

ITEM NO: 6.1	<u>Location:</u>	The Node Farm, Drivers End, Codicote, SG4
	<u>Applicant:</u>	John Hill Holdings
	<u>Proposal:</u>	Use of agricultural buildings for B1 uses (as amended by site plan received 15.05.08).
	<u>Ref.No:</u>	07/01891/ 1
	<u>Officer:</u>	John Chapman

Date of expiry of statutory period : 15 October 2007

Reason for Delay (if applicable)

Associated Enforcement issues.

Reason for Referral to Committee (if applicable)

Buildings greater than 1000 square metres in floorspace.

1. Relevant History

- 1.1 An application for a Lawful Development Certificate for the use of former agricultural buildings for B1, B2 and B8 uses was withdrawn in July this year as the applicant was advised that "on the balance of probabilities" insufficient evidence had been provided for this application to be granted.

2. Policies

- 2.1 North Hertfordshire District Local Plan No 2 with Alterations

Policy 2 - Green Belt

Policy 25 - Re-use of Rural Buildings

Policy 55 - Car Parking Standards/Supplementary Planning Document: Vehicle Parking Provision at New Development.

- 2.2 Government Policy Advice

PPG 2 - Green Belts

PPS 7 - Sustainable Development in Rural Areas.

PPG 13 - Transport

3. Representations

- 3.1 Codicote Parish Council - " no objection "
- 3.2 Hertfordshire Highways - does not wish to restrict the grant of permission subject to the condition set out in my recommendation.

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is situated mid way between Bury Lane and Drivers End Lane

with access to the buildings being via a shared drive, which serves nearby dwellings and an equestrian use, from Mansells Lane. The buildings are situated on an elevated position from Bury/Mansells Lane but are relatively well screened by mature trees and hedging, such that the buildings are well hidden but where they are noticed are seen as forming part of an agricultural landscape.

4.2 **Proposal**

4.2.1 The application seeks permission for the use of four former agricultural buildings, totalling 1857 square metres in area, which have been used for commercial purposes on an unauthorised basis for a number of years, for B1 purposes.

4.3 **Key Issues**

4.3.1 The key issue to the determination of this application is whether the re-use of these former agricultural buildings is acceptable having regard to advice in PPS 7. In this respect the commercial use of these buildings had existed for a number of years without complaint. However, as a result of a tyre re-cycling use being established within the building to the south west of the site (identified as no 1 on the submitted plans) the unauthorised use of both this building and the four other buildings are subject to this application was uncovered by my Planning Compliance Officer.

4.3.2 In terms of advice in PPS 7 relating to the re-use of buildings in the countryside this is set out at paragraph 17 of this document. It states:

" The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable.....Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and other purposes, including mixed uses. These criteria should take account of:

- the potential impact on the countryside and landscapes and wildlife;
- specific local economic and social needs and opportunities;
- settlement patterns and accessibility to service centres, markets and housing;
- the suitability of different types of buildings, and of different scales, for re-use;
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character."

4.3.3 These buildings having been used for commercial purposes for many years and therefore the proposed use would not cause any greater impact upon the countryside and landscapes and wildlife than the previous uses. The proposed B1 uses would not give rise to any form of pollution and by restricting the hours of operation and any open storage within the site I consider the proposed use of these buildings and the type of operation proposed would make efficient use of buildings, which due to their construction, materials and location would be unsuitable for conversion to either social facilities, B2 or B8 purposes or for residential use. For this reason I consider the use of the buildings for B1 purpose provides the most appropriate alternative use for buildings which were built for agricultural purposes, but for which there has been no such need for many years. Accordingly, given another use for these buildings should be found, since to leave them empty and unused would be contrary to the thrust of Government advice set out in PPS 7, I consider the use of these buildings for B1 purposes achieves the best solution. In addition it has helped to diversify the rural economy in this part of the countryside. Furthermore, consultations with the Highway Authority have led them to conclude that the traffic generation from this use would not conflict with sustainable transport

objectives.

4.3.4 Insofar as parking is concerned the Council's maximum standards require 1 car space for each 30/35 square metres of floorspace and 1 cycle space per 500 square metres of floorspace. On this basis I am satisfied that the submitted plans indicate adequate parking provision would be available within the site. Cycle parking facilities can be controlled under the condition set out in my recommendation.

4.3.5 Accordingly, given the lack of objection from the Highway Authority, Parish Council, the nearest neighbouring property and its general compliance with PPS 7 advice I do not consider there are any sustainable planning grounds to object to this application.

4.4 **Conclusion**

4.4.1 The use of these buildings seem to have been used for commercial purposes for a number of years without restriction or complaint, prior to the tyre recycling use commencing within the adjoining unit. Having regard to the planning history and advice at PPS7 I do not consider the uses would cause any significant harm, particularly with the conditions restricting the hours of operation and open storage which are recommended in the event that permission is granted.

5. Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6. Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The use hereby approved shall only take place between the hours of 8.00am and 7.00pm on Mondays to Fridays, 8.00am and 1.00pm on Saturdays and not at all on Sundays and Public holidays.

Reason: The use is located in close proximity to a residential property and the restriction of activity is necessary to ensure that the residents of that property can continue to expect to enjoy times of reasonable peace and quiet.

3. No goods, waste or other materials shall be stored in the open outside of the buildings.

Reason: To protect the openness of the Green Belt and to assist in safeguarding the countryside from encroachment.

4. Within 6 months of the permission, hereby granted, the parking and turning areas as shown on the approved drawing shall be provided, marked out and ready for use and shall be retained in that form and kept available for the purposes of the development and maintained thereafter.

Reason: To ensure the development makes adequate provision for parking and manoeuvring of vehicles likely to be associated with its use.

5. Within 6 months of the permission, hereby granted, lockable cycling facilities for 7 cycles shall be provided within the site.

Reason: To promote sustainable means of transport for employees using the premises.

Reason for Decision

The development, hereby permitted, would not harm Green Belt policy objectives, the visual amenity of the locality, the residential amenity of any neighbouring dwelling, result in any highway dangers in the vicinity of the site or give rise to any significant sustainable transport issues and, as such, complies with the relevant provisions of the development plan and government policy advice, as summarised below:

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