with Policies CS12, CS25 and CS26 of the Core Strategy.

Impact on Ecology

- 8.10 There is no data to indicate the presence of protected species on the site as set out in the advice of the Hertfordshire Ecology Unit. The landscaping is such that the presence of protected species is considered low. The Ecology team have recommended a condition based on the pre-cautionary approach and this should be included within the conditions to be attached to this planning permission.
- 8.11 There are no reasons for the refusal of this application on ecological grounds. A standard landscaping condition should be sufficient to deliver improvements in the ecological and biodiversity value of the site.

Chilterns Beechwoods Special Area of Conservation

- 8.12 The application site is within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (SAC) The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Regulation 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to ensure that the integrity of the SAC is not adversely affected by new planning proposals.
- 8.13. Given the nature of the use of the building, the development should not lead to recreational pressure to the SAC and in this context no mitigation is required.

Other Material Planning Considerations

Contamination

- 8.14 The Council's scientific officer has been consulted in respect to claims regarding the historic land use of the site and potential for contamination. It is unlikely that the comments of this officer would result in a recommendation for the refusal of the application with such matters normally being addressed by the imposition of planning conditions. A precautionary approach should be undertaken to development on the site and in the event of contamination being encountered it would be recommended that works cease and that this team is consulted.

Sustainability

- 8.15 The applicants have indicated that they intend to utilise solar PV to meet the energy needs arising from the development, however there is no indication as to the location of these panels within the submitted plans and drawings. The applicants have also not provided a Sustainability checklist in accordance with Policy CS29 of the Core Strategy. .
- 8.16 It is considered that additional measures to reduce the use of energy, conserve water and respond to the challenges of climate change, natural resource depletion, habitat loss and wider environmental and social issues could be incorporated. Whilst some of these measures will be addressed through the submission of details under a landscaping condition and under the Building Regulations, it is considered that a specific condition requiring the submission of further details to address the requirements of Policies CS12, CS26, CS29, CS31 and CS32 is appropriate in this case.

Neighbours Comments

- 8.17 The Council in its consideration of planning applications on land off Upper Bourne End Lane is keen to avoid a proliferation of buildings and structures which cumulatively would have a significant detrimental impact upon the open character and appearance of the Green Belt in this locality. In doing so, applications for development have been closely scrutinised to identify bona-fide agricultural operations and distinguish such uses from alternative proposals in respect of the use of land and buildings.
- 8.18 The neighbour's concerns with the veracity of the proposals is noted, but the LPA has been provided a clear justification for the area of the proposed building having regard to the nature of the proposed agricultural use and space requirements for equipment. This has resulted in a substantial reduction in floor area since the initial submission of the application and during pre-application discussions. The current building is considered to provide the minimum floor space necessary for the undertaking of agricultural operations as proposed on this land.

9. CONCLUSION

- 9.1 The construction of the proposed building would be acceptable in accordance with the NPPF, Policies CS1 and CS5 of the Core Strategy. The scale and appearance of the building is appropriate for agricultural operations at the application site and would not result in an unsatisfactory appearance to the development. The proposals would support the rural economy in accordance with Policy CS14 of the Core Strategy

10 RECOMMENDATION.

- 10.1 That planning permission is GRANTED subject to the following planning conditions.

Conditions and Reasons:

1. **The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**UBEL PA.01 Revision B (Location Plan)
UBEL PA 02 (Block Plan)
UBEL PA 03 Revision D (Plans and Elevations)**

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **No construction of the building hereby permitted shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- all external hard surfaces within the site;
- other surfacing materials;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.);
- an assessment of the biodiversity value of the site,
- details of finished floor, ridge and eaves heights in respect of existing and proposed ground levels and neighbouring properties and
- details of any external lighting and associate lux levels
- retained historic landscape features and proposals for restoration, where relevant.

The approved planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: The condition is required prior to the commencement of works to ensure that the building is appropriately located on the site having regard to the change in topography. The condition is required to ensure a satisfactory appearance to the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy

4. **The development granted by this notice must not begin unless a Biodiversity Gain Plan has been submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in accordance with the approved Plan.**

Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure that the development provides biodiversity net gain if necessary in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (or as subsequently amended), or otherwise in accordance with Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2024). These details are required prior to commencement to ensure that the ecological and biodiversity enhancements can be achieved before construction works begin and to ensure statutory requirements are fulfilled.

5. The development shall not commence until a Landscape Ecological Management Plan (LEMP) / Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to and approved in writing by the local planning authority. These plans shall including:

- (a) a non-technical summary;**
- (a) the roles and responsibilities of the people or organisation(s) delivering the LEMP / HMMP**
- (b) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;**
- (c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and**
- (d) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,**

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (or as subsequently amended), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2024).

6 Notice in writing shall be given to the Council when the:

- (a) LEMP / HMMP has been implemented; and**
- (b) habitat creation and enhancement works as set out in the LEMP / HMMP have been completed.**

The building hereby approved shall not be used until:

- (a) the habitat creation and enhancement works set out in the approved LEMP / HMMP have been completed; and**
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.**

The created and/or enhanced habitat specified in the approved LEMP / HMMP shall be managed and maintained in accordance with the approved LEMP / HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (or as subsequently amended), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2024).

These details are required prior to commencement to ensure that the ecological and biodiversity enhancements can be achieved before construction works begin and to ensure statutory requirements are fulfilled.

- 7. Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks) works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.**

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Dacorum Borough Core Strategy and the National Planning Policy Framework (2024). The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

- 8. No development above slab level shall take place until full details of the sustainable construction measures incorporated within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details prior to use.**

Reason: To ensure that appropriate sustainable construction measures are incorporated in the design of the proposals in accordance with Policy CS29 of the Core Strategy.

- 9. The permission hereby approved is an alternative to planning permission 22/02561/FUL, which shall cease to have effect in the event of development having been commenced in respect of this scheme. Planning permission 22/02561/FUL shall not be constructed or shall be removed from the site in the event of the implementation of this permission.**

Reason: In the interests of the visual amenities of the Green Belt and in accordance with the NPPF and Policy CS5 of the Core Strategy.

INFORMATIVES

Article 35

Planning permission has been granted for this proposal. Advice given to the applicant at the pre-application stage has been followed. The Council has therefore acted pro-actively 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

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.

Invasive and Injurious Weeds - Informative

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>

Protected Species

If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

Contamination

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.

APPENDIX A: CONSULTATION RESPONSES

Consultee	Comments
Bovingdon Parish Council	Object – The proposals are detrimental to the openness of the Green Belt, proposed building is disproportionately large for the use and the overall site area.
Hertfordshire Constabulary	We do not have any formal comments to make in relation to this application. Should the client like crime prevention/security advice I would be happy to refer them to the rural policing team.
Hertfordshire Ecology Unit	Amended Comments:

These will be reported in the Addendum

Original Comments:

I am not aware of any existing habitat or species data for this site and this application is exempt from Mandatory Biodiversity Net Gain. The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption, but taking it on face value in this instance the requirement for mandatory 10% biodiversity gain does not apply.

After carrying out a rapid assessment of this application, we have concluded that the proposals are unlikely to have any significant ecological impacts, therefore the application can be determined accordingly. However, in the unlikely event that protected species are found, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted for the below species:

1. Bats
2. Great crested newts
3. Reptiles
4. Badgers
5. Nesting birds

"If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed."

Additional Comments

	<p>Our comment regarding BNG exemption is due to the applicant claiming the de-minimis BNG exemption for the above application. We are not undertaking any scrutiny of claimed exemptions as the validity of these should be assessed at the validation stage.</p> <p>You are correct in your assessment that the de minimis BNG exemption only applies to proposals that do not impact a priority habitat and impact less than 25 square metres (5m by 5m) of on-site habitat or 5 metres of on-site linear habitats such as hedgerows.</p> <p>Therefore, if the above proposal will impact habitat (such as the field) equating to greater than 25 square metres, it will indeed be subject to BNG requirements. As you say, biodiversity values of zero relate mostly to areas of hardstanding.</p>
Contaminated Land Officer	The Contaminated Land officer has been asked to comment on the concerns in respect of the historic use of the land.

APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
7 Bourne End Lane	<p>In consideration of this application, I ask you to take into account the following points.</p> <ol style="list-style-type: none"> 1. There is insufficient information on which a judgement can be made, 2. The small plot of land is part of what was once a large agricultural field which was divided into six plot. These were subsequently subdivided. Lot B2a is on such subdivision and is very small. 3. In 2016 the land was used by Bovis to dispose of waste from a nearby development. This was dumped on top of agricultural soil. Despite both DBC and the Environment Agency acknowledging that damage had been caused, no action was taken. 4. The land is part of an Article 4 Direction (Article 4 Directions: BUCKS CC ORDER. AMERSHAM RURAL & SURROUNDING AREAS) 5. The land is in the Green Belt and although not part of the AONB is part of the Chilterns. This is particularly significant given the doubling in size of the Bourne End community. 6. Lot B2a has been subject of a large number of planning applications ranging from polytunnels, snail tunnels and a health sanatorium. See history. 7. Planning permission 22/02561/FUL has already been given for an agricultural building and greenhouse. 8. The land is being offered for sale on Zoopla – https://www.zoopla.co.uk/for-sale/property/hemel-hempstead/uppe-

<bourne-end-lane/?q=Upper%20Bourne%20End%20Lane&results>

The application must be seen in the context of both the above points specific to Lot B2a and the degradation of the area of what was once valuable agricultural land. Fences, leylandii hedges, parking and access roads are removing the fundamentals of the green belt by stealth. Having not opposed the principle of removing land from the Green Belt for housing as in LA3, it is disheartening to see such unplanned erosion of remaining land.

Additional Comment:

These comments were made when the planning portal showed only one document for this application with no justification. Whilst the justification has now been provided, the points raised are still valid.