

## PLANNING COMMITTEE – 12 SEPTEMBER 2024

**24/0518/FUL - Change of use of land to horticulture, grazing of Alpacas and for the keeping of horses including erection of single potting enclosure, poly tunnels, hay store and four mobile stables at LAND REAR OF CROXLEY HOUSE, LITTLE GREEN LANE, CROXLEY GREEN, HERTS (DCES)**

Parish: Croxley Green Parish Council  
Expiry of Statutory Period: 17.07.24  
EOT Agreed to 18.09.24

Ward: Dickinsons  
Case Officer: Claire Wilson

Recommendation: That subject to no new material considerations being raised, planning permission be granted subject to the following conditions.

Reason for consideration by the Committee: The application was called in by three members of the planning committee due to potential impact on the Conservation Area, impact on the Green Belt and potential highway impacts.

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

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### Relevant Planning History

- 1.1 8/874/85: Outline Application for 34 houses. Application refused.
- 1.2 8/874/85: Erection of 8 dwellings and garages. Application refused. Appeal dismissed.
- 1.3 99/01220/FUL: Erection of a dwelling. Application refused, for the following reasons:

*The site is within the Metropolitan Green Belt where it is the policy of the Local Planning Authority as set out in Three Rivers District Plan Review 1991 and the Three Rivers Local Plan (1996-2011) Deposit Draft not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No agricultural need has been proved and neither is the use appropriate to a rural area.*

*The proposed dwelling and access point, both in principle and in terms of general design would be detrimental to the character and appearance of the Croxley Green Conservation Area, and as such, would be contrary to Policy CP12 of the Three Rivers District Plan Review 1991 and Policy C1 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

*The proposed dwelling and access point would detrimentally affect the setting of Croxley House, a Grade II Listed Building, and, as such, would be contrary to Policy C9 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

*The proposed dwelling and access point would adversely affect the Croxley Green Site of Ecological Importance, and, as such, would be contrary to Policy N2 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

- 1.4 99/02115/FUL: Erection of agricultural dwelling and polytunnels. Application refused, for the following reasons:

*The site falls within the Metropolitan Green Belt where it is the policy of the Local Planning Authority as set out in the Three Rivers District Plan Review 1991 and the Three Rivers Local Plan (1996-2011) Deposit Draft not to allow development unless it is essential for purposes of agriculture or other uses appropriate to a rural area. The proposed dwelling would not support an existing agricultural activity, and it is considered that a good supply of housing exists in the vicinity of the proposed agricultural operation to allow the operator of such an operation to live in reasonable proximity to the site.*

*The proposed polytunnels and dwelling, by virtue of their siting, design and likely generation of vehicular traffic, would be detrimental to the character and appearance of the Croxley Green Conservation Area and as such would be contrary to Policy C12 of the Three Rivers District Plan Review 1991 and Policy C1 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

*The proposed polytunnels and dwelling, by virtue of their siting, design and likely generation of vehicular traffic, would be detrimental to the setting of Croxley House, a Grade II Listed Building, and as such would be contrary to Policy C9 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

*The proposed polytunnels and dwelling, by virtue of their siting and design and likely generation of vehicular traffic would adversely affect the Croxley Green Site of Ecological Importance and as such would be contrary to Policy N2 of the Three Rivers Local Plan (1996-2011) Deposit Draft.*

## **2 Description of Application Site**

- 2.1 The application site consists of a parcel of land measuring approximately 3.6 hectares, located to the north of Croxley House, Croxley Green. At present, the site consists of grassland, with the applicant noting that this is within agricultural use. The application site is located within both the Metropolitan Green Belt and the Croxley Green Conservation Area. In addition, it is noted that Croxley House, to the immediate south of the application site is a Grade II Listed Building. This building was most recently in use as a care home but is vacant at present.
- 2.2 Vehicular access to the site is solely obtained via Little Green Lane through a gated access which is set back from the existing highway. At present, the boundary of the site with Little Green Lane is screened by mature vegetation. The western boundary of the site with Sarratt Road, is screened by a historic brick wall, parts of which are in a poor state of repair. The southern boundary of the site with Croxley House is marked by low level post and rail fencing and vegetation, whilst other parts of the southern boundary are screened by the historic brick wall and areas of new fencing of approximately 2m in height. The northern boundary of the site consists of low level fencing, with the historic brick wall beyond.
- 2.3 At the time of the site visit, it was observed that there is currently a disused portacabin on site and this located in close proximity to the boundary with Little Green Lane. There is also an incomplete timber structure in situ.
- 2.4 The area surrounding the site, predominantly consists of residential dwellings of varied sizes and design, with the new residential development of Killingdown Farm located opposite the site to the east. Part of the southern boundary of the site adjoins Clarendon Lodge, a care home which is located immediately adjacent to Croxley House.

## **3 Description of Proposed Development**

- 3.1 The application seeks full planning permission for the change of use of the existing land to horticulture, grazing of Alpacas and for the keeping of horses, and the erection of a single potting enclosure, two polytunnels, a building containing four mobile stables, and a hay store.

- 3.2 The land located to the south west of the site would be used for horticulture and would be used to accommodate 2 individual polytunnels. These would each measure approximately 7.5m in width, 25m in depth, and would have a height of approximately 3m. The two polytunnels would be sited immediately adjacent to one another and would be set in from the boundary with Sarratt Road by approximately 53m. The applicant has advised that a range of native fruit and vegetables will be grown on site, however, this will be kept to a level which is to supplement the weekly consumption by the applicant and their animals. It is advised that the applicant is likely to visit the site 3-4 times a week to tend to the horticultural aspects on site.
- 3.3 To the south of the polytunnels, a single storey potting enclosure is proposed. This would have a depth of 7.5m and a width of 7.5m. It would have a hipped roof form with a height of approximately 3.6m and would be completely open to one side. The potting enclosure would be set in from the boundary with Sarratt Road by approximately 40m. The applicant has advised that the potting enclosure will be used for the storage of compost, tools and will include a bench for the preparation of plants. The area of the site accommodating the polytunnels and potting enclosure will be separated from the remaining site area by post and rail fencing of 1.5m in height.
- 3.4 The western portion of the site adjoining Sarratt Road would be used for the grazing of Alpacas. The applicant has advised that the Alpacas do not require shelter given the type of animals they are. In instances where shelter is required, they will be taken off site and will be sheltered elsewhere.
- 3.5 The eastern portion of the site would be used for the keeping of horses. The applicant has advised that four horses will be kept on the land permanently, primarily for grazing purposes with limited supplementary feed brought onto the land. With regards to the exercising the horses, the submitted Pasture Management Plan details that the site has good accessibility to local bridleways and horses could be taken from the site to use other nearby equestrian facilities such as menages. The applicant has advised that they would visit the site twice a day to tend to the animals. The applicant has advised that they would expect one delivery every two weeks in relation to hay and food.
- 3.6 The plans include the provision of a mobile stable structure which would be located to the east of the site. It would have a depth of 3.6m (a maximum of 4.8m including the canopy overhang) and a width of approximately 10.8m. They would have a height of 4.8m. The brochure submitted with the application sets out that they are mobile structures which do not require groundworks and are on timber or metal skids.
- 3.7 Located to the north of the stable block, a hay/tractor store is also proposed which would have a depth of 5.5m and a width of 11.5m. It would be an open structure which would have a hipped roof form with a height of approximately 3.6m.
- 3.8 The plans demonstrate that the site would continue to be accessed via the existing vehicular access from Little Green Lane. No alterations are proposed to the access, however, the existing metal gate would be re-sited further back into the site. The plans demonstrate a turning head (utilises existing crushed stone), however, this would not be formally demarcated on site and no additional hardstanding is proposed as part of this application.
- 3.9 Amended plans have been received during the course of the application as follows:
- Re-siting of the hay store - moving it from the rear boundary of the site such that it would be located closer to the proposed stables;
  - Reduction in size of the hay/tractor store. Originally proposed at 6m x 12m and with a height of 4.2m. This would now measure 5.5m x 11.5m and with a height 3.6m;
  - Re-orientation of the stables so that they face west across the site;
  - Re-siting of the single storey potting enclosure to be located closer to the polytunnels;

- Change in size of the potting enclosure. Originally measured 6m x 12m and with a height of 4.2m. The potting enclosure is now proposed at 7.5m x 7.5m with a height of 3.6m. The potting enclosure would also now be enclosed to three sides.
- The provision of a 2,100square metre area of wildflower grassland to be located around the existing mature Oak tree. This would be enclosed by 1.5m high post and rail fencing.

#### **4 Statutory Consultation**

##### **4.1.1 Croxley Green Parish Council: [No objection]**

*CGPC has no objection to the application but holds concerns of creeping development within the Green Belt.*

##### **4.1.2 Hertfordshire County Council – Highway Authority (First response): [Additional information required]**

*Recommendation: In order to make an informed decision from a highway perspective, HCC as a Highway Authority request the following information.*

- *a swept path analysis drawing demonstrating that the largest vehicles (e.g. vehicle and horsebox) anticipated to use the site would be able to safely use the access, turn around on site and egress onto Little Green Lane in forward gear.*
- *The current entrance gates are not set back from the highway. HCC as a highway authority also recommend plans demonstrating that the proposals also include a sufficient set back of the gate to a sufficient distance, in order to enable a vehicle to stand clear of the highway whilst waiting for the gates to open.*
- *information regarding the trip generation of the proposed site, including expected number of movements once the proposals are implemented*

Officer comment: Following the comments received from Herts Highways, the applicant submitted further information and Herts Highways were re-consulted. The following comments were received:

##### **4.1.2.1 Hertfordshire County Council – Highway Authority (Second response): [No concerns raised.]**

*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.*

*INFORMATIVES: HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.*

*AN1) 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 website:<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/businesslicences.aspx> by telephoning 0300 1234047*

*AN2) Obstruction of public highway land: 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 website:<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.*

*AN3) 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.*

## COMMENTS

*Context: Little Green Lane is an unclassified local access road and is highway maintainable at public expense. It is classed as P1/M1 on Hertfordshire County Council's place and movement network. A 30mph speed limit applies. No reported highway collisions recorded within the vicinity of the application site (5-year rolling). No Public Right of Way (as shown on the PRow map) directly affects the site or would be affected by the proposal.*

*Proposed development: Involves the change of use of land to horticulture and equestrian use including erection of a single potting enclosure, two poly tunnels, hay store and four mobile stables.*

*Access: An existing access to the East of the site off Little Green Lane is to be retained. A plan showing a proposed turning head within the sited demonstrates that the largest anticipated vehicles (e.g., vehicle and horsebox) have sufficient space to turn around on site and exit in forward gear. A setback of 18m from the highway has been provided for the entrance gates to prevent large vehicles from causing blockages on the adjacent highway (Little Green Lane) whilst waiting for the gates to open. The application form states that no new or altered vehicular or pedestrian access is proposed to or from the public highway. The HA has no further comments in this respect.*

*Visibility: Achievable levels of inter-visibility between drivers exiting the site and other highway users (vehicles, cyclists and pedestrians) are not demonstrated on submitted plans.*

*A visibility splay of 43m in each direction would be consistent with Manual for Streets, Table 7.1) for a 30mph speed environment (set-back 2.4m from the carriageway, a 2m set-back may be considered in lightly trafficked and slow speed situations, MfS:7.7.7). Within the vertical plane, there should be no obstruction to visibility 2m high down to a point 600mm above the carriageway, the latter to ensure that small children can be seen (MfS 7.6.3), passing along the footway. Visibility is considered to be achievable and in accordance with 'Manual for Streets (MfS) (Table 7.1, sections 7.8 / 7.9)'.*

*Parking: The LPA shall be responsible for assessing the proposed development against local parking standards and to satisfy for itself that any level of parking it requires can be achieved. The Highway Authority would observe the following. No specific parking provision has been detailed on the submitted plans. The proposed usage of the site is horticulture, agriculture and equestrian. Tractor storage has been shown on the submitted plans. The proposals do not present a significant increase of trips to and from the site, and therefore have a negligible impact on the surrounding highway as a result.*

*Surface Water Flood Risk to the highway: The transport network needs to be resilient to the risks from the impacts of climate change, including changing weather patterns and extreme events. Policy 5 and of the Hertfordshire Local Transport Plan (LTP4) seek to secure developer mitigation measures to limit the impacts of development on the network. The Place and Movement Planning Design Guide states that water from areas that are not adoptable highway must not be allowed to run onto areas of adopted highway. The Government's flood risk maps for planning indicate parts of the nearby highway carriageway not to be at risk of surface water flooding: <https://flood-map-for-planning.service.gov.uk/>*

*The application indicates that surface water will be discharged by way of a sustainable drainage system*

*Emergency Vehicle Access: Consistent with the NPPF (2021), para. 112 (d), applications for development should allow for access by emergency vehicles. Guidance is set out in Manual for Streets (MfS) (6.7.2). (Requirements are set out in Building Regulations). Access for a pumping appliance should be provided to within 45m of a single dwelling (and within 45m of all points within a dwelling). As far as it can be reasonably ascertained from submitted plans, the proposed development would be within the recommended emergency vehicle access distance from the highway.*

#### **CONCLUSION**

*HCC as Highway Authority has considered the proposal and concludes that it would not give rise to an unacceptable impact on the safety or operation of the surrounding highway. It raises no objections but recommends the inclusion of the above highway informative / advisory notes.*

*Officer note: With regard to comments on visibility, clarification was requested from the Highways Officer as to whether further information would be required and whether vegetation would need to be removed. The following comments have been received from the Highways Officer:*

*HCC as a highway authority acknowledge the concerns raised, however we do not require the visibility splays to be conditioned. The access to the site is already existing and is off a 30mph speed environment. We recognise that the vehicle trips associated with the development is unlikely to result in a material increase in additional vehicle trips to and from the site - no significant, or severe, impact on the transport network is identified. The visibility splays required for this access are achievable and that the trimming of verge to maintain the visibility at this access falls upon Hertfordshire highways. As a result, Hertfordshire highways fault reporting has been consulted to assess and maintain the vegetation around the existing access for the visibility splays to be maintained and deemed safe with recognition to the proposed development.*

#### **4.1.3 TRDC Conservation Officer (First response): [Objection]**

*This application is for the change of use of land to horticulture and equestrian use including erection of a single potting enclosure, two poly tunnels, hay store and four mobile stables.*

*Croxley House is a Grade II Listed Building (List entry: 1348223)*

*There would be no in principle objection to the proposed change of use. However, there are concerns regarding the location of the proposed stables and hay store. The structures would be visually prominent and inappropriate within the setting of the Listed Building. There is limited information on the potential requirements of hardstanding or access tracks.*

*As submitted, the proposal would result in 'less than substantial' harm at the lowest end of the scale. Paragraph 208 of the NPPF would be relevant.*

*There are more suitable and discrete locations for the proposed structures that would not impinge on the setting of the listed building. I recommend that the hay store and stables are repositioned to be situated near the poly tunnels and potting enclosure.*

Officer comment: In response to the concerns raised, amended plans have been received which have repositioned the haystore and reduced the size of the structure. The following comments have been received from the Conservation Officer:

4.1.3.1 TRDC Conservation Officer (Second response): [No objection]

*The amendments would be sufficient to address previous concerns. They would be site at quite some distance from the listed building and would be single storey in height, minimising their visual impact. The open/ rural character of the setting of Croxley House would be preserved.*

4.1.4 Hertfordshire County Council as Lead Local Flood Authority (LLFA): [No objection]

*Thank you for your consultation regarding the above application (received 19 April 2024) for change of use of land to horticulture and equestrian use including erection of a single potting enclosure, two poly tunnels, hay store and four mobile stables.*

*Following a review of the submitted information, we have no objection to this application on flood risk or drainage grounds.*

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

4.1.5 Herts Ecology (First response): [Holding objection]

*Overall Recommendation:*

- *Further information and/or amendments required before application can be determined.*

*Summary of Advice:*

- *There is insufficient information on the proposals biodiversity impact (habitat); a Habitat Survey should be required to be undertaken at the site.*

*Protected Species: No ecological assessment has been carried out at the site for this proposal, however, I am not aware of any species data for this site. Additionally, no trees or hedgerow appears would appear as though they need removing to facilitate the proposal. It is noted that 'Little Green Pond' is present on the opposite side of the road, adjacent to the sites north-eastern boundary. Another pond is present South along little green lane, near to the entrance of Killingdown Farm. There is no existing species data present for either of these ponds. In the unlikely instance that notable species where present, the nature and scale of the proposal at the site in this case would be unlikely to have any detrimental impacts on any fauna associated with these off-site ponds. Additionally, the brick wall that extends around the entirety of the site's perimeter (apart from a single access point) is likely to pose quite a significant barrier to dispersal for most protected/notable species. However, in the event that protected species are found, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted for the below species:*

1. *Bats*
2. *Great crested newts*
3. *Reptiles*
4. *Badgers*

## 5. Nesting birds

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

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

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

*Biodiversity Net Gain & Habitat: 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 exceptions, is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets.*

*(a) the application for planning permission does not constitute a Major Application and was made before the 2nd of April 2024.*

*The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption but is taking it on face value in this instance, that the requirement for a mandatory 10% Biodiversity Net Gain does not apply. In respect of the proposal's impacts on biodiversity, the habitat on site has not been formally assessed. We have no habitat information on record that would suggest there may be any fundamental ecological constraints with the proposals. However, the applicant hasn't presented any evidence to demonstrate this is the case. Given the proposals are for a change of use which will clearly impact upon a significant area of otherwise undeveloped grassland, I am not in a position to confirm there is no negative ecological impact of any consequence without any form of habitat survey. Consequently, it would be considered reasonable in this instance for the LPA to require a habitat survey to be undertaken at the site under best practice prior to determination to formally assess the sites grassland and habitat value. Subject to this being required by the LPA, a report should be submitted to prior to determination to the effect of the above and should be able to inform any potentially needed compensation.*

Officer comment: The proposed development would constitute a major planning application as it is on land measuring over 1 hectare. As such, during the course of this application the applicant was given the opportunity to provide information relating to BNG.



In addition, a habitat survey was also requested in response to the comments made by Herts Ecology. This information has been received and the following comments received from Herts Ecology as follows:

#### 4.1.5.1 Herts Ecology (Second response): [No objection]

##### *Overall Recommendation*

*Application can be determined with no ecological objections (with any conditions/Informatives listed below).*

##### *Summary of Advice:*

- *Automatic, mandatory BGP Condition required.*
- *An additional LEMP Condition required.*
- *Protected species informative remains advised.*

##### *Biodiversity Net Gain & Habitat*

*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 exceptions, is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase biodiversity value relative to the pre-development biodiversity value of the onsite habitat.*

*Hertfordshire Ecology’s previous comments did not include scrutiny of the validity of the claimed exemption from mandatory BNG for this application. It has since been confirmed via correspondence with the Local Planning Authority that this application is considered major and is subject to mandatory BNG given it was submitted after the 12th of February. Such means that the application is automatically subject to a general Biodiversity net Gain Plan 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 grant permission. This requires the following:*

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

*Since Hertfordshire Ecology’s previous comments (dated 11 June 2024), an assessment of the habitats at the site has been undertaken and an associated Statutory BNG metric has been submitted. I find no constraints associated with the habitat survey undertaken at the site, of which suitably assesses and quantifies the site’s baseline habitat value (8.55 Area Habitat Units). Habitat condition sheets are also provided to inform the habitat classifications – I find no reason to dispute the findings on this basis.*

*The site would appear to primarily comprise of modified grassland and would not be of significant ecological interest. Nonetheless, it has now been demonstrated that 10.27%, +0.88 Habitat Units can be delivered based on the current proposals. The proposed habitat enhancement is in the form of 0.21ha of other neutral grassland and the condition proposed for this habitat is ‘moderate’. This moderate condition would appear to take into account the presence of a mature oak tree and its contribution to shading impacts. Overall, I find no fundamental constraint associated with the proposed habitat enhancement in the suggested part of the site, and see no reason why moderate condition could not be achieved subject to appropriate management and a fence being installed to prevent poaching and disturbance by grazing animals.*

*Given that it has now been demonstrated that the required biodiversity uplift can be achieved, if the LPA were minded to grant permission for this application 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 Creating a cleaner, greener, healthier Hertfordshire Landscape and Ecological Management Plan. 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.*

4.1.6 Thames Water: No comments received.

4.1.7 Affinity Water: No comments received.

4.1.8 National Grid: No comments received.

## 4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 16

4.2.2 No of responses received: 10 objections

4.2.3 Site Notice: Expiry: 10.05.2024 Press notice: Expiry: 18.05.2024

### 4.2.4 Summary of Responses:

- Do not trust that this is not the beginnings of another new housing development. Development at Killingdown Farm has proven that Croxley Green is not equipped for extra housing.
- Stealth change of use application; roads cannot cope with the volume of traffic in this area
- Moved to Croxley Green to live amongst the countryside; a green; low polluted and low populated environment.
- A disguised plan to change the use of the land and removed it from the Green Belt.
- Object on the grounds that this is a Conservation Area and Green Belt.
- The field is in the Green Belt and within the Conservation Area and within an ancient heritage area within view of two listed buildings and opposite a third.
- Neighbour consultation not completed properly. Coachmans Cottage is a neighbour and not directly consulted.
- The proposals are inappropriate and will change the character of the land. In particular, the hay store and potting enclosures. The buildings do not look temporary, they seem permanent.
- Proposed stables are not truly mobile. The haystore and potting shed are of substantial size, and would have gabled roof form with a prominent height. They would be bulky and prominent.
- The structures are urbanising features, at odds with the rural character of the Green Belt.
- The access appears to be along this narrow road, now the only access road for Little Green on top of the access for the Killingdown Farm development. The proposal will increase the level of traffic.
- The proposal will significantly increase the intensity of use of the site and lead to a notable rise in traffic and associated vehicular movements. Little Green Lane is a narrow, rural lane that currently supports minimal traffic associated with local residential and agricultural uses. Little Green Lane is not designed to accommodate additional traffic resulting from the proposed uses.
- Intensification of use of the land will result in increased noise levels, odours, and general disturbance, adversely affecting the character of the surrounding area.
- Presence of alpacas and equestrian activities would increase the levels of noise and activity.

- The proposed structures would be readily visible from the wider area and would be detrimental to the open character of the Conservation Area. They would result in harm to Locally Important Buildings and Listed Buildings.
- Introduction of regular commercial vehicles, potentially large tractors and trailers for the hay store and equestrian uses will place strain on the lane.
- Safety of local residents and visitors could be compromised due to limited visibility and lack of pedestrian pathways along Little Green Lane.
- As the land is designated for agricultural uses, this application looks to intensify the use and has the risk of disturbing wildlife including badgers. There are no mitigation measures to ensure that this does not happen.
- Badgers are present at night- and have already been displaced by Killingdown Farm.
- Fencing and a temporary building are on site;
- There is no need for poly tunnels which would be an eyesore and not in keeping with the Conservation Area; what is the use of the polytunnels?
- Noted that separate planning applications were refused in 1999 for erection of a dwelling and erection of an agricultural dwelling and polytunnels. Whilst there is no detailed records for either of the applications, it is clear that previous attempts to urban this area of the Green Belt have been unsuccessful. This represents a material planning consideration.
- Odd that the agent has stated that the development is not a commercial enterprise.
- The agents own statement states that there would be no change of use of the land- so why apply for planning permission at all?
- There is a significant amount of what the Applicant is proposing that strictly speaking would not require planning permission, were it agricultural use on existing agricultural land, the grazing of animals for instance and the citing of certain temporary structures.

Officer comment: Neighbourhood consultation has been correctly undertaken. Neighbours immediately adjoining the site have been formally consulted by letter and their consultation period ends on 10 September 2024. In addition, a site notice has been displayed, and a press notice has been published.

The other matters raised will be addressed in the analysis below.

#### 4.2.5 Campaign to Protect Rural England: The Countryside Charity, Hertfordshire [Objection]

*The land is designated as Metropolitan Green Belt where development is seen as inappropriate unless in very special circumstances are identified which clearly outweigh the harm caused.*

*No Planning Statement attached to the application which should be a requirement for an application in the Green Belt, identifying the policy context and relevant conditions. There is no justification presented for the proposal either in terms of exceptions to Green Belt criteria or very special circumstances.*

*Support the concerns raised by local residents and urge the Council to refuse this inappropriate and inadequate application.*

#### 4.2.6 Little Green Residents Association: [Objection].

*The field in question is currently protected by Green Belt legislation. All previous planning applications associated with this particular field have been rejected for the same good reasons. Be it poly-tunnels, housing or communications towers, that were ALSO on GREEN BELT, have to date been refused. To appease the current landowners would signify a reversal of previous policy and would be to open the thin edge of a wedge.*

*The field is within the Croxley Green Conservation Area.*

*We have yet to test the new junctions and viability of Little Green Lane with 200 plus extra cars coming in and out of the new Hill development. Why would anyone consider allowing extra traffic including outsize vehicles delivering horse feed etc and taking away whatever the poly tunnels are going to produce?*

*Now and in the future, access is likely to be limited to the existing field entrance on Little Green Lane. The north side of the plot is now closed with bollards. The west side is bounded by the substantial character wall that would only, if punctured, provide a difficult access onto the Sarratt Road.*

*What appears on the plans as “horticulture and equestrian use including erection of a single potting enclosure, two poly tunnels, hay store and four mobile stables” is not what you get. This considerable menagerie, will undoubtedly attract more “paraphernalia” or clutter.*

## **5 Reason for Delay**

5.1 Amended sought, consultee comments addressed. Extension of time agreed.

## **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 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.

6.1.3 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 when considering whether to grant planning permission.

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

In December 2023 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.

### 6.3 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 PSP2, 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 DM2, DM3, DM6, DM8, DM9, DM13 and Appendix 5.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018.

### 6.4 Other

The Croxley Green Conservation Area Appraisal.

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

## **7 Planning Analysis**

### 7.1 The proposed use

7.1.1 The original description of the development was stated to be a change of use of the land for horticulture and equestrian purposes. In response, some initial concerns were raised by officers as it was unclear as to the exact nature of the proposed use, particularly in relation to the 'equestrian element' and based on the limited information submitted. Furthermore, the information was somewhat contradictory as it specified that there would not be any change of use of land. As such, some comments received as part of the consultation queried why an application was then required at all.

7.1.2 Consequently, the applicant has provided further information, however, this continues to emphasise the following:

*'...in terms of the application, it would not result in a change of use of the land, with it resulting in the regularisation of the agricultural/horticultural use of the site, along with the proposed ad hoc structures'.*

7.1.3 In response to this statement, the LPA is in agreement that the horticultural element of the proposal would be considered as an agricultural use. Therefore, using the land in this way would not result in a material change of use of the land. Furthermore, the applicant is entitled to make an application in order to regularise the use and confirm acceptability of the use and the structures. In addition, it is understood that the alpacas would be kept on the land and would not require any additional shelter. The LPA is also in agreement that the keeping

of alpacas on the land would constitute an agricultural use and again a material change of use of the land would not occur.

- 7.1.4 As noted above, the applicant had originally specified that the land would also be used for equestrian purposes. As such, further information was sought on the nature of this use as horse related uses often generate some contention as to whether they constitute a material change of use of the land. For example, some court cases have held that the simple grazing of horses on former agricultural land would not constitute a material change of use of the land. A helpful summary of the position is found in Annex F to the now withdrawn PPG7, which stated that *“land can be said to be used for grazing if horses are turned onto it with the purpose of feeding them from it, but not if they are kept on it for some other purpose (such as exercise or recreation) when grazing is seen as completely incidental and inevitable. A planning application is normally required for the use of land for the keeping of horses and for equestrian activities unless they are kept as livestock or the land is used for grazing.”* Factors which have been given weight is whether the land is used permanently for horses, whether there are structures on the land such as shelters and jumps and whether food is brought on to the land.
- 7.1.5 The applicant has advised that the horses would be kept on site permanently for grazing purposes, however, have stated that supplementary feed would also be brought onto the land. The applicant would not be riding horses on the land and it is understood that they would be taken off site for further exercise. Stables would also be provided on site for the four horses. The provision of stables rather than a ‘field shelter’ where grazing horses can come and go as they choose would appear to go beyond a purely agricultural use. It is therefore considered that given the provision of stables, that some supplementary food would be used and that the proposal would include the provision of fencing to separate the varying uses, that the use would better be described as the ‘keeping of horses’ for which planning permission would generally be required.
- 7.1.6 As such, the description of the development has been amended during the course of the application and this has been re-consulted on. The acceptability of the proposed uses shall be considered against the material considerations in the sections below.

## 7.2 Impact on Green Belt

- 7.2.1 The National Planning Policy Framework 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 Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
  - To prevent neighbouring towns 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.
- 7.2.2 Paragraph 152 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.2.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 154 sets out six exceptions to inappropriate development which include:
- 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) 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 whether redundant or in continuing use (excluding temporary buildings) which would;
  - not have a greater impact on the openness of the Green Belt than the existing development or
  - not cause substantial harm to the openness of the Green Belt where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.2.4 In addition, paragraph 155 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land in it. This includes 'material changes in the use of land (such as changes of use for outdoor sport or recreation, for cemeteries and burial grounds'.

7.2.5 As already set out above, horticulture would fall within the definition of an agricultural use. As such, buildings associated with this type of use are considered appropriate within the Green Belt. Furthermore, the NPPF does not require the LPA to consider whether buildings used for this purpose would preserve the openness of the Green Belt. Therefore, the polytunnels and potting enclosure are considered appropriate forms of development. They are sited within the south western corner of the site and would be relatively contained both visually and spatially. It is not considered that they would result in harm to the Green Belt in this regard.

7.2.6 The use of the land for the keeping of alpacas would constitute an agricultural use which would be appropriate within the Green Belt. Furthermore, this element would not change the existing use of the land.

7.2.7 The 'keeping of horses' would constitute a material change of use of the land. As set out in previous sections, the horses would primarily be grazing on the land. However, some feed would be brought onto the site, and they would be stabled. However, there would be no jumps or other associated horse paraphernalia. There would be four horses kept on the land and it is understood that the applicant would visit twice a day to tend to the horses' needs. There would be no other horses living on site and it would not be used as a livery. In determining an enforcement appeal as to whether a change of use of land had occurred, the Inspector held that one must ask the question - what is the purpose for which the land is being used?

*The judgement in Sykes established that simply turning horses out onto land with a view to feeding them from the land amounts to grazing. What does not fall within the definition of agriculture is the keeping of horses, but the Sykes judgement recognised that horses may be both grazed and kept in the same place. In determining which of these is the primary use, the question that must be addressed is "what is the purpose for which the land is being used?". In my judgement the character of the use of the land in this case has remained agricultural. The pony is grazing a small portion of the land, the associated temporary fencing is used for grazing management, and the building/structure is used primarily for agricultural rather than equestrian purposes.*

7.2.8 It is therefore considered that the keeping of horses in the manner proposed by the applicant is very much akin to an agricultural use and it is not considered that this would have a material impact on openness. Furthermore, it is a use which one would anticipate within a rural/semi-rural setting. Some of the responses during the consultation period have raised

concerns in relation to the use, that the proposal will significantly increase traffic movements on a narrow, rural lane, and that the development will increase noise levels, odour and disturbance. In response, the applicant puts forward that the site will only be used by them. They would visit twice a day to tend to the needs for the animals, and up to four times a week in connection with the horticultural element. The traffic movements therefore would not intensify to an unacceptable degree and this will be discussed further within the analysis section. The applicant has advised that they would expect one delivery every two weeks in relation to hay and food. This is not considered to be excessive and would not impact significantly on traffic. Therefore, taking into account the likely number of trips to/from the site and the number of deliveries, it is not considered that this would significantly impact on the character of Little Green Lane with regard to an unacceptable level of traffic movements. Furthermore, the horses would not be used recreationally on the land and the noise associated with the use of the land would be minimal.

- 7.2.9 Notwithstanding the acceptability of the change of use of the land, in order to 'keep' the horses on the land, the applicant is proposing to erect four stables and an associated hay/tractor store. Whilst the proposed buildings would not fall within any of the exceptions listed within the NPPF, as already emphasised, the use of the land for the keeping of horses is considered to be more akin to an agricultural use- and one which one would anticipate to find in similar settings. It has therefore been concluded that this would be a material change of use of land which would not impact on the Green Belt. The proposed stables and hay/tractor store would be needed to facilitate the use. Furthermore, Policy DM2 of the Development Management Policies LDD does allow for the provision of ancillary buildings within the Green Belt and states the following:

*The Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:*

- i) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt*
- ii) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development*
- iii) avoid features normally associated with the use of a building as a dwelling such as dormer windows.*

- 7.2.10 Whilst not a residential structure, it is considered that this part of Policy DM2 is applicable to the proposal, as the structures would be ancillary to the wider use of the site.

- 7.2.11 In terms of their siting, initial concerns were raised regarding the location of the hay/tractor store in particular as this was proposed to be sited to the north of the site and would have resulted in an urbanising spread of development. In addition, the size of the structure was queried. In response, the hay/tractor store has been re-located to be closer to the proposed stables and the size of the structure has been reduced slightly, including a reduction in height from 4.3m to 3.6m. The applicant has advised the following with regard to its size:

*'The size of this proposed building is the minimum iteration to enable the adequate storage of both the hay/feed and the tractor. In terms of reducing the height of the building, the tractor needs to be stored with the equipment attached and the bucket elevated'.*

- 7.2.12 Given the requirement for a tractor, and the need to store hay and feed for the animals, it is again not viewed that these would be unreasonable. In addition, four stables are proposed, which is reasonable given that four horses would be permanently kept on the land. The applicant has confirmed that these are mobile structures which would be purchased in single units and would be attached to form a larger unit. They do not require the provision of additional hardstanding or ground works, with the submitted information stated that they are provided with timber or metal skids, and with a heavy duty towing chain with towing points located at one end. In terms of their design, they would be a relatively low level, single storey structure which would be of timber construction. In addition, a condition would



be suggested requiring the stables to be kept in the same siting as indicated on the plan, to ensure that they would not become a visually dominant structure within the Green Belt.

- 7.2.13 It is therefore accepted that the proposed structures would be required in connection with the use of the land for the keeping of the horses. Given the specific details of this particular case, they would be akin to agricultural buildings and given their single storey nature and size, it is not considered that they would impact on the openness of the Green Belt. They would be structures which one would anticipate finding within a rural environment and as such would not appear incongruous. To ensure that an intensification of use does not occur, a condition would be attached requiring the stables to be solely used for the stabling of four horses and for no other purpose whatsoever including for use as a livery or riding school.
- 7.2.14 In summary, the provision of polytunnels and a potting enclosure would be an appropriate form of development within the Green Belt. Furthermore, these structures have been sited such that they would be visually and spatially contained and would not impact on the openness of the Green Belt. The use of the land for the grazing of alpacas would constitute an agricultural use within the Green Belt and thus no objection is raised in this regard. In addition, it is considered that use of the land for the keeping of horses would be akin to an agricultural use which would be appropriate for the Green Belt setting. The buildings required to facilitate the use would be acceptable under Policy DM2 of the Development Management Policies LDD. Again, it is considered that they have been sited such that they would not impact on the openness of the Green Belt. The proposed development is therefore considered to be acceptable and in accordance with Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD.

### 7.3 Impact on Character of the area 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 (adopted October 2011) 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'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 7.3.2 The application site is also located within the Croxley Green Conservation Area and is also located to the rear of Croxley House, a Grade II Listed Building. Policy DM3 of the Development Management Policies LDD states that 'within Conservation Areas, development will only be permitted if it is of a design and scale that preserves or enhances the character or appearance of the area. With regard to Listed Buildings, Policy DM3 sets out that alterations should not affect the wider setting of a Listed Building.
- 7.3.3 The proposal would result in a mixed use of the site for horticultural and agricultural purposes and for the keeping of horses. Some concerns have been raised that the use by reason of an increase in activity would lead to disturbance and would result in a change of character to the rural area. In response, the proposed use would be for the benefit of the applicant only, with visits to the site limited to twice a day to tend to the animals and for 3 to 4 times a week in order to tend to the horticultural use. It is also acknowledged that would be some deliveries, however, these would also be limited and would not be unreasonable given the residential character of the wider area. Furthermore, the Conservation Officer has confirmed that no objection is raised to the principle of the change of use of the land to that proposed.
- 7.3.4 The single storey potting enclosure and polytunnels would be located within the south western corner of the site. It is noted that objections have been received from residents which raise concerns that the provision of polytunnels would not be in keeping with the

character of the Conservation Area and would detract from the setting of nearby Listed Buildings. In response, the polytunnels and potting enclosure would be set in from the boundary with Sarratt Road by a minimum of 40m. Given this distance, the single storey nature of the structures and the existing boundary screening, it is not considered that the structures would be visually prominent.

7.3.5 The original plans indicated that the hay store would have been located in close proximity to the northern boundary, with the stables located to the east of the site. This would have resulted in a spread of built form across the site. The Conservation Officer raised concerns regarding the location of the structures, stating that they would be visually prominent and therefore inappropriate within the setting of the Listed Building. Furthermore, the Conservation Officer raised concerns regarding the limited information in relation to the potential requirements for hardstanding and access tracks. The Conservation Officer therefore noted that as submitted originally, the proposal would result in 'less than substantial' harm at the lowest end of the scale. Paragraph 208 of the NPPF would be relevant.

7.3.6 In response, amended plans have been received, which have moved the hay store away from the northern boundary of the site and indicate that this would be sited towards the eastern boundary. The stables have also been re-orientated. Whilst it is acknowledged that the hay store would be sited in a similar position to that previously indicated for the stables, the structures would be closer together which reduce the spread of development. They would be contained to the eastern side of the site and whilst they would be visible from some parts of the rear amenity space of the Listed Building, they would not be directly to the rear of the building itself. The Conservation Officer has been re-consulted regarding the amended plans and considers that they would overcome the previous concerns raised. The Conservation Officer notes that the buildings would be sited at quite some distance from the Listed Building and would be single storey in height, minimising their visual impact. As such, it is considered that the open/ rural character of the setting of Croxley House would be preserved. In order to ensure that the structures would not have an impact on the appearance of the Listed Building, a condition is suggested requiring the stables and hay store to be permanently positioned in the location as shown on the approved plans and not to be re-sited at any time. In addition, in order to ensure that their appearance is sympathetic to the wider area, it is considered that further details of the colour of the stables and the potting enclosure should be submitted. It is considered that a darker stain to the timber would be more appropriate.

7.3.7 With regard to hardstanding, the applicant has advised in an additional statement that the existing access to the site would be utilised and that no further hardstanding would be required. In addition, the applicant has stated the following:

*'The access surface material which is compacted gravel (which has over time accumulated material over the top) will remain as existing, and although demarcated on the plan (including the turning head), this is to show the access point and that there is sufficient space for a vehicle to enter and turn around on site, rather than physical changes to the site.....*

*Deliveries are not expected to be a feature of this proposal, although provision of hay and food for animals will be required, but they can pull onto the site to make the delivery and the tractor can take the elements where they are needed on site. Other than a tractor, we are not expecting vehicles to transverse across the site'.*

7.3.8 Consequently, no objections would be raised in this regard.

7.3.9 Concerns received also note that the proposed buildings would be visible from the Conservation Area and therefore would not be acceptable. In response, the structures proposed are single storey and set in from the boundary. The site is contained due to the existing boundary treatment and screening. Whilst there may be some views, it is

considered that these would be limited, and it is not considered that this would result in significant harm to justify refusal. The structures are viewed to be appropriate to the rural character of the area and it is therefore considered that the development would preserve the appearance of the Conservation Area, in accordance with Policy DM3 of the Development Management Policies LDD. Furthermore, it is emphasised that the Conservation Officer has raised no objections to the development in this regard.

7.3.10 In summary, it is considered that the amended plans have overcome the Conservation Officers concerns in relation to the impact on the setting of the Listed Building. Given the single storey nature of the structures and the contained nature of the site, it is not considered that significant demonstrable harm would occur to justify refusal. The development would not result in harm to the visual amenities of the Conservation Area or the setting of the Listed Building. The development is viewed to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD.

#### 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'. In addition, Policy DM9 of the Development Management Policies LDD sets out that '*the Council will refuse planning permission for development, including changes of use, 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 other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained*'.

7.4.2 The horticultural use would be located in the south western corner of the site, in close proximity to the boundaries with Clarendon Lodge, the existing residential care home. The resultant use would also include the erection of two individual poly tunnels and a potting enclosure. The activities associated with a horticultural use would be unlikely to generate excessive noise or disturbance to justify refusal, particularly given that the applicant has advised that they would be growing fruit and vegetables for their own personal use and therefore activity would be limited. Furthermore, it is emphasised that using the land for horticultural purposes in itself would not constitute a change of use from the existing agricultural use of the site. With regard to the structures, both the poly tunnels and potting enclosures would be single storey, of modest height and would be set in from the boundaries. As such, it is not viewed that these would be overbearing or result in any loss of light to neighbouring properties.

7.4.3 To the west of the site, it is proposed to keep alpacas, and it is not considered that this would generate any significant level of disturbance to neighbouring dwellings. It is also emphasised that using the land for the grazing of alpacas, would constitute an agricultural use, and this in isolation, would not require planning permission. The applicant has confirmed that the alpacas would not require shelters, and in the event that a shelter was required, they would be taken off site.

7.4.4 The eastern portion of the site would be used for the keeping of horses. The number of horses to be kept would be limited to four (with only four stables provided on the land) and they would be primarily grazing the land. This type of activity would be unlikely to generate noise and disturbance to neighbouring properties and is considered to be very much akin to an agricultural use. Likewise, it is considered that the keeping of four horses would be unlikely to generate a significant level of odour, particularly given the relatively enclosed nature of the site.

7.4.5 A stable block and hay store would be erected and would be located to the east of the site. These would be low key, single storey structures which would be sited away from neighbouring properties. Consequently, it is not considered that any harm would occur in this regard. To ensure that an intensification of use of the land would not occur, a condition

would be attached to the consent, requiring the stables to be used solely for the stabling of four horses and for no other purposes whatsoever.

7.4.6 It is noted that objections have been received from neighbours, raising concerns about the intensification of use of the site and that there would be an increase in noise and disturbance. However, for the reasons outlined above, it is considered that the proposed use would not result in any significant level of disturbance which would justify refusal of the application.

7.4.7 In summary, the proposed development would be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD.

## 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.

7.5.2 With regard to access, the site would continue to be accessed via the existing vehicular access from Little Green Lane. The submitted plans indicate that there is sufficient space to turn around on site and exit in a forward gear. Whilst a turning head has been shown on the submitted plans, the applicant has advised that this is for illustration purposes and formal hard surfacing would not be used. In addition, the existing gates would be re-sited such that these would be set back further into the site. This would prevent any larger vehicles waiting to enter the site from causing an obstruction to the adjoining highway whilst the gates are opened. Herts Highways have raised no objection to the details provided. A condition shall be attached requiring the gates to be re-siting prior to the first use of the site.

7.5.3 It is noted that residents have raised concerns regarding the intensification of use of the site as a result of the proposed use. Concerns raised note that the proposed use would lead to a notable rise in traffic and associated vehicle movements, and that Little Green Lane is a narrow, rural lane which would be unable to cope with additional traffic movements. With regard to the proposed use, the Highway's Officer advises that the proposals would not result in a significant increase in the number of trips to and from the site, and the proposed development would have a negligible impact on the surrounding highway as a result. As noted previously, the use would be for the benefit of the applicant only, with the horticultural use being to grow fruit and vegetables for personal consumption and the horses and alpacas being the applicant's own. This in itself, would therefore limit the number of visitors to the site.

7.5.4 The Highways Officer does note that the achievable levels of visibility have not been demonstrated on the submitted plans, however, also notes that visibility is considered to be achievable in accordance with the Manual for Streets guidance. In response, officers sought further clarification from the Highways Officer as to whether the visibility splays should be clearly marked on the submitted plans or whether these should be conditioned. In response, the Highways Officer has advised that the access to the site is already existing and that the vehicle trips associated with the development are unlikely to result in a material increase in additional vehicle trips to and from the site. As such, no significant or serve impacts on the transport network have been identified from a highway's perspective. In addition, the Highways Officer advises that the visibility splays required for this access are achievable and that the trimming of verge to maintain the visibility at this access falls upon Hertfordshire Highways. As a result, Hertfordshire Highways Fault Reporting has been consulted to assess and maintain the vegetation around the existing access for the visibility splays to be maintained and deemed safe with recognition to the proposed development.

7.5.5 With regard to off street car parking, Appendix 5 of the Development Management Policies LDD does not specify the number of spaces which should be provided. In this case, the

proposed use is for the benefit of the applicant and it is not anticipated that there would be visitors to the site. As such, this would limit the number parked vehicles which would be on site at any one time. Notwithstanding the above, there is sufficient space on site for vehicles to park on site without causing obstruction to Little Green Lane. As such, no objections are raised in this regard.

7.5.6 In summary, given that the Highways Officer has raised no objection with regard to the proposed development and given the nature of the use, it is not considered that significant harm would not occur to the safety of the adjoining highway. In addition, it is considered that there is sufficient provision for vehicles to park on site without causing obstruction to Little Green Lane. The development is considered acceptable and in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.

## 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.

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.6.3 The initial comments made by Herts Ecology note that no ecological assessment has been undertaken. However, the Ecology Officer is not aware of any species data for the site. Additionally, no trees or hedgerows would be removed to facilitate the development. However, given that the development would impact on a significant area of undeveloped grassland, a habitat survey should be undertaken,

7.6.4 In response, a habitat survey has been undertaken. This confirms that the site consists of grassland which is species poor and has been found to be in poor condition, given the dominance of coarse grasses. The report has found that there are no baseline habitats present that rare considered irreplaceable and the Ecology Officer has advised they have no reason to dispute these findings. Consequently, no objections are raised in this regard.

7.6.5 In their initial comments, Herts Ecology have advised that if the development is found to be acceptable, a number of informatives should be added to the consent reminding the applicant of what to do should any protected species be found during the course of the development.

## 7.7 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% 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 application constitutes a major application by reason of the site area exceeding 1 hectare. During the course of the application, an assessment of the habitats at the site has been undertaken and an associated Statutory BNG Matrix has been submitted. The Ecology Officer has advised that they have found no constraints associated with the habitat survey undertaken on site, of which assesses and quantifies the sites baseline habitat value at 8.55 Area Habitats Units. It is set out in the accompanying report that the

site habitats are of low distinctiveness/ecological value and there are no irreplaceable habitats present, within or adjacent to the site.

- 7.7.3 The proposed habitats on site total 9.43 habitat units, which equates to a 10.27% net gain. A 2100 square metre area of modified grass land will be enhanced to form 'other neutral grass land'. The Ecology Officer advises that given it has now been demonstrated that the required biodiversity net- gain can be achieved, no objections are raised. However, it is suggested that a condition requiring the submission of a Landscape and Ecological Management Plan should be added. This should demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions on site will be created, enhanced and monitored.

## 7.8 Trees and Landscaping

- 7.8.1 Policy DM6 of the Development Management Policies LDD advises that development proposals 'should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards'.
- 7.8.2 There are existing protected trees on site and the boundary of the site with Little Green Lane is screened by significant vegetation. Given the proposed buildings would not require ground works and are located a distance from the trees and boundaries, it is not considered that any harm would occur to existing trees. The development is considered to be acceptable in this regard.

## 7.9 Drainage

- 7.9.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development.
- 7.9.2 This application is classed as a major planning application by reason of site area and therefore the LLFA have been consulted. They have assessed the application and confirm they raise no objections to the development. The development is therefore considered acceptable and in accordance with Policy DM8 of the Development Management Policies LDD.

## 7.10 Other Matters

- 7.10.1 It is noted that objections have been received which raise concerns that the proposed development represents a 'disguised plan' to change the use of the land and remove it from the Green Belt. In addition, comments note that the development would mark the beginnings of a residential development. Whilst the concerns raised by residents are noted, it is emphasised that the application must be assessed on its own individual planning merits and based on the plans and information which have been submitted as part of this application. This application relates exclusively to a change of use of the land to horticulture, grazing of land for alpacas and for the keeping of horses. It cannot be determined based on

fears as to what may happen in the future. Any grant of planning permission does not remove or change the Green Belt boundary.

- 7.10.2 A further comment submitted has noted that separate planning applications were refused in 1999 for erection of a dwelling and erection of an agricultural dwelling and polytunnels and that these are material planning considerations. In response, this is a materially different scheme which does not relate to the provision of a residential dwelling. Whilst polytunnels were included, these were not in the same siting as previously. Furthermore, the context of the site has been altered since 1999 with the development of other sites within the vicinity and the policy context has also changed. No objections have been raised from the Conservation Officer or from Herts Highways and thus there is no reason to refuse the application.

## **8 Recommendation**

- 8.1 That subject to no new material considerations being raised, 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:

SK-01-Rev A SK-02 Rev K, SK-003 Rev 01, SK-004 Rev 02, SK-005-Rev 01, SK006-REV 01,

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the openness of the Green Belt, and the character and appearance of the Croxley Green Conservation Area and Listed Buildings; in accordance with Policies CP1, CP9, CP10, CP11 and CP12; of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM6, DM9, DM13 and Appendix 5; of the Development Management Policies LDD (adopted July 2013).

- C3 Prior to the commencement of development, a Landscape and Ecology Management Plan shall be submitted and approved in writing by the Local Planning Authority. This shall demonstrate how the habitat enhancement and creation and subsequent target habitat conditions on site will be created, enhanced and monitored. This shall include:
- (a) non technical summary;
  - (b) the roles and responsibilities of the people or organisation (s) delivering the Landscape and Ecology Plan
  - (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) management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of the development and;
  - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to and approved in writing by the Local Planning Authority:

Reason: This is a pre-commencement condition to ensure that the net gain for biodiversity are delivered and maintained in the interests of local biodiversity in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the first use of the site, the entrance gates shall be re-positioned as shown on plans SK-02-Rev K and SK-06 Rev A.

Reason: In the interests of highway safety, in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C5 The stables hereby permitted shall be used solely for the keeping of four horses and shall not be used for commercial purposes including the use as a livery or riding school.

Reason: To protect the openness of the Green Belt and in the interests of residential amenity, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011).

- C6 The polytunnels hereby permitted shall only be used for agricultural purposes. If the polytunnels cease to be used for more than 12 concurrent calendar months, they shall be demolished and wholly removed from the site within a month, and the ground shall be returned to grass in the first possible planting season.

Reason: To protect the openness of the Metropolitan Green Belt, in accordance with Policy CP11 of the Core Strategy (adopted October 2011).

- C7 The potting shed shall only be used for agricultural purposes.

Reason: To protect the openness of the Green Belt in accordance with Policy CP11 of the Core Strategy (adopted October 2011).

- C8 Once erected, the stables and hay store hereby permitted shall be permanently positioned in the location shown on plan SK-02 Rev K and shall not be moved or repositioned to any other location within the application site.

Reason: To protect the openness of the Green Belt and the setting of the Grade II Listed Building, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy and Policies DM1, DM2 and DM3 of the Development Management Policies LDD.

- C9 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Design Stage Report 24/07/2024 Revision A (Ref: EC0111).

Reason: To ensure that the net gain for biodiversity are delivered and maintained in the interests of local biodiversity in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the first use of the stable building, hay store and potting enclosure, full details of their colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the approved details.



Reason: To ensure that the external appearance of the building is satisfactory and to protect the setting of the Listed Building in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD.

- C11 The fencing hereby permitted shall not be erected other than in accordance with the approved details as shown on Drawing Number SK-02 Rev K and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C12 No external lighting shall be installed on the application site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, the openness of the Metropolitan Green Belt and to meet the requirements of Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, and DM9 of the Development Management Policies LDD (adopted July 2013).

## 8.2 **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. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 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. It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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.

- 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 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 website:<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/businesslicences.aspx> by telephoning 0300 1234047
- 15 Obstruction of public highway land: 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 website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 16 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.
- 17 If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

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

- 18 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.”
- 19 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>.

