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**Standing up for Hertfordshire's countryside**

Richard Tiffin  
North Hertfordshire District Council  
Council Offices  
Gernon Road  
Letchworth Garden City  
Herts SG6 3JF

Our Ref:

Your Ref:

4<sup>th</sup> September 2020 (by email)

Dear Mr. Tiffin,

**Application No. 20/01729/FP**

**Change of use of redundant agricultural building to one 3-bed residential unit with all associated building works.**

**The Carriers, Green End, Sandon, Buntingford, Hertfordshire SG9 0RQ**

CPRE Hertfordshire have concerns regarding this proposal for inappropriate residential development in the Rural Area Beyond The Green Belt and outside the settlement boundary of Green End, contrary to the policies in both the current Local Plan No.2 and the Submission Local Plan which is presently subject to Examination in Public.

This is the third application for conversion to residential on this site. Application 19/00604/FP was refused by the Council. Application 20/00804/FP was withdrawn by the applicant.

Part of the reason for refusal of 19/00604/FP and presumably contributing to the withdrawal of the resubmitted 20/00804/FP, was the view of the Case Officer that the building was not agricultural and that the site was effectively within the domestic curtilage of The Carriers. Given the evidence presented with 19/00604/FP, that was a reasonable assumption for the Case Officer to make. The Applicant is now, in effect, refuting comments which they made in the previous applications, in order to demonstrate that the site is indeed agricultural.

The Barn was granted planning permission in 1998, (App 98/0909/1). At that time the site was being used for the rearing of livestock. That use ceased some 20 years ago (Planning Statement page 13) and the barn has not been used for agricultural purposes since that time. Class Q of the amended Town and Country Planning (use Classes) Order 2015 requires the site, in which the proposed change of use to residential is sought, to have been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. That is clearly not the case here.

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President: Sir Simon Bowes Lyon, KCVO  
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In the Planning Statement accompanying App.19/00804/FP the applicant states that “for many years and particularly since the removal of livestock from the site, the land to the rear of The Carriers has become domestic through its maintenance and planting”. (page 15) Elsewhere it is noted that aerial views show the integrated garden nature of the whole site with boxwood, leylandii, apple orchard and vegetable garden set in an extensive mowed lawn area. (page 16), the Barn is grouped with domestic buildings and within a mowed lawn garden setting (page 8) and the estate agent’s brochure at the time The Carriers was last on the market, is quoted as saying that the greater part of the land beyond the Carriers immediate curtilage has historically had a domestic character. The current owners retained the large vegetable garden and orchard for many years. (page 18). This is clearly use of the land for residential enjoyment and it is reasonable to assume that the barn was used in conjunction with that domestic use. In the current application these references are omitted and the applicant claims that “it is clear that the land has not been used for residential enjoyment.” (page 6). This is a perverse position considering the lengths to which the applicant went to a year ago to demonstrate that it had been.

We note that the applicant refers to the Council’s inability to demonstrate a 5-year housing land supply and cites the Supreme Court judgement in *Suffolk Coastal DC v Hopkins Homes Ltd.* (2017 UKSC 37), but fails to point out that that judgement also clarified that existing Local Plan policies which are designed to protect the environment, (such as Local Plan Policy 6) retain substantial weight despite lack of a 5 year housing land supply, while allowing the need to secure an adequate supply of housing land to be taken into account. Recent appeal decisions in North Herts have upheld that position, (APP/X1925/W/17/3192151 and APP/X1925/W/18/3194048). The case of *Hunston Properties Ltd* (EWCA Civ 1610) held that *“the weight to be given to such a housing shortfall is a matter of planning judgment. The weight to be attached to the shortfall may, as a matter of planning judgment, be reduced where a shortfall is inevitable due to a district being subject to policies which restrict development.”*

In considering sustainability the applicant argues that the NPPF acknowledges that sometimes development in one village may support services in other nearby villages. Although some communities may lack a full range of facilities themselves, they should not be barred from further development. However both Sandon and the villages in close proximity to it do not present a wide range of facilities and residents have to travel to larger centres for retail, employment, health and secondary education. In the travel distances identified in the Planning Statement, all except the limited facilities in Sandon, are beyond 4km distant. This is substantially in excess of the acceptable walking distance of 1km set in the Institute of Highways and Transportation ‘Guidelines for Providing for Journeys on Foot’ and the distance of 4km for cycling in the Department of Transport ‘Policy LTN1/04 on Walking and Cycling.’ Consequently it cannot be considered that the location offers a choice of transport modes. As a result the majority of journeys will be by car. This is tacitly accepted by the applicant in that



travel distances in the Planning Statement are expressed in the number of minutes it would take to travel by car.

The access route to the site is via a footpath and bridleway across Green End Common which has been in public use for over 20 years. Under both common law and Section 31 of the Highways Act 1980, it is now a public right of way. It is notable that application to have it formally designated on the Definitive Map has been lodged with Hertfordshire County Council. This path has been included in this application and it is incumbent on the Council to determine its ownership and status before determining the application.

We do not normally comment on design, but the Applicant states that the proposal complies with paragraphs 124 and 131 of the NPPF. Para 124 refers to good design and 131 to outstanding and innovative designs. This proposal does not fall into the latter category and para 131 should be discounted. In relation to para. 124, the entire argument put forward by the applicant relates to the external appearance of the building. However, there is a major issue with the internal layout. Both of the ground floor bedrooms can only be accessed through the kitchen, which, in its turn is accessed through the living room. That means that access to the bedrooms is via two fire risk zones. The only safe means of escape for both rooms is by climbing through the windows. We accept that this is a Building Control issue, but it does affect the viability of the scheme and should be clarified before the application is determined.

We would urge the Council to refuse this application.

Yours sincerely,

David Irving