

# PLANNING COMMITTEE

## NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 22 May 2025 at 7.30 pm

Members of the Planning Committee:-

*Committee members will be appointed at Annual Council on 20 May 2025*

*Joanne Wagstaffe, Chief Executive  
Wednesday, 14 May 2025*

The Council welcomes contributions from members of the public to aid discussions on agenda items at Planning Committee meetings.

Details of the procedure are provided below:

For those wishing to speak:

Please note that, in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning Committee.

Members of the public are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to speak can arrive on the night from 7pm to register with the Committee Manager. One person can speak in support of the application and one against.

Please note that contributions will be limited to no more than three minutes.

For those wishing to observe:

Members of the public are welcome to attend the meetings. If you wish to observe you can arrive on the night from 7pm.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

**1. Apologies for Absence**

**2. Minutes**

(Pages 5 - 10)

To confirm as a correct record the minutes of the Planning Committee meeting held on 17 April 2025.

**3. Notice of Urgent Business**

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

**4. Declarations of Interest**

To receive any declarations of interest.

**5. 24/1401/FUL – Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates; fencing and associated alterations to parking layout at Christ Church C OF E School, Rickmansworth Road, Chorleywood, Rickmansworth, Hertfordshire WD3 5SG** (Pages 11 - 34)

Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates; fencing and associated alterations to parking layout at Christ Church C OF E School, Rickmansworth Road, Chorleywood, Rickmansworth.

Recommendation: that planning permission be granted.

**6. 24/1670/FUL – Part single, part two-storey rear extensions, front porch alterations; alterations to roof to allow habitable accommodation including removal of chimney and increase in ridge height, rear dormers and roof lights; alterations to fenestration and internal alterations; construction of two-stepped rear patio area; construction of basement; alteration of existing garage to allow use as part garage, part annexe, including extension to existing garage and roof alterations to allow for habitable accommodation including increase in ridge height, dormers and roof lights; erection of an outbuilding to the rear at Banstead Down, Old Chorleywood Road, Rickmansworth, Hertfordshire WD3 4EH** (Pages 35 - 56)

Part single, part two-storey rear extensions, front porch alterations; alterations to roof to allow habitable accommodation including removal of chimney and increase in ridge height, rear dormers and roof lights; alterations to fenestration and internal alterations; construction of two-stepped rear patio area; construction of basement; alteration of existing garage to allow use as part garage, part annexe, including extension to existing garage and roof alterations to allow for habitable accommodation including increase in ridge height, dormers and roof lights; erection of an outbuilding to the rear at Banstead Down, Old Chorleywood Road, Rickmansworth.

Recommendation: That planning permission be granted.

7. **25/0154/FUL and 25/0155/LBC – demolition of concrete shed and part demolition of cart shed adjoining The Black Barn; construction of front/side extension; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; change of use from agriculture to a mixed commercial use and community uses, provision of education, public hall, exhibition hall and as a public meeting place; widening of access off Denham Way at Woodoaks Farm, Denham Way, Maple Cross, Rickmansworth WD3 9XQ** (Pages 57 - 124)

25/0154/FUL – Demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b)); widening of access off Denham Way at Woodoaks Farm Denham Way Maple Cross Rickmansworth.

and

25/0155/LBC - Listed Building Consent: Demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b)); widening of access off Denham Way.

Recommendation for 25/0154/FUL: that authority is delegated to the Head of Regulatory Services, following the completion of a S106 agreement securing the Heads of Terms set out below (and subject to any minor alterations to those terms as agreed between the Head of Regulatory Services and the Planning Committee Chairman), to grant planning permission subject to conditions.

Recommendation for 25/0155/LBC: that Listed Building Consent be granted subject to conditions.

8. **25/0651/ADV - Advertisement Consent: Installation of a welcome sign at Rickmansworth Aquadrome (Riverside Drive pedestrian and cycle entrance) at Rickmansworth Aquadrome, Riverside Drive, Rickmansworth, Hertfordshire WD3 1NB** (Pages 125 - 140)

Advertisement consent: installation of a welcome sign at Rickmansworth Aquadrome (Riverside Drive pedestrian and cycle entrance) at Rickmansworth Aquadrome, Riverside Drive, Rickmansworth.

Recommendation: that subject to no new material planning considerations being raised during the open consultation period, advertisement consent be granted subject to conditions.

**9. 25/0658/FUL - Conversion of existing garage to habitable accommodation including alterations to fenestration and extension to existing hardstanding to frontage at 10 Oak Green, Abbots Langley, Hertfordshire WD5 OPG**

(Pages 141 - 152)

Conversion of existing garage to habitable accommodation including alterations to fenestration and extension to existing hardstanding to frontage at 10 Oak Green, Abbots Langley.

Recommendation: that subject to no new material planning considerations being raised during the open consultation period, full planning permission be granted subject to conditions.

**10. Other Business - if approved under item 3 above**

**Exclusion of Public and Press**

If the Committee wishes to consider any items in private, it will be appropriate for a resolution to be passed in the following terms:

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items).

**General Enquiries: Please contact the Committee Team at**  
[committeeteam@threerivers.gov.uk](mailto:committeeteam@threerivers.gov.uk)





## Planning Committee MINUTES

**Of a meeting held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 17 April 2025 from 7.30 - 9.25 pm**

**Present:** Councillors Chris Whately-Smith (Chair), Elinor Gazzard, Steve Drury, Andrea Fraser, Philip Hearn, Stephen King, Chris Lloyd, Abbas Merali, Chris Mitchell, Debbie Morris and Sarah Nelmes

**Also in Attendance:**

Councillor Narinder Sian

**Officers in Attendance:**

Matthew Barnes, Planning Solicitor  
Clara Loveland, Senior Planning Officer  
Emma Lund, Senior Committee Officer  
Kimberley Rowley, Head of Regulatory Services  
Scott Volker, Principal Planning Officer  
Claire Westwood, Development Management Team Leader

**External in Attendance:**

Parish Councillor Diana Barber (Batchworth Community Council), Parish Councillor Jon Bishop (Chorleywood Parish Council), Parish Councillor Jon Tankard (Abbots Langley Parish Council) and Parish Councillor Marianne Tankard (Abbots Langley Parish Council).

**PC129/25 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Davies. Councillor Nelmes substituted for Councillor Davies.

**PC130/25 MINUTES**

The minutes of the meeting of the Planning Committee held on 20 March 2025 were confirmed as a correct record and signed by the Chair.

**PC131/25 NOTICE OF URGENT BUSINESS**

There were no items of urgent business.

**PC132/25 DECLARATIONS OF INTEREST**

Councillor Fraser declared a non-pecuniary interest in agenda item in agenda item 8 (24/1401/FUL: Christ Church C of E School, Rickmansworth Road, Rickmansworth) as a governor of St Mary's School which is part of the same academic Trust. Councillor Fraser declared that she would leave the meeting whilst the application was discussed and would not participate in determining it.

**PC133/25      24/0829/FUL - CHANGE OF USE FROM CLASS E(A) TO MIXED USE FOR RESTAURANT AND TAKEAWAY (CLASS E(B) AND SUI GENERIS); ADDITION OF HVAC PLANT, PROVISION OF VEHICULAR ACCESS FROM NORTHWAY ACCOMMODATING MOTORCYCLE AND CYCLE PARKING WITH ASSOCIATED WORKS AT 94 – 102 HIGH STREET, RICKMANSWORTH WD3 1AQ**

The application was for change of use from Class E(a) to mixed use for restaurant and takeaway (Class E(b) and Sui Generis); addition of HVAC plant, provision of vehicular access from Northway accommodating motorcycle and cycle parking with associated works at 94 – 102 High Street, Rickmansworth.

The Planning Officer provided updates as follows:

- Eight additional comments had been received since the publication of the officer's report. All of the issues raised were already considered in the report.
- Condition 11 relating to courier delivery hours had been amended to align with the closing hours for the premises as set out in Condition 10. The amendment restricted courier deliveries to between 8am to 11pm Monday to Saturday (inclusive) and 8am to 10pm on Sundays and Bank Holidays. Paragraph 9.3.36 of the report had not factored in the suggested reduced store opening hours when considering courier delivery hours and therefore should include reference to the reduced store hours on Sundays and Bank Holidays.
- An informative relating to the restoration of the historic plaque on the principal elevation is missing and should be added in the event that planning permission is granted.
- The application had previously come before the Committee in December 2024 and had been deferred at that meeting to allow for the provision of additional information. The requested information was included, and issues addressed, within the officer's report.

Parish Councillor Diana Barber of Batchworth Community Council spoke on the application.

A local resident spoke against the application.

The agent spoke in favour of the application.

Committee Members asked questions about the detail of the application which were responded to by officers. The Committee's discussions included the following:

- All refuse generated by the store would be kept inside the building until it is collected by McDonald's private waste contractor. This included refuse which was collected during the regular litter pickings. There were two mixed recycling bins and 12 standard bins on the High Street. Refuse which was disposed of by customers off premises in the standard bins would not be recycled; however, the provision of additional recycling bins on the High Street was a matter for the Council rather than the applicant.
- There was no on-street parking at the site, and so contractors would be obliged to park off site during the construction phase, likely using public car parking facilities. A Construction Method Statement had been conditioned which would require details to be provided.
- The proposal would involve bringing back into use a premises which occupies a prominent space in the High Street and which was currently empty. By attracting customers to the High Street it may also bring benefits to other businesses.
- Some Committee Members expressed concern for the amenity of local residents, particularly in relation to noise disturbance arising from courier deliveries continuing until

11pm on Mondays to Saturdays (inclusive). The Planning Officer outlined the data which had been included in the applicant's Transport Assessment to assess the noise impact on nearby residents when compared against the ambient noise level on the High Street. The Planning Officer confirmed that the Environmental Health Officer had not raised any objection to the proposal to continue courier collections until 11pm, and mitigation to 10pm on Sundays and Bank Holidays was considered sufficient. However, it was open to Members to propose amendment to the hours of operation if considered necessary to make the application acceptable on planning grounds.

- The behaviour of third-party couriers outside the site premises would not be within the applicant's direct control, although there were mechanisms which could be used to address any identified issues with the third-party provider. Drivers were incentivised to arrive and depart from the site quickly as they were paid per delivery, and the proposal had been designed with specific consideration towards courier delivery. The turnaround time for couriers was expected to be very short. At the request of Committee Members, officers undertook to review the wording of Condition 6(a) to assess whether there was scope to require any additional information in relation to the management of courier behaviour, with revised wording to be circulated to the Committee after the meeting as required.
- Delivery and waste collection vehicles would be expected to use the loading bay directly in front of the application site.

Councillor Nelmes moved, and Councillor Lloyd seconded, approval of the application subject to conditions and (i) amendment to Condition 11 to require that any courier pick-up in association with a takeaway delivery shall only be carried out between 08:00 to 22:30 Monday to Saturday (inclusive) and 08:00 to 22:00 on Sundays and Bank Holidays; (ii) addition of an informative regarding restoration of the historic plaque; and (iii) amendment to the wording of Condition 6(a) in relation to the management of courier behaviour. On being put to the vote this was agreed, the voting being 10 in favour, 1 against, 0 abstentions.

**RESOLVED:** that planning permission be granted subject to conditions and (i) amendment to Condition 11 to require that any courier pick-up in association with a takeaway delivery shall only be carried out between 08:00 to 22:30 Monday to Saturday (inclusive) and 08:00 to 22:00 on Sundays and Bank Holidays; (ii) addition of an informative regarding restoration of the historic plaque; and (iii) amendment to the wording of Condition 6(a) in relation to the management of courier behaviour.

**PC134/25      24/0832/ADV – ADVERTISEMENT CONSENT: INSTALLATION OF 1 NO. ACRYLIC WHITE EXTERNALLY ILLUMINATED "MCDONALD'S" LETTERSET, 1 NO. YELLOW VINYL "GOLDEN ARCH" APPLIED EXTERNALLY TO GLAZING, 1 NO. EXTERNALLY ILLUMINATED PROJECTION SIGN, 6 NO. PARKING SIGNS AND 1NO. RAILING SIGN AT 94 – 102 HIGH STREET, RICKMANSWORTH, HERTFORDSHIRE WD3 1AQ**

The application was for advertisement consent for installation of 1 no. acrylic white externally illuminated "McDonald's" letterset, 1 no. yellow vinyl "Golden Arch" applied externally to glazing, 1 no. externally illuminated projection sign, 6 no. parking signs and 1no. railing sign at 94 – 102 High Street, Rickmansworth.

The Planning Officer reported that there were no updates in relation to the application. The application had been considered by the Committee in December 2024 and had been deferred at that meeting to allow for consideration alongside the associated full planning application. At the December meeting Committee Members had discussed the hours of illumination, and a condition (C2) had been added to restrict the hours of illumination to the opening hours of the establishment.

Councillor Diana Barber of Batchworth Community Council spoke on the application.

Committee Members asked questions about the detail of the application which were responded to by officers.

The reduction in letter sizing was welcomed given the site's location in the Conservation Area.

Councillor Hearn moved, and Councillor Nelmes seconded, approval of the application subject to conditions. On being put to the vote this was carried, the voting being 10 for, 0 against, 1 abstention.

**RESOLVED:** that advertisement consent is granted subject to conditions.

**PC135/25      24/1384/RSP – PART RETROSPECTIVE: CHANGE OF USE OF LAND TO PROVIDE FOR 11NO. PITCHES FOR RESIDENTIAL PURPOSES TOGETHER WITH THE FORMATION OF HARDSTANDING AND ERECTION OF A DAYROOM BUILDING AT LITTLE LIZ, OLD HOUSE LANE, KINGS LANGLEY WD4 8RS**

The application was part retrospective for change of use of land to provide for 11no. pitches for residential purposes together with the formation of hardstanding and erection of a dayroom building at Little Liz, Old House Lane, Kings Langley.

The Planning Officer reported that Condition 9 was to be amended to include reference to existing stored materials to be used in the construction of the dayroom and two redundant caravans located in the northern part of the site which were to be removed.

Parish Councillor Jon Tankard of Abbots Langley Parish Council spoke on the application.

Committee Members asked questions about the detail of the application which were responded to by officers. The Committee's discussions included the following:

- Following changes to the NPPF, the site was now considered to be 'Grey Belt'.
- There was no statutory requirement for a Biodiversity Net Gain to be provided as part of the scheme, but provision of a landscaping scheme was conditioned, to ensure that this was sufficient and adequate.
- The gated entrance to the site adjacent to Langleybury Lane was not a lawful access and had no dropped kerb. It was therefore considered appropriate that an additional condition should be added requiring all pedestrian and vehicular access to be via Old House Lane.
- There was an identified need for more residential pitches within the District, and there was benefit in providing these within an existing site.

Councillor Nelmes moved, and Councillor King seconded, approval of the application subject to conditions and (i) amendment to Condition 9 to include reference to the existing stored materials and two redundant caravans located in the northern part of the site which are to be removed and (ii) an additional condition requiring all vehicular and pedestrian access to be via Old House Lane. On being put to the vote this was carried unanimously.

**RESOLVED:** that the application be approved subject to conditions and (i) amendment to Condition 9 to include reference to the existing stored materials and two redundant caravans located in the northern part of the site which are to be removed and (ii) an additional condition requiring all vehicular and pedestrian access to be via Old House Lane.

**PC136/25      24/1401/FUL – DEMOLITION OF EXISTING FRONT BOUNDARY WALL AND ERECTION OF REPLACEMENT WALL AND RAILINGS INCLUDING VEHICLE AND PEDESTRIAN GATES; FENCING AND ASSOCIATED ALTERATIONS TO PARKING**

**LAYOUT AT CHRIST CHURCH C OF E SCHOOL, RICKMANSWORTH ROAD,  
CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE WD3 5SG**

Councillor Fraser left the meeting room.

The application was for demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates; fencing and associated alterations to parking layout at Christ Church C of E School, Rickmansworth Road, Chorleywood, Rickmansworth.

The Planning Officer reported that Chorleywood Parish Council had been re-consulted on the amended plans and advised that it wished to withdraw its call-in. Whilst the Parish Council felt that the proposal still resulted in harm to the conservation area, it considered that this had been reduced such that on balance the public benefits probably outweighed the harm.

The Planning Officer also reported that the Designing Out Crime Officer at Hertfordshire Constabulary had advised that they had visited the school in November 2021 to review the security and safeguarding, and from a crime prevention and security perspective they would support this application for a replacement perimeter wall and fencing.

Parish Councillor Jon Bishop of Chorleywood Parish Council spoke on the application.

Committee Members asked questions about the detail of the application which were responded to by officers. The Committee's discussions included the following:

- The safeguarding concerns, and the current poor condition of the wall, were recognised. However, the wall was an integral part of the setting of Christ Church, which was a Grade II\* listed building. Several Committee Members considered that by virtue of its height and design the proposed replacement did not retain the character of the existing wall or the designated heritage asset.
- Conditions would be included to require the submission of proposed materials and the re-purposing of salvageable flint to ensure that the materials used were as sensitive as possible to the surrounding Conservation Area and the setting of the listed church, albeit that the wall would be of a greater height than the existing.
- Officers considered that the proposal provided benefits which outweighed the identified low level of less than substantial harm to designated heritage assets.
- A Committee Member noted that the Conservation Officer had commented that the option to repair and rebuild only damaged sections of the wall had not been clearly explored. It was recommended that this should be investigated with the applicant.
- Committee Members also requested that further information should be sought from the applicant in relation to specific safeguarding concerns, including the number and nature of any incidents, in order to help assess whether the harm to the heritage asset arising from the proposal was justified.

Councillor Morris moved, and Councillor Lloyd seconded, that the application be deferred to allow for further discussions with the applicant regarding the height and design of the proposal. On being put to the vote this was carried, the voting being 6 in favour, 0 against, 4 abstentions.

**RESOLVED:** that the application be deferred to allow for further discussions with the applicant regarding the height and design of the proposal.

Councillor Fraser re-joined the meeting.

**PC137/25      24/1670/FUL – PART SINGLE, PART TWO-STOREY REAR EXTENSIONS, FRONT PORCH ALTERATIONS; ALTERATIONS TO ROOF TO ALLOW HABITABLE ACCOMMODATION INCLUDING REMOVAL OF CHIMNEY AND INCREASE IN RIDGE HEIGHT, REAR DORMERS AND ROOF LIGHTS; ALTERATIONS TO FENESTRATION AND INTERNAL ALTERATIONS; CONSTRUCTION OF TWO-STEPPED REAR PATIO AREA; CONSTRUCTION OF BASEMENT; ALTERATION OF EXISTING GARAGE TO ALLOW USE AS PART GARAGE, PART ANNEXE, INCLUDING EXTENSION TO EXISTING GARAGE AND ROOF ALTERATIONS TO ALLOW FOR HABITABLE ACCOMMODATION INCLUDING INCREASE IN RIDGE HEIGHT, DORMERS AND ROOF LIGHTS; ERECTION OF AN OUTBUILDING TO THE REAR AT BANSTEAD DOWN, OLD CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE WD3 4EH**

The application was for part single, part two-storey rear extensions, front porch alterations; alterations to roof to allow habitable accommodation including removal of chimney and increase in ridge height, rear dormers and roof lights; alterations to fenestration and internal alterations; construction of two-stepped rear patio area; construction of basement; alteration of existing garage to allow use as part garage, part annexe, including extension to existing garage and roof alterations to allow for habitable accommodation including increase in ridge height, dormers and roof lights; erection of an outbuilding to the rear at Banstead Down, Old Chorleywood Road, Rickmansworth.

The Planning Officer reported that there were no updates.

Parish Councillor Diana Barber of Batchworth Community Council spoke on the application.

A local resident spoke against the application.

Committee Members asked questions about the detail of the application which were responded to by officers.

Several Committee Members expressed concerns regarding the size, massing and bulk of the proposal, and the potential impact on neighbouring amenity resulting from a loss of light.

Councillor Fraser proposed, and Councillor Gazzard seconded, deferral of the application to allow for a site visit. On being put to the vote this was carried, the voting being 10 for, 0 against, 1 abstention.

**RESOLVED:** that the application be deferred to allow for a site visit.

**PC138/25      25/0288/FUL - ERECTION OF A SINGLE STOREY DETACHED BUILDING FOR EDUCATIONAL PURPOSES AT CHORLEYWOOD MONTESSORI SCHOOL, CHORLEYWOOD HOUSE ESTATE, RICKMANSWORTH ROAD, CHORLEYWOOD WD3 5SL**

The application was for erection of a single storey detached building for educational purposes at Chorleywood Montessori School, Chorleywood House Estate, Rickmansworth Road, Chorleywood.

The Planning Officer reported that the application was before the Committee as Three Rivers District Council was the land owner. The Council's Property Services section had confirmed that it had no objection to the application.

Councillor Hearn moved, and Councillor Lloyd seconded, approval of the application subject to conditions. On being put to the vote this was carried unanimously.

**RESOLVED:** that the application be approved subject to conditions.

**CHAIR**

## PLANNING COMMITTEE – 22 MAY 2025

**24/1401/FUL – Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates; fencing and associated alterations to parking layout at CHRIST CHURCH C OF E SCHOOL, RICKMANSWORTH ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5SG.**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 13.11.2024  
Extension of Time: 21.04.2025

Ward: Chorleywood North & Sarratt  
Case Officer: Tom Norris

**Recommendation:** That Planning Permission be granted.

Reason for consideration by the Committee: Called to Committee by three members unless Officers are minded to refuse. Members cited heritage impact and that the site was adjacent to a public open space.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJ81ZZQFL2Y00>

**The application was deferred by the Planning Committee in April 2025 for officers' to seek further information. This is discussed at 7.1 below.**

### **1 Relevant Planning History**

- 1.1 24/0449/FUL - Christ Church C Of E School, Rickmansworth Road, Chorleywood, Rickmansworth, Hertfordshire, WD3 5SG - 16.05.2024 – Permitted.
- 1.2 23/1518/FUL – Construction of single storey front extension - 03.11.2023 – Permitted
- 1.3 19/1258/FUL – Installation of a single storey timber outbuilding to be used as additional classroom space – 12.09.2019 – Permitted.
- 1.4 18/1679/FUL - Replacement rooflights - 10.10.2018 – Permitted.
- 1.5 13/2313/FUL - Replacement windows, external doors, rooflights, fascias and soffits - 28.02.2014 – Permitted.
- 1.6 13/0847/FUL - Infill of existing courtyard and new main entrance with glazed porch - 25.06.2013 – Permitted.
- 1.7 03/0743/FUL - Erection of a detached store building
- 1.8 02/00303/FUL - Covered way to side
- 1.9 99/1689/CAC - Demolition of part and alterations to wall and gates
- 1.10 98/0508 - Single storey extension
- 1.11 97/0400 - Extension to nursery block and relocation of playground
- 1.12 8/140/93 - Single storey classroom and covered link
- 1.13 8/70/93 - New classroom extension
- 1.14 8/39/90 - Retention of mobile classroom

- 1.15 8/224/89 - Construction of car park with timber bollards
- 1.16 8/355/86 - Mobile classroom
- 1.17 8/545/81 - Erection of storage building, Christ Church vicarage
- 1.18 8/102/81 – Garage
- 1.19 8/567/80 - Temporary classroom unit
- 1.20 8/684/76 - Alterations to window to form door
- 1.21 8/204/76 - Covered play area Juniors
- 1.22 8/203/76 - Covered play area Infants

## **2 Description of Application Site**

- 2.1 The application site consists of school buildings and land located approximately 60m to the south of Rickmansworth Road.
- 2.2 The application site is located within the Chorleywood Common Conservation Area and the Metropolitan Green Belt. To the north of the site is a church building, Christ Church which is Grade II\* Listed. To the west of the application site is Chorleywood Cricket Ground and woodland beyond which forms part of Chorleywood Common.
- 2.3 The school buildings within the application site consist of a two-storey Victorian building, sited in the northwestern side of the site, and a more contemporary single storey building with flat roofs of varying height, sited further to the south-east. To the south of the buildings is a hardstanding parking/playground area with paved footpaths leading around the buildings and providing access.
- 2.4 The site is enclosed to its western boundary by a low wall (approximately 1.2m in height). The wall is made up of sections of flint wall, and red brick piers and is subject to this application.

## **3 Description of Proposed Development**

- 3.1 Planning permission is sought for the demolition of the existing front boundary wall and the erection of a replacement wall and railings including vehicle and pedestrian gates, and fencing.
- 3.2 It is proposed that a 58m stretch of wall, which encloses the western boundary of the school and fronts the gravel car park and cricket pitch to the west, is demolished. As noted above, this wall is approximately 1.2m in height and is made up of sections of flint wall, and red brick piers.
- 3.3 It is proposed that a new wall is constructed in its place. The new wall would be positioned in the exact same location. The proposed wall would consist of 0.4m by 0.4m brick piers of 2.0m in height (2.1m including pier cap). The wall would consist of 3.0m long and 0.9m high walls between the piers. These would be predominantly flint, with two courses of facing brick at the base, and one course of brick and a half round coping brick cap at the top. Above the walls, the piers would be enclosed by black powder coated railings which would have a height of 1.1m, making the total height of the wall and railing sections up to 2.0m.
- 3.4 Within the new wall there would be two pedestrian gates and a vehicle gate, which would match the railings. The pedestrian gates would have a width of 1.4m and 2.0m, and the vehicle gate would have a width of 3.5m. The gates would have an overall height of 2.0m to match the rest of the wall and railings height.



- 3.5 To the northern site boundary, between the start of the proposed wall and the corner point of the new church building, it is proposed that a 9.0m length of 2.0m high “v-mesh” black powder coated fencing is erected.
- 3.6 A 6.5m length of 2.0m high “bow-top” black powder coated fencing is proposed to be erected between the wall and school building to the northern section of the site. Approximately half-way along the length of proposed wall, a 14.0m length of 2.0m high “bow-top” black powder coated fencing is proposed to be erected, adjoining the wall and school building. A 26.0m length of 2.0m high “bow-top” black powder coated fencing is proposed to be erected along the southern site boundary. There would be pedestrian gates within the fencing inside the school.
- 3.7 Amended plans were received during the application which proposed a flint wall design, as opposed to a primarily brick structure with some flint detailing. The scale and proportions of the wall remained as originally proposed and described above.

## **4 Consultation**

### **4.1 Statutory Consultation**

- 4.1.1 The application was subject to consultation upon original submission on 24.09.2024, and on amended plans on 05.03.2025. Comments from consultees who responded to both consultations are set out below.

- 4.1.2 Conservation Officer: [Objection – low level of less than substantial harm]

#### Comments on original scheme

*The application site is located within Chorleywood Common Conservation Area and is identified within Character Zone A of the Conservation Area, along Rickmansworth Road/Chenies Road. Christ Church itself is a Grade II\* listed building and an important feature within the Conservation Area, with knapped flint exterior referred to in the conservation area guidance and Historic England listing description. The school is not nationally or locally listed, but more recent buildings on site have used a knapped flint finished and high gables in reference to the existing character.*

*The flint wall that would be demolished as part of the application is highlighted in the Chorleywood Common Conservation Area Appraisal, in the guidance to Character Zone A and in its current form, the wall enhances the character of the Conservation Area and Grade II\* listed Christ Church.*

*NPPF paragraph 200 requires an applicant to describe the significance of any heritage assets affected including the contribution made by their setting. This has not been provided with the submission and while historic plans show a perimeter wall in this location, the age and significance of the wall has not been described in the submission, which would be required to fully inform an assessment of the proposal.*

*Nevertheless, it has been possible to assess the proposal. While the significance of the existing wall has not been established, as an attractive feature finished in flint, it is considered to positively contribute to the character and appearance of the Conservation Area and the setting of the Grade II\* listed Christ Church.*

*The loss of the wall and its replacement with a primarily brick structure would fail to preserve or enhance the character and appearance of designated heritage assets and would result in less than substantial harm as per paragraph 208 of the NPPF. The use of railings in combination with the existing wall may be acceptable, subject to a heritage assessment.*

*Overall, the proposal would result in less than substantial harm to designated heritage assets which has not been justified. As such, the proposal is contrary to Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.*

#### Comments on amended scheme

*This application is for: Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates.*

*The application site is located within Chorleywood Common Conservation Area and is identified within Character Zone A of the Conservation Area, along Rickmansworth Road/Chenies Road. Christ Church itself is a Grade II\* listed building and an important feature within the Conservation Area, with knapped flint exterior referred to in the conservation area guidance and Historic England listing description. The school is not nationally or locally listed, but more recent buildings on site have used a knapped flint finished and high gables in reference to the existing character.*

*This is an updated consultation response in relation to revised plans registered on 26th February 2025.*

*In the first iteration of plans, the existing flint wall would be demolished. The loss of this wall and its replacement with a primarily brick structure was found to be harmful to the designated heritage assets and was not supported in heritage terms.*

*The update has provided updated documents to show that the wall is in a damaged condition and that there is a need for a taller and more robust boundary treatment for school security. In addition, the proposed plans and elevations now show a wall that is finished in both brick and stone on the side facing the public car park, with half round coping brick and on the school side it would be wholly brick. It would have brick piers, railings and a large vehicle gate all to a height of approx. 2m.*

*The new proposal is an improvement on the previous proposal due to the use of flint on one side. However, due to the tall brick piers, railings and gates, it will not enhance this part of the Conservation Area or the setting of the listed church which have a more open and semi-rural character.*

*While it is noted that there are signs of deterioration to the existing wall, one of the concerns in the initial Conservation Officer response was that the historic significance of the existing wall has not been described and while it clearly has some modern elements, it is not clear if this is limited to certain sections or the entire wall. The option to repair and rebuild only damaged sections has not been clearly explored and a rebuilding of the existing wall with a fence to the rear would be a preferred option in heritage terms.*

*If the scheme were recommended for approval, existing stonework and any other historic materials should be salvaged as much as possible, and a method statement related to this should be secured via planning condition and all other materials secured via condition as well.*

*Overall, while the proposal is an improvement on the previous, it would still result in less than substantial harm to designated heritage assets, contrary to Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.*

*The National Planning Policy Framework para 212 states that great weight should be given to the asset's conservation. Particularly relevant here is para 215 which states that this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. In this instance this would relate to safety concerns over*

*the existing wall and the safety and security benefits to the school and wider community, which should be taken into consideration in assessing the proposal.*

**Officer comment:** The Conservation Officer clarified that the level of less than substantial harm identified was graded as low.

4.1.3 Chorleywood Parish Council: [Initial objection overcome following receipt of amendments]

Comments on original scheme: [Objection]

*The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse.*

*' The front boundary wall is located in the Common Conservation Area and is a key part of the setting of the Grade II Listed Christ Church. It is also a prominent feature from Chorleywood Common. The current wall is faced by flint which is consistent with the listed church and the school as well as being a traditional form of Chiltern design. The proposed replacement material is mainly brick which is not in keeping with the surrounding buildings. It should be noted that the school wall is an extension of the churchyard wall which will remain with the traditional flint facing and, as such, the proposed materials would be starkly inconsistent with this.*

*' The Committee felt that, if safety measures are required, the wall should be kept and railings placed on top or behind the current wall. If the wall has to be replaced then it is requested that the materials used are like for like with the existing wall.*

*' There is concern over the increase in proposed parking within the school grounds which is both unnecessary, as the school is immediately adjacent to a sizeable car park and will increase hazard for the school's children.*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.*

Comments on amended scheme: [No objection]

*The Committee wishes to withdraw the original Call In for the application following the submission of amended plans for the wall. Whilst this still results in harm to the Conservation Area and the setting of the Listed Building, the Committee felt that the harm had been reduced such that, on balance, the public benefits probably now outweighed the harm. The Committee still had concerns with the increased parking within the school grounds.*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.*

4.1.4 Hertfordshire County Council Highway Authority: No objection.

*Recommendation*

*Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.*

*Comments/Analysis*

*Description of Proposal*

*Demolition of existing front boundary wall and erection of replacement wall and railings including vehicle and pedestrian gates*

#### *Site and Surroundings*

*Rickmansworth Road is a classified A main distributor route subject to a 30mph speed limit which is highway maintainable at public expense. As per Hertfordshire County Council's new Place and Movement Planning Design Guide (PMPDG), Rickmansworth Road is classified as a P1/M2. However, the location of the school access and proposed wall and gates is along a private service road which is not highway maintainable which means that comments can only be made in an advisory capacity as HCC cannot implement policies or maintenance at this location.*

#### *Access and Parking*

*The application does not propose to alter the access from the highway onto the private service road, nor the access into the school site itself. The proposed sliding vehicular gate replaces the existing swing vehicle gate; the proposed replacement vehicular gate is to be automatic according to drawing number 0778-PL-102. Automated gates would be an appropriate replacement to the existing manual gates to reduce the waiting time of vehicles entering the site, alleviating the risk of congestion reaching back to the public highway. As the gate is not fronting the public highway, the gate is setback a suitable distance from the highway as per the PMPDG. Although the gate and fencing is above 0.6m in height, the width of the gate opening, 4.4m as shown on drawing 0778-PL-102, ensures the required pedestrian visibility splays are clear.*

*Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that six parking spaces are shown within the site although the layout on the drawing is noted as being only indicative. Any parking spaces that are provided within the site should be of 2.5m x 5m dimensions according to the PMPDG; although no changes to the parking provision are proposed according to the Application Form.*

#### *Conclusion*

*HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the nearby highway and therefore, has no objections on highway grounds to this application. Again, it is to be noted that as the proposed site is located off a private service route/driveway, HCC cannot implement policies or maintenance in this location and comments are therefore made in an advisory capacity.*

#### **4.1.5 Hertfordshire Crime Prevention Officer: No objection – support proposal.**

*I did visit this school in November 2021 with my colleague crime prevention officer Colin Mann to review the security and safeguarding. From a crime prevention and security perspective I would support this application for a replacement perimeter wall and fencing, please find my comments which I made at the time detailed below:*

#### *Comments*

*I do have major concerns regarding the security of the site, taking into consideration the crimes that have been reported. These include burglary (laptops stolen), trespassing on school land and lack of surveillance at the rear of the school field, where it is possible to drive a vehicle up to the boundary.*

*Perimeter Security – to replace the low fencing at the rear and side of the school with 1.8m Weldmesh fencing. LPS 1175*

*CCTV – to undertake a CCTV system / requirement review to ensure all images captured are sufficient.*

4.1.6 HCC Footpath Section: [No response received]

4.1.7 National Grid: [No response received]

## **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 5.

4.2.2 Responses received: 2 (Objection)

4.2.3 Summary of responses:

- Adverse impact on the Conservation Area.
- The wall forms an important part of the church and area.
- Proposed replacement wall not in keeping with the area.

4.2.4 Site notice posted 01.10.2024, expired 22.10.2024.

4.2.5 Press notice published . 04.10.2024, expired 25.10.2024.

## **5 Reason for Delay**

5.1 Seeking views from consultees.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 Legislation**

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission..

6.1.3 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.1.4 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.1.5 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.1.6 The Environment Act 2021.

### **6.2 Policy & Guidance**

*National Planning Policy Framework and National Planning Practice Guidance*

- 6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

*The Three Rivers Local Development Plan*

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM7, DM8, DM9, DM11, DM13 and Appendix 5.
- 6.2.6 The Chorleywood Neighbourhood Plan (adopted 2021).
- 6.3 Other
- 6.3.1 Chorleywood Common Conservation Area Appraisal (adopted 2010).
- 6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

## **7 Planning Analysis**

### **7.1 Committee Update**

- 7.1.1 The application was deferred at April 2025 Planning Committee for Officers to seek further information from the applicant. The further information sought by planning committee members included the following:
- 1) Noting that the Conservation Officer refers to exploring repair and re-build, members would like clarification on whether this has been explored. If not, why not? If yes, why is it not feasible?
  - 2) Is there a specific safety requirement for this height / design?
  - 3) Is it feasible to reduce the height of the railings? or is there an alternative design?
- 7.1.2 In respect of the first point, regarding repair and rebuild, the applicant stated the following:

*The school has previously paid for repair works to the boundary wall in an effort to maintain the structure. Unfortunately, these repairs have failed over time, and the wall has continued to deteriorate. The most recent Condition Survey undertaken by Academy Estate Consultants confirmed the wall is now beyond viable repair, with a grading of D – Life Expired. Key issues include extensive mortar loss, missing flint, visible cavities, and structural instability. Given the safety risk and safeguarding responsibilities, a full rebuild is the only sustainable option.*

- 7.1.3 In respect of the second point, regarding height and design, the applicant stated the following:

*The proposed design aims to respect the character of the school, the adjacent listed church, and the Conservation Area through the use of a traditional flint and brick wall. The inclusion of black powder-coated metal railings and secure gates has been carefully considered to provide effective perimeter protection while remaining visually appropriate.*

*The height is based on guidance from the DfE School Output Specification (Technical Annex 2B: External Spaces), which states that:*

*"Boundary fencing shall be designed to meet the security requirements in the SSB. Boundary fencing shall: a) be a minimum of 2.4m in height."*

*In addition, the proposal reflects emerging responsibilities under Martyn's Law (Protect Duty), which emphasises the importance of proportionate security measures at publicly accessible venues—including schools. While not yet law, Martyn's Law encourages settings to strengthen site security and assess vulnerabilities to help protect against intentional security breaches. This proposal is a proactive step toward compliance with that framework.*

*The boundary upgrade is intended to:*

- *Prevent unauthorised access and climbing,*
- *Maintain clear sightlines for natural surveillance,*
- *Align with best practice in safeguarding and site security.*

- 7.1.4 In respect of the third point, regarding the railing height and design alternatives, the applicant stated the following:

*We acknowledge Members' concerns regarding the visual impact of the railings. The proposed railing height had already been reduced from 2.4m to 2m to balance aesthetic sensitivity with necessary security performance.*

*Reducing the height any further would conflict with safeguarding guidance and significantly reduce the effectiveness of the design. The proposed scheme maintains a sensitive aesthetic through:*

- *Traditional brick and flint wall construction,*
- *Black powder-coated railings to reduce visual bulk,*
- *Stone pier caps and coping to reflect the local context.*

*We believe the current proposal achieves an appropriate and carefully balanced response to both heritage preservation and pupil safety. While the development may result in a less than substantial impact on the Conservation Area, this is considered to be outweighed by the significant public benefits of enhanced safeguarding and essential structural safety, consistent with Paragraph 214 of the National Planning Policy Framework (NPPF, 2024).*

## 7.2 Impact upon the Metropolitan Green Belt

- 7.2.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.

- 7.2.2 The NPPF identifies the five purposes of including land in Green Belts as:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

7.2.3 Paragraph 153 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.2.4 Paragraph 154 of the NPPF states that Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
  - i. mineral extraction;
  - ii. engineering operations;
  - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
  - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
  - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
  - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.2.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies sets out that the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out in the policy.

7.2.6 Section 336 of the Town and Country Planning Act 1990 states that a building "includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building". The proposed development, including the proposed wall and fencing, is considered to be a building.



- 7.2.7 It is considered that the proposed development would not meet any of the exception criteria set out under Paragraph 154 of the NPPF. In respect of c), the proposed development would not consist of an alteration but the complete rebuilding of the existing wall to approximately double its existing height. To this point it also cannot be considered that the size increase is proportionate above the original size. Similarly, therefore in respect of d), the new wall would be materially larger. It is proposed that new fencing where none currently exists within the school site is also erected. It is not considered that this part of the development fits into any exception criteria.
- 7.2.8 In terms of whether the proposed development would preserve the openness of the Green Belt, there is a spatial and visual dimension to consider. The proposed new wall would occupy the place of an existing wall therefore the land is not open as existing and there would be no impact to spatial openness in this regard. The new fencing would have a limited impact to spatial openness. In terms of visual openness, the new wall would be a more prominent structure. The new wall would be a relatively obvious feature, with the more sizeable components including 2.0m high brick piers. The stretches of enclosing wall would be relatively low (0.9m) and the metal railings, although these would enclose the space between the piers, would allow views through and would also be painted black which would somewhat soften their prominence. While these factors are considered, and the described characteristics may limit the overall impact, the proposed development would still be noticeable in the landscape. The proposed development also consists of the installation of 2.0m high fencing within the school grounds. This would be thin profile and mesh style fencing which would allow views through. This fencing would also be painted black and somewhat read against the backdrop of the school buildings and existing enclosed boundaries.
- 7.2.9 Overall, the proposed development does not meet any exception criteria under Paragraph 154, and it would impact the openness of the Green Belt. While the development does possess some open characteristics, it would be an obvious and noticeable feature in the landscape. The degree of harm to openness is medium to low. The NPPF states that that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.2.10 It is also necessary to consider the development against paragraph 155 of the NPPF which relates to 'grey belt' and includes 'other development'. Paragraph 155 is subject to a criteria approach. Whilst the development is likely to meet part a), in so far as it would be grey belt land. In respect of part b) there is no evidence to suggest there is an unmet need for the development. With regards to part c), the site is located within the Chorleywood settlement boundary however in a more remote part of it regarding access to shops and services and part d) is not applicable. Nevertheless, when viewed collectively, the development is not considered to meet each part of paragraph 155 of the NPPF and thus would be inappropriate development.
- 7.2.11 The following sections of this report will consider whether any other harm results from the proposal, and whether very special circumstances exist to outweigh the harm.
- 7.3 Impact upon Character and Heritage Assets
- 7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities, and quality of an area.
- 7.3.2 Policy DM3 of the Development Management Policies document sets out that applications will only be supported where they sustain, conserve and where appropriate enhance the

significance, character and setting of the asset itself and the surrounding historic environment.

- 7.3.3 Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.3.4 The application site is located within Chorleywood Common Conservation Area. Christ Church, which is some 15m from the application site, is a Grade II\* listed building. A modern extension to the church has been built, infilling the space between it and the school buildings. The LPA acknowledge the comments of the Conservation Officer who identifies a low-level of less than substantial harm from the proposal.
- 7.3.5 The Conservation Officer notes that, in the first iteration of the plans, the loss of the existing wall and its replacement with a primarily brick structure was found to be harmful to the designated heritage assets and was not supported. Officers agreed with this assessment and sought amendments to the scheme over a more suitable replacement (i.e. a replacement wall with a principally flint character and appearance).
- 7.3.6 The Conservation Officer notes that the amended proposal represents an improvement on the previous proposal due to the wall design having a predominantly flint appearance. The Conservation Officer notes however that the retention of the brick piers, railings and gates, means that it would still not preserve nor enhance the character and appearance of the Conservation Area or the setting of the church.
- 7.3.7 The amended plans included a document which seeks to demonstrate the condition of the existing wall. The Conservation Officer notes that, while there are signs of deterioration to the existing wall, one of the concerns in their initial response was that the historic significance of the existing wall has not been described.
- 7.3.8 Officers have physically observed the condition of the wall which corroborates with the condition report submitted by the applicant. The stretch of wall from the northernmost point of the site, to approximately halfway towards the southernmost point is in a reasonably good condition. It is noted that the gate entrance near the northernmost point includes newer stock brick piers. Within this section there is a clear stretch of flint wall infill between two piers approximately 1.0m apart. This appears to have been an historic entrance point. This section of wall also contains obvious sections where the flint has been repaired and repointed with a more yellow, sandy mortar mix. The remainder of the wall from approximately halfway to the southernmost point is in a greater state of disrepair. This includes more widespread examples of flint repairs with a more yellow mortar. There are also sections where the flint has fallen from the wall. Finally, the vehicle entrance at the southern end of the wall also contains newer red brick piers from when this entrance was created.
- 7.3.9 To summarise the above observations, Officers consider that, although the wall likely has some historic significance through its association with the church, its collective state of repair is fair to poor. The Conservation Officer commented that they did not consider that the option to properly repair and rebuild only damaged sections had been clearly explored. However, as set out at 7.1.2 the School have explained that the wall has been repaired previously but that full rebuild is now the only sustainable option.
- 7.3.10 In summary, Officers consider that the existing wall is in a fair to poor condition. There is therefore an opportunity for enhancement through its repair or reconstruction to a similar

scale as existing. Given the greater height and therefore greater prominence of the proposed replacement wall, Officers acknowledge that, by virtue of its scale it is unlikely to preserve or enhance the character and appearance of the Conservation Area or the setting of the Grade II\* listed church. Officers therefore do not have reason to reach an alternative conclusion to the Conservation Officer, that the proposal would result in less than substantial harm to a designated heritage asset. The level of less than substantial harm is low-level.

- 7.3.11 As set out above in paragraph 7.2.3, the NPPF states that great weight should be given to the asset's conservation and the test is whether any public benefits from a proposal would outweigh the harm caused. In this case, while there is adjudged to be less than substantial harm, the level of harm is low. The applicant submitted a statement of need with the application, setting out the requirement for more enhanced security measures to the school. The statement sets out the following

*"Perimeter Security & Site Boundaries:*

*The existing perimeter security is poor, allowing unrestricted access into and around the school. The boundary walls are low and easily climbed over, while the wooden gates lack access control, making them ineffective in preventing unauthorised entry. Given the school's remote setting, with no natural surveillance from nearby housing or businesses, security enhancements are critical to reducing potential risks.*

*Security Fencing & Gates:*

*Although some sections of the school have good fencing, these do not prevent easy access to playgrounds and key areas of the school site. The existing gates are low and lack the necessary security features, such as controlled access. The rear gates, leading to Year 1 and the breakfast and afterschool club area, present a significant security concern as they allow unrestricted access to the back of the school. Additionally, the main entrance is shared with the church cottage, complicating access control and increasing security vulnerabilities.*

*Entrances & Drop-Off/Collection Points:*

*The school lacks designated collection and drop-off points, leading to unregulated movement of vehicles and pedestrians. While most cars park outside the school boundary, private vehicles have access to the front area of the school, creating potential safety hazards. A secure and structured entrance system is needed to improve both security and efficiency during busy drop-off and pick-up times.*

*Signage & Access Control:*

*There is a lack of clear signage throughout the school site, which can be confusing for visitors and does not contribute to security awareness. Furthermore, access control within the school is minimal. The reception area, though equipped with a foyer, can be easily compromised. The school building itself consists of both older and modern structures, with low-level windows that can be climbed into, further exacerbating security concerns.*

*Internal Layout & Surveillance Challenges:*

*The school's layout, with the Church cottage positioned at the centre, creates multiple hidden areas and small corridors that hinder effective surveillance."*

- 7.3.12 Overall, there is considered to be a tangible public benefit to the proposal. In this case, there would be a significant upgrade to the actual and perceived security of the school perimeter, a view that is supported by the Crime Prevention Design Officer at Hertfordshire Constabulary. This would provide greater peace of mind to parents, staff, and students that the entire school site is secure throughout the day. In addition, clear and physically defined

pedestrian and vehicle entrances would improve the safety during pick-up and drop-off times.

- 7.3.13 In summary, the LPA consider that the proposal would result in less than substantial harm to a designated heritage asset. The level of less than substantial harm is low. The proposed development would have public benefits. The planning judgement in this instance is that the public benefits of the proposal would outweigh the low level of harm caused.
- 7.3.14 The Conservation Officer stated that, if the scheme were to be recommended for approval, existing stonework and any other historic materials should be salvaged as much as possible, and a method statement related to this should be secured via planning condition and all other materials secured via condition as well. It is therefore considered appropriate for a condition to be included on any permission for final details of proposed materials. The condition may be worded as such to include provision of salvaged materials such as flint.
- 7.3.15 The proposed development is therefore acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

#### 7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.4.2 The proposed development would be in a location that would not result in any harm to the residential amenities of any surrounding neighbouring properties. The proposed development would also not result in any noise and disturbance of the closest neighbouring properties.
- 7.4.3 In summary, the proposed development would not result in any impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

#### 7.5 Highways & Parking

- 7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.5.2 The proposed development would not impact the parking provision of the site. The plans show a reconfigured parking layout however this area is currently laid as hardstanding and used for parking therefore no use change is proposed. The application does not propose to alter the access from the highway onto the private service road, nor the access into the school site itself. The proposed sliding vehicular gate replaces the existing swing vehicle gate; the proposed replacement vehicular gate is to be automatic according to drawing number 0778-PL-102. Hertfordshire County Council Highway Authority commented on the application, stating that they raise no concerns or objection in an advisory capacity, given the private status of the access. It is considered appropriate for an informative to be added to any permission, advising that all materials and machinery are stored within the school site and not outside the site on the adjacent car park.
- 7.5.3 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

#### 7.6 Trees & Landscape

- 7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.6.2 There are no protected trees within the site or close to the proposed works. Given the nature of the proposed development, which principally includes the reconstruction of a wall on its existing footings, the proposed development would not have a direct impact on trees. As above, it is considered appropriate for an informative to be added to any permission, advising that all materials and machinery are stored on existing hardstanding within the school site.
- 7.7 Biodiversity
- 7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.7.3 The application is accompanied by an Ecological Appraisal. The appraisal concludes that no evidence of protected species was found on or adjacent to the site and no protected species are to be affected by proposals. The report recommends that a construction environmental management plan is produced to set out avoidance and mitigation measures during construction. It is considered that this can satisfactorily be secured by condition.
- 7.8 Mandatory Biodiversity Net Gain
- 7.8.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.
- 7.8.2 The applicant has confirmed on the application form that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to development below the threshold. The LPA are satisfied in this instance that the development impacts less than 25sqm of on-site habitat.
- 7.9 Any other harm and Very Special Circumstances
- 7.9.1 As set out within the Green Belt section of this report, the proposed development is inappropriate development and would not preserve the openness of the Green Belt. The level of harm to the Green Belt, for the reasons given in the previous section of this report, is assessed as medium to low.
- 7.9.2 In terms of any other harm, the proposed development is considered to result in a low level of less than substantial harm however this harm is judged to be outweighed by public benefits, and as such meeting the Heritage tests of the NPPF.
- 7.9.3 The NPPF is clear at Paragraph 153 that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances". When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

- 7.9.4 As remarked upon in the previous sections of this report, the proposed development is considered to result in public benefits. In this case, there would be a significant upgrade to the actual and perceived security of the school perimeter which, as existing, is open but for a low wall, particularly the playground area. This would provide greater peace of mind to parents, staff, and students that the entire school site is secure throughout the day. In addition, clear and physically defined pedestrian and vehicle entrances would improve the safety during pick-up and drop-off times. It is considered that these factors are material considerations which collectively would constitute very special circumstances which would outweigh the inappropriateness of the development and the harm to openness of the Green Belt.
- 7.9.5 As such the proposal is acceptable in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

## **8 Recommendation**

- 8.1 That **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 0778-PL-100, 0778-PL-101, 0778-PL-102, 0778-PL-103 B

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, area and Heritage Assets, the residential amenity of neighbouring occupiers, and the openness of the Metropolitan Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Neighbourhood Plan (adopted 2021), the Chorleywood Common Conservation Area Appraisal (adopted 2010), and the NPPF (2024).

- C3 Any salvageable flint shall be repurposed in the development where possible. Details of which shall be submitted to and approved in writing by the Local Planning Authority under the provisions of Condition 4.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2024).

- C4 Prior to the commencement of works above ground level, samples and details of the proposed materials and finishes, including details of brick, flint, mortar, railings, gates, and fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2024).

## **Informatives**

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and include a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at:

<https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.



If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised, and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

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## PLANNING COMMITTEE – 22<sup>nd</sup> May 2025

**24/1670/FUL – Part single, part two-storey rear extensions, front porch alterations; alterations to roof to allow habitable accommodation including removal of chimney and increase in ridge height, rear dormers and roof lights; alterations to fenestration and internal alterations; construction of two-stepped rear patio area; construction of basement; alteration of existing garage to allow use as part garage, part annexe, including extension to existing garage and roof alterations to allow for habitable accommodation including increase in ridge height, dormers and roof lights; erection of an outbuilding to the rear at Banstead Down, Old Chorleywood Road, Rickmansworth, Hertfordshire, WD3 4EH**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 16.12.24.  
Extension of Time: 30.05.25

Ward: Rickmansworth Town  
Case Officer: Clara Loveland

**Recommendation:** That planning permission be granted.

**Reason for consideration by the Committee:** Batchworth Community Council called in if Officers are minded to approve for the reasons set out at paragraph 4.1.2.

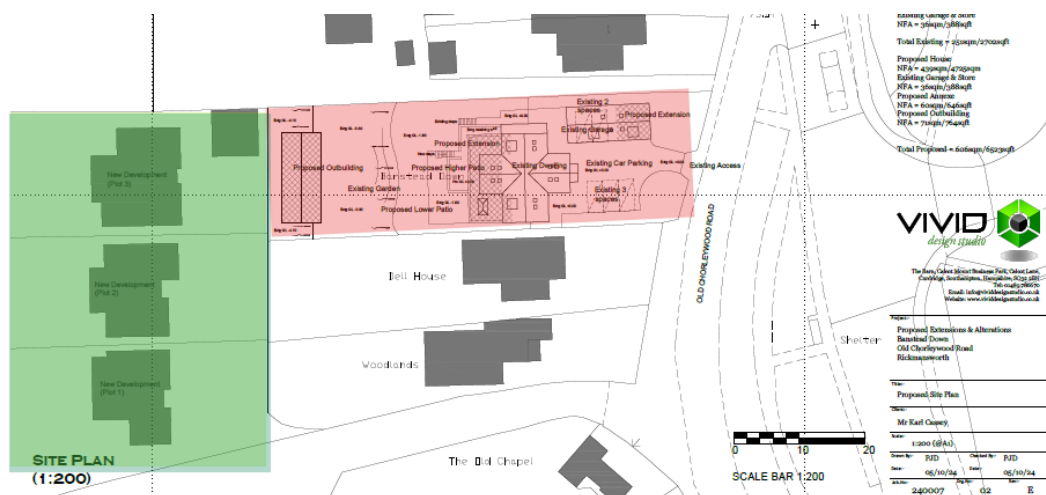
To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SLHJDWQFLMA00>

**Update:** At the April Planning Committee meeting, Members resolved to defer consideration of this planning application to make a site visit. The site visit took place on Saturday 10 May. There are no changes to the committee report.

### 1 Relevant Planning History

- 1.1 It should be noted that the application site was once larger and historically subdivided. The rear parcel of land beyond the rear boundary of this application is known as Land to the rear of Banstead Down. The rear parcel of land has gained planning permission for three new dwellings (24/1125/FUL, 24/0120/FUL, 23/1809/FUL, 23/1143/FUL, 23/0856/FUL which followed an allowed planning appeal (PINS ref APP/P1940/W/19/3242846)). The new dwellings are known as Cedar House, Shoreham House and Rosewood and all are served by an access via Old Chorleywood Road. The houses remain under construction.
- 1.2 The abovementioned three new dwellings are located on a rear parcel of land unrelated to this planning application site and do not form part of this planning application. The image



below indicates the area of the three new dwellings shaded in green with the application site shaded in red.

1.3 Relevant planning applications related to Banstead Down include the following:

- 1.3.1 8/410/90 – Conservatory. Approved and implemented.
- 1.3.2 8/408/75 - Replacement garage with storage accommodation. Approved and implemented.
- 1.3.3 8/333/75 - Single storey rear extension. Approved and implemented.
- 1.3.4 8/33/75 - Two storey extension. Approved. Not implemented.

**2 Description of Application Site**

- 2.1 The application site contains a two-storey detached dwelling on the western side of Old Chorleywood Road in Rickmansworth. The wider street is largely residential, with dwellings of varied designs located on large plots set back from the highway.
- 2.2 The application dwelling has gable ends with large two-storey front and rear gable projections. It is finished in painted render, red brick and Mock Tudor cladding is found within the front and rear gables. To the rear, there are 2 flat roof rear/side projections and a rear conservatory.
- 2.3 The application dwelling is set back from the highway with a driveway that can accommodate at least 3 vehicles. There is a detached garage forward of the dwelling with a gable end roof form.
- 2.4 To the rear of the dwelling there is a raised patio which steps down to a lower, stepped rear garden. The rear garden is enclosed by a mixture of brick walls, close boarded fencing and hedging. Land levels reduce steeply to the rear in a westerly direction.
- 2.5 Within the site there is 1 tree protected by a Tree Preservation Order (TPO – 0063); a Yew (on the front boundary).
- 2.6 The adjacent neighbour, No. 5 Bankside Down is located at a lower land level, north of the application site. No. 1 Bankside Down also to the north is separated by an access road leading to No.5. Bankside Dell. Dell House to the south of the application site is built along a similar building line.
- 2.7 The parcel of land to the rear of this application site has ongoing works in relation to the permissions referred to at 1.1 above. The three new dwellings undergoing construction on the rear parcel of land are at a lower land level and front the rear boundaries of Banstead Down, Dell House and Woodlands. The new dwelling within Plot 3 would be closest to application site and would be set some 13m beyond the rear boundary of Banstead Down, at a lower level.

**3 Description of Proposed Development**

- 3.1 This application seeks planning permission for a part single, part two-storey rear extensions, front porch alterations; alterations to roof to allow habitable accommodation including removal of chimney and increase in ridge height, rear dormers and roof lights; alterations to fenestration and internal alterations; construction of two-stepped rear patio area; construction of basement; alteration of existing garage to allow use as part garage, part annexe, including extension to existing garage and roof alterations to allow for habitable accommodation including increase in ridge height, dormers and roof lights; erection of an outbuilding to the rear.



- 3.2 During the application the amendments were provided, and the description was updated to reflect the amended proposal. The following changes have been made to the initial proposal:
- Basement reduced in depth by 0.9m.
  - Single-storey rear extension reduced in depth by 1m.
  - Two-storey central rear projection reduced in depth by 0.6m.
  - Front dormers removed and replaced with roof lights.
  - Rear dormer windows reduced from 3 pane to 2 panes.
  - Rear raised patio removed and replaced with a two-height stepped patio (higher and lower patio area created).
  - Rear walk-on balcony omitted.
  - Garage extension reduced in width by 2m.
  - Outbuilding reduced in width by 2.4m and depth by 0.5m.
  - Submission of Arboricultural Report.
- 3.3 The full description of the amended plans is as follows:
- Extensions to the dwelling
- 3.4 The ground floor element of the rear extension would have a depth of 5.2m and a width of 13.6m. It would have a parapet roof with a height of 3.4m. There would be a roof lantern within the flat roof.
- 3.5 The first floor element of the rear extension would be stepped, ranging from 1.5m in depth to 3.4m in depth, the latter of which relates to the central rear projection. The extension would have a total width of 13.6m across the rear elevation with the central projection measuring 6.1m in width. The two-storey rear projection would have a gable end roof with a ridge height of 9.2m. To the rear of the master bedroom, there would be a Juliet balcony.
- 3.6 The existing roof would be removed and replaced with a new roof which would be raised from the existing main ridge line by 0.7m, increasing from 9.3m to 10m in height. Within the newly created rear roof slope, two flat roofed dormers would be added. The dormers would have a width of 1.5m, depth of 1.5m and a height of 2m. Roof lights would be added to the flanks of the front and rear gable projections. A chimney would be removed, with the other remaining in situ.
- 3.7 The existing front entrance would be widened and a new porch canopy added. The porch canopy would have a gable roof with a height of 4.2m. It would have a width of 3m and a depth of 1.4m.
- 3.8 The existing side projection roof (mono pitched roof) located along the northern flank wall would be raised by 1m from 3.7m to 4.7m.
- 3.9 All the windows would be replaced and some windows re-positioned across the elevations.
- 3.10 A basement is proposed, to project 5m beyond the rear wall with a width of 13.8m, flush with the southern flank wall. The plans indicate it would have a depth of 2.8m below the ground floor.

- 3.11 The extensions to the dwelling would result in an increase of 1 bedroom from the existing.
- 3.12 A raised patio is shown on the plans to the rear of the proposed ground floor. This would have a higher part with steps to a lower part. The higher part would have a depth of 3.1m and width of 5.3m. It would be located centrally within the rear elevation, set off the boundary with Dell House by approximately 6m. The lower part would have a depth of 6m and would extend across the width of the dwelling.
- 3.13 The extensions and alterations are proposed to be finished in materials to match the existing dwelling. However, no specification of the schedule of materials has been provided. The plans indicate that the new windows would not match the existing dwelling and would have a more modern appearance.

#### Garage

- 3.14 The existing garage would be extended to the side by a width of 5.2m and depth of 5.5m. The ridge line would be raised by 0.5m, increasing from 2.6m to 3.1m. Within the new roof two flat roofed dormers and two roof lights would be added within the front elevation. Within the rear roof slope, two roof lights would be added. The front dormers would have a width of 1.4m, a depth of 0.8m and a flat roof with a height of 0.9m. The extensions to the garage would result in a 1-bedroom annex with a kitchen, dining room and bathroom whilst maintaining a garage space and small store.

#### Outbuilding

- 3.15 The outbuilding would be located to the rear of the application site. It would have a width of 13.8m and depth of 6m. It would have a gable roof form with a height of 4.4m. It would serve a gym, snug and office. No details have been provided on the external finish of the outbuilding.

### **4 Consultation**

#### **4.1 Statutory Consultation**

- 4.1.1 Due to an initial description change, re-consultation occurred. Subsequent description changes occurred following amendments and a second re-consultation occurred. The second consultation expired on 14<sup>th</sup> March 2025.

- 4.1.2 Batchworth Community Council: [Objection and called into Committee]

- 4.1.3 BCC initially raised objection comments on 13<sup>th</sup> November 2024 however, these were amended on 19<sup>th</sup> November 2024. The amended comments are as follows:

*"BBC strongly objects to this application on the following points. Lack of detail concerning the construction of the basement plan. The changes to the garage space creates a new self contained 'studio apartment' which is NOT a subsidiary annexe to the main dwelling. The construction of the outbuilding increases the total plot coverage. Due to the topography of the site this will impact the drainage and the properties at the rear.*

*The first-floor balconies and the second-floor dormers will overlook and be detrimental to the privacy of neighbours. There are other issues to which we object and therefore BBC requests that this application be called in to committee unless officers are minded to refuse."*

- 4.1.4 TRDC Tree and Landscape Officer: [Advisory comments]

*"I haven't been able to find an AIA or TPP in these documents or online – I think we'd really need to see a calculation of the tree's RPAs and any works due to take place within them, or recommendations for protection, in order to comment."*

4.1.5 TRDC Tree and Landscape Officer: [Comments received 26.03.26 following submission of Arboricultural Method Statement]

*"We would recommend approval based on the Arboricultural Method Statement provided. However, as there are 4 trees due to be removed to facilitate the development, we'd also like to request a condition outlining replacement planting details."*

4.1.6 National Grid: No response received.

**4.2 Public/Neighbour Consultation**

4.2.1 No. consulted: 11.

4.2.2 Re-consultation 1: 11.

4.2.3 Re-consultation 2: 15 (including Plots 1-3 to the rear of Banstead Down known as Rosewood, Cedar House and Shoreham House).

4.2.4 The second consultation expired on 14<sup>th</sup> March 2025.

4.2.5 No. of responses at the time of writing this report: 5 (objections) across both consultations.

4.2.6 Summary of responses:

- Garage extension overlooks our property and the neighbouring one, comprising privacy.
- Disrupts the flow of natural light, creating a dark and gloomy atmosphere. Overshadowing.
- First-floor balcony will overlook adjacent properties.
- Excessively large development and not in character with the surrounding area.
- Seems unlikely a qualified architect could have overlooked issues in the original plan.
- Loss of privacy.
- Loss of light.
- Overbearing impact/ negative visual impact.
- New 2-bedroom house would block sunlight.
- New 2-bedroom house is more than double the footprint of the existing building line, would be overbearing and obliterate sunlight.
- 17/2325/OUT was refused for many reasons that are objected too in this application. The dimensions in 24/1670/FUL and similar to those in 17/2325/OUT.
- Developments have submitted a cynical and exploitative planning application. Intentions to building a 7000+ ft monstrosity which will overlook in huge proportions. The 2 adjacent homes already built overlook.
- The plans fail to demonstrate the impact of overlooking of those dwellings adjacent at the bottom of the steep slope of the Drive.

**4.2.7 Officer comment:** As highlighted above in **paragraph 1.1**. The rear parcel of land known as Land to the Rear of Banstead Down has gained planning permission for three new dwellings (24/1125/FUL, 24/0120/FUL, 23/1809/FUL, 23/1143/FUL, 23/0856/FUL and the allowed appeal (LPA ref: 19/0051/MATREF, PINS ref APP/P1940/W/19/3242846)). The three new dwellings are not related to this application site and do **not** form part of this committee application.

4.2.8 Site Notice: Posted 30.10.24. Expired 20.11.24.

4.2.9 Press notice: Not required.

## **5 Reason for Delay**

5.1 Deferred for site visit, Extension of Time agreed.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 Legislation**

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Environment Act 2021.

### **6.2 Planning Policy and Guidance**

#### National Planning Policy Framework and National Planning Practice Guidance

In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

#### The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM9, DM13 and Appendices 2 and 5.

TRDC has published a Decision Statement in respect of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version) and on the basis that it is now proceeding to referendum in May 2025, in accordance with PPG significant weight can be given to the plan in Decision Making. Relevant policies include Policies BW GB1 and BW DE1.

#### Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

## **7 Planning Analysis**

### **7.1 Design and Impact on Character and Appearance of the host dwelling and wider streetscene:**

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking. In relation to rear extensions, single storey rear extensions to detached dwellings should generally have a maximum depth of 4m. The Design Criteria states this distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent. Appendix 2. Further, two storey rear extensions in terms of size and volume will be assessed on its individual merits according to the characteristics of the particular property. Front extensions will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the street scene. In relation to roofs, increases to ridge height will be assessed on their own merits at the time of a planning application. Dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plan of the front or rear wall. They should respect the character of the house if possible.
- 7.1.4 Policy BW DE1 sets out that new development in the Batchworth Neighbourhood Plan area shall be based upon a design-led approach to development underpinned by good practice principles and reflecting a thorough site appraisal. Respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code, including but not limited to prevailing building heights, materials, development frontages, plot widths, boundary treatments and street enclosure. The Design Code more particularly sets out that the application site falls within special Character Area 3 (Moneyhill).

#### Extensions to the dwelling

- 7.1.5 The proposed development would involve part single, part two-storey rear extensions. In this case, one part of the two-storey element of the rear extension would be centrally positioned within the rear elevation, set in from each flank and due to this, would not be visible from the wider street. The other part of the two-storey extensions would hold a depth of 1.5m on each side of the central projection and would be recessed some 3.4m from the proposed central projection. These areas would be set flush with the flank walls and not readily visible from the wider street. When read against the backdrop of the existing dwelling, the two-storey rear extensions would be appropriately scaled so as not to overwhelm or compete with the host dwelling. This would comply with Appendix 2 indicating that two-storey rear extensions in terms of size and volume will be assessed according to the character of the property. The single-storey rear element of the proposal would extend to a depth of 5.2m which would not comply with the guidance within Appendix 2 indicating that a 4m depth for single-storey rear extensions would generally be acceptable. Despite this, this part of the extension would not be visible from the wider street and when viewed from the rear, would not overwhelm or consume the host dwelling. When considering the rear extensions combined, it is recognised that they would be large and add additional bulk to the dwelling. However, they would be of a scale and volume that would not compete with or overwhelm the existing dwelling and would not be visible from the wider street or become a prominent feature in this regard. It is also noted that the wider street and the immediate vicinity contains a varied mixture of dwellings, many of which have been extended and altered with the rear extensions not being dissimilar in scale to many others nearby. Added to this, the site plot is large and could facilitate the development of this scale without resulting in the overdevelopment of the host dwelling or site. Considering these factors, the proposed rear extensions are not considered to arise in any demonstrable harm to the character and appearance of the host dwelling or wider street.
- 7.1.6 The proposal also involves the increase in ridge height of the dwelling by 0.7m which would be visible from the wider street. Although visible, the host dwelling is set within a wider street of varied dwellings with differing ridge heights and styles and due to this, there is scope for such alterations within the area. The host dwelling is also set back from the public highway by some 20m where the land levels begin to lower. The dwelling frontage is also screened by mature vegetation which exists along the front boundary. Due to these factors, the prominence of the increase in ridge height would be somewhat mitigated and less noticeable. Notwithstanding this, any views that would be possible of the ridge would be read in conjunction with the remainder of the dwelling. When reading the increased ridge with the rest of the dwelling, the overall form and character of the dwelling would be retained. For these reasons, the increase in ridge height is considered acceptable. The roof alterations would result in the loss of 1 chimney. Whilst this is not favoured, this would not significantly alter the overall character and appearance of the dwelling and would not amount to undue harm. The rear dormers would be small in scale and subordinate to the rear roof slope which would comply with the guidance in Appendix 2 indicating that dormer windows should be set in from the flanks, set down from the ridge and up from the eaves. The proposed roof lights would also be small in scale and would not overwhelm or detract from the roof slopes.
- 7.1.7 The proposed front porch canopy would enlarge the entrance compared with the existing dwelling and as a result, increase its prominence. However, in this case, due to the positioning of the dwelling, being set back from the highway, coupled with the overall scale and design of the front porch, it would not unacceptably erode the character and appearance of the host dwelling or wider street and compliant with the guidance related to front extensions in Appendix 2.
- 7.1.8 The submitted plans indicate that the windows throughout the dwelling would be replaced. No schedule of materials of window types have been submitted, although this could be secured by condition. From the submitted details, the window form, size and profile appear more contemporary than the existing dwelling. Despite this, they would also be appropriate

for the host dwelling and in keeping with the variety of styles and designs across the immediate vicinity.

- 7.1.9 The proposed basement would add a sizable floor space to the host dwelling. However, this would be below ground level and not visible from the wider street or within the site plot. Therefore, it would not have an adverse impact on the character and appearance of the host dwelling or wider street. Notwithstanding this, to ensure that any excess soil is not spread over the application site (which would impact on the topography of the site and could impact on the amenities of neighbours and the health of protected trees), the removal of soil off the site could be secured by condition.
- 7.1.10 The proposed rear patio would be set across two levels with a higher area of the patio stepping down to a lower area of the patio. The higher area of patio would be set in line with the floor level of the ground floor and entered from the central rear opening doors. The lower area of patio would be set in line with the existing lower ground level to the rear of the dwelling. Due to the size, extent and positioning of the rear patio areas, these would not be visible from the wider street. Added to this, the patio area would be of an appropriate size to facilitate the use of the extensions at the site. Furthermore, when accounting for the site plot which is large, it can facilitate this scale of development. Furthermore, when considering the land levels at the site the stepped patio area would be appropriate for the site.
- 7.1.11 In terms of design, the rear extensions, ridge height increase, roof extensions and front porch canopy would have roof formations which would be in keeping with the character and appearance of the host dwelling. The development would also be finished in materials to match the existing dwelling which would help to reduce its overall prominence and appearance. Some of the impacts of the development would also be mitigated by the site land levels, the setback positioning in the plot and mature vegetation at the site. It is also noted that the wider street is highly varied with dwellings of different styles, forms and designs within the immediate vicinity. Due to this, and for the reasons set out, the extensions to the dwelling would not unacceptably erode the character of the dwelling and be in keeping with the area noting that a range of different extensions and dwelling styles exist. It would also not overwhelm the host dwelling and would not be out of character or unduly prominent when viewed in the context of the host dwelling or wider street.

#### Garage

- 7.1.12 The proposed development would also involve the extension of the existing garage and its conversion into an annexe. The extensions, which would include bringing the garage closer to the front boundary, an increase in ridge height and insertion of front dormer windows, would add bulk and prominence to the existing garage. However, the extended garage would be set back from the highway by some 8m and screened by the existing vegetation which exists to the site frontage. Added to this, the northern neighbours are sited forward of the host dwelling and the positioning of the garage would respect the building line in this regard. This would mitigate some of the impact of the extension and alleviate some of its perceived bulk. Added to this, the application site is large and can accommodate additional built forms of this scale. The dormers and roof lights would also be small in scale and subordinate to the roof slopes. Whilst adding built form to the garage, it would remain an ancillary building in terms of its form, size, design and positioning and would not compete with the host dwelling. In terms of design, the extensions to the garage would be in keeping with the host dwelling.
- 7.1.13 The garage extensions would facilitate the creation of a 1-bedroom annexe, i.e. ancillary accommodation, not a separate independent dwelling. Subject to a condition to ensure that the annexe would not be subdivided, physically separated, sold or let off, no objection is raised to the creation of the annexe.

#### Outbuilding

- 7.1.14 The proposed outbuilding would be located to the rear of the application site and therefore, would not be visible from the wider street. It is acknowledged that the outbuilding would have a large scale and extend across most of the site plot. However, it is also noted that the outbuilding would be set some 1.7m from the rear boundary, 2m from the southern boundary and 3.5m from the northern boundary. It would also be set in the lowest part of the application site, mitigating some of its perceived bulk. When considering scale, the site circumstances and the site plot are large, it can accommodate this scale of development without resulting in overdevelopment. Added to this, the building form would be ancillary to the host dwelling. When considering the use, it is proposed that the building would be used as a gym, snug and office. Subject to a condition that the building remains an ancillary and incidental use, no objection is raised in this regard.

### Summary

- 7.1.15 In summary, subject to conditions, proposed development would not result in harm to the character and appearance of the existing dwelling and wider street scene. The development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD and Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version).

### 7.2 Impact on the amenities of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. The Design Criteria states that rear extensions should not intrude into a 45-degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property.

### Dell House

- 7.2.3 The proposed rear extensions to the dwelling would increase the built form closest to Dell House, which is located immediately to the south of the dwelling. As such, from this neighbour's perspective, the extensions would in some form be noticeable. However, in this case, the rear extensions would extend broadly in line with Dell House which currently extends further rearwards in depth than the application dwelling. Furthermore, the two-storey rear extension would be set in from the southern flank wall by some 4.3m and it would not intrude into a 45-degree splay line when drawn from a corresponding point on the boundary line. Added to this, Dell House is favourably positioned to the south which would limit any overshadowing or loss of light as experienced by this neighbour. The visual bulk, massing and impact of the extensions would therefore be mitigated by these factors. When considering the site context and plot sizes, it is considered that these elements of the proposal would not amount to detrimental harm by way of intrusion or loss of light on this neighbour, nor would they be overbearing.
- 7.2.4 The proposal also involves a raised patio area, split across two levels. The higher patio level would extend in line with the ground floor. However, it would be set in from the boundary line with Dell House by approximately 6m and would have a limited width of 5.3m and depth of 3.1m. The lower area of the patio would be in line with the existing garden level to the rear of the dwelling and not give rise to any harmful levels of overlooking. Given the land levels, it is not uncommon for a raised patio area to facilitate rear access from the dwelling into the rear garden. Furthermore, in this case, as the raised part of the patio would be of a limited depth and set in sufficiently off the boundary line it is considered that any views



across to Dell House would be limited and not arise in any harmful loss of privacy or overlooking. Added to this, the land levels at Dell House also appear to reduce towards the rear of the site and there is some boundary screening which would also help to obscure any views. When considering these circumstances, it is considered that the raised patio area would not result in any harmful loss of privacy for this neighbour.

- 7.2.5 The garage alterations would have no adverse impact on this neighbour due to its position to the northern side of the site frontage and that it would be screened by existing vegetation at the site.
- 7.2.6 The rear outbuilding would be located to the rear of the application site, on the lowest ground level. It would also be set off the boundaries and set away from the rear of this neighbour by some 20m. Given the position of the outbuilding relative to this neighbour, it would not amount to any harmful loss of light or intrusion. When considering its use, it would be ancillary (secured by condition) which is not considered to have any more comings, goings or activity over and above the existing residential use. Therefore, it is considered the outbuilding would not amount to any adverse harm on this neighbour.

#### 1 Bankside Down

- 7.2.7 When considering any impact on No.1 Bankside Down (to the north of the application site), the extensions to the dwelling would be set in from the northern boundary line by some 5m. Added to this, No. 1 Bankside Down is set off the boundary line and separated from the application site by the access road leading to No.5 Bankside Down. In this case, No.1 Bankside Down is set further forward than the host dwelling and as such, the houses are built along staggered building lines. Whilst extending further than this neighbour, this is not uncommon along this stretch of Old Chorleywood Road and when accounting for the separation distance between the dwellings, the visual bulk and massing and impact of the extensions would therefore be mitigated by the site circumstances. When considering the site context and plot sizes, it is considered that these elements of the proposal would not amount to detrimental harm by way of intrusion or loss of light on this neighbour, nor would they be overbearing.
- 7.2.8 The proposed garage alterations and extensions would be closest to this neighbour and likely visible from this neighbour's perspective. Although visible, as highlighted above, this neighbour is separated from the application site by the access road to No.5 Bankside Down. When considering the scale of the extensions of the garage coupled with its positioning on the plot in relation to this neighbour, there would be no adverse harm to this neighbour by way of intrusion, or loss of light nor would this part of the development be overbearing. When accounting for the use of the annexe, this would have 1 bedroom and there could be more comings and goings associated with this use. However, it is considered that the additional annexe bedroom would not result in any activity over and above any other similar-sized residential dwelling and thus, would not amount to any additional adverse harm in this respect. In any instance, a condition would be added to secure its use to remain ancillary to the host dwelling.
- 7.2.9 Due to the separation of the raised rear patio area from this neighbour coupled with the boundary treatment, this would not amount to any harmful overlooking or loss of privacy to this neighbour.

#### Plot 3, Land to rear of Banstead Down

- 7.2.10 When considering the rear neighbour, Plot 3 (Cedar House) land to the rear of Banstead Down, this building would be located on a significantly lower land level compared to the application site. This building is not occupied and remains under construction. Notwithstanding this, the proposed dwelling extensions would be separated from the rear boundary by some 30m. When accounting for the lower land level of the dwelling on Plot 3 and the separation distance, it is considered that the extensions to the dwelling would not

amount to detrimental harm by way of intrusion or loss of light on this neighbour, nor would they be overbearing.

- 7.2.11 The outbuilding would be located closest to this neighbour and would likely be partly visible from this neighbour's perspective. However, as shown in the picture below, views of Banstead Down are limited due to the land level differences between the sites. Therefore, any perceived bulk, or massing arising from the outbuilding would be somewhat limited. In any instance, the outbuilding would be set some 1.7m from the rear boundary with this neighbour. This neighbour also fronts the rear of Banstead Down and would be positioned some 13m into Plot 3 which would add further separation distance between the outbuilding and this neighbour. In addition the plans for the Plot 3 (LPA reference 24/0120/FUL) indicate that this neighbour would also benefit from a detached garage which would result in an intervening structure between the sites. For these reasons, it is considered that the proposed outbuilding would not amount to any harmful intrusions, loss of light or privacy on this neighbour.
- 7.2.12 The garage alterations would have no adverse impact on this neighbour as it would be located to the front of the application site and be screened by the existing dwelling.



[Above: Picture looking east toward site from Plot 3 / Cedar House]

#### All neighbours

- 7.2.13 It is recognised that the Master bedroom would have a rear Juliet balcony and below this, there would be a flat roof. The use of the flat roof as a balcony would give rise to elevated views and both actual and perceived overlooking across to neighbours. It is therefore considered reasonable and necessary to ensure that before occupation the Juliet balcony is in position and that the flat roof could only be used for maintenance rather than any form of elevated balcony. Thus, it would be reasonable and necessary to secure these by condition.
- 7.2.14 The dormer windows and roof lights would be small in scale and not give rise to any unacceptable overlooking or loss of privacy, subject to a condition to ensure that the roof lights would be appropriately positioned within the flank (1.7m from the internal floor level). The window additions and replacements would have a size and profile similar to that of the

existing dwelling and would not give rise to any materially different outlook from the existing dwelling and would primarily overlook the application site.

7.2.15 When considering the site circumstances and the positioning of the outbuilding, set in from the boundaries as well as its overall scale and form, it would not arise in any adverse harm to any neighbours.

7.2.16 The basement would be below the ground level and have no adverse impact on any neighbour.

### Summary

7.2.17 Although increasing the size and bulk of the dwelling, subject to conditions, the proposed development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

### 7.3 Rear Garden Amenity Space Provision

7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

7.3.2 The application site would result in the retention of approximately 500 sqm which would be sufficient for the replacement dwelling future occupiers.

### 7.4 Trees and Landscaping

7.4.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.4.2 The application site is not located within the conservation area, however, there is one individually protected tree on the site covered by TPO 063. Initially, the application was not accompanied by any tree protection details and a Tree and Landscape Officer commented that in order to provide a comment, calculations of the root protection areas in relation to any works would need to be provided along with any recommendation for protection. During the application an Arboricultural Method Statement was submitted (ecourban, produced by Barrie Draper, dated 25 March 2025). The statement includes a tree protection plan setting out how the retained trees, including the protected tree to the front would be safeguarded during development. The statement outlines that a total of 4 trees, identified as T001 Western Red Cedar (located to the front) and G011 (Mixed species) (located to the rear) would be felled.

7.4.3 A Tree Officer was consulted on the submitted tree details and raised no objection to the proposed protection methods however suggests that tree replanting take place due to the proposed loss of the trees. When considering the development and the proposed methods it is considered reasonable and necessary to secure that the protection methods are carried out in accordance with the approved details pre-commencement. Furthermore, that tree-replanting is secured by condition.

### 7.5 Highways, Access and Parking

7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13

and Appendix 5 of the Development Management Policies document set out parking standards and dictates that dwellings with four or more bedrooms should provide three off-street parking spaces.

- 7.5.2 The proposed extended dwelling would have five bedrooms. The proposed annexe would have another bedroom. As such, there would be 6 bedrooms total at the site which would require 3 spaces. This application seeks to retain the existing on-site 3 driveway and 1 additional garage space. This would accord with the guidance within Appendix 5.

## 7.6 Wildlife and Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

## 7.7 Mandatory Biodiversity Net Gain

- 7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.

- 7.8 Policy BW GB1 of Batchworth Neighbourhood Plan 2023-2038 (Submission Version) sets out that Development proposals must manage impacts on biodiversity and secure a minimum net biodiversity gain of 10% on site, unless impractical given site constraints, as demonstrated through use of the most up-to-date version of Natural England biodiversity metric (or any successor document to this) and submission of a biodiversity net gain plan submitted as part of planning application material.

- 7.8.1 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to a householder planning application.

## 8 **Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

### **Time**

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

**In accordance with plans**

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 02 REV E; 03; 04; 05 REV B; 06 REV B; 07 REV A; 08 REV A; 09 REV C; 10 REV B; 01 REV A.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Batchworth Neighbourhood Plan (2025).

**Tree Protection and Method Statement**

- C3 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works including ground protection, in accordance with the Tree Protection Plan contained within the submitted Arboricultural Method Statement (Report Ref 251661 – AMS dated 25 March 2025 by ecourban.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre-commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**Hard and Soft Landscaping Plan**

- C4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, including details of trees to be planted to mitigate for the proposed tree removals, and a specification of all hard landscaping including locations, materials and method of drainage. This shall include details of the specification of hard and/or soft landscaping including any levels changes relative to the existing levels to reinstate the ground within the root protection area of the protected trees on site as defined on the submitted Tree Protection Plan within the submitted Arboricultural Method Statement, and as identified on Drawing No. 02D.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is a pre-commencement condition to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

#### **Construction Management Plan**

- C5 Prior to the commencement of the development hereby permitted, a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- Construction vehicle numbers, type and routing to/from the site, including details of vehicles attending for spoil removal;
- Details of how spoil will be removed from the site, and where it would be removed to;
- Confirmation that all spoil arising from the excavation of the basement and foundations shall be removed from the site in accordance with the details above and will not be spread or redistributed across the application site.
- Access arrangements to the site, including the access points to be used for specified construction activities, including deliveries, and the use of banksmen;
- Siting and details of wheel washing facilities;
- Cleaning of site entrances, site tracks and the adjacent public highway;
- Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

Reason: This is a pre-commencement condition to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

#### **External Material Details**

- C6 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

#### **Rooflights**

- C7 Before the first occupation of the dwelling, the rooflights hereby permitted shall be positioned at a minimum internal sill height of 1.7m above the internal floor level.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

**Juliet Balcony**

- C8 Before the first use of the Master Bedroom hereby permitted, the Juliet Balcony as shown on plan numbers 05 REV B and 06 REV B shall be fitted and maintained as such thereafter in terms of its height, obscurity level, design and siting.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

**Flat Roof Access**

- C9 The rear flat roof to the sides and rear of "Master Bedroom", "Bedroom 2" and "En-suite" as shown on plan numbers 05 RE B and 06 REV B shall only be used in connection with repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

**Ancillary annexe**

- C10 The annexe (as shown on drawing number 07 REV A) hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to the residential dwelling located on the site and will remain functionally linked to the dwelling and shall not be used as an independent dwelling at any time or shall it be sold or let off.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1, CP4, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

**Ancillary outbuilding**

- C11 The rear outbuilding (as shown on drawing number 08 REV A) hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to the residential dwelling located on the site and will remain functionally linked to the dwelling and shall not be used as an independent dwelling at any time or shall it be sold or let off.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1, CP4, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

I1

With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and accompanied by a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this ([cil@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate



changes to reduce your energy and water use is available at:  
<https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

- 15 If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section of Thames Water's website.

**24/1670/FUL– Banstead Down, Old Chorleywood Road, Rickmansworth,  
Hertfordshire, WD3 4EH**





**24/1670/FUL– Banstead Down, Old Chorleywood Road, Rickmansworth,  
Hertfordshire, WD3 4EH**



**25/0154/FUL – Demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b)); widening of access off Denham Way at Woodoaks Farm Denham Way Maple Cross Rickmansworth Hertfordshire WD3 9XQ.**

**AND**

**25/0155/LBC - Listed Building Consent: Demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b)); widening of access off Denham Way.**

Parish: Non-Parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 01.04.25

Case Officer: Clara Loveland

Extension of Time: 27.05.25

**Recommendation for 25/0154/FUL:** That authority is delegated to the Head of Regulatory Services, following the completion of a S106 agreement securing the Heads of Terms set out below (and subject to any minor alterations to those terms as agreed between the Head of Regulatory Services and the Planning Committee Chairman), to grant planning permission subject to conditions.

**Recommendation for 25/0155/LBC:** That Listed Building Consent be granted subject to conditions.

**Reason for consideration by the Committee:** Three Members of the Planning Committee called the application to committee regardless of the Officer's recommendation, to discuss the impact on the Green Belt, parking, vehicular access and the impact on the heritage asset.

To view all documents forming part of these applications, please go to the following websites:

FUL:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SQU7MNQFMTV00>

LBC:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SQU7MOQFMTW00>

## 1 Relevant planning history

The application site as delineated by the red line on the site location plan forms part of the wider site known as Woodoaks Farm which has an extensive planning history. The most relevant applications are:

- 1.1 23/1154/FUL - Change of use from agriculture to a mixed community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b)). This was approved for a temporary period of 18 months beginning on 25<sup>th</sup> October 2023 (expired on 25 April 2025).

- 1.2 17/1403/LBC - Listed Building Consent: Refurbishment of existing barn including repairs to oak frame; replacement timbers and external weatherboarding; and part removal and reinstatement of clay tile roof. Approved and implemented.

## **2 Site description**

- 2.1 The application site forms part of a wider farm known as Woodoaks Farm situated on the northern side of Denham Way (A412) in Maple Cross. The red line of this application site contains an access track leading from the A412 toward the Black Barn, an area of hard standing, an agricultural building known as The Black Barn which is a Grade II listed building and part of an agricultural field.
- 2.2 Works have recently been undertaken at The Black Barn as part of listed building consent 17/1403/LBC. A temporary planning permission of 18 months (23/1154/FUL) has also been granted for the use of The Black Barn for a mixture of community uses.
- 2.3 The wider farm complex (within the blue line of this application) can be accessed by car from the A412 by a long driveway which runs alongside open fields before it opens onto a large area of hard standing which is utilised for parking and turning space for vehicles. The track provides access to Woodoaks Farm and the farmyard where it meets a public right of way which runs alongside the wider site.
- 2.4 The wider farm complex is located northwest of the settlement of Maple Cross and comprises a cluster of existing and former agricultural buildings including a microbrewery (currently operated by Creative Juices), two Grade II Listed buildings (building immediately North-West of Woodoaks Farmhouse and barn, approximately 100m to the north of Woodoaks Farmhouse known as The Black Barn and subject of these applications), a Locally Important Building (Woodoaks Farmhouse) and a tea shack operating from an adjacent open field.
- 2.5 In terms of policy designations, the application site falls within the Metropolitan Green Belt. Two bridleways (Rickmansworth 010 and 062) run adjacent to the western boundary of the application site.

## **3 Description of proposed development**

- 3.1 Planning permission and listed building consent are sought for the demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials to the Barn; alteration of front access path and courtyard; creation of drop off zone and parking area; change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b)).
- 3.2 Amended plans were received during the applications, altering the extent of the red line to widen this where the access road meets the highway of Denham Way. Re-consultation occurred as a result. Subsequent amended plans were provided in April 2025 to alter the fenestration details between the extension and cart shed, alter the roof to black corrugated aluminium and omit the door from The Black Barn into the cart shed. Also, to omit the outdoor area west of The Black Barn. One additional car parking space was added within the drop off zone. Due to the nature of these changes, no further re-consultation was required.
- 3.3 The submitted documents set out that the proposed uses focus on forming an education and community hub supported by commercial uses to ensure its viability and also that the proposal is put forward under the proviso of Very Special Circumstances.
- 3.4 Extensions
- 3.5 The existing 'cart shed' and 'concrete shed' as referred to on plan number BB/02, would be demolished. A front and side extension would be erected, physically adjoining The Black Barn. It would have a maximum width of 16m and a depth of 15m. It would have a mixture of roof forms with a maximum ridge height of 4.6m. The extensions would form two differing architectural styles,

identified as the 'community and education hub' and the 'cart shed'. The two parts would be physically adjoined and internally connected.

- 3.6 Part of the building referred to as 'community and education hub' on plan number BB/40/-01 (proposed south elevation) would have one higher mono-pitched roof form with a ridge height of 4.6m falling to an eaves of 3.5m towards the rear. It would have a lower mono-pitched roof form with a ridge height of 3m falling to an eaves height of 2.2m to the front. The community and education hub part of the building would be finished in a rough mid tone lime render on a brick plinth with a black aluminium corrugated roof. There would be glazed doors within the rear elevation of the building, facing towards the agricultural field behind. There would also be glazing within the western flank elevation. In the western elevation there would be a timber door which would enclose an air source heat pump. There would be glazing within the ground and upper part within the front elevation. There would be solar panels on the front roof slope of the lower roof.
- 3.7 Part of the building referred to as 'cart shed' on plan number BB/40/-01 (proposed south elevation) would have a mono-pitched roof with a ridge height of 3m falling to an eaves of 2.4m. It would be finished in cladding (retained from the existing cart shed) with new matching boards added.
- 3.8 The existing brick wall which separates these two parts of the building would be extended in height from 2.8m to 4.6m in height. The new brickwork would match the existing.
- 3.9 A doorway would provide access between the rear of the community room and the courtyard.
- 3.10 The Black Barn building would not alter physically however would be used flexibly and have market stalls.
- 3.11 Change of use of land
- 3.12 The proposal initially involved changing the use of 270 sqm of the open agricultural field which currently surrounds The Black Barn towards the west for use as an 'outdoor area'. This has since been omitted from this proposal.
- 3.13 An existing agricultural area located just east of The Black Barn and separated by a footpath would change use to a drop-off area and 8 parking spaces would be provided. The area would be re-surfaced in a permeable self-binding gravel surface.
- 3.14 The footpath fronting The Black Barn, its associated structures and court yard would be formalised to create an access between the proposed drop off zone, courtyard and buildings. It would be resurfaced in a permeable concrete pig slat surface.
- 3.15 The uses
- 3.16 The proposal seeks to introduce a mixture of different uses within the application site. It is noteworthy that limited detail has been provided on how the proposed uses would operate together e.g. whether the community uses would operate alongside commercial events and/or if there would be several events/uses occurring simultaneously. It is also important to note that limited detail has been provided on how the proposed uses would operate alongside the wider site uses such as the Tea Shack (23/1759/RSP), Microbrewery (18/2489/FUL) and other farm uses. The Technical Note (Helix Transport Consultants dated 22<sup>nd</sup> April 2025) provides some of the site uses.
- 3.17 Drawn from the submitted documents, the proposed uses are set out in the table below.

<p><b>Local community and learning</b></p> <p><b>Use Classes:</b></p> <p><b>F.1(a) Provision of Education</b></p> <p><b>F.1(e) Public halls or exhibition halls</b></p>	<p><b>Commercial Uses</b></p> <p><b>Weddings and Conferences (sui generis)</b></p> <p><b>E(d), E(d) Indoor sport, recreation or fitness (not involving motorised vehicles</b></p>
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<b>F.2(b) Halls or meeting places for the principal use of the local community</b>	<b>or firearms or use as a swimming pool or skating rink)</b>
<p><b>Use 1:</b> Community and charitable organisations</p> <p><b>Associated activity:</b> Talks, exhibitions, cultural events, local performances, youth group meetings, specialist interest activities.</p> <p><b>Frequency:</b> Weekdays between 10 am-4 pm. Occasional weekends and evenings*</p> <p><b>Travel:</b> Car parking on-site (and over-flow areas) including designated disabled parking. Encouragement of sustainable transport.</p> <p><b>Note:</b> Reduced rate or free for community groups.</p> <p>*Limited detail on the number of attendees has been provided, although it is indicated that this could be groups of 15-32 participants.</p>	<p><b>Use 1:</b> Weddings, conferences, other small-scale events.</p> <p><b>Frequency:</b> 10 events per year*.</p> <p><b>Operational details:</b> 120 guests (weddings), 140 guests (conferences).</p> <p><b>Travel:</b> Car parking on-site (and overflow areas). Encouragement of sustainable transport.</p> <p><b>Note:</b> Commercial events to generate income to maintain the facility and support its community and educational functions.</p> <p>*data related to other small-scale events have not been provided.</p>
<p><b>Use 2:</b> Primary Schools / Educational facilities</p> <p><b>Associated activity:</b> Class-based learning, farming workshops including food production, sustainability and the environment. Inclusive for disabilities.</p> <p><b>Frequency:</b> Weekdays between 10 am-4 pm during school term time*.</p> <p><b>Travel:</b> School to arrive by coach, 1 coach per day.</p> <p><b>Note:</b> Activities will be free for schools.</p> <p>*Limited detail on the number of attendees has been provided, although it is indicated that this could be groups of 15-32 participants.</p>	

#### 4 Consultee responses

- 4.1 In total, 3 formal consultations took place for the FUL and LBC. At validation of the applications, the description was updated to more accurately describe the full proposal and consultees and neighbours were consulted for the FUL on 12.02.25. A further consultation took place on 28<sup>th</sup> March 2025 for 21 days following a change in the red line which widened the access from Denham Way for the FUL and LBC.
- 4.2 Due to the extent of consultee comments, these are contained in full within **Appendix 1**.
- 4.3 Conservation Officer: Objection
- 4.4 Hertfordshire Ecology: Initial objection overcome, no objection.



4.5 Hertfordshire County Council – Highway Authority – , No objection raised, conditions added.

4.6 National Highways – No objection.

4.7 National Amenity Society – No response received.

4.8 Herts County Council Footpath Section – No response received.

4.9 National Grid – No response received.

## **5 Neighbour consultation**

5.1 Site notice (FUL AND LBC): Posted: 12.02.25. Expired: 05.03.25.

5.2 Press notice (FUL AND LBC): Published: 10.02.25. Expired: 07.03.25.

5.3 No. consulted: 90

5.4 No. of responses: 77 in support, 1 objection

5.5 Summary of support responses of material planning considerations (key themes):

- Creation of a community hub which supports education, inclusion and well-being and mental health for all ages and diverse groups of people within a safe environment.
- Educational facility for children and provision of opportunities for children to be involved in outdoor learning and provision of learning opportunities outside the classroom.
- Wheelchair accessible spaces are supported through a collaborative design.
- A facility that would support connection with nature and build awareness on farming and sustainability.
- Preservation of local farming, legal, wildlife and environmental activities.
- Beneficial to the local community.
- The development will enable the activities to run in the colder months of the year and provide a warm space with facilities, e.g. toilets.
- The widening of the access will allow tractors to turn into the site.
- Enhancement of biodiversity opportunities.
- Required bat surveys of the listed barn need to be undertaken to enable the development to progress lawfully.

## **6 Legislation and Relevant Local and National Planning Policies**

### **6.1 Legislation**

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

- 6.1.2 S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 6.1.3 S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 6.1.4 The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.5 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.
- 6.1.6 The Environment Act 2021.

## 6.2 National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

## 6.3 Three Rivers Local Development Plan

- 6.3.1 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP2, CP3, CP6, CP8, CP9, CP10 and CP12.
- 6.3.2 The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM12, DM13 and Appendix 5.

## 6.4 Other

- 6.4.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

# 7 **Analysis**

## 7.1 Green Belt

- 7.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence.

The NPPF identifies the five purposes of including land in Green Belts as:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 7.1.2 In respect of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that when

considering proposals, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

7.1.3 Paragraph 154 of the NPPF sets out that ‘development in the Green Belt is inappropriate unless one of the following exceptions applies’. The following are considered most relevant to the proposed development:

- 154(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- 154h)(iv) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- 154h)(v) material changes in the use of the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

7.1.4 In addition, if none of the above are met, paragraph 155 of the NPPF is also relevant as the development, in part, involves commercial development. Paragraph 155 states that development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.*

7.1.5 Before considering if the proposal would meet the requirements of paragraph 155 it is first important to consider if the proposal would constitute grey belt land. The NPPF defines Grey Belt as:

*“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*

In terms of footnote 7, the application site contains a designated heritage asset. As set out in more detail in the heritage section below, concerns are raised in respect of the impact of the proposal on the heritage impact which, whilst resulting in a reason for refusing, would not result in a strong reason for refusing or restricting development. However, in order to comply with NPPF Para 155 there would need to be “a demonstrable unmet need for the type of development proposed”. Officers do not consider there is a demonstrable unmet need and therefore the proposal would not comply with NPPF155.

7.1.6 The NPPF defines Previously developed land (PDL) as:

*“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. **Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape**”*

- 7.1.7 In terms of PDL, when considering this definition, the LPA are of the view that the site does not constitute PDL due to the land being and last occupied by agricultural buildings. This is highlighted in bold above for reference. It is noteworthy that The Black Barn gained temporary planning permission via application 23/1154/FUL for 18 months from 25<sup>th</sup> October 2023, which has since expired. Condition 1 pursuant to the temporary permission (23/1154/FUL) requires that the temporary uses permanently cease and therefore, the use of the building is considered to have resumed its lawful agricultural use. In this sense, the site is occupied by agricultural buildings. In any instance, the nature of temporary planning permission does not negate the fact that the buildings on the land were last occupied as agricultural buildings. For these reasons, the site does not fall within the scope of being previously developed land.
- 7.1.8 At a local level, Policy CP11 sets out there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Whilst Policy CP11 pre-dated the NPPF (2012), it reflects the wording of both NPPF 2012 and 2024 and thus can be afforded weight as part of the decision-making process.
- 7.1.9 Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and within (b) refers to extensions to buildings. DM2(b) states:
- Extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.*
- 7.1.10 Policy DM2 (f) refers to re-use of buildings. DM2(f) states:
- The Council will only support applications for the re-use/conversion of buildings in the Green Belt where:*
- i) the form, bulk and general design of the building is in keeping with the surroundings*
  - ii) any proposal by way of alterations/extensions, parking/turning areas, modifications to access or landscaping does not have a significant adverse effect on the openness of the Green Belt and does not appear excessively prominent*
  - iii) the scale of the proposed use is not likely to have a detrimental effect on the locality (e.g. by noise, smell or bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land)*
  - iv) the building is suitable for reuse/conversion without extensive alteration, rebuilding and or extension*
  - v) proposals do not include open or agricultural land to provide new gardens/amenity space or include doors giving access from buildings directly onto such land.*
- 7.1.11 Policy DM2 was adopted after the publication of the 2012 NPPF, and the Green Belt chapter of the NPPF has not materially changed since the publication of the NPPF, and on that basis DM2 is considered reflective of national Green Belt policy and thus can be given weight.
- 7.1.12 The proposal involves a mixture of works across the application site. These are categorised into sections below.
- 7.1.13 **Extensions:** The extensions consist of the demolition of the concrete shed and replacement with a front and side extension as well as the increase in height of the courtyard wall. When applying paragraph 154(c) of the NPPF, the test in this case is whether the building does not result in disproportionate additions over and above the size of the original building.
- 7.1.14 The existing footprint of the building on the land includes the main barn of the building known as The Black Barn, a courtyard area enclosed by a wall, cart shed and old barn, as well as a concrete

structure. These are all shown on the existing floor plan (drawing number BB/02). These have all appeared to have been in situ for an established period, although it is not clear when these structures were first erected. On review of historical maps, it appears that the cart shed and old barn were removed and replaced during the 1950s. This is drawn from mapping whereby maps labelled as '1950s' do not show the cart sheds; however, these appear to be shown in a map dated 1956. Added to this, the submitted Heritage Statement (Statement of Heritage Significance (HESPR December 2024 and January 2025) refers to the alterations made to the building over time, including the removal and replacement of the cart shed.

7.1.15 The submitted Planning Policy Statement (Wreyland January 2025) refers to the Barn being originally constructed in the 16<sup>th</sup> century and relocated to its current position in the late 1800s. However, it does not provide a commentary as to which parts of The Black Barn and its associated structures are original in planning terms (existing on 1 July 1948). The Policy statement also concludes that there would be a 5.66% increase in footprint, seemingly considering The Black Barn, cart shed and old barn to all have existed on 1 July 1948. However, when considering the removal and replacement of the cart shed, old barn and the later addition of the concrete barn well after 1948 (added in the late 20<sup>th</sup> Century) as well as all the available mapping data, on a balance of probabilities, it appears as though the cart shed and old barn were replaced in the 1950s and only The Black Barn can be said to have conclusively existed on 1 July 1948, rendering this part of the building, the only part original in planning terms.

7.1.16 When accounting for this, the following calculations can be applied:

- Original as of 1 July 1948, Black Barn = 148 sqm.
  - 1950s replaced cart shed = 83 sqm
  - 1950s replaced old barn = 60 sqm
  - Late 20<sup>th</sup> Century concrete shed = 106 sqm
- (Total existing building footprint = 397 sqm, 168% increase)*
- Demolished concrete = - 106 sqm
  - Demolished cart shed = - 83 sqm
  - Proposed extensions = 212 sqm
- (Total proposed building footprint = 420 sqm).*
- **Total cumulative percentage increase over the original building:  $420 - 148 = 272$  sqm, equivalent to 184 %.**

7.1.17 In summary, despite these structures having been in situ for an established period, the proposed extensions would add additional built form to an already extended building. When considering the cumulative increase, the proposed development at 184% would result in disproportionate additions over and above the size of the original building, contrary to paragraph 154(c) of the NPPF. Therefore, in principle, it can be contended that the proposed development results in inappropriate development and is, by definition, harmful.

#### Green Belt – Openness

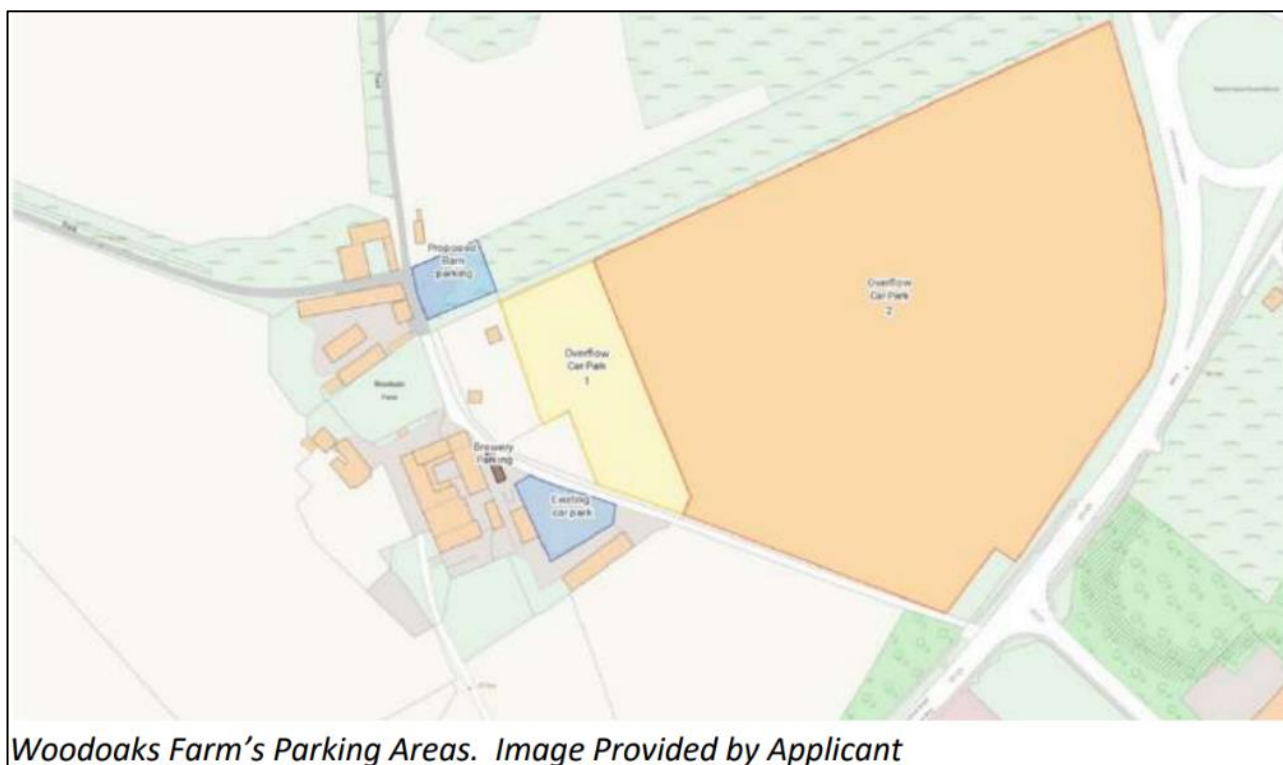
7.1.18 It is also recognised that floor space is not the only indicator and other factors such as volume, design and scale should be considered when determining whether the new extensions would, by virtue of their cumulative impact result in disproportionate additions.

7.1.19 When considering the harm to openness, the Planning Practice Guidance (PPG) sets out that the assessment of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. It states that the courts have identified several matters which may need

to be considered in making this assessment, which include, but are not limited to the spatial and visual aspects of a development and the degree of activity.

- 7.1.20 In terms of spatial assessment, the proposed development would result in a 6% increase in footprint compared with the existing building, which would contribute to the spread of urbanising development. Whilst this would contribute to some spread of built form, this would be closely related to the existing building being only some 3m wider than the existing flank wall of the concrete shed. When considering these factors, the spatial impact of the extensions would be relatively low.
- 7.1.21 In terms of a visual assessment, the proposed extensions would result in an increase in built form, which is higher and wider than the existing concrete and cart sheds. The extension would also expand the built form towards the west, some 3m beyond that of the existing flank wall of the concrete shed and as a result, increase the appearance of horizontal mass. The extensions would also introduce a mixture of different roof formations at varying heights, with the highest being at the eaves level of the main part of the barn. The roof form combination would add interest to the extension, however, it would likely result in this being more noticeable. The design of the extension would also have contemporary features such as the corrugated roof, large extent of glazing to the front and rear and large windows placed within the western elevation. These elements would appear distinctly different to the appearance of the traditional historic barn and as a result, would add to the prominence of the extension. Moreover, the barn and proposed extension would be positioned within a prominent position of the site where the western and northern parts of the site are open and lack visual containment with public footpaths through it. Therefore, the development would have high public visibility. Added to this, by nature of the formalisation and re-surfacing of the footpath, drop-off zone and courtyard, this would increase the noticeability and prominence of the building within its immediate setting. When considering the overall size, extent and design features of the extension, these would exacerbate the perceived mass and prominence of the development, which would make the development appear more visually harmful to the Green Belt. As a result, the proposed extensions cannot be said to preserve the openness of the Green Belt.
- 7.1.22 For these reasons and those raised above, the proposed extensions would result in disproportionate additions over and above the existing building, which would constitute inappropriate development in the Green Belt that would result in actual harm to the openness of the Green Belt. This would be contrary to paragraph 154(c), 154(h)(iv) and 154(h)(v) of the NPPF and Policy DM2 of the Development Management Policies LDD. Any harm to the Green Belt, including harm to openness, is afforded substantial weight.
- 7.1.23 **Uses:** In the case of paragraph 154h)(iv) of the NPPF relating to the re-use of buildings and 154h)(v) referring to the material change in use, the test is the same so far as if the development would preserve openness and do not conflict with the purposes of including land within it (para 7.1.1 above). The proposal seeks to introduce a mixture of different uses, including community, educational and commercial uses. The Black Barn has benefited from an 18-month temporary planning permission (23/1154/FUL) beginning 25<sup>th</sup> October 2023, which permitted the existing building to be used for mixed community uses. This permission has since expired, with Condition 1 of that permission requiring the temporary uses to have ceased by 25<sup>th</sup> April 2025. This application seeks to gain full planning permission for the previous temporary uses in addition to new uses such as weddings and conferences. The uses would also intensify above those of the previous temporary permission, owing to the proposed extension, which would increase the availability for additional uses.
- 7.1.24 It is important to note that whilst outside of the red line and not included within this application, there are other existing and established mixed uses across the wider site, all contained within the main hub area of Woodoaks Farm. The proposed uses would therefore intensify the current use of the barn over and above the uses that were given under temporary planning permission and would add to the existing uses across the wider site. This would have a cumulative impact on the Woodoaks wider site. There would be visible signs of intensification of use, though the likely increase of visitors coming to the site, including parked vehicles on the land. These elements relate to the requirements of Policy DM2(f) iii), iv) and v).

- 7.1.25 Whilst some details have been provided on the split between community and commercial uses, the operational detail for each use lacks clarity. It is recognised that as the development is proposed and the uses are evolving, some of the operational details may not yet be fully known. Whilst this is recognised, it is not clear how many people would attend each event/use, and of particular importance, how the proposed uses would operate alongside the wider site uses and cumulatively impact the application site. Therefore, the full extent of the impact of the uses on the Green Belt and whether these would preserve its openness or conflict with its purposes cannot be fully determined. To mitigate this concern, it is suggested that planning conditions be used to place controls over the hours of operation, number of attendees and simultaneous uses. Should the applicant require the operation of uses outside of those conditioned, it would be expected that a full justification comes forward for this within a subsequent application.
- 7.1.26 Notwithstanding this, the Technical Note (Helix Transport Consultants dated 22<sup>nd</sup> April 2025) submitted during this application sets out that the proposed uses (along with the wider site uses) would be facilitated using an adjacent agricultural field as an overflow parking area for a combined total of 28 days per calendar year (utilising existing permitted development rights for the temporary use of land). The overflow parking areas fall outside of the red line application site and fall within the blue line of the applicant's ownership. These areas would be relied upon to serve the proposed uses and could facilitate parking for more than 300 cars. The overflow spaces are proposed to be used in addition to the existing areas of hard standing, which, according to the Technical Note, would facilitate 48 spaces. The parking spaces across the site would be informal and used on an ad-hoc basis.



- 7.1.27 The overflow car parks shown in the image above would make use of a currently open agricultural parcel of land, which is prominently located towards the east, where there is a lack of visual containment because it comprises an open field. As a result, any level of cars stationed on this land, along with their use and associated activity would be noticeable and would have an impact on the Green Belt through visual intrusion. This would arise from the stationing of vehicles on the land, which is otherwise open and in agricultural use. Added to this, when considering the proposed potential number of vehicles which could utilise this space (more than 300, or up to 600 during certain events as set out within the Technical Note), the level of visual intrusion from the stationed vehicles would be significant. This level of intrusion is not considered to preserve openness and would therefore be considered inappropriate development within the Green Belt and would conflict with the purpose of including land in the Green Belt through failing to safeguard the countryside from



encroachment. It is noted that the level of harm would be mitigated to some extent through the temporary use of the land and pre-existing controls.

- 7.1.28 It is however recognised that this parcel of land would benefit from “permitted development rights” afforded by Schedule 2, Part 4, Class B of the GPDO which permits the temporary use of land for any purpose for not more than 28 days in total in any calendar year (excluding a market and motor car/cycle activities which are restricted to 14 days). Therefore, the proposed number of cars could utilise the land for car parking up to a total of 28 days per calendar year. Moreover, some ad-hoc parking spaces could be facilitated within the red line area of this application site (48 cars). However, these spaces would be required to be shared with the proposed uses as well as the existing uses on the site. Limited detail has been provided on how the proposed uses, which would intensify the use of the site, would be facilitated alongside these uses. Thus, the cumulative and resultant impact on the Green Belt cannot fully be determined. This raises some concerns that there could be a heavy reliance to use overflow parking areas and, resultantly, a more harmful visual impact on the Green Belt. Added to this, the submitted documents allude to the use of other fields across the wider site to facilitate visitors, to which no details have been provided on which fields, frequency of use or how many further vehicles these areas could accommodate. This raises concern that multiple parcels of land may be sought to facilitate visitors, which could further exacerbate the visual intrusion to the Green Belt from stationed vehicles on the land.
- 7.1.29 When considering the likely significant intensification of use of the site brought about by the proposed uses and the reliance on overflow car parking to facilitate these uses, it would be reasonable and necessary to secure that the whole site (blue line) is restricted to a use for car parking to a total of 28 days per calendar year via a planning obligation to ensure that the impact of the development would be acceptable in planning terms (see Heads of Terms at the end of this report). This would mitigate the visual intrusion on the Green Belt by limiting the frequency of occurrence. A condition is also suggested to ensure that on each use the applicant monitors and logs this. Through monitoring of the proposed uses, along with wider site uses, should the applicant require an increased reliance on overflow parking, it would be expected that a full justification comes forward for this within a subsequent application to vary the planning obligation prior to any increased use taking place.
- 7.1.30 The proposed development would constitute disproportionate additions within the Green Belt and would not meet any of the exceptions listed within paragraphs 154 or 155 of the NPPF, thereby constituting inappropriate development in the Green Belt, which by definition, is harmful. The proposal would also result in actual harm to the openness of the Green Belt therefore failing to preserve the openness and would conflict with the purposes of the Green Belt and would be contrary to Policy CP11 of the Core Strategy, Policy DM2 of the DMP LDD and the NPPF.
- 7.1.31 The harm to the Green Belt is afforded substantial weight. Paragraph 153 of the NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Very special circumstances are considered at the end of this report.
- 7.2 Design of the proposal and impact on the character of the area and the significance of the heritage assets
- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’ and ‘conserve and enhance natural and heritage assets’.
- 7.2.2 Policy CP6 of the Core Strategy advises that the Council will support development proposals that sustains parts of the District as attractive areas for business location. It also comments that the sustainable growth of the Three Rivers economy will be supported by continuing to focus employment use within key employment areas. Furthermore, the Council will support development that provides a range of small, medium and large business premises.

7.2.3 Policy CP12 of the Core Strategy sets out that development should have ‘regard to local context and conserve or enhance the character, amenities and quality of an area’.

7.2.4 The application building is Grade II Listed and known as The Black Barn. Policy DM3 of the Development Management Policies LDD (adopted July 2013) states when assessing applications for development, there will be a presumption in favour of the retention and enhancement of heritage assets and to putting heritage assets to viable and appropriate uses to secure their future protection. Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment. Also, that the Council will preserve the Districts Listed Buildings and will only support applications where:

- i) The extension/alteration would not adversely affect its character as a building of special architectural or historic interest both internally or externally or its wider setting*
- ii) Any change of use would preserve its character as a building of special architectural or historic interest and ensure its continued use/viability.*

7.2.5 Chapter 16 of the NPPF refers to the conserving and enhancing the historic environment. Paragraph 210 states: “In determining applications, local planning authorities should take account of

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c. the desirability of new development making a positive contribution to local character and distinctiveness.*

7.2.6 When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF sets out that great weight should be given to the assets conservation. The NPPF additionally supports a prosperous rural economy in paragraphs 88 and 89 which sets out that planning decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship*

7.2.7 Paragraph 212 of the NPPF states:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.*

7.2.8 The wider complex contains two Grade II Listed buildings (building immediately North-West of Woodoaks Farmhouse entry 1100877 and barn, approximately 100m to the north of Woodoaks Farmhouse known as The Black Barn entry 1100878). The Black Barn is within the application site and its listing reads as follows:

*Barn. Probably C16. Timber frame on brick base. Weatherboarded. Tiled roof. 5 bays. Double doors to centre bay on both sides. Interior: large arched braces from lightly jowled posts to straight tie*

*beams. Lower king strut roof: triple struts from tie beams to collars to lower purlins clasped by principals. Curved angled queen struts from collars to upper purlins, similarly clasped. Double rows of curved wind braces. Sheds attached to S are not of special interest.*

- 7.2.9 No objection is held to the removal of the existing concrete structure. However, the proposed extension would adopt a contrasting appearance and form to that of the existing barn and would appear more contemporary in terms of its style and finish (including glazing). By virtue of this design, the extension would adopt a bulky and convoluted appearance. Due to this, as well as its scale and prominent positioning, it would be readily visible and interrupt views of the existing heritage asset.
- 7.2.10 A Conservation Officer was consulted during this application and raised some key areas of concern, such as the scale and design of the proposal whereby the extensions, given its scale, would compete with The Black Barn and diminish its degree of significance. The Conservation Officer attributes this level of harm to be within the lower half of less than substantial. In qualifying this level of harm, the Conservation Officer describes the existing concrete structure to be “relatively narrow with a dual-pitched roof” and “...is relatively unobtrusive” and raises concern that the width of the proposal would be “incongruous with the existing on-site structures and compared to the existing concrete structure would not appear ancillary to the listed barn”.
- 7.2.11 Officers also express concern that, due to its contrasting appearance coupled with the proposed scale, the extension would not relate well to the host building and would appear somewhat disconnected from the traditional appearance of the barn and surrounding farm-style buildings. Therefore, the extension could look out of place within its immediate setting. From a conservation perspective, the extension would introduce an architecturally competing and distracting element within the immediate setting of the listed barn, inappropriate in scale, form and appearance. As a result, the proposed extension would not preserve or enhance the listed building or its setting. As such, the development in its current form would not comply with Policy DM3, or the NPPF (2024). In accordance with paragraph 212 of the NPPF, great weight is afforded to the level of harm identified. During the application, Officers sought amendments to the scale and design of the extension and whilst some alterations were received, these did not address all the concerns raised.
- 7.2.12 Furthermore, the Conservation Officer has commented that the proposal would include new openings through the historical wall of the cart shed, which would harm the historic fabric. This view has also been taken by the Heritage Consultant, where, in discussing the new openings between the western cart shed and new building on page 53 of the Statement of Heritage Significance (HESPR December 2024 and January 2025) it is stated that “there would be a loss of historic fabric...”. The statement goes on to describe these openings as “necessary”. From a Conservation perspective, the new openings are considered to result in a harmful loss of historic fabric and this harm would be categorised as a lower level of less than substantial harm. It is noted that there may also be further impacts on the heritage asset and its setting from the proposed use, including from the level of activity at the building and in the surrounding fields, as well as from the car parking. However, it is acknowledged that any harm would to some extent be mitigated by the conditions controlling the frequency and nature of the use.
- 7.2.13 When considering the proposed uses, it is recognised that the intensification of use could bring more visitors and secure public benefits which may assist in achieving a prosperous rural economy as outlined in paragraph 88 of the NPPF. As set out within paragraph 215 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits are explored at the end of this report.
- 7.3 Impact on Neighbours
- 7.3.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space’.

- 7.3.2 With regards to amenity and pollution, Policy DM9 of the Development Management Policies LDD states that the council will refuse planning permission for development, including changes of uses, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light smell, fumes, vibration liquids, solids or others (Including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.
- 7.3.3 Policy DM9 states that development will not be permitted where it would have an adverse impact on the acoustic environment of existing or planned development; would have an unacceptable impact on countryside areas of tranquillity; or would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not. Reference is made to Appendix 4 of the Development Management Policies LDD which sets out noise exposure categories for residential development.
- 7.3.4 Paragraph 198 of the NPPF sets out that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
  - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- 7.3.5 Overview
- 7.3.6 Given the nature of the proposal, there would be an intensification of use of the site and an increase of visitors which would result in an increased level of noise and disturbance. It is recognised that the lawful use of the building is agricultural, but a number of non-agricultural uses have taken place at the site and within the wider complex for several years. Moreover, the wider site is located immediately opposite other commercial sites, a nearby school and has residential neighbours to the south. It is acknowledged that there is an existing residential building on the wider site known as The Farmhouse. Although located immediately adjacent to a working farm, there would likely be increased disturbance to the occupiers of The Farmhouse as a result of the proposed uses. This disturbance could also be amplified depending on the number of people attending each use and the frequency of each event. Whilst some indication has been provided on the number of people attending each event, some of this is unknown at this stage of the development, and some data lacks detail and consistency.
- 7.3.7 Whilst there would likely be an increase in noise and disturbance, identifying if this would be harmful would be dependent on the operational details of the uses, such as the frequency of use and hours of operation. Notwithstanding this, it is acknowledged that the wider farm complex is large and does lend itself to the absorption of noise and disturbance, such that an increase of activity may not adversely impact surrounding neighbours and other sites.
- 7.3.8 It is noteworthy to add that this planning application seeks to go beyond that of the temporary permission, whereby the extension to the building would enable a greater number of uses to occur and likely an increase in visitor numbers. Furthermore, drawn from the Technical Note (Helix Transport 22 April 2025), it is important to consider that the application site sits within a wider site of established uses, and the uses proposed within this application would be in addition and in combination with those established uses. This would likely significantly intensify the overall use of the wider site, which could result in disturbance to the residential occupiers of the site and those nearby. Whilst there is no known residential disturbance arising from the current uses, as shown within the Technical Note, the use of the overflow parking area indicates the number of visitors which

could occur on the site, that are shown to range from 10 to 1500. Furthermore, as the site is publicly accessible via several footpaths, this number may also increase.

- 7.3.9 Given the concern raised that there could be an immediate impact on the occupiers of The Farmhouse resulting from increased activity, it is also considered necessary to secure the operational hours for the uses which may mitigate any impact. Should the applicant require the operation of uses outside of conditioned hours, it would be expected that a full justification comes forward for this within a subsequent application to vary the terms of the proposed condition. Furthermore, it would be reasonable and necessary to secure the use of the overflow parking areas to a restricted number of days per year via a Section 106 legal agreement, which would mitigate any harmful impact of large-scale events and associated activity on the immediate occupiers of The Farmhouse and any surrounding nearby neighbours.

#### 7.3.10 Community and Educational Uses

- 7.3.11 Regarding the proposed community and education uses, these are proposed to be between 10 am – 4 pm on weekdays, with the occasional weekend and evening use. It is not clear how frequent the weekend or evening use would be or for which hours the building would be in use. Group visits would be between 15-32 participants.

- 7.3.12 Using the building from 10am to 4pm across the weekdays and weekends would generally be considered acceptable, given the nature of the site. However, later into the evenings, which is currently unclear, raises concern that there could be disturbance to the occupiers of The Farmhouse as well as nearby neighbours. Whilst the number of attendees is suggested as up to 32, the Black Barn and the proposed extension would combine to provide a large area, likely to facilitate well in excess of this number. As highlighted above, it is also not clear how the proposed uses could operate alongside or independently of the wider site uses. To ensure the associated activity with community and educational uses is appropriate, it is considered reasonable and necessary to secure the operational hours of use as well as a maximum number of attendees to some larger events/uses. This would mitigate any potential disturbance arising from the associated activity with the uses. A condition is also suggested to restrict some uses occurring simultaneously on the site to prevent cumulative impacts of the proposed development alongside other existing uses.

#### 7.3.13 Commercial Uses

- 7.3.14 Regarding the proposed commercial uses, these are proposed to be a mixture of weddings and conferences as well as other occasion uses, in addition to some smaller scale uses. A lack of detail has been provided on the nature of each of these uses and how they would operate. Whilst little is known about the smaller-scale commercial uses, the weddings and conferences are proposed to total 10 per year and would have up to 140 guests. It is not clear if these would run on weekdays or weekends. It is also not clear if the weddings and conferences would operate simultaneously as other proposed uses or, other uses across the wider site. This raises some concerns related to the cumulative impact of the development which could arise in noise and disturbance. It is, however, recognised that the site does lend itself to adsorption of noise and activity and that some uses have been established for some time. Whilst this is the existing circumstances, the proposal would likely significantly intensify the use, and some ambiguity remains as to its cumulative operation. Given this ambiguity, it is considered reasonable and necessary to secure the operational hours of use as well as the maximum number of attendees to each event/use. This would mitigate any potential disturbance arising from the associated activity with the uses. A condition is also suggested to restrict some larger scale events/ uses occurring simultaneously on the site to prevent cumulative impacts of the proposed development alongside other existing uses.

#### 7.4 Highways and parking provision

- 7.4.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

- 7.4.2 Paragraph 116 of the NPPF states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*
- 7.4.3 Paragraph 118 of the NPPF states: *“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.”*
- 7.4.4 The site is currently accessed by a single-track road of Denham Way. The red line in this application was amended to widen the front access to enable agricultural vehicles to sufficiently turn into the site. This followed discussions related to the ongoing road works along Denham Way which are outside the scope of this application but are fundamentally changing Denham Way in this location to a dual carriageway road with traffic light controlled junction. No objection is held to widening the access to facilitate the existing site use.
- 7.4.5 In relation to highway safety, the building would be accessed by the existing access track from Denham Way, a classified distributor road with a speed limit of 40 mph. Noting the established mixed uses on the site which utilise this access, it is considered likely acceptable that it could facilitate an increase in trip generation to and from the site generated by the proposed uses. The application is supported by a Transport Statement (Helix January 2025) which has been considered by a Highway Officer who has not objected to the proposal on highway safety grounds. This is largely based on the expected trip generation for the size of the Black Barn and associated structures, equating to a floor space of some 414 sqm. The LPA have no evidence to the contrary and in this regard, the Highway Safety aspect of the proposal is considered acceptable. It is noteworthy that the Transport Plan does not provide significant commentary on the overflow parking or additional trip generation arising from larger-scale events at the site. It is recognised that some larger-scale events would not be wholly facilitated by this application however, there is a lack of clarity and consistency throughout the application to confirm which of the larger-scale events would utilise the black barn and proposed extension. Based on the available information, it is considered likely that the uses may be combined to some degree and these events could generate significant amounts of car movements. As such, it would be reasonable and necessary to ensure that the traffic is managed via a travel plan to monitor any likely highway impacts.
- 7.4.6 In terms of parking, as highlighted above, the submitted Technical Note Site Parking (Helix Transport Consultants dated 22 April 2025) provides an expected reliance on overflow parking area to facilitate the proposed uses, in addition to the wider site uses. Additionally, as uses are evolving and the current level of detail is not clear on the expected number of visitors/uses/events, the level of parking that would be required for each use cannot fully be determined.
- 7.4.7 Appendix 5 of the Development Management Policies LDD states that there should be 1 space per 9 sqm or 1 space per 3 fixed seats plus 3 spaces per 4 staff members for a public hall/pave of assembly. According to the submitted proposed floor plan (BB/30/-02), when measured there would be approximately 262 sqm of useable floor space across the Black Barn, proposed cart shed, proposed extension and old barn (excludes kitchen, walkways, WCs and cupboards). The submitted Planning Policy Statement (Wreylund January 2025) also indicates that there would be 2 full-time staff and an additional 2 full time staff for events and educational programmes (total of 4). This would require 29 spaces plus 3 staff spaces, totalling 32 parking spaces. This number excludes larger scale events such as weddings and conferences. It also excludes the number of parking spaces required for the wider site uses which also utilise the existing car park. When accounting for other uses across the wider site, the cumulative number is considered to likely be significantly higher than this. It is also noteworthy that the numbers are likely to be seasonal with a greater number across the spring and summer months. Given that there is an overall lack of consistency and clarity regarding the number of attendees to the site, it is not possible to accurately determine how the parking would facilitate the existing uses across the wider site, as well as the proposed uses and intensification of use as facilitated by this application.

- 7.4.8 The proposal indicates that 8 new parking spaces would be provided within the drop-off zone with 2 of these spaces being accessible spaces. The submitted Technical Note Site Parking (Helix Transport Consultants, dated 22 April 2025) also indicates that the existing car park, which is located some 100m south of the Black Barn, provides 48 parking spaces (although later within the Technical Note, the capacity is said to be 40 spaces). Based on this, the application site would provide a total of 56 parking spaces (or 48 spaces using the lower figure). Whilst this would provide more than the requirement for a public hall, this excludes the larger-scale events and the cumulative impact of the wider site uses, which also utilise the existing parking areas. An example of this concern is set out within the Technical Note where by a table of activities and number of cars is provided. Using this information, it is evident that the number of cars would exceed the existing parking arrangements on several occasions. Added to this when the existing parking arrangements are exceeded there is a reliance on overflow parking (located on the open agricultural field to the east of the site) to facilitate the uses. Officers expressed concern related to the reliance of overflow parking to accommodate the proposed uses within this application alongside the existing wider site uses, because of the impacts of the overflow parking and because the overflow areas can only be used for up to 28 days in any calendar year.
- 7.4.9 In terms of cycle parking, there would be sufficient space across the site to facilitate a cycle parking area. It is also taken into account that the site has a good degree of connectivity, where it is publicly accessible via footpaths and nearby public transport routes. Notwithstanding, for larger events such as weddings, it is likely that there would be a heavy car reliance.
- 7.4.10 The Highway Officer has provided some commentary on the proposed car parking with acknowledgement of the temporary use of land via permitted development (Sch 2, Part 4, Class B) and raised no objections. Notwithstanding this, the Highway Officer provides cautionary advice in reference to more permanent and additional car parking, which may have the potential for significantly greater levels of traffic and could require more mitigation at the access.
- 7.4.11 Overall it is acknowledged that the site can accommodate parking for the majority of cars visiting on average events, however for larger events there is a reliance on the use of overflow car parking, and this can only lawfully be used for up to 28 days in a calendar year. To ensure that the 28 total calendar days per year are not exceeded given the evolving uses and site intensification, this could be monitored through conditions and secured via a planning obligation. It is further acknowledged that should there be insufficient space on-site for car parking to be accommodated, there are limited opportunities for car parking in the immediate vicinity, such that it is not clear that any demonstrable harm would result. Given the lack of alternative car parking areas outside the site, and the controls to be imposed, it is considered that the lack of car parking would on balance be acceptable.
- 7.5 Mandatory Biodiversity Net Gain
- 7.5.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.
- 7.5.2 In this case, the applicant has confirmed that the biodiversity gain condition would apply and has provided a BNG assessment and metric on how this would be achieved. The BNG assessment and metric were updated following the red line change to include the widening of the front access. These details set out that there would be a 12.12% increase in on-set habitat units. An Ecology Officer was consulted during this application and concluded that the scheme would meet the required 10% net gain and would be acceptable in this regard. Notwithstanding this, as advised by the Ecology Officer, it is considered necessary and reasonable to secure the BNG net gain by condition through the provision of a Habitat Management and Monitoring Plan, along with a Section 106 monitoring fee with any grant of planning permission.
- 7.6 Wildlife considerations
- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by



regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.6.3 This application is accommodated by a Ecological Assessment. An Ecology Officer was consulted during this application and initially raised concerns related to the high potential for roosting bats in the Black Barn and requested that three dusk emergence surveys be carried out prior to determination. The applicant's appointed Ecologist subsequently provided the Ecology Officer with further documentation to confirm that the proposed development would not cause disturbance to the Black Barn. Following this, the Ecology Officer provided an updated comment which suggests an informative be added to caution the applicant accordingly. Furthermore, the Ecology Officer has suggested that a Landscape and Ecological Management Plan be submitted by condition. Subject to the inclusion of this condition and informative, no objections are raised.

## 7.7 S106 Agreement and Heads of Terms

- 7.7.1 Any grant of planning permission would be subject to the completion of a Section 106 Agreement to secure the uses, parking arrangements and a commitment to provide 10% biodiversity net gain.
- 7.7.2 Whilst the biodiversity net gains detailed above would be secured by planning condition, the gains that would be achieved would be significant and the LPA considers it reasonable and necessary that the gains, which are to be achieved on site, be monitored. The LPA is able to secure a fee to cover the costs of monitoring the BNG, and the fee in this instance would be £5546.30. This monitoring fee would be secured by S106.
- 7.7.3 The following Heads of Terms have been drafted in relation to the uses and parking arrangements:
- 7.7.4 Definitions:

**The Black Barn** means the use of The Black Barn and its associated structures being the Community and Education Hub, Cart Shed and Old Barn in addition to the accessible courtyard catering use for mixed commercial use and community uses indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b)).

**Community Use(s)** means a use falling within the categories of indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b)) and no other who's use of the Black Barn has been approved in writing by the Local Planning Authority.

**Commercial Use(s)** means a use falling within the categories of profit-making business purposes within the Black Barn and that has been approved in writing by the Local Planning Authority.

**Function** means an activity, party, special meal, ceremony, social event, or conference, inclusive of weddings and corporate events, where a formal agreement of commercial or community letting of any part of the Land has been entered into to hold a function of more than 30 persons (including guests/participants/visitors and any persons who organise/host/facilitate and any suppliers who attend or participate in the Function).

**Wider site facility** means any community, commercial or other use or event taking place outside of the red line but within the blue line of this application as shown on the site location plan.

**Overflow parking** means any parking on the land identified within the areas identified as 'Overflow Car Park 1' and 'Overflow Car Park 2' in addition to any other land that is used to facilitate any Use(s) or Function(s) on the Land identified within the Blue line.

Current proposed Heads of Terms:

1. Not to use or permit the use of The Black Barn for any purpose other than as:
  - (a) Community Use(s)
  - (b) Commercial Use(s)
2. Not to use or permit the use of the Black Barn after 22.00 hours on any day other than the 10 occasions per calendar year when The Black Barn may be used for a Function.
3. Not to use or permit the use of The Black Barn at any time for dances or discotheques other than the 10 occasions per calendar year when The Black Barn may be used for a Function.
4. Not to use or permit the use of The Black Barn for Functions other than the 10 occasions per year when The Black Barn may be used for a Function.

**Function:**

1. Not to operate any Function before 06:00 or after 23.30 hours and to require all persons attending a Function to leave the Site by 24:00 hours on the day of the Function.
2. Not to permit more than 160 persons to attend any Function (including any persons who organise/host/facilitate and any suppliers who attend or part take in the Function)
3. Not to permit more than 10 Functions to take place each calendar year
4. Not to operate any Function at the same time as any other Community or Commercial Use on the Land associated with the Black Line (shown within the red line pursuant to this application\_.
5. Not to operate, hold or permit any Function at the same time as any other Community Use(s) or Commercial Use(s) on the Land associated with the Black Line (shown within the blue line pursuant to this application\_.

**Overflow parking**

1. Not to operate any parking of any kind on the land shown on plan number XYZ other than the 28 days per calendar year when the Land may be used as overflow parking for uses and functions at The Black Barn and the Wider Site Facility with the exception of agricultural machinery and vehicles associated only with the agricultural use of the wider site facility.
2. The overflow parking areas 1 and 2 as shown on plan number XYZ shall be locked and/or restricted from vehicle access at all times other than for 28 days per calendar year as detailed at 1 above.

**Notice Provisions**

- 1) Not to hold or permit a Function to be held unless the Council has been given 10 Working Days prior notice of it.
- 2) There shall be no more than one Function on any day.
- 3) To monitor and log every Function, inclusive of date held, hours of operation, number of persons attending, number of any persons who organise/host/facilitate and any suppliers who attend or participate in the Function, parking arrangements inclusive of number of vehicles associated with the Function and location of parking. All Function monitoring and logging will be reported in writing to the Council once per annum, being provided by the calendar year's end (31<sup>st</sup> December).
- 4) In accordance with Notice Provision 3), the monitoring and logging of every Function shall be made available for inspection by the Local Planning Authority at 2 workings days notice (where working days refers to Mondays-Fridays inclusive and excludes weekends and Bank Holidays).

- 5) To monitor and log every Overflow parking, inclusive of date of use, hours of operation and, parking arrangements, including of number of vehicles. In addition to which uses and/or function that the parking is associated with associated with. All parking monitoring and logging will be reported in writing to the Council once per annum, being provided by the calendar year's end (31<sup>st</sup> December).
- 6) In accordance with Notice Provision 5), the monitoring and logging of every overflow parking shall be made available for inspection by the Local Planning Authority at 2 workings days notice (where working days refers to Mondays-Fridays inclusive and excludes weekends and Bank Holidays).

## 7.8 Very Special Circumstances and Public Benefits

- 7.8.1 This report has identified that the proposal would cause adverse impacts, with these being a) inappropriate development within the Green Belt which is harmful by definition, b) less than substantial harm to the heritage asset (at the lower end of the scale) and c) inadequate parking. These adverse impacts must be weighed against other materials considerations within the planning balance to come to an overall conclusion of the proposal's planning acceptability.
- 7.8.2 In accordance with paragraph 153 of the NPPF (2024), any identified harm within the Green Belt is afforded substantial weight and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.8.3 In accordance with paragraph 215 of the NPPF (2024), where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As set out in paragraph 212 of the NPPF (2024), great weight is given to the assets conservation.
- 7.8.4 Material considerations have been put forward by the applicant within section 7.1 of the Planning Policy Statement (Wreyland January 2025). These include: 1. Substantial public benefits 2. Education Benefits 3. Social and Cultural Contributions 4. Health and Wellbeing 5. Preservation and Enhancement of a Heritage Asset 6. Environmental and Sustainability Credentials 7. Limited Harm to Green Belt Purposes 8. Lack of Alternative sites. When considering the requirements of the NPPF, these considerations are assessed against the identified harms set out within this report. To do so, weight is applied to each of the material considerations within the planning balance is categorised in the following levels:
  1. Limited weight.
  2. Moderate weight.
  3. Significant weight
- 7.8.5 In this case, the material considerations are the following:
- 7.8.6 **Education Benefits:** The applicant sets out that the proposal would create a dedicated space for year-round education activities, enabling schools, disability groups and community organisations to engage with nature, food and farming. **Social and Cultural Benefits:** The applicant sets out that the development would address a lack of community infrastructure in Maple Cross, providing spaces for cultural activities, events and outreach. Also, inclusive of accessibility focused provisions for disadvantaged groups. **Health and Wellbeing:** The applicant sets out that there would be an integration of sustainable farming practices with public engagement to address national challenges and contribute to wider public health objectives. In addition to creating opportunities for people to access the countryside, which supports mental health and physical well-being.
- 7.8.7 Paragraph 88 of NPPF states: Planning policies and decisions should enable:
  - a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;

- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

7.8.8 Policy DM12 relates to community leisure and cultural facilities:

*a) Protection*

*Proposals for the redevelopment or change of use of any premises resulting in the loss of facilities or services that support the local community will only be permitted where the Council is satisfied that:*

- i) The existing facility can be satisfactorily relocated within the development; or*
- ii) The use concerned is not economically viable, could be provided by some other means, or it can be demonstrated that there is no longer a demand for the use; or*
- iii) The premises or site cannot readily be used for, or converted to, any other community facility and:*
- iv) The facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in an appropriate alternative location, served by sustainable modes of transport.*

*b) Where a use is no longer economically viable, the Council will require supporting information setting out reasons as to why the use is no longer viable and cannot be made viable in the foreseeable future. This may include details of previous use, accounts and marketing information demonstrating that the premises has been marketed for use as a community facility for a reasonable length of time and that no suitable user has been/or is likely to be found.*

*c) New provision and enhancement*

*Where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport.*

7.8.9 Paragraph 96 of the NPPF also sets to achieve healthy, inclusive and safe places which promote social interaction and learning opportunities.

7.8.10 The applicant contends that there is a lack of infrastructure for the proposed type of development, although no evidence has been provided to support this. Furthermore, the LPA are not aware of any identified need within the district for a facilitate of this type or size. It is recognised that the proposal would bring about a variety of different commercial and community uses which would be to the benefit of the public when considered as a whole. Added to this, whilst The Black Barn has benefited from temporary planning permission, this has since expired and in accordance with the conditions of the temporary permission, the uses should now have ceased. As such, this planning application would bring about new uses and an identification of uses that do not currently lawfully exist. When considering the proposed range of different uses, which would allow the site to expand and diversify for the benefit of the public, **significant weight** can be afforded to this.

7.8.11 **Environmental and Sustainability:** The applicant sets out that there would be a use of low-carbon materials and renewable energy technologies which align with net-zero carbon objectives. It is recognised that NPPF seeks to take account of the contributions made to low carbon and renewable energy sources. When considering the emphasis on sustainability, and that the use of low carbon measures could be secured by condition, **moderate weight** can be applied to this.

7.8.12 **Lack of Alternative Sites:** The applicant sets out that the site is uniquely suitable for the proposal, and relocating this elsewhere would undermine its purpose. Whilst the special circumstances of this site are recognised, no alternative sites assessment has been provided. However the proposal is assessed on its merits. As such, **limited weight** is afforded to a lack of alternative sites.

7.8.13 The applicant's other categories, including the significance of the heritage asset, harm to the green belt have been addressed within the relevant sections of this report.

7.8.14 **Biodiversity:** Officers express that the proposal would also provide an uplift in biodiversity net gain by 12.2% which would exceed the mandatory 10% requirements. This uplift could also be secured

by condition. Given the emphasis placed on biodiversity within the NPPF as well as Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document in addition to Schedule 7A of the TCPA, **moderate weight** is afforded to this.

- 7.8.15 It is considered that the benefits arising by the scheme would clearly outweigh the identified harms. This would meet the requirements of paragraphs 153 and 215 of the NPPF which requires the harms to be weighed against public benefits and other considerations.
- 7.8.16 In summary, when considering the weight afforded to educational, social, cultural, health and well-being along with biodiversity gains, these provisions would combine to constitute very special circumstances which outweigh the harm to the Green Belt by reason of its inappropriateness and impact on openness. These provisions would also combine to provide public benefits that weigh against the identified heritage harm caused to the setting and fabric of the building. Added to this, the inadequate level of parking by virtue of the intensification of use of the wider site arising from the cumulative impact of the proposed uses in this application along with the existing wider site uses could be managed and mitigated by a legal agreement. As a result, the development, subject to conditions and a legal agreement would be acceptable.

## **8 Recommendation**

- 8.1 That authority is delegated to the Head of Regulatory Services, following the completion of a S106 agreement securing the Heads of Terms set out below (and subject to any minor alterations to those terms as agreed between the Head of Regulatory Services and the Planning Committee Chairman), to grant planning application 25/0154/FUL subject to conditions:

### **Time**

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

### **Plans**

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: BB/01/03; BB/02; BB/03; BB/04; BB/05; BB/06; BB/07; BB/08; BB/09; BB/10; BB/15; BB/16; BB/17; BB/18; BB/19; BB/20; BB/21; BB/22; BB/30/-02; BB/31/-03; BB/32/-03; BB/40/-01; BB/41; BB/42; BB/43; BB/44/-01; BB/45; BB/46/-01.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3, DM6, DM9 and DM12, DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and the NPPF (2024).

### **External Materials**

- C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials (as well as any low carbon and renewable energy measures) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### **Uses**

- C4 The Black Barn (and its associated structures, being the Community and Education Hub, Cart Shed and Old Barn in addition to the accessible courtyard as shown on plan numbers BB/40/-01 and BB/32/-03) shall be used only for:

- a) **Community Use(s):** meaning a use falling within the categories of indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b)) and no other who's use of the Black Barn has been approved in writing by the Local Planning Authority.

**AND**

- b) **Commercial Use(s):** meaning a use falling within the categories of profit-making business purposes within the Black Barn and that has been approved in writing by the Local Planning Authority.

and no other purposes whatsoever (including any other purpose in the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM2 and DM3 Development Management Policies (adopted July 2013).

**Hours of operation**

- C5 The use of Black Barn (and its associated structures, being the Community and Education Hub, Cart Shed and Old Barn in addition to the accessible courtyard as shown on plan numbers BB/40/-01 and BB/32/-03) and land hereby permitted shall not operate other than between the hours of 06:00 and 22:00.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**Number of Functions per year**

- C6 No more than 10 Functions shall be held or permitted to be held within a calendar year at The Black Barn (and its associated structures, being the Community and Education Hub, Cart Shed and Old Barn in addition to the accessible courtyard as shown on plan numbers BB/40/-01 and BB/32/-03) and land hereby permitted where a Function has a number of persons attending exceeding 50 (including any persons who organise/host/facilitate and any suppliers who attend or participate in the Function).

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM2, DM3, DM9 of the Development Management Policies (adopted July 2013) and the NPPF (2024).

**Number of attendees to Functions**

- C7 No more than 160 persons shall attend any Function (including any persons who organise/host/facilitate and any suppliers who attend or participate in the Function) at The Black Barn (and its associated structures, being the Community and Education Hub, Cart Shed and Old Barn in addition to the accessible courtyard as shown on plan numbers BB/40/-01 and BB/32/-03) and land hereby permitted.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM2, DM3, DM9 of the Development Management Policies (adopted July 2013) and the NPPF (2024).

**Hours of operation of Functions**

- C8 Notwithstanding the provisions Condition 5 The use of Black Barn (and its associated structures, being the Community and Education Hub, Cart Shed and Old Barn in addition to the accessible courtyard as

shown on plan numbers BB/40/-01 and BB/32/-03) and land hereby permitted shall not operate other than between the hours of 06:00 and 23:30 and all persons attending the Function are required to leave the site by 24:00 on the day of the Function.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

**One function per day**

- C9 There shall be no more than one Function per day where the number of persons attending the Function (including any persons who organise/host/facilitate and any suppliers who attend or participate in the Function) exceeds 50.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM2, DM3, DM9 of the Development Management Policies (adopted July 2013) and the NPPF (2024).

**No simultaneous functions**

- C10 Any Function occurring within the application site shall not take place or be permitted to take place simultaneously on the same day as any other event, function or activity taking place (with the exception of agricultural activities) on the wider site (as identified within the blue line on plan number xxx) where the number of persons (including any persons who organise/host/facilitate and any suppliers who attend or participate in the Function) attending is more than 50.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM2, DM3, DM9 of the Development Management Policies (adopted July 2013) and the NPPF (2024).

**Temporary structures**

- C11 Notwithstanding the provisions of the Section 55(1) of the Town and Country Planning (1990), no structures / hard surfacing or storage of any kind shall be erected / constructed / placed / stored within the application site at any time inclusive of the Outdoor Area as shown on plan number BB/30/-02.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2, DM3, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2024).

**Outdoor area**

- C12 The Outdoor Area, as shown on plan number BB/30/-02 shall only be used for purposes ancillary to the approved uses set out within Conditions 2, 4 and 6, and no other use whatsoever.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM2, DM3, DM9 of the Development Management Policies (adopted July 2013) and the NPPF (2024).

**Monitoring and Logging**

- C13 In accordance with Conditions 2, 4 and 6, every Function shall be monitored and logged through the keeping of records. Function records shall include of date held, hours of operation, number of persons attending, number of any persons who organise/host/facilitate and any suppliers who attend or



participate in the Function, parking arrangements inclusive of number of vehicles associated with the Function and location of parking. All Function monitoring and logging shall be available for inspection by the Local Planning Authority at 2 workings days' notice.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM2, DM3, DM9 of the Development Management Policies (adopted July 2013) and the NPPF (2024).

**C14 Habitat Management and Monitoring Plan**

No development shall take place (except demolition and site clearance) until a Habitat Management and Monitoring Plan ("the HMMP"), prepared in accordance with the approved Biodiversity Gain Plan and including:

- a) A non-technical summary;
- b) The roles and responsibilities of the people or organisation(s) delivering the soft landscaping scheme;
- c) 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;
- d) 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
- e) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

The management and maintenance of the habitat shall take place in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure the development delivers a Biodiversity Net Gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the Environment Act 2021.

**C15 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Gain Plan report Woodoaks\_BNG\_001 dated March 2025 Net Gain Report.**

Reason: This is to ensure that the biodiversity and ecological information submitted with the planning application is realised through the Biodiversity Gain Plan, in the interests of local biodiversity and to ensure biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**C16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.**

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on

the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**C17 Vehicular Access**

The development hereby permitted shall not be first brought into use until the vehicular access point from the A412 has been laid out and constructed in accordance with details to be firstly submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority as indicated on drawing Link Engineering Plan Drawing name: Proposed Access Arrangement Rev P09 Project LM3049 and Plan number BB/01/03. The access shall be thereafter maintained in accordance with approved details and specifications.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

**C18 Travel Plan Statement**

Prior to the first occupation of the development hereby permitted a 'Green Travel Plan' with the objectives of reducing journeys to and from the site by private car shall be submitted to and approved by the Local Planning Authority. This approved Green Travel Plan shall be implemented on first occupation of the building. An updated Green Travel Plan shall be submitted to the Local Planning Authority for written approval on the anniversary of the 1st year of occupation. The updated Green Travel Plan shall be implemented following its written approval.

Reason: To promote sustainable modes of transport and to meet the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

**C19 – Cycle Parking**

Prior to the first use of the development hereby permitted, details including plans and specifications of cycle parking facilities (including location, number and appearance) shall be submitted to and approved in writing by the local planning authority. The facilities shall thereafter be installed in accordance with the approved details prior to the first use of the development hereby permitted and permanently maintained as such thereafter.

Reason: To promote sustainable modes of transport and to meet the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

**8.2 25/0154/FUL Informatives**

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and be accompanied by a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable,

even if you have been granted exemption from the levy, please be advised that before commencement of any works It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{b (a)} Making a Non-Material Amendment

{b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority, and

b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>. Add informative for highway safety advisory group for traffic management.

- 15 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 16 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer->

- 17 Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)
- 18 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047
- 19 Large events: For those large events occurring under permitted development rights i.e. facilitated through uplift of (temporary) car parking and beyond levels accepted within this application, the applicant are directed to liaise with the areas Safety Advisory Group. The aim of the Safety Advisory Group is to look at any events happening in the Three Rivers area, and provide advice and guidance to enable those responsible for organising events to run them safely and successfully. This may include requirements for Traffic Management to facilitate the large numbers of potential vehicles attending. The Watford and Three Rivers Safety Advisory Group (SAG) is made up of a cross-section of agencies, particularly Watford Borough Council and Three Rivers District Council, Hertfordshire Constabulary, Hertfordshire Fire and Rescue Service, East of England Ambulance Service and Hertfordshire Highways. Details in respect of Safety Advisory Group may be found here <https://www.threerivers.gov.uk/services/community-and-living/watford-three-rivers-safety-advisory-group>
- 110 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

8.2 That **LISTED BUILDING CONSENT APPLICATION 25/0155/LBC BE GRANTED** subject to the following conditions:

**Time**

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**External Materials**

- C2 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 8.2 25/0155/LBC Informatives

11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application which includes a fee.

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- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- I4 The applicant is reminded that the development subject of this grant of listed building consent must be carried out in accordance with the submitted documents including BB/01/03; BB/02; BB/03; BB/04; BB/05; BB/06; BB/07; BB/08; BB/09; BB/10; BB/15; BB/16; BB/17; BB/18; BB/19; BB/20; BB/21; BB/22; BB/30/-02; BB/31/-03; BB/32/-03; BB/40/-01; BB/41; BB/42; BB/43; BB/44/-01; BB/45; BB/46/-01



# Appendix 1: Consultee Comments

- 1.1 Conservation Officer – Objection
- 1.2 Hertfordshire Ecology- Initial Objection overcome, no objection.
- 1.3 Hertfordshire Council Highways – No objection.
- 1.4 National Highways – No objection.
- 1.5 National Amenity Society – No response received.
- 1.6 Herts County Council Footpath Section – No response received.
- 1.7 National Grid – No response received.

## **Conservation Officer – Objection**

## HISTORIC BUILDINGS AND CONSERVATION ADVICE

Dear Sir / Madam,

### **RE: Woodoaks Farm Denham Way Maple Cross Rickmansworth Hertfordshire**

Listed Building Consent: Part demolition of The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path; creation of drop off zone and parking area; creation of outdoor area; change of from agriculture to a mixed community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b))

The barn about 100 metres north of Woodoaks Farmhouse is Grade II listed (list entry: 1100878) and is timber framed and of sixteenth-century origin. Set perpendicular and attached to the listed barn are two open-sided cart lodges that are present on the nineteenth century maps, although it appears that the western one was removed and replaced in the twentieth century. The barn has been well-preserved and retains its original character. The setting of the listed building also makes an important contribution to its significance.

Historic England's guidance '*The Setting of Heritage Assets*' includes a non-exhaustive list of attributes of setting that may elucidate its contribution to an asset's significance. Of those attributes, the following are considered relevant to the listed barn, other assets (including buildings and structures), green space, openness, functional relationships, relatively limited degree of change over time, landscape character, land use, as well views to the asset from the surrounding farmland and conversely from the asset looking out across the landscape.

The proposal follows previous pre-application under reference 24/1113/PREAPP. Various changes have been made including reduction of the footprint and inclusion of the open-sided cart lodge on the western side. Pre-application recommended an extension that is simple in form and appearance with a linear arrangement that would be less visually prominent and the use of brick, timber cladding and clay tiles, which would respond well to the historic farm buildings

The change of use was considered acceptable as a temporary measure in previous applications and in heritage terms there is no objection to this being a permanent situation.

#### Front/Side Extension

There would be no objection to the removal of the attached concrete structure as it is of limited architectural interest.

However, there are concerns in relation to the extension. It is noted that the footprint of the proposal is similar to the existing structure to be demolished. However, the existing is relatively narrow with a dual-pitched roof, is relatively unobtrusive and is clearly ancillary to the main barn.

The proposed mono-pitched roofs, combined with the width of the proposal would be incongruous with the existing on-site structures and compared to the existing concrete structure would not appear ancillary to the listed barn. The submission states that a mono-pitched roof would be more harmful

on this scale of building. However, the currently proposed roof is not appropriate and this difficulty in finding an appropriate solution may indicate that this scale of building is excessive in principle.

There would be a large extent of glazing, and this is of a particular concern on the southern elevation where the upper section is almost fully glazed, which would exacerbate the degree of prominence and lack of subordination. The solar panels and the extent of glazing on the other elevations is also excessive and not supported, which includes the rooflight to the cart shed.

Several mitigation measures have been mentioned. This includes recessing the rear elevation window by 1.3m and painting it in a dark shade. This would not overcome the impact of this amount of glazing. The use of timber screening to the western elevation windows would not mitigate their impact, particularly as the wall will be finished in render so the screens would still clearly represent openings.

The use of corrugated cement for the roof, while it is comparable to existing modern materials on site is not a material that would enhance the listed building and would not be supported.

However, these comments on mitigation are only minor points and the main area of concern is the scale and design of the proposal. The scale and design of the proposal would compete with the Black Barn and diminish its degree of significance, causing less than substantial harm. This is particularly the case due to the very open character of the site; the extension would be visually prominent from the surrounding landscape. Overall, the existing structures surrounding the listed building are ancillary and utilitarian in character, preserving the historic context and character of the site but the proposed extension would fail to respond appropriately.

The east section shows the currently open fronted western cart shed enclosed with two solid timber sections and glazing and doors added. While the proposal would retain the bay structure, the openings are also not in proportion and slimmer windows should be used.

The works would also include new openings through the historic wall of the cart shed, which would harm the historic fabric. The submission states that this harm would be outweighed by the positive impacts of the proposal. This is not accepted in purely heritage terms although the Planning Officer assessment should consider wider public benefits.

The landscaping currently does not provide a high degree of screening and new landscaping would not mitigate the visual impacts or the impacts to the listed barn. In addition, the proposed new landscaped gravel and surfacing spreads relatively far from the western side of the building and is likely to be prominent in views from the west and is relatively formal and non-agricultural in character. This should be contained within the courtyard or to the rear of any new building to avoid an overly formal appearance.

The proposal would fail to preserve or enhance the character and appearance of the Listed Black Barn, contrary to Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act. In relation to the National Planning Policy Framework as per para 212 the level of harm is 'less than substantial' and great weight should be given to the asset's conservation. As per NPPF para 215 this should be weighed against any public benefits of the proposal.

David Buckley MA MRTPI IHBC

Historic Environment Team (on behalf of Three Rivers District Council)

*Note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter*

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Historic England's guidance '*The Setting of Heritage Assets*' includes a non-exhaustive list of attributes of setting that may elucidate its contribution to an asset's significance. Of those attributes, the following are considered relevant to the listed barn, other assets (including buildings and structures), green space, openness, functional relationships, relatively limited degree of change over time, landscape character, land use, as well views to the asset from the surrounding farmland and conversely from the asset looking out across the landscape.

The proposal follows previous pre-application under reference 24/1113/PREAPP. Various changes have been made including reduction of the footprint and inclusion of the open-sided cart lodge on the western side. Pre-application recommended an extension that is simple in form and appearance with a linear arrangement that would be less visually prominent and the use of brick, timber cladding and clay tiles, which would respond well to the historic farm buildings

The change of use was considered acceptable as a temporary measure in previous applications and in heritage terms there is no objection to this being a permanent situation.

#### Front/Side Extension

There would be no objection to the removal of the attached concrete structure as it is of limited architectural interest.

However, there are concerns in relation to the extension. It is noted that the footprint of the proposal is similar to the existing structure to be demolished. However, the existing is relatively narrow with a dual-pitched roof, is relatively unobtrusive and is clearly ancillary to the main barn.

The proposed mono-pitched roofs, combined with the width of the proposal would be incongruous with the existing on-site structures and compared to the existing concrete structure would not appear ancillary to the listed barn. The submission states that a mono-pitched roof would be more harmful

on this scale of building. However, the currently proposed roof is not appropriate and this difficulty in finding an appropriate solution may indicate that this scale of building is excessive in principle.

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Several mitigation measures have been mentioned. This includes recessing the rear elevation window by 1.3m and painting it in a dark shade. This would not overcome the impact of this amount of glazing. The use of timber screening to the western elevation windows would not mitigate their impact, particularly as the wall will be finished in render so the screens would still clearly represent openings.

The use of corrugated cement for the roof, while it is comparable to existing modern materials on site is not a material that would enhance the listed building and would not be supported.

However, these comments on mitigation are only minor points and the main area of concern is the scale and design of the proposal. **The scale and design of the proposal would compete with the Black Barn and diminish the ability to appreciate its architectural interest and its scale as a large historic agricultural building causing less than substantial harm in the lower half of the scale.** This is particularly the case due to the very open character of the site; the extension would be visually prominent from the surrounding landscape. Overall, the existing structures surrounding the listed building are ancillary and utilitarian in character, preserving the historic context and character of the site but the proposed extension would fail to respond appropriately.

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David Buckley MA MRTPI IHBC  
Historic Environment Team (on behalf of Three Rivers District Council)

*Note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter*



**Hertfordshire Ecology-**

**Initial Objection overcome, no objection.**

**Clara Loveland  
Three Rivers District Council  
Three Rivers House  
Northway Rickmansworth  
Herts WD3 1RL**

**Hertfordshire LEADS  
Hertfordshire County Council**

**Farnham House  
Six Hills Way  
Stevenage, SG1 2ST  
[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)**

**Contact:** Sophie Batchelor  
**Tel:** 01992 588 483  
**Email:** [ecology@hertfordshire.gov.uk](mailto:ecology@hertfordshire.gov.uk)  
**Date:** 24 February 2025

Dear Clara,

**Application:** Demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; creation of outdoor area; change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b))

**Address:** Woodoaks Farm Denham Way Maple Cross Rickmansworth Hertfordshire WD3 9XQ

**Application No:** [25/0154/FUL](#)

### **ECOLOGICAL IMPLICATIONS**

Thank you for consulting this office on the above application.

### **Overall Recommendation**

- ☒ Further information required before application can be determined.

### **Summary of Advice**

- Further dusk emergence surveys for bats are required **prior to determination**.
- This application is automatically subject to the general Biodiversity Net Gain Plan **Condition**.
- An **HMMP** should be submitted to the LPA as a **Condition** of any subsequent approval.
- An **Informative** for a precautionary approach to works should be added to any subsequent permission granted.

### **Supporting Documents**

I have made use of the following documents in providing this advice:

- Ecological Assessment by GS Ecology Ltd. (10 January 2025).
- Biodiversity Net Gain Calculation by GS Ecology Ltd. (10 January 2025).
- Statutory Biodiversity Metric (10 January 2025).

### **Comments**

We have no objections to this proposal, however further information is required prior to determination.

### **Bats**

The Preliminary Roost Assessment (PRA) within the Ecological Assessment listed above found the black barn to have a **high potential** for supporting roosting bats. I therefore advise that the recommended further presence/absence surveys are undertaken, and the results, including any appropriate mitigation, submitted to the Local Planning Authority for approval. In line with The Bat Conservation Trust Good Practice Guidelines (4<sup>th</sup> Edition, 2023), this will require **three dusk emergence surveys** to be carried out when bats are active in the summer months between May and August, or September if the weather remains warm.

Presence/absence surveys cannot be carried out or completed by condition, as bats are classified as European Protected Species and thus sufficient information is required to be submitted to the LPA **prior to determination**, in order to enable it to consider the impact of the proposal on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended).

Consequently, without the results of these surveys and any appropriate recommendations provided as necessary, this application should not be determined on the basis of insufficient information.

### **Biodiversity Net Gain (BNG)**

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, every grant of planning permission, subject to some exceptions, is expected to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

Given that this application was received and validated after the 12th of February 2024, mandatory Biodiversity Net Gain (BNG) is therefore expected as a planning requirement. A BNG assessment, including habitat condition sheets, has been submitted to the LPA and is accompanied by a statutory biodiversity metric, in line with planning requirements.

It has been demonstrated that an uplift in biodiversity units above the mandatory 10% for area-based habitat units (34.77%) can be achieved with on-site habitat creation. This is sufficient to enable determination of this application with regard to BNG, **once the required bat survey reports have been provided to the LPA.**

This application is automatically subject to a General Biodiversity Gain Condition, which requires the delivery of a Biodiversity Gain Plan. It is recommended that the plan provided is in line with the DEFRA Biodiversity Gain Plan template. This condition should be kept separate to the list of conditions imposed in the written notice if the LPA are minded to subsequently grant permission. This requires the following:

- A Biodiversity Gain Plan must be submitted to and approved by the planning authority before any development can begin.

The claims for BNG for this site would be considered as 'significant' net gain. **In this instance, the LPA are advised to secure this significant net gain for the respective habitat units via legal agreement, whether through an S106 agreement or conservation on covenant.**

Given that BNG for this site will be considered 'significant', it will be advised to be secured via legal agreement if the LPA were minded to subsequently grant permission **following the provision of further bat survey reports.** In this circumstance, a condition of approval (one to be imposed on the written notice with any permission granted) should be added as **an additional BNG Condition for a Habitat Management and Monitoring Plan (HMMP).** This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-site will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.

#### Precautionary Approach to Works

The Ecological Assessment listed above details suitable habitat on-site with the potential to support mammals, reptiles and breeding birds. In order to avoid an offence being committed, I advise a precautionary approach to the works is taken and recommend the following **informative** is added to any subsequent permission granted:

*"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.”*

I trust these comments are of assistance,

Kind regards,

Sophie Batchelor  
Assistant Ecology Advisor, Hertfordshire LEADS

*Hertfordshire LEADS provides Landscape, Ecology, Archaeology, Design and Sustainability support to planning departments in Hertfordshire.*

**Clara Loveland  
Three Rivers District Council  
Three Rivers House  
Northway Rickmansworth  
Herts WD3 1RL**

**Hertfordshire LEADS  
Hertfordshire County Council**

**Farnham House  
Six Hills Way  
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**Contact:** Sophie Batchelor  
**Tel:** 01992 588 483  
**Email:** [ecology@hertfordshire.gov.uk](mailto:ecology@hertfordshire.gov.uk)  
**Date:** 11 April 2025

Dear Clara,

**Application:** Demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; creation of outdoor area; change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b))

**Address:** Woodoaks Farm Denham Way Maple Cross Rickmansworth Hertfordshire WD3 9XQ

**Application No:** [25/0154/FUL](#)

### **ECOLOGICAL IMPLICATIONS**

Thank you for re-consulting this office on the above application.

### **Overall Recommendation**

- ☒ Further information required before application can be determined.

### **Summary of Advice**

- Further dusk emergence surveys for bats are required **prior to determination**.
- This application is automatically subject to the general Biodiversity Net Gain Plan **Condition**.
- An **LEMP** should be submitted to the LPA as a **Condition** of any subsequent approval.
- An **Informative** for a precautionary approach to works should be added to any subsequent permission granted.

### **Supporting Documents**

I have made use of the following documents in providing this advice:

- Ecological Assessment by GS Ecology Ltd. (10 January 2025).
- Biodiversity Gain Plan by Natural Asset Partners (24 March 2025).
- Statutory Biodiversity Metric (24 March 2025).

### **Comments**

We were previously consulted on this application on the 6<sup>th</sup> February 2025. Since then, the red line boundary has been updated and thus amendments have been made to the Biodiversity Net Gain (BNG) proposals. Our previous comments regarding non-BNG ecological matters still stand.

### **Biodiversity Net Gain (BNG)**

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, every grant of planning permission, subject to some exceptions, is expected to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

Given that this application was received and validated after the 12th of February 2024, mandatory Biodiversity Net Gain (BNG) is therefore expected as a planning requirement. A BNG assessment, including habitat condition sheets, has been submitted to the LPA and is accompanied by a statutory biodiversity metric, in line with planning requirements.

It has been demonstrated that an uplift in biodiversity units above the mandatory 10% for area-based habitat units (12.12%) can be achieved with on-site habitat creation. This is sufficient to enable determination of this application with regard to BNG, **once the required bat survey reports have been provided to the LPA.**

This application is automatically subject to a General Biodiversity Gain Condition, which requires the delivery of a Biodiversity Gain Plan. It is recommended that the plan provided is in line with the DEFRA Biodiversity Gain Plan template. This condition should be kept separate to the list of conditions imposed in the written notice if the LPA are minded to subsequently grant permission. This requires the following:

- A Biodiversity Gain Plan must be submitted to and approved by the planning authority before any development can begin.

The BNG for this site is considered to be non-significant net gain. Given that it has now been demonstrated that the required biodiversity uplift can be achieved, if the LPA were minded to subsequently grant permission following the provision of further bat survey reports, a **condition of approval** (one to be imposed on the written notice with any permission granted) should be added as an additional BNG condition for a **Landscape and Ecological Management Plan (LEMP)**. This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on-



site will be created, enhanced, and monitored following the completion of the capital works required to create them.

I trust these comments are of assistance,

Kind regards,

Sophie Batchelor  
Assistant Ecology Advisor, Hertfordshire LEADS

*Hertfordshire LEADS provides Landscape, Ecology, Archaeology, Design and Sustainability support to planning departments in Hertfordshire.*

**Clara Loveland  
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**Contact:** Sophie Batchelor  
**Tel:** 01992 588 483  
**Email:** [ecology@hertfordshire.gov.uk](mailto:ecology@hertfordshire.gov.uk)  
**Date:** 7 May 2025

Dear Clara,

**Application:** Demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; creation of outdoor area; change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b))

**Address:** Woodoaks Farm Denham Way Maple Cross Rickmansworth Hertfordshire WD3 9XQ

**Application No:** [25/0154/FUL](#)

### **ECOLOGICAL IMPLICATIONS**

Thank you for re-consulting this office on the above application.

### **Overall Recommendation**

- ☒ Application can be determined with no ecological objections (with any Informatives/Conditions listed below).

### **Summary of Advice**

- This application is automatically subject to the general Biodiversity Net Gain Plan **Condition**.
- An **LEMP** should be submitted to the LPA as a **Condition** of any subsequent approval.
- An **Informative** for a precautionary approach to works should be added to any subsequent permission granted.

## **Comments**

We previously responded to this application on the 11<sup>th</sup> April 2025, advising that the results of further surveys for bats should be submitted to the LPA prior to determination should the above proposals cause disturbance to The Black Barn. This is because bats are European Protected Species (EPS), protected from disturbance under European and National legislation.

We have since received confirmation that the above works will not impact The Black Barn through disturbance, and we therefore advise that the application can be determined accordingly, with the following **informative**:

*“If bats or evidence of 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.”*

Our previous advice regarding Biodiversity Net Gain (BNG) still stands.

I trust these comments are of assistance,

Kind regards,

Sophie Batchelor  
Assistant Ecology Advisor, Hertfordshire LEADS

*Hertfordshire LEADS provides Landscape, Ecology, Archaeology, Design and Sustainability support to planning departments in Hertfordshire.*

**Hertfordshire Council Highways –  
No objection.**



Mark Youngman  
Development Management Group Manager  
Hertfordshire County Council  
Postal Point CHN115  
Farnham House  
Six Hills Way  
Stevenage  
SG1 2ST

**Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)**

**Director of Planning**

Three Rivers District Council  
Three Rivers House  
Northway  
Rickmansworth  
Hertfordshire  
WD3 1RL

District ref: 25/0154/FUL  
HCC ref: TR/23836/2025  
HCC received: 28 March 2025  
Area manager: Alan Story  
Case officer: Alan Story

**Location**

Woodoaks Farm Denham Way Maple Cross Rickmansworth WD3 9XQ

**Application type**

Full Application

**Proposal**

AMENDED PROPOSAL

Part demolition of The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path; creation of drop off zone and parking area; creation of outdoor area; change of from agriculture to a mixed community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b))

**Recommendation**

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

**Conditions**

Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing Link Engineering LM3049 – Proposed Access Arrangements (rev P0) , shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

\*delete as appropriate

## Informatives

AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN) Large events: For those large events occurring under permitted development rights i.e. facilitated through uplift of (temporary) car parking and beyond levels accepted within this application, the applicant are directed to liaise with the areas Safety Advisory Group. The aim of the Safety Advisory Group is to look at any events happening in the Three Rivers area, and provide advice and guidance to enable those responsible for organising events to run them safely and successfully. This may include requirements for Traffic Management to facilitate the large numbers of potential vehicles attending. The Watford and Three Rivers Safety Advisory Group (SAG) is made up of a cross-section of agencies, particularly Watford Borough Council and Three Rivers District Council, Hertfordshire Constabulary, Hertfordshire Fire and Rescue Service, East of England Ambulance Service and Hertfordshire Highways. Details in respect of Safety Advisory Group may be found here: <https://www.threerivers.gov.uk/services/community-and-living/watford-three-rivers-safety-advisory-group>

## Comments:

The County Council, as Local Highway Authority (LHA) can confirm engagement with the applicant (Woodoaks Farm) and are aware of the wider aspirations for development of this site.

Woodoaks Farm (referred to as the farm hereafter) is accessed from Denham Way via an access served by a vehicle crossover, in proximity to Sibson Way. Denham Way, at this location is the

A412, a principle 'A' Class road within the road hierarchy, presently single lane in each direction, subject to a 40mph speed restriction.

The Highway Authority would observe that committed development locally, includes application ref.21/0573/FUL for the development Site at Maple Lodge, Maple Lodge Close, Maple Cross, Hertfordshire, representing Comprehensive redevelopment to provide 2 no. warehouse Class E(giii)/B2/B8 units comprising a total of 16,115 sqm including 1,882 sqm ancillary E(gi) office space, access, landscaping and associated works. Such decision was issued by PINS (Planning Inspectorate) ref.APP/P1940/W/21/3289305 following non-determination by TRDC. Such consent includes off-site highway works affecting Denham Way in the direct proximity of the access to the farm, with works now progressing on-site. Such works change the form of Denham Way to two lanes in each direction (retaining speed limit at 40mph) and signalling the junction to Maple Cross Close, and through evolution of the consented scheme has required imposition of a right hand turn ban from Maple Cross to the south, into Sibson Way. The design has also removed the activity of right hand turns (from the north) into the farm site on the basis of safety grounds.

The Highway Authority recognises that the farm has utilised a ghost right hand turn lane (albeit provided for vehicles turning into Sibson Way) given that there has, historically, been very low levels of traffic using this turn lane, and for vehicles into the site crossing one lane of traffic only. In addition to the Warehouse development (16,115m<sup>2</sup>) in proximity, there is also committed development in respect of the erection of a four storey building with plant room above for use as a hotel containing 207 bedrooms, function/meeting rooms, restaurant, health club, administrative and service areas. Alterations to access onto (A412) Denham Way and provision of 373 car parking spaces in four/three storey car park and surface level and landscaping under planning consent 07/1401/FUL. Whilst such consent is 18 years old, the HA is required to recognise that the consent is begun, and held open, as recognised by the Certificate of Lawfulness of Proposed Development issued confirming that as a result of planning permission reference 07/1401/FUL dated 19 March 2008 having been validly and lawfully implemented, the land at Witney Place Denham Way Maple Cross can continue to be lawfully developed to completion under that planning permission being TRDC planning reference 18/1424/CLPD.

Offsite S278 highway works being delivered to enable 21/0573/FUL are designed to also accommodate this committed development traffic.

Development proposals involve the repurposing of structure known as Black Barn, along with some new-build extensions, for use as an Education and Community Hub. It is understood that the Black Barn is a Grade 2 listed building, presently open to the elements. Proposals refurbish and improve this, enabling use for community activities as well as (as described) a small number of private hire events.

Development proposals represent a total of 412m<sup>2</sup> of usable floor space.

The planning application submitted is supported by a Transport Statement (TS), prepared on behalf of the Soil Association by Helix Transport Consultants and dated January 2025.

The Highway Authority recognises that Woodoaks Farm estate accommodates a working farm, as well as a small number of local businesses. These include ;

- Creative Juices Brewing Company, to which the LHA were a consultee to the planning application ref.18/2489/FUL, relating to Units 10 And 11 of Woodoaks Farm and being the change of use for an existing disused agricultural building on the farm (a dairy parlour), into a craft micro brewery (Use Class B2 - General Industrial) with ancillary tap room and retail unit. The LHA's comments and recommendations dated 1 February 2019 refer;



- The Tea Shack – a family-run business selling teas, coffee cakes, etc., for on-site consumption. Such permission was established, part retrospectively, under permission Part Retrospective: Temporary Permission (3 years) for the retention of an existing commercial enterprise at Woodoaks Farm (The Tea Shack) together with associated operational development and outside seating to serve The Tea Shack and Creative Juices. The Highway Authority would observe it was not a consultee to this application, but recognise that temporary consent only was issued (expiring 12 April 2027), and understood to enable future applications in respect of full permission, including establishing traffic and transport impacts to be prepared;
- A further use on the site is described as - Garden Rose Flower Farm – understood as a business that sends out buckets full of flowers grown on the site. It is not known the permission status for such use / activity.

The LHA is acceptant that the application is presented on the basis of normal activity for the barn. It remains known and understood that under permitted development the farm can utilise land within the farm for parking to facilitate larger events. This is dealt with separately (below). For the purpose of the Highway Authority's acceptance of the scheme, the provisions and predictions of the Transport Statement are considered acceptable.

The Transport Statement presents trip generation for the community use. Such trip generation has regard to TRICS. The LHA is acceptant of this approach. The assessment suggests a Community Centre would generate circa 66 two-way trips per day (for 412m<sup>2</sup> of use). The expected peak hour for the use would be 09:00 – 10:00 inbound and 12:00 – 13:00 outbound. Within the weekday morning peak (08:00 to 09:00), the use is expected to generate 2 inbound trips and 2 outbound, and in the evening peak (17:00 to 18:00) similar levels of vehicle movements.

This shall be imperceptible within local flows on the A412.

The Transport Statement has also provided details of traffic counts undertaken for the farm access between 2nd and 9th December 2024 (a period considered neutral). It is shown that the site generates 4 arrivals and 3 departures in the AM peak, and 5 arrivals and 3 departures in the PM peak. Such levels of traffic are accepted as associated with the operation of the farm, and recognition (above) of the other uses upon the site, including the community use.

The LHA has, within the design considerations for the adjacent highway improvement works linked to application 21/0573/FUL, accepted a low volume of traffic from the farm access within the committed signalised junction arrangement taking place within the junction without separate signal control on the Farm access. Visibility from the access is acceptable. The LHA acceptance of such volumes considered the traffic as defined within the application for the microbrewery (18/2489/FUL) inclusive of approximately 3 large vehicles per week, plus staff and visitors, and the day-to-day use by the farm. The LHA is required to observe that subsequent permissions (temporary) on the farm site have not included the LHA as consultee until this application.

The application considered herewith, on the above acceptance that trips (peak hour) being 4 two-way vehicle movements in each hour, would remain acceptable within the above arrangement.

Total daily vehicle rates would be in the region of 47 two-way trips, dispersed across hours of proposed use, and remain consistent with this decision.

### **Car parking**

A total of 7 associated car parking spaces are proposed, of which 2 will be designated for disabled drivers. Such level of provision is shown, through parking accumulation, as appropriate against the commonly expected uses of the site.

The LHA observe that the application has provided vehicle data for use of the access within the Transport Statement, dates of between 2nd December 2024 and 9th December 2024 are provided.

The ATC data, when considered as the basis for parking accumulation, does identify that for dates including 4th December and 7/8 December, the attendance by vehicles far exceeds the parking capacity provided on the site.

Recognition is given that under permitted development parts of the site may (on a temporary basis) be used for car parking, upto 28 days per annum. The LHA recognise that this is beyond the limits of the application, however, it remains (and has previously been expressed) that it is these occurrences that shall lead to significantly greater levels of traffic than may be considered under this application. It is understood that the use of the barn for large private hire events is not anticipated as common, but would provide valuable financial income to the farm.

The LHA recommend strongly to the LPA that monitoring of activities held on the site be conducted in order to ensure that the 28 days limit not be exceeded.

It is the LHA's conclusion that those dates presented within the TS shall have occurred under the permitted development activities understood to exist.

It is further understood that within the development and growth aspirations of the Farm opportunities (and subsequent applications) for more permanent additional car parking are anticipated. The views of the LHA contained herein shall not represent the basis for recommendations to any such applications. The potential for significantly greater levels of traffic may require more mitigation at the access.

For those large events occurring under permitted development rights i.e. Facilitated through uplift of (temporary) car parking, the Farm are directed to liaise with the areas Safety Advisory Group. The aim of the Safety Advisory Group is to look at any events happening in the Three Rivers area, and provide advice and guidance to enable those responsible for organising events to run them safely and successfully. This may include requirements for Traffic Management to facilitate the large numbers of potential vehicles attending.

The Watford and Three Rivers Safety Advisory Group (SAG) is made up of a cross-section of agencies, particularly Watford Borough Council and Three Rivers District Council, Hertfordshire Constabulary, Hertfordshire Fire and Rescue Service, East of England Ambulance Service and Hertfordshire Highways.

Details in respect of Safety Advisory Group may be found here:

<https://www.threerivers.gov.uk/services/community-and-living/watford-three-rivers-safety-advisory-group>

Whilst the LHA recognise that activities occurring through the use of permitted development rights enjoyed by the Farm are beyond the scope of the application hereby considered, an informative is requested be attached to any decision made by the LPA in order to direct the Farm to the importance of working with the LHA, the police and other Authorities in ensuring traffic management for larger events is implemented to minimise affects in respect of safety and capacity.

The LHA is encouraged that the Farm is working collaboratively with the LHA and LPA on their wider aspirations. The LHA provide a pre-application service that the Farm may wish to avail themselves of. Details may be found here:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

The LHA shall welcome discussions on wider access strategies for the site to accommodate traffic associated with the events planned (and potential for the future).

## **Access**

The site provides a vehicle route from its' access onto Denham Way in vicinity of Sibsons Way with a variable width. The TS describes that this provides a surfaced road flanked by soft verges. The width of the surfaced track varies between around 3.0 and 4.5m. The soft verges are typically 1.0 – 1.5m wide. The overall corridor between the fences can accommodate a width of 4.5m, identifying that vehicles may occasionally need to use the soft verges to accommodate another vehicle approaching in the opposite direction.

The LHA recognise that the route is private, but would identify that widths beneath 4m do not enable ease of passing of two-way traffic. Recognising the principle function of Denham Way, the LHA would not support proposals that result in potential conflict at the interface with the public highway.

There is a recognition that the community function offered includes invitations to schools, involving coach parties.

As a consequence, and further minded of the adjacent works to Denham Way (Above), the LHA supports widening of the access onto Denham Way. The physical works to the vehicle crossover (widening) are agreed as being delivered under the S278 for the adjacent (warehouse) application, however for turning the access is anticipated to be widened. The LHA expect that the red line boundary, and access plans, are being revised for inclusion within this current application.

Regard is given to plans Link Engineering LM3049 – Proposed Access Arrangements (rev P0) which identifies an area to be laid with grasscrete with a loading suitable for HGVs that has been agreed as accommodating swept path for large vehicles attending the site. Such improvements also enable additional space at the interface with Denham Way for the pass and repass of all vehicles, reducing the likelihood of conflict causing issues to the junction.

The LHA further have had regard to plan BB01 which reflects the change to red line boundary necessitated by the proposals.

The LHA fully support, and consider, such access works as necessary.

It is recognised that the proposals shall result in a small loss of biodiversity at the existing site entrance (one tree specimen with basal growth) however are advised by the Farm itself that recent activity has seen up to 1000 tree's planted across the site, and – in the view of the LHA – would offset this loss of biodiversity. The applicant has provided the LHA with sight of Biodiversity Net Gain document (Natural Asset Partners (March 2025)) and BNG metric spreadsheet that appears to support such a view.

It is recognised that the access improvements represent development within the green belt, but the LHA strongly encourage the LPA to look upon such improvements favorably, recognising special circumstances as discussed in meetings, and facilitating continued access for all vehicles anticipated

to attend the site. The LPA are encouraged to recognise that the use of grasscrete shall further minimise the visual impact and harm arising.

Such improvements to the access have been the subject of discussion with the LHA, with input from the LPA, and participation of the adjacent local development. It is recognised that the Transport Statement does not provide details of the access improvements, such amendments identified post submission. The latest amendments respond positively to enabling the views of the TS in ensuring that an access to serve the site and its' activities (as at now) are not restricted unduly.

By notification 28/3/2024 it is understood that such details have been accepted and validated by the Local Planning Authority. This response therefore is presented on such basis.

Visibility from the access, presently, and within the proposed junction works being established at this location, remains appropriate. Adequate intervisibility exists within the junction, for the small number of movements associated with the proposal as presented, for the access to operate within the existing phasing of the signals without requirement for consideration of control on the Farm arm.

## **Sustainability**

The Transport Statement provides an accurate assessment of the sustainability credentials of the site.

Local bus stops within 400m of the site are served by services 320, 322, 951, R1, R2 and W1. Service 322, particularly, offers a minimum of 1 service per hour.

The aforementioned highway works locally relocate local bus stops, but ensure that stops are to the LHAs current specification, such relocation has been accepted as not impacting on visibility in this area to an unacceptable level.

Footways link the site with Maple Cross village centre, and highway works are providing improved pedestrian crossings for Denham Way within the context of the identified works.

The LHA are required also to recognise that, as a rural location, the NPPF at Para.110 and more directly at Para.89 that local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It states that, In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

The farm also benefits from links to the Rights of Way network, being served by routes Rickmansworth Bridleway 010 and Rickmansworth Bridleway 062. BW062 utilises the southern farm access over which the Farm is understood to have a right of usage, but as reflected within the present application traffic associated with the development is directed to the northern access direct to Denham Way.

Proposals are not deemed to affect the Rights of Way network.

This southern access, serving (predominantly) Woodoaks Farm Cottage, and carrying Rickmansworth Bridleway 010 provides a more appropriate pedestrian route into the farm site, linking more closely to the village itself, and therefore ensures that the likelihood of pedestrians co-existing within the main farm access route to (discussed above) is significantly reduced.

The site is considered accessible to non-car modes. The application includes provision for secure cycle parking which is welcomed by the LHA.

References within the TS at para 5.4.3 are deemed erroneous, and included by mistake (referring as they do to a Gloucester site).

The Highway Authority recognise that the community use, in its' described use as per the application, would be for the local community, and consider the site accessible by non-car modes encouraging alternate modes other than the car. This is supported by the limited car parking on site.

The scale of development does not reach the threshold above which a Travel Plan would be a requirement via condition.

### **Construction**

Given the limited scale of development, construction activities are not deemed to be significant and consequently no Construction Management Plan is sought.

**Signed**

Alan Story

4 April 2025

**National Highways – No objection.**

## **National Highways Planning Response (NHPR 25-01)**

### **Formal Recommendation to an Application for Planning Permission**

**From:** Michelle Berrington (Head of Planning & Development)  
Operations Directorate  
South East Region  
National Highways  
[PlanningSE@nationalhighways.co.uk](mailto:PlanningSE@nationalhighways.co.uk)

**To:** Three Rivers District Council (FAO Clara Loveland)  
[dconline@threerivers.gov.uk](mailto:dconline@threerivers.gov.uk)

**CC:** [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk)  
[spatialplanning@nationalhighways.co.uk](mailto:spatialplanning@nationalhighways.co.uk)

**Council's Reference:** 25/0154/FUL

**Location:** Woodoaks Farm Denham Way Maple Cross Rickmansworth Hertfordshire WD3 9XQ

**Proposal:** Demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels; alterations to doors and materials; alteration of front access path and courtyard; creation of drop off zone and parking area; creation of outdoor area; change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place (Use Classes E(d), F.1(a), F.1(e), F.2(b))

**National Highways Ref:** NH/25/09892

Referring to the consultation on a planning application dated 6 February 2025 referenced above, in the vicinity of the M25 Junction 17 that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~

~~d) recommend that the application be refused (see reasons at Annex A)~~

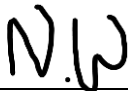
Highways Act 1980 Section 175B is not relevant to this application.<sup>1</sup>

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority propose not to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to [PlanningSE@nationalhighways.co.uk](mailto:PlanningSE@nationalhighways.co.uk).

This response and all comments outlined herein are made in respect of planning matters only in National Highways' position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways). If anyone wishes for National Highways to consider any aspects which do not relate to planning submissions, they should call our contact centre on 0300 123 5000.

<b>Signature:</b> 	<b>Date:</b> 27 February 2025
<b>Name:</b> Nigel Walkden	<b>Position:</b> Assistant Spatial Planner
<b>National Highways:</b> Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ	

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<sup>1</sup> Where relevant, further information will be provided within Annex A.



## **Annex A**      **National Highways' assessment of the proposed development**

National Highways was appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways are interested as to whether there would be any adverse safety implications or material increase in queues and delays on the SRN as a result of the proposed development, in this case on the A1/A5135/Rowley Lane junction and M25 J23.

### **Offer No Objection – Reasons**

The proposals comprise the demolition of the concrete shed and part demolition of the cart shed adjoining The Black Barn and construction of front/side extension including solar panels. It involves a change of use from agriculture to a mixed commercial use and community uses including indoor sport and recreation, provision of education, public hall, exhibition hall and as a public meeting place. The site is off Denham Way approximately 1km from M25 Junction 17.

We have examined the trip generation details supplied within the transport statement accompanying the planning application. We are satisfied that the proposals above will not create additional trips to and from the site during peak hours and throughout the day. Therefore, we are content that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 01/2022, and MHCLG NPPF 2023 paragraphs 111-114) in this location and its vicinity.

### **Standing advice to the local planning authority**

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

**National Amenity Society – No response received.**

**Herts County Council Footpath Section – No response received.**

**National Grid – No response received.**

## Woodoaks Farm









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## PLANNING COMMITTEE – 22 May 2025

**25/0651/ADV - Advertisement Consent: Installation of a welcome sign at Rickmansworth Aquadrome (Riverside Drive pedestrian and cycle entrance) at Rickmansworth Aquadrome, Riverside Drive, Rickmansworth, Hertfordshire, WD3 1NB.**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 09.06.2025

Ward: Rickmansworth Town  
Case Officer: Danielle Kavanagh

Recommendation: That subject to no new material planning considerations being raised during the open consultation period, that advertisement consent be GRANTED subject to conditions.

Reason for consideration by the Committee: The application has been brought to Committee as the applicant is Three Rivers District Council.

To view all documents forming part of this application please go to the following website:  
[25/0651/ADV - Advertisement Consent: Installation of a welcome sign at Rickmansworth Aquadrome \(Riverside Drive pedestrian and cycle entrance\) at Rickmansworth Aquadrome, Riverside Drive, Rickmansworth, Hertfordshire, WD3 1NB.](#)

### **1 Relevant Planning History**

- 1.1 23/1139/FUL - Replacement of existing pedestrian bridge over the River Colne with a new pedestrian and cycle bridge including upgraded footpaths, fencing, seating areas.- 24.10.2023 – Permitted, Implemented.

### **2 Description of Application Site**

- 2.1 Rickmansworth Aquadrome is an allocated area of public open space centred around two lakes, known as Batchworth Lake and Bury Lake and located within the Metropolitan Green Belt. It is a designated Local Wildlife Site, and Local Nature Reserve supporting a variety of habitats. The Aquadrome provides surfaced walks and nature trails, children's play areas, outdoor gym, café and sporting facilities such as Bury Lake Young Mariners Club. The Aquadrome is served by one vehicular access point from Frogmore Lane which provides access to a large car park. There are also varying pedestrian entrances including from Riverside Drive, which leads to a play area and footbridge over the River Colne, both of which are undergoing redevelopment currently.
- 2.2 The application site is of an irregular shape and relates to a small area of the Aquadrome, located to the north of Batchworth Lake and to the east of both the children's play area and a boat house which currently facilitates the Waterskiing Club. The site is located immediately adjacent to the children's play area. The site extends to the boundary with Riverside Drive, with this boundary consisting of open metal railings. Within the site is a footpath which provides access from Riverside Drive into the Aquadrome. The footpath provides access to The Aquadrome Bridge, a recently replaced pedestrian footbridge over the River Colne, which is classed as a main river. The footbridge and pathway to Riverside Drive are part of National Cycle Network 6.
- 2.3 To the east of the footpath and opposite the children's play area is an area of grassland and a seating and picnic area.

### **3 Description of Proposed Development**

- 3.1 This application seeks Advertisement Consent for the installation of a welcome sign at Rickmansworth Aquadrome, Riverside Drive pedestrian and cycle entrance.



- 3.2 The proposed signage would be sited at the Riverside Drive pedestrian and cycle entrance, between a picnic area and the Ebury Play Area. The sign would be set back from the public footway by approximately 4m, with 1.8m of space available on either side of the sign to allow ingress and egress of pedestrians and cyclists to the Aquadrome.
- 3.3 The signage would facilitate a welcome sign and read 'Welcome to Rickmansworth Aquadrome'. The sign's structure would be aluminium, finished with a Corten-effect spray for a textured weathered appearance. The printed front and back panels would be applied to aluminium and securely fixed to the structure. The panels would be made from high-grip outdoor vinyl, with an anti-graffiti seal applied to prolong their durability. The sign base would be a gabion cage base filled with cobblestones. The sign would measure approximately 2m wide, 0.4m deep and 1.9m high, and would be non-illuminated.

#### **4 Statutory Consultation**

4.1 National Grid: [No response received]

4.2 Batchworth Community Council: [Objection]

*BCC strongly objects to this application.*

*' The position will inhibit pedestrian traffic flow at both ingress and egress access on the bridge.*

*' The size and location of the signage could create a potential hazard regarding sight lines for pedestrians and cyclists.*

*' It will create confusion regarding directional flow of traffic for both pedestrian and mobility aid users. (i.e keep left or keep right)*

*' No maintenance programme has been provided. BCC needs reassurance that the signage will be maintained to ensure public safety.*

Officer Note: The applicant has confirmed that, as the sign would be Three Rivers District Council Property, it would be maintained as part of the council's maintenance program of assets.

4.3 Hertfordshire County Council Highways: [No Objection]

*Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.*

*The proposed sign is not located on any land that is considered to be highway and is not to be illuminated. The proposed sign is located on a path which is part of the wider aquadrome site but is not highway. Whilst not a specific highways issue, consideration would need to be taken as to how the proposed signage may affect pedestrians and cyclists visibility as both would be using the shared path.*

*HCC as Highway Authority has assessed the proposals and would not have an objection from a highways perspective, subject to the inclusion of the following informatives:*

*AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:*

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

#### 4.4 **Public/Neighbour Consultation**

4.5 Number consulted: 0. Number of responses received: 1

4.6 Summary of responses received:

*Commenter does not object to the principle of a sign, however, the proposal is seen as too large and sited in the wrong position, and would be obstructive to pedestrian flows and those with mobility problems. They consider that there is a lack of information explaining the chosen positioning and where the sign will be seen from.*

4.7 Site Notice: Posted: 23.04.2025, Expiry 15.05.2025

4.8 Press Notice: Printed: 28.04.2025, Expiry 24.05.2025

### 5 **Relevant Planning Policy, Guidance and Legislation**

#### 5.1 Legislation

Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements Regulations 2007 (as amended).

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

#### 5.2 National Planning Policy Framework and National Planning Practice Guidance

In 2024 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### 5.3 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM6, DM13 and Appendices 2 and 5.

#### 5.4 Other

The Batchworth Neighbourhood Plan 2023-2038 (Submission Version) has been subject of a referendum where more than half of those who voted have voted in favour of the Neighbourhood Plan being used to determine planning applications in the Neighbourhood Area. On that basis significant weight can be given to the plan in Decision Making. Relevant policies include: BW GB1, BW GB3, BW DE1 and BW DE2. The Batchworth Neighbourhood Design Code is also relevant.

### **6 Planning Analysis**

#### 6.1 Advert Regulations

- 6.1.1 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).
- 6.1.2 This regime enables local planning authorities to control advertisements, when it is justified, in the interests of “amenity” and “public safety”.
- 6.1.3 Amenity is not defined in the regulations, although it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality and the presence of any feature of historic, architectural, cultural or similar interest.
- 6.1.4 Paragraph 141 of the National Planning Policy Framework advises that the quality and character of places can suffer when advertisements are poorly sited and designed. It also advises that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

#### 6.2 Design and Impact on the Streetscene

- 6.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 6.2.2 Policy BW DE1 of the Batchworth Neighbourhood Plan 2023-2038 (Submission Version) sets out that new development in the Batchworth Neighbourhood Plan area shall be based upon a design-led approach to development underpinned by good practice principles and reflecting a thorough site appraisal. Development should respond positively to guidance and principles established in the Batchworth Neighbourhood Design Code. BW GB3 sets

out that all development should take opportunities afforded by site location to improve access to green and blue infrastructure that supports walking, wheeling and horse riding. Routes should be suitable for use in all weather conditions, be well signed and clearly defined.

- 6.2.3 No specific guidance is provided within the Neighbourhood Plan regarding advertisements. The application site does not fall within a defined character area as set out in the Batchworth Neighbourhood Design Code. The Design Code's area-wide design guidance provides overarching design guidance for the whole of the Batchworth area and is relevant in this case.
- 6.2.4 The proposal would include the installation of a new sign, designed to welcome the community to Rickmansworth Aquadrome from the Riverside Drive entrance. The sign's structure would be aluminium, finished with a Corten-effect spray for a textured weathered appearance. The printed front and back panels would be applied to aluminium and securely fixed to the structure. The base would be a gabion cage filled with cobblestones.
- 6.2.5 The sign would be relatively large at approximately 2m wide, 0.4m deep and 1.9m high, and it is considered to result in a notable feature as viewed from vantage points on Riverside Drive. However, viewing opportunities are limited to when travelling northwest towards the Ebury roundabout, the sign would only become noticeable at the entrance to the Aquadrome. From the other perspective, when exiting the Ebury roundabout travelling south east, or using the pedestrian crossing at the junction of Riverside Drive and the Ebury roundabout, the proposed sign would become clearly visible only after passing the roundabout's junction with Wensum Way. These short-range views of the sign are considered to be appropriate for its purpose to welcome pedestrians and cyclists to the Aquadrome. It is considered that the proposed sign is clearly defined and supports wayfinding and access to the green and blue infrastructure of the Aquadrome.
- 6.2.6 Views of the sign are considered to be relatively well contained, with no long-range views of the sign possible from the wider area, or from the majority of the Aquadrome site. The siting of the sign and the surrounding landscape mean that the sign will be visible to pedestrians and cyclists in the vicinity who may be seeking the entrance to the Aquadrome, but not so prominent that it is overtly visible within the street scene.
- 6.2.7 The sign will be located close to a picnic area and playground, therefore, there are other structures of varying height and materials in the vicinity, such as play equipment and picnic benches. The sign has been designed to incorporate elements of the picnic area, such as the cobble-filled gabion cages, and to have a weathered effect finish to help it blend into the surrounding area and sit comfortably within its surroundings. The sign would be non-illuminated. It is considered that the sign would not result in an unduly urbanising, prominent or contrived feature within the street scene or significantly detract from the character of the Aquadrome or wider area.
- 6.2.8 In summary, the proposed advertisement would not result in any adverse harm to the character or appearance of the area. The advertisement would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies BW GB3 and BW DE1 of the Batchworth Neighbourhood Plan, and the principles set out in the Batchworth Neighbourhood Design Code.

### 6.3 Impact on Amenity and Public Safety

- 6.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

- 6.3.2 The proposed sign would be set back from the public footway by approximately 4m, with 1.8m of space available on either side of the sign to allow ingress and egress of people and cyclists to the Aquadrome via the newly constructed Aquadrome Bridge. Concerns have been raised by Batchworth Community Council and a member of the public regarding the size and location of the sign. The applicant confirmed the Three Rivers Sustainable Transport Officer was involved during the design process, the gap of 1.8 meters either side of the sign, without bollards, was a considered choice to allow enough space to comply with Disability Discrimination Act guidance for access, and to allow the structure of the sign to act as a deterrent for vehicle incursion into the shared pathway, in the interest of public safety. The shared pathway is part of National Cycle Network Route 6, a design without bollards was chosen to support the ease of movement of cyclists around the proposed sign structure.
- 6.3.3 The Batchworth Neighbourhood Plan defines the Ebury Roundabout as a 'Gateway location', policy BW DE2 sets out that any development in gateway locations is expected to enhance the sense of arrival through improved wayfinding through the provision of a legible development structure, signage, planting and public art. The application site is adjacent to this defined gateway location, the proposed sign is considered to be a positive improvement to wayfinding in the area, aiding the movement of foot and wheeled traffic from the surrounding local area to The Aquadrome via the new Aquadrome Bridge.
- 6.3.4 As for visual amenity, the signage would largely be screened from view from the closets neighbouring properties on Ebury Road, owing to the separation of these dwellings from the application site and the dense area of vegetation between Ebury Road and Riverside Drive. Given that the signage would not be illuminated and would be set back from the highway, it is not considered that there would be any safety impact on vehicular traffic as a result of its implementation. It is noted that Highways has no objection to the proposal. The signage is unlikely to be visible from the wider area, given the separation distances between the nearest buildings it is not considered that the signage would result in harm.
- 6.3.5 Overall, it is not considered that the proposal would impose on any neighbouring residential or commercial units nor would it result in an adverse impact on the neighbouring residents. The development is considered to enhance public safety by providing a solid structural deterrent to vehicular ingress of the Riverside Drive entrance to the Aquadrome. The development would be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and policy BW DE2 of the Batchworth Neighbourhood Plan.
- 6.4 Trees & Landscape
- 6.4.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. The proposed development would not involve the removal of any trees or lie in close proximity to trees.
- 6.4.2 The application site is not located within a Conservation Area and no trees would be affected as a result of the proposed development. The proposal is considered acceptable in this regard.
- 6.5 Wildlife considerations
- 6.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

- 6.5.2 The assessment of applications shall be in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMP LDD and the National Planning Policy Framework (December 2024). The NPPF sets out that Local Authorities must ensure that a protected species survey is undertaken for applications that may be affected prior to the determination of an application. Policy BW GB1: Biodiversity of the Batchworth Neighbourhood plan sets out that proposals must manage impacts on biodiversity.
- 6.5.3 The application for advertisement consent does not include illumination - as no light would be produced and the size of the advertisement in the context of the site is limited, it is not considered that there would be any adverse impact on any protected species.

## **7 Recommendation**

That subject to no new material planning considerations being raised during the open consultation period, that ADVERTISEMENT CONSENT be GRANTED subject to the following conditions: C1 1] The period of the validity of this permission is for five years commencing from the date of the decision notice.

2] No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3] No advertisement shall be sited or displayed so as to; (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4] Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5] Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6] Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C2 The development hereby permitted shall be carried out and maintained with the following approved plans: 22762-AHR-XX-XX-DR-A-SK-016 REV04, TRDC001, TRDC002, TRDC003, TRDC004, TRDC005, TRDC006

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007 (as amended), Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM6, DM9 and DM13 of the Development Management Policies LDD (adopted July 2013) and Policies BW GB1, BW GB3, BW DE1 and BW DE2 of the Batchworth Neighbourhood Plan.

## **Informatives**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application and include a fee.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this ([cil@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy

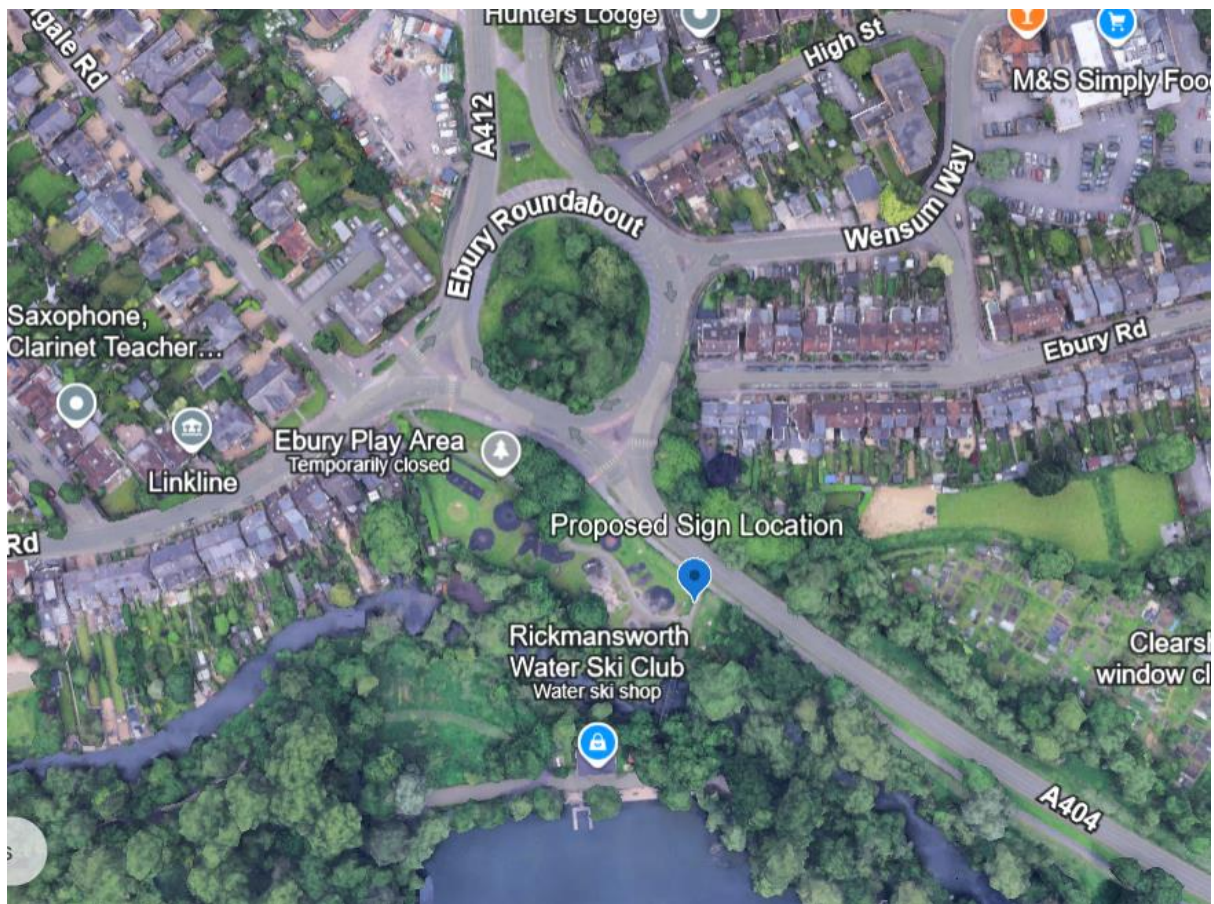
Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 14 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.



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## PLANNING COMMITTEE – 22 May 2025

### **25/0658/FUL - Conversion of existing garage to habitable accommodation including alterations to fenestration and extension to existing hardstanding to frontage at 10 Oak Green, Abbots Langley, Hertfordshire, WD5 OPG.**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 12.06.2025

Ward: Abbots Langley And Bedmond  
Case Officer: Danielle Kavanagh

Recommendation: That subject to no new material planning considerations being raised during the open consultation period, that full planning permission be GRANTED subject to conditions.

Reason for consideration by the Committee: The agent for the application is a District Councillor.

To view all documents forming part of this application please go to the following website:  
[25/0658/FUL - Conversion of existing garage to habitable accommodation including alterations to fenestration and extension to existing hardstanding to frontage.](#)

#### **1 Relevant Planning History**

- 1.1 25/0645/CLPD - Certificate of Lawfulness Proposed Development: Construction of outbuilding to rear, loft conversion including rear dormer and front rooflight – Pending consideration.

#### **2 Description of Application Site**

- 2.1 The application site contains a semi-detached two-story dwelling, located on the northern side of Oak Green, Abbots Langley. Land levels on the site rise from front to rear in a south to north direction.
- 2.2 The streetscene of Oak Green is characterised by a variety of redbrick dwellings, including terraced, semi-detached and link detached dwellings, set on gently staggered building lines.
- 2.3 The application dwelling is finished in mixed red brick with tile hanging at part of the first floor level. The dwelling benefits from an integrated garage. Within the frontage, there is space for one car to park and an area of lawn. To the rear of the dwelling is a patio with the majority of the amenity area laid to lawn. All boundaries to the rear of the dwelling are marked by close-board wooden fencing.
- 2.4 The attached semi-detached neighbour No. 11 Oak Green is built in a similar style to the host dwelling and sits on the same land level. The neighbour to the west No. 9 Oak Green is a link detached red brick dwelling. This neighbour is set forward of the host dwelling.

#### **3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for the conversion of the existing garage to habitable accommodation, including alterations to fenestration and an extension to the existing hardstanding to the frontage.
- 3.2 The garage conversion would result in the existing garage door, in the front elevation of the host dwelling, being replaced by a triple casement window to match the existing windows in the front elevation, and a 1.4m high wall constructed beneath. The new window and wall would be flush to the front elevation of the dwelling. The window would be UPVC and the wall would be finished in brickwork to match the existing.



3.3 The driveway extension would require the removal of an area of lawn and the creation of an area of water-permeable hardstanding. The extension would be splayed and measure 2.5m wide at the front boundary, increasing to 6.6m at the rear of the frontage, it would be 5.5m deep, the resulting area would be 24.8 sqm. It would be constructed on the western side of the existing driveway. The driveway extension would be constructed from porous material and have an additional drainage grill at the front boundary. The proposal would create space for two cars to park.

3.4 Within the rear elevation of the dwelling there are changes to the existing fenestration proposed. At ground floor level two sets of patio style doors and a triple casement window would be removed, and a new larger opening would be created to accommodate a set of aluminium bifold doors, that span the majority of the width of the dwelling. At first floor level a triple casement window would be replaced with a window of the same size, and two smaller windows would be replaced by one triple casement window; the new windows would be UPVC and match the existing.

#### **4 Statutory Consultation**

4.1 National Grid: [No response received]

4.2 Abbots Langley Parish Council: [No response received]

4.3 Hertfordshire County Council Footpath Section: [No response received]

Officer note: The consultation period is open until 16.05.2025 for the above consultees.

#### **4.4 Public/Neighbour Consultation**

4.5 Neighbours consulted: 27

4.6 Responses received: 0

Officer note: The consultation period is open until 16.05.2025. Any comments received will be reported verbally to the committee.

#### **5 Reason for Delay**

5.1 No Delay

#### **6 Relevant Planning Policy, Guidance and Legislation**

6.1 Legislation

6.2 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.3 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.4 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.5 The Environment Act 2021.

6.6 National Planning Policy Framework and National Planning Practice Guidance

In 2024 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

## **6.7      The Three Rivers Local Plan**

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM8, DM13 and Appendices 2 and 5.

## **7          Planning Analysis**

### **7.1      Impact on the character and appearance of the host dwelling**

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 The proposed garage conversion would be readily visible from the streetscene due to its location at ground floor level of the front elevation of the dwelling. The existing garage would be converted to form habitable accommodation, involving the modification from a garage door to three casement window with a wall beneath. The plans indicate that the new window would be UPVC and the wall would be red brick to match the existing external finishes, which would help the development to blend with the host dwelling.

- 7.1.4 The development would appear to be the first garage conversion in this part of Oak Green. Whilst the loss of the garage door would alter the appearance of the dwelling, it is not considered that it would be excessively prominent or cause such harm to the streetscene to justify the refusal of planning permission.
- 7.1.5 The proposed driveway extension would result in the removal of an area of lawn and an increase in usable driveway space for the host dwelling, providing an additional assigned parking space within the frontage. While the loss of an area of soft landscaping is regrettable, an area of soft landscaping adjacent to the boundary with No. 9 would be maintained which would soften the appearance of the driveway and ensure the character and appearance of the street scene is maintained.
- 7.1.6 The proposed fenestration changes, with the exception of the garage conversion covered above, are contained to the rear of the dwelling and not visible from the streetscene. Therefore, they are not considered to have any adverse impact on the character of the host dwelling or streetscene and are acceptable in this regard.
- 7.1.7 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or streetscene. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013)
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 The proposed garage conversion would involve the modification from a door to a casement window, which would be flush with the front elevation of the dwelling. The front window would face the application dwelling's frontage, and it is not considered that overlooking would be facilitated.
- 7.2.3 The proposed driveway extension would result in an increase in hardstanding to the frontage of the host dwelling of 24.8 sqm. This change is not considered to be of a scale that would be harmful to or impact neighbouring amenity.
- 7.2.4 Fenestration changes to the rear largely replace existing fenestrations of comparable scale. The proposed bifold doors would increase the amount of glazing at the rear of the dwelling at ground floor level marginally, however, it is not considered to be of a scale that would result in any increase to overlooking of neighbours in excess of the existing glazing situation. The rear boundaries are marked by fencing of approximately 1.8m, which mitigates any potential for overlooking of neighbours from the increased glazing at ground floor level.
- 7.2.5 The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 7.3 Highways & Parking
- 7.3.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The existing property benefits from 4 bedrooms and no increase in bedrooms is proposed. The parking standards require 3 spaces for a property of this size, and therefore there is an existing shortfall of 1 space as the property benefits from 2 spaces (one on the drive and one in the garage).

- 7.3.2 The proposed development would result in the loss of one assigned parking space via the garage conversion, however, an extension to the existing driveway is proposed which would result in two assigned parking spaces being provided. Therefore whilst there would be a shortfall of 1 space, this is reflective of the existing situation and there would be no increased shortfall. A condition would be added to any grant of consent requiring the driveway alterations to be implemented prior to the conversion of the garage.
- 7.3.3 As noted above, the driveway is proposed to be constructed in a permeable material with a drainage grill at the front boundary to capture any surface run off from the hard standing. These measures will ensure that surface water is disposed of within the site in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).
- 7.4 Rear Garden Amenity Space
- 7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.4.2 The proposed development would not encroach upon the rear amenity space of the host dwelling, 132 sqm of useable amenity space would remain, which is acceptable to serve the four-bedroom dwelling.
- 7.5 Trees & Landscape
- 7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. The proposed development would not involve the removal of any trees or lie in close proximity to trees.
- 7.5.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.
- 7.6 Biodiversity
- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.6.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.
- 7.6.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.
- 7.7 Mandatory Biodiversity Net Gain
- 7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to

achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

- 7.7.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

## **8 Recommendation**

- 8.1 That subject to no new material planning considerations being raised, that PLANNING PERMISSION IS GRANTED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2448SK200A.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM8 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the conversion of the garage into habitable accommodation hereby permitted, the driveway shall be extended as shown on plan 2448SK200A in order that it can accommodate two vehicles. The driveway extension shall be undertaken in a permeable material or provision made for surface water run off within the site. The driveway shall be retained as such thereafter.

Reason: In the interests of highway safety and to ensure sufficient on site parking is provided in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

## **Informatives**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application which includes a fee. There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this

(cil@threeivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have

been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.















