



**Chadwick Town Planning**

## **PLANNING STATEMENT**

Change of use of part of former chick rearing building to  
storage use (Use Class B8)

Unit 2 (Part) Beeches Farm, Icknield Way, Tring,  
HP23 4LA

For

Archaylen Property Limited



November 2021

**Chadwick Town Planning Limited**

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## **1.0 INTRODUCTION**

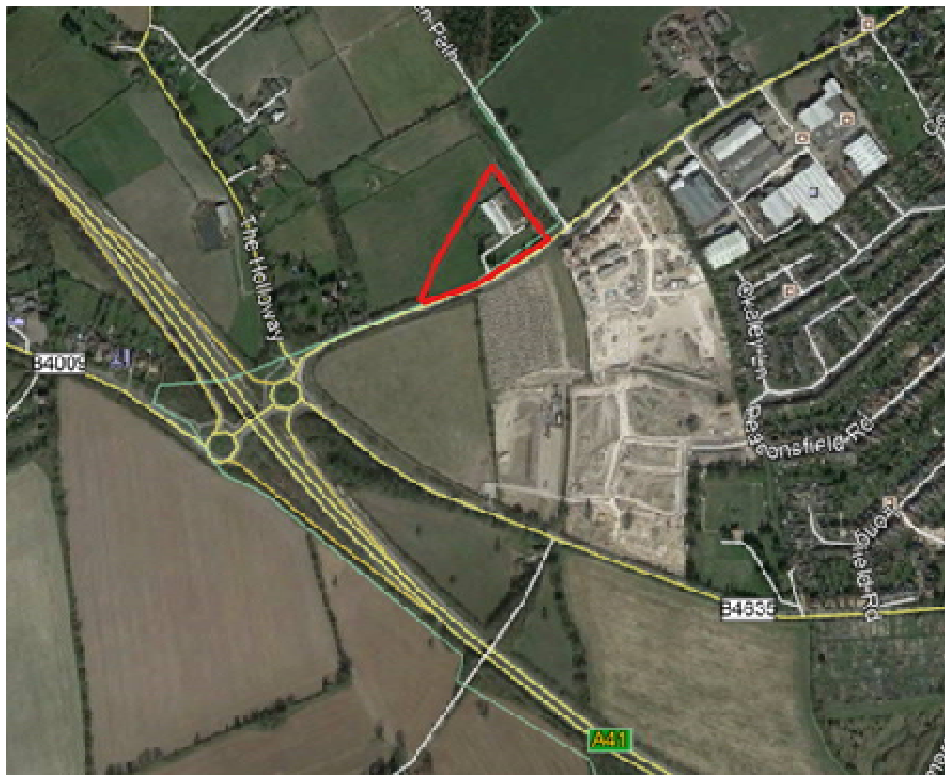
- 1.1 This Planning Statement ('the Statement') has been prepared by Chadwick Town Planning Limited on behalf of Archaylen Property Limited ('the Applicant'). It supports a full planning application for the change of use of part of a former chick rearing building ('the development') at Unit 2, Beeches Farm, Upper Icknield Way, Drayton Beauchamp, near Tring, HP23 4LA ('the application site') to storage use falling within Use Class B8 of the *Town and Country Planning (Use Classes) Order, 1987 (as amended)*.
- 1.2 Unit 2 is part of a group of former agricultural buildings at Beeches Farm, which is located close to the northern edge of the new Roman Park residential development on the outskirts of Tring (in Dacorum Borough). It is less than 1 mile from Tring town centre and close to the A41/B4009/B488 junction. Beeches Farm consists of a complex of former agricultural buildings, used for office and storage purposes for many years. The main structures are the former chick rearing sheds, Units 1 and 2 (also known as Sheds A and B) that sit at right angles to Icknield Way (B488) and were last used for agriculture in 1999. There are also a range of other ancillary outbuildings and a bungalow adjacent.
- 1.3 The proposed change of use relates to the southern part (290sqm) of Unit 2/Shed B. This part and a further 210sqm, a total of 500sqm, of Unit 2 secured "Prior Approval" in 2019 (19/02629/COUAF) for 'a flexible commercial or sui generis use' under Class R, Part 3 of the *Town and Country Planning (General Permitted Development) Order, 2015*.
- 1.4 The site lies in the Metropolitan Green Belt but the development is in accordance with Policy S4 of the recently adopted *Vale of Aylesbury Local Plan ('VALP')* as it is 'appropriate' development in the Green Belt involving the re-use of a building of permanent and substantial construction to storage use. This application is simply for a change of use of the building; there are no physical works to the building, so there is no greater impact upon the openness of the Green Belt. The proposal is also in accordance with Policy D6 of the VALP, which supports the appropriate re-use or replacement of existing buildings, subject to certain criteria.
- 1.5 The proposal also complies with Government advice in the *National Planning Policy Framework (2021)*. The NPPF is supportive of the expansion of businesses in rural areas, including through conversion of existing buildings (Paragraph 84). It also states that the re-use of buildings in the Green Belt [provided they are of permanent and substantial construction, as in this case] is not inappropriate as long as it preserves its openness and does not conflict with the purposes of including land within it. The use of part of the building for storage satisfies both of

these requirements and therefore compliance with the NPPF is a material consideration of considerable weight in support of the proposal.

- 1.6 The hardstanding around Unit 2 is available for access, car parking and vehicle turning associated with the proposed storage use. This part of the site is well-screened by the existing buildings, close-boarded fencing, trees and landscaping. The proposal will generate little traffic – see accompanying *Transport Statement* - and will have no adverse impact upon highway safety, residential amenity or the amenities of the surrounding area, which lies within the Chilterns Area of Outstanding Natural Beauty.
- 1.7 In summary, the proposed storage use would provide useful space for local residents and businesses and support the rural economy without any detrimental impacts. It is not only in accordance with the Development Plan it is supported by “other material considerations” including advice in the *NPPF (2021)*. Therefore, in line with Section 38(6) of the *Planning and Compulsory Purchase Act, 2004* and Section 70(2) of the *Town and Country Planning Act 1990*, we respectfully request that this application be approved.

## 2.0 THE SITE

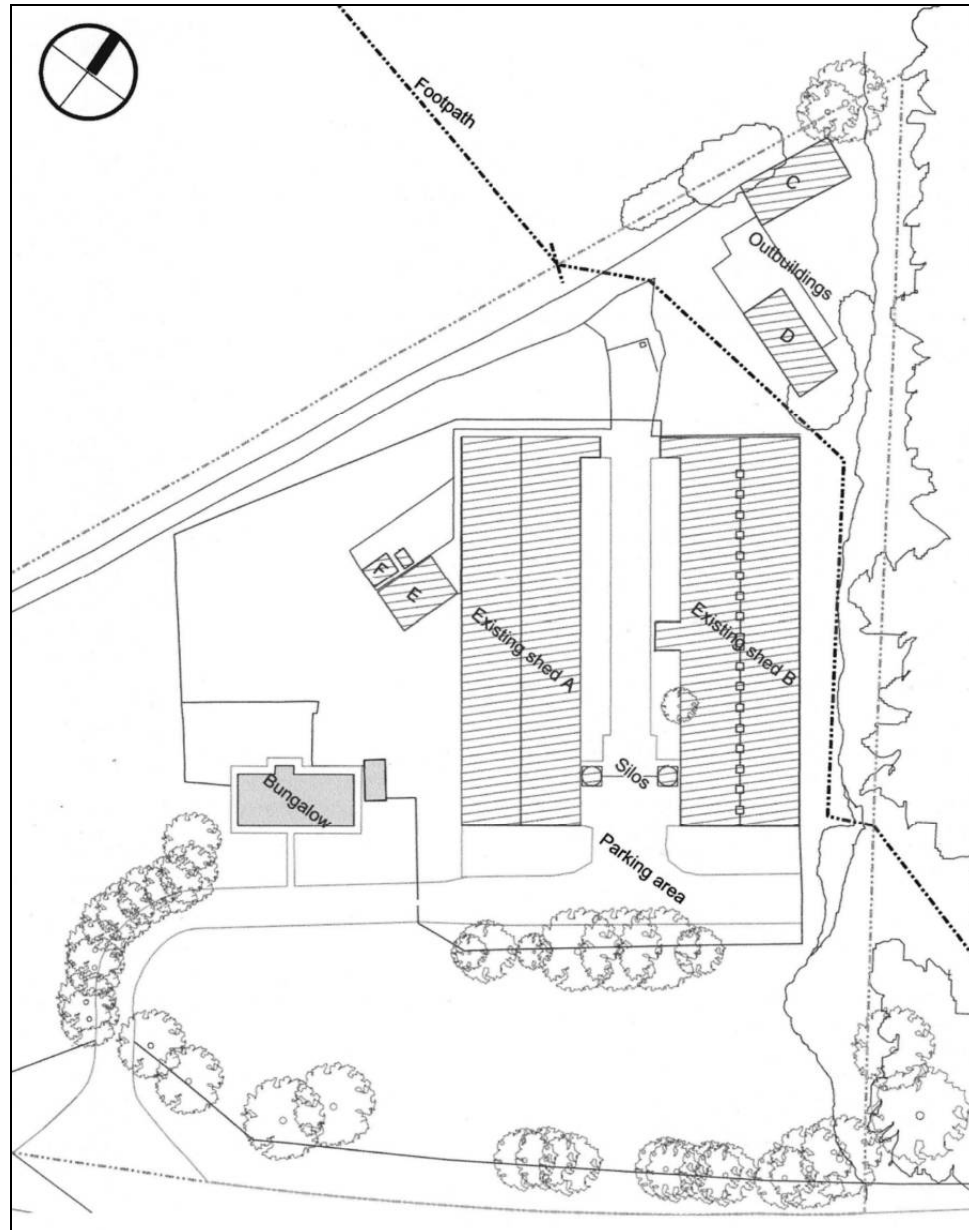
2.1 Unit 2 forms part of Beeches Farm, which is located to the east of the A41 on the northern side of Icknield Way (B488) and to the south-east of Drayton Beauchamp, less than a mile from Tring town centre and just metres from the western edge of Tring, inside the border of Buckinghamshire with Hertfordshire (Dacorum Borough). Some 1.6 miles to the west of the site is Aston Clinton. See Google Earth aerial at Image 1 below (red line for indicative purposes only), which shows the overall Beeches Farm site in relation to the CALA Homes' Roman Park residential development under construction, the cemetery to the south of the site, the Icknield Way Industrial Estate to the east and the extensive existing housing estates of Tring beyond it.



**Image 1 – Overall Site Location (Google Earth)**

2.2 Beeches Farm is bounded by Icknield Way (B488) to the south and a row of trees and Green Path track to the east. It lies close to the junction of both the B488 and B4635 (Aylesbury Road) with the A41, which bypasses Aston Clinton and runs to the south-west of Tring.

- 2.3 The site lies just within the Chiltern Hills Area of Outstanding Natural Beauty (AONB) and within the Metropolitan Green Belt. A public footpath also crosses the site but is unaffected by the change of use the subject of this application.
- 2.4 Beeches Farm was a former agricultural enterprise used for chick rearing as part of the Dean Foods Group's egg production business. However, the chick rearing use of the site ceased in 1999. The existing buildings and layout of the site can be seen on Image 2 (red line shown for indicative purposes only) below.



**Image 2 – Existing Buildings and Layout of the Site**

- 2.5 After 1999, existing chick rearing Shed A (also known as Unit 1) was partially converted to offices and the rest of the building was used for storage. A Lawful Development Certificate was granted by Aylesbury Vale District Council (AVDC) in September 2019 for the storage use (see Planning History in Section 4.0). This was on the basis that the change of use of this part (375sqm) of Shed A to B8 storage use took place more than 10 years ago, was “established” and therefore immune from enforcement action by virtue of Section 171B (2) of the *Town and Country Planning Act, 1990 (as amended)*. This use occupies more than half of Shed A/Unit 1, which has a floorspace of about 710 sqm, so there is already a storage use on site. A retrospective application to retain the office use in Unit 1 and the associated parking/turning facilities and alterations to the building is the subject of a current undetermined application (21/04335/F).
- 2.6 The existing building at Unit 2/Shed B is of substantial and permanent construction being timber-clad on a brick plinth with a corrugated roof. See Image 3. There is a concrete hardstanding for the parking and turning of vehicles between the building and Unit 1.



**Image 3 – Unit 2 (on right of photograph)**

- 2.7 In September 2019, AVDC determined (App. No. 19/02629/COUAF) that Prior Approval was not required - under Class R of the Town and Country Planning General Permitted Development Order, 2015) - for the change of use of 500sqm of the former chick rearing Shed B/Unit 2 from agricultural use to a “flexible use” falling within A1-A3, B1, B8, C1 or D2 of the *Town & Country Planning Use Classes Order, 1987 (as amended)*.

- 2.8 The site is flanked to the north-east and north-west by small, hedged fields of mixed farmland with a row of trees to the east (along Green Path) and another about 100m to the north of the site. As shown on Image 4 overleaf, the building and the site in general is well-screened with mature trees along its border, both along Icknield Way and Green Path track.



**Image 4 – Existing buildings, fencing and planting on the Site**



### 3.0 PLANNING HISTORY

- 3.1 There was an approval for the demolition and erection of the bungalow, chick rearing buildings and feed hoppers in 1973 (72/00818/AR) and an application in 2003 for the conversion of a chick rearing building to offices (03/02207/APP) was refused. The appeal (04/00027/REF) against this refusal was dismissed in November 2004, principally on highway safety grounds. It should be noted that this change of use application is accompanied by a *Transport Statement* that demonstrates that the current proposal for the change of use of just 290sqm to storage using an existing access will generate little traffic and not adversely affect highway safety.
- 3.2 A Certificate of Lawfulness (CLEUD) application was submitted for the established B8 use of part of Unit 1/Shed A (19/00192/ACL) but was refused on the 4<sup>th</sup> April 2019. A resubmission of this CLEUD application (19/02911/ACL) established a lawful use of over half of Shed A for B8 storage and distribution purposes when it was approved on 11<sup>th</sup> September 2019.
- 3.3 In 2019, a "Prior Approval" application (19/02629/COUAF) under Class R of Part 3 of Schedule 2 to the *Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended)* was submitted to establish whether prior approval was required in respect of transport and highways impacts, noise impacts, contamination risks and flood risks for the change of use of the existing agricultural building (Unit 2/Shed B) to a flexible business use. This was approved on 11<sup>th</sup> September 2019. The extent of these authorised/approved storage and "flexible" uses is shown on Image 5.



**Image 5 – Extent of Authorised/Approved Storage and Flexible Uses**

- 3.4 After positive pre-application advice from the Council in January 2021 (20/04065/COMM) an application for the demolition of the existing buildings and their redevelopment to form a Rural Business and Enterprise Hub (Use Class E) comprising two single storey office/business units and two-storey family office, cycle storage, showers and toilets, car parking, internal access road and vehicle turning areas, re-routing of public footpath and associated engineering works including retaining walls, drainage and landscaping was submitted in July 2021 (21/02895/APP). This application is currently undetermined and being held in abeyance pending the resolution of various planning, highway and other matters and submission of other applications, including this one, at the request of the Council after they questioned the extent of the lawful and non-agricultural uses on the site. The pre-application advice (20/04065/COMM), however, stated:

*'Although historically the site was in agricultural use, the recent certificate of lawfulness and prior approval permissions demonstrate that the majority parts of the two buildings are now in or could be of a lawful employment use..... Nevertheless, it is accepted that Beeches Farm is now an established employment site, although it is not a key employment site (as defined in Policy E1 of VALP). VALP Policy D6 supports the intensification of existing employment premises in sustainable locations. The NPPF is also supportive of the expansion of businesses in rural areas, including through new buildings and rural diversification.'*

- 3.5 Finally, a further "Prior Approval" application for a determination under Class R of Part 3 of Article 3, Schedule 2 to the *Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended)* as to whether prior approval is required in respect of transport and highways impacts, noise impacts, contamination risks and flood risks for the change of use of an existing agricultural building (northern part of Shed B/Unit 2 and adjacent building to north) to a flexible use falling within Class E (commercial, business or service) for use as an office falling within Use Class E was submitted by the Applicant and validated on 7th October 2021 under App. No. 21/04040/COUAF. It remains undetermined at present.
- 3.6 An application for the retention of office use within Use Class E(g)(i) with associated vehicle parking/turning facilities and minor alterations to the building (Retrospective) at part of Unit 1 was validated on 8<sup>th</sup> November 2021 (21/04335/F) and is currently under consideration.

#### **4.0 THE APPLICATION**

- 4.1 The application seeks planning permission for the change of use of 290sqm of the former chick rearing building to storage use falling within Use Class B8 of the *Town and Country Planning (Use Classes) Order, 1987 (as amended)*. No alterations or works to the building are proposed as part of the application.
- 4.2 The parking standards for the former Aylesbury Vale area are now set out in the adopted VALP Appendix B. With 290sqm of storage floorspace and at a standard of 1 space per 130sqm, just two spaces are required to be provided. These spaces are shown on the accompanying site layout drawing along with access to the building and spaces. Given the small size of the floorspace there is no requirement for overnight parking of vehicles. The use of this space, at the front of the building on or adjacent to the areas of existing hardstanding within the fenced area of the site, for car parking and vehicle manoeuvring can operate without any detriment to the openness of the Green Belt or the character and appearance of the Chilterns Area of Outstanding Natural Beauty.
- 4.3 The application site is to take access from the B488 at Icknield Way. It has previously been demonstrated that adequate visibility is available to and from the existing access onto the B488 for its safe operation. The total area of the red-lined application site is 1,155sqm in extent. Pedestrian access to the site is via the public footpath that crosses the site. This is unaffected by this application. The footpath connects to other public paths on the southern side of Icknield Way.
- 4.4 The total amount of floorspace within Units 1 and 2 is about 1,420sqm. This proposal equates to just 20% of the total. The CLEUD and current Class R "Prior Approval" currently account for 875sqm or 62% of the total floorspace of the two former chick rearing buildings now in or capable of being in legitimate employment/commercial use.
- 4.5 There are no changes proposed to the layout of the building. An existing building survey plan and ground floor plan are submitted with the application, for information purposes only.
- 4.6 The building is well-screened by other buildings and existing natural vegetation/landscaping and fencing on the boundaries of the Beeches Farm site.

## **5.0 DEVELOPMENT PLAN & OTHER MATERIAL CONSIDERATIONS - APPRAISAL**

5.1 Section 38(6) of the *Planning and Compulsory Purchase Act, 2004* and Section 70(2) of the *Town and Country Planning Act, 1990* require that planning applications be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

5.2 The development plan in this case comprises the recently adopted Vale of Aylesbury Local Plan 2013-2033 ('VALP' or 'the Plan') whilst the National Planning Policy Framework ('NPPF'), Planning Practice Guidance ('PPG') and the site's planning history are important material considerations. This history includes the CLEUD for storage use in a large part of Unit 1 and the Prior Approval for a "flexible" commercial use in this and a larger part of Unit 2 (500sqm in total).

### **Development Plan**

5.3 The Vale of Aylesbury Local Plan 2013-2033 (VALP) was adopted in September 2021 and contains a number of policies of relevance to the proposal, including Policy S4 relating to the Green Belt, Policy S7 relating to "Previously developed land" and Policy D6 regarding the provision of employment land.

5.4 Other policies and the relevant "material considerations" are addressed within the assessment of the main issues identified below.

### **Main Issues**

5.5 Having regard to the policies in the Development Plan and the NPPF, the main issues raised by the proposal are considered to be as follows:

- whether the development is 'appropriate development' in the Green Belt having regard to the NPPF and the relevant development plan policies;
- the effect on the rural economy;
- the impact of the development, if any, on the character and appearance of the area, including the Chilterns Area of Outstanding Natural Beauty;
- the effect, if any, upon residential amenity;
- the effect, if any, on biodiversity; and
- the effect, if any, on highway safety.

## Green Belt

- 5.6 The proposal relates to a small (290sqm) part of a former agricultural building and adjacent land located in the Green Belt, close to the new Roman Park development and on the outskirts of Tring. Access is off the B488, which links to the A41 just to the west of the site.
- 5.7 Policy S4 c) of the VALP reflects Government guidance in the NPPF, and supports small-scale appropriate development, as set out below, providing it preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it:
- c) the conversion of buildings of permanent and substantial construction where there is no greater impact on the openness of the Green Belt and the form, bulk and design of any conversion is in keeping with the surroundings and does not involve major or complete reconstruction;*
- 5.8 Paragraph 150 of the NPPF states that the re-use of buildings of permanent and substantial construction and material changes in the use of land are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. In terms of the purposes of including land in the Green Belt, it is important to note that the proposal will:
- not result in any sprawl of built-up areas;
  - have no effect on towns merging into one another;
  - safeguard the countryside from encroachment;
  - preserve the setting of the special character of historic towns; and
  - contribute to the beneficial recycling of land [via re-use of an existing building] to assist regeneration.
- 5.9 Unit 2 is clearly of permanent and substantial construction. It was constructed following the granting of planning permission in 1973 and was used for agriculture until 1999. Although it has been largely un-used since then, it remains in a sound structural condition.
- 5.10 In terms of the effect upon the openness of the Green Belt, the building is single-storey with a simple design based upon its agricultural origins and clad in timber. It has a low-key appearance, with only the upper part of the building and its roof being visible above the boundary fence and boundary planting/vegetation. In the Council's pre-application advice of January 2021 (20/04065/COMM) the buildings (Units 1 and 2) were described by the Council's Planning Officer as having 'a plain

*and simple form which would fit well within a countryside location' and with the two buildings being close together and single storey, 'their impact on openness is limited'.*

- 5.11 The southern boundary of the site is formed by a high timber fence with trees adjacent with just a narrow gap in the fencing to allow vehicular access to the site from the access road from the B488. The site is well-screened and landscaped. See Image 6 below, which shows the site in the context of the wider area, which has changed significantly in recent times with the construction of the Roman Park development, which has urbanised this edge of settlement location.



**Image 6 – Fencing and Screening Around the Site**

- 5.12 Bearing in mind that the previous use of the site for chick rearing resulted in external activity, parking and vehicle movements and given the high level of screening present, it is considered that the change of use preserves the openness of the Green Belt and does not result in an urbanising effect or conflict with the purposes of including land within the Green Belt. See Paragraph 5.8 above.
- 5.13 As such, it can be concluded that the development would not be inappropriate development in the Green Belt having regard to relevant paragraphs of the NPPF and Policy S4 of the VALP. The proposal accords with these policies which seek, amongst other things, to ensure that the Green Belt is protected from inappropriate development, that openness is preserved and that there is no conflict with Green Belt purposes. All of these policy requirements are clearly satisfied by this change of use application.

## Rural Economy

- 5.14 Employment in the Aylesbury Vale area of Buckinghamshire is mainly focused on the town of Aylesbury where approximately half of all job opportunities are located. Within the expansive and largely rural parts of the District, employment was traditionally linked closely with agriculture. However, in line with trends nationally, the numbers employed locally in this sector have declined dramatically over the years.
- 5.15 This situation is mirrored at Beeches Farm, where the site was in agricultural use until 1999 but the recent Lawful Development Certificate and Prior Approval decisions will result in the majority of the two principal former agricultural buildings being in a lawful storage use or proposed “flexible” commercial use. This modest storage use now proposed in part of Unit 2 would be consistent with such uses in otherwise redundant farm buildings that need a suitable, alternative use to contribute to local employment and the County’s economy.
- 5.16 There are many such sites throughout the rural areas of the County. The continued use of these sites for employment purposes accords with the aims of the VALP and the NPPF. Policy D6 of the VALP states that employment development will generally be supported in sustainable locations through the appropriate re-use or replacement of an existing building subject to certain criteria. The existing former chick rearing building is well-established in this location on the outskirts of Tring, its agricultural appearance will be unaltered and it sits comfortably into its surroundings. This has been accepted by the local planning authority over many years, by the Council in its pre-application advice of January 2021 (20/04065/COMM) and by the Economic Development Officer in his comments on the redevelopment application (21/02895/APP). In terms of maintaining consistency, an important planning principle<sup>1</sup>, the same considerations should apply in this case.
- 5.17 Paragraph 84 of the NPPF also supports a prosperous rural economy, including the sustainable growth and expansion of all types of business in rural areas including through conversion of existing buildings, the development and diversification of agricultural and other land based business [and sustainable rural tourism and leisure developments] that respect the character of the countryside. Of particular note is Paragraph 85 of the NPPF, which recognises that sites to meet local business needs in rural areas may have to be found beyond existing settlements

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<sup>1</sup> North Wiltshire District Council v Secretary of State for the Environment and Clover [1992] 3 PLR 113

and in locations not well served by public transport. This is inevitable given the location of former agricultural holdings in the countryside and the rural nature of much of the County.

- 5.18 It is also important to note that the Government is committed to raising the nation's productivity and the rural economy is an important part of that plan. The *Rural Productivity Plan - Towards a one nation economy: A 10 point plan for boosting productivity in rural areas* - was published on 20 August 2015. It recognises the importance of rural areas to the national economy, and the contribution that improved productivity would make to those areas.
- 5.19 The *Rural Planning Review* also states that rural areas host around half a million businesses, over 25% of all registered businesses in England. Many of the businesses operating in rural areas are small or medium sized enterprises. Economic activity in rural areas is increasingly diverse, with significant manufacturing and services sectors, alongside more traditional farming.
- 5.20 The Review adds that rural areas in England are home to 17.6% of England's total population and 15% of jobs. Many people in the rural economy are involved in agriculture, either directly or indirectly, but many other businesses also provide jobs in rural areas.
- 5.21 Hence, the Government is keen to enable rural businesses to grow and diversify to help rural communities to thrive. This includes ensuring the planning system is responsive to managing the changing demands on the rural landscape and supports the growth of the rural economy.
- 5.22 Achieving sustainability objectives [in the VALP and NPPF] is more than just about transport and locational sustainability. This proposal contributes strongly towards achieving sustainable development, environmentally, socially and economically by supporting the diversification and economic growth in the area, existing and small/medium enterprises providing local employment and the rural and agricultural economy.

#### *Sustainability*

- 5.23 The site is just outside a recognised settlement but is now located on the outskirts of Tring (in Dacorum Borough) - due to the Roman Park development under construction - and just under a 1 mile from its centre. Indeed, the site has more of a direct relationship to Hertfordshire, Dacorum and Tring than Aylesbury Vale and Buckinghamshire.



- 5.24 The allocation of the Roman Park development (LA5) to the south-east of Beeches Farm was found 'sound' by the Inspector examining the Dacorum Site Allocations Local Plan<sup>2</sup>, which was subject to a Sustainability Appraisal and had to meet sustainable development objectives to satisfy national policy in the NPPF, in order to be found "sound". Indeed, Tring is one of the larger towns in Dacorum Borough and a focus for homes, jobs and strategic services. It is classified as a market town within the settlement hierarchy and as such contains a wide range of services, facilities, retail provision and employment opportunities. Therefore, it has been deemed to be a sustainable location for development, which is significant and relevant given its close proximity and relationship to Beeches Farm.
- 5.25 The Roman Park development is well underway and has access to a good range of facilities within walking/cycling distance including two bus stops, Rothschild Surgery, Goldfield's Infants School, Bishop Wood C of E Junior School and Tring School<sup>3</sup>. The supporting documentation for the Roman Park development indicated that the uptake of sustainable methods of transportation in Tring is above the national average. In addition, the incorporation of pedestrian and cycle connections to the existing network – including to the north to Beeches Farm and beyond - will ensure that residents of the site have the opportunity to contribute to this high uptake and access any employment opportunities provided at Beeches Farm. Furthermore, people working at Beeches Farm will be able to utilise and access the services and facilities provided at the Roman Park development.
- 5.26 In terms of the site itself, whilst there are no bus services along Upper Icknield Way, past the site, there are services stopping nearby at the Business Centre on the B488 and on the B4635 Aylesbury Road. However, Green Path passes alongside the north-eastern boundary and a public footpath passes through the site. To the south, two public footpaths (48a and 71) connect with the southern side of Icknield Way and provide kissing gates and access to the site from this significant housing development. Therefore, there are numerous ways of accessing the site using sustainable modes of travel and people working at Beeches Farm can access local services easily. See *Transport Statement* prepared by *Abington Consulting Engineers* for full details.
- 5.27 In conclusion, the proposal provides a commercial opportunity, rural diversification, reuse of an unused agricultural building, potential for local employment, contribution to the economy and the conversion of an existing building for a small storage use, which is supported by Policy D6 of the VALP and the NPPF. Although not within a settlement, the site is very close to Tring and all

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<sup>2</sup> Report on the Examination of the Dacorum Borough Council Site Allocations Local Plan – 6<sup>th</sup> April 2017

<sup>3</sup> Transport Statement submitted with App. No. 4/00958/18/MFA

of its services and facilities and the new mixed-use development at Roman Park, which has been considered by a Local Plan Inspector to be in a sustainable location. Being the re-use of an existing building the proposal has no landscape impacts.

- 5.28 The proposal is therefore consistent with the aims of the VALP and NPPF in seeking to locate development in a sustainable manner on a site that has previously been accepted via the Prior Approval granted in 2019 as suitable for “flexible” commercial use without any adverse transport, highway, noise and other impacts. This Prior Approval is a “fallback” position of some considerable weight in the assessment and determination of this application.

### **Character and Appearance of the Area including Chilterns AONB**

- 5.29 The effect upon the openness of the Green Belt has been considered above. The existing building is well-screened with mature trees along its border with Icknield Way and Green Path track. No alteration is proposed to the building, just a change of use. Therefore, there is no adverse effect upon the character and appearance of the area, including the Chilterns AONB.
- 5.30 The change of use of part of an agricultural building to storage use would be barely noticeable. Policy NE3 of the VALP sets out that proposals for major development must demonstrate that they conserve and enhance the Chilterns AONB’s special qualities, distinctive character, etc. However, this is not major development.
- 5.31 The suitable re-use of this part of the building conserves and enhances, by avoiding an otherwise derelict structure to appear, the Chiltern AONB’s special qualities, distinctive character, tranquillity and remoteness. This is in accordance with the objectives of the VALP, NPPF, the overall purpose of the AONB designation and the *AONB Management Plan*.
- 5.32 The local planning authority previously concluded (03/02207/APP) that the conversion of the whole of Unit 1 to an office would not detract from the visual quality, ambience and character of the Chilterns AONB. There is no reason to conclude any differently with this current proposal, which involves no work to the existing building.

### **Residential Amenity**

- 5.33 On the Prior Approval (19/02629/F), the Council concluded that the proposed use would have no additional impact on noise on neighbouring residential or

commercial properties so as not to cause harm to amenity. Additionally, the Council's Environmental Health Officer did not raise any objections on noise grounds. It was therefore considered that the noise impacts of the development were acceptable and prior notification was not required in this respect.

- 5.34 A *Noise Assessment* undertaken by *Assured Acoustics* for the rural enterprise and business hub redevelopment application (21/02895/APP) examined the effect of additional traffic visiting the site and concluded that current noise from the B488 is such that any additional noise would have a negligible impact. The Noise Assessment is submitted for information purposes to support the application, which would generate hardly any traffic and therefore have no adverse noise impact.
- 5.35 It is therefore concluded that the proposal accords with VALP Policy BE3, the NPPF and advice in *Planning Practice Guidance (PPG)* on how planning can manage potential noise impacts in new development.

### **Biodiversity**

- 5.36 A *Preliminary Ecological Appraisal* was carried out for the rural enterprise and business hub redevelopment application (21/02895/APP) by Philip Irving MCIEEM, who has worked for over twenty years as a Senior Ecologist for a Countryside Management Trust based in Bedfordshire. This included a detailed internal and external inspection of the existing buildings for bats and nesting birds, and a general habitat and species survey of the site, with an assessment of the habitats and the potential for protected species to be present.
- 5.37 The *Preliminary Ecological Appraisal* found no evidence of bats in any of the buildings although the possibility of finding roosting bats can never be completely discounted, so precautionary mitigation measures were proposed. No evidence of nesting birds was found in the buildings, although a check for nesting birds will need to be undertaken prior to demolition work and the clearance of any woody vegetation, which should ideally avoid the bird nesting season.
- 5.38 No evidence of badgers or any reptiles and amphibians were recorded, with the mown amenity grassland and hard surfacing surrounding the buildings providing poor terrestrial habitat for these species. The property is within a Green Impact Zone for great crested newts identified as part of the South Midlands District Licensing Scheme, which means there is only a moderate probability of great crested newts being present in the area, with no nearby records of newts, or ponds on or adjacent to the property that could support them. A great crested newt licence would not be required for the development, with appropriate timing

of work and the implementation of avoidance measures minimising the risk of any other species in the area being harmed during site clearance and construction work.

- 5.39 In short, the ecological habitats at the wider Beeches Farm site are currently of little biodiversity interest, consisting of regularly mown species-poor amenity grassland and unvegetated hardstanding, with planted conifers and other semi-mature ornamental trees. A hedge along the northeast boundary of the property is very gappy, with a row of semi-mature planted trees alongside it on the adjacent land. However, none of the existing trees or hedgerows are to be removed so there will be no harm to biodiversity.
- 5.40 In this case it is just a small part of one of the existing buildings that is affected, so biodiversity enhancement is limited to the possible installation of bat cavities and bird boxes such as swift boxes on the building. This takes the relevant parts of the wider enhancement scheme from the *Preliminary Ecological Appraisal*, which is submitted for information purposes only. An updated BIA metric calculation has not been provided as this is more for areas of land rather for individual or groups of buildings.
- 5.41 Planning conditions can be used to ensure net gains in biodiversity in accordance with Policy NE1 of the VALP and the NPPF through the incorporation of features (bat/bird boxes) to enhance biodiversity, if necessary.

### **Highways**

- 5.42 Unit 2 and the site is accessed from Icknield Way (B488). The site access lies adjacent to a point where the highway speed limit changes between 50mph (to the east) and national speed limits (to the west).
- 5.43 The development plan policies state that it is necessary to demonstrate that the existing site access is sufficient in terms of highway safety to serve the proposed use. Policies also require it to be demonstrated that there is sufficient capacity in the transport network to accommodate the increase in travel demand, as a result of the development, in accordance with the aims of the VALP Policies T5 and T6 and the NPPF.

### *Access*

- 5.44 The application is accompanied by a *Transport Statement* prepared by Abington Consulting Engineers, which demonstrates that adequate visibility is available to and from the existing access for its safe operation. Calculations show that, in

accordance with the recorded 85th percentile speeds, a visibility splay of 2.4m x 125.1m is required to the east of the access and 2.4m x 104.3m to the west. These have been plotted on the access drawing in the *Transport Statement*, which shows that the splays can be accommodated within the existing highway boundary. This satisfies the development plan policies and Paragraph 110 of the NPPF, which requires 'safe and suitable access' for all users.

#### *Highway Network*

- 5.45 Using trip rates from TRICS data from similar sites/developments across the country, the *Transport Statement* concludes that the proposed storage use has the potential to generate only 3 to 4 peak hour vehicle movements. This is an insignificant number in the context of the 1,000 or so peak hour vehicle movements that pass along Icknield Way.
- 5.46 The development will therefore have a negligible impact in terms of its traffic generation and impact upon the highway network, which satisfies Paragraphs 110 and 111 of the NPPF. No mitigation is required, hence there is no conflict with Policy T5 of the VALP.
- 5.47 This was accepted by the Highway Authority on the Prior Approval (19/02629/F), which is a significant material consideration in support of the proposal and a fallback position, in planning terms. The Court of Appeal in *Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314 has clarified when a 'fallback' development may be a material planning consideration for an alternative development scheme. Lindblom LJ confirmed the legal considerations in determining the materiality of a fallback position. The basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice.
- 5.48 In the report on the Prior Approval, it was concluded that in terms of highway impact, the '*Highway Authority and the LPA do not consider this impact to be severe in the context of network capacity or safety*'. This was in respect of 500sqm of floorspace; the current proposal is just 290sqm. Hence, there should be no highway safety concerns about the proposal.

#### *Sustainable Transport Modes*

- 5.49 The building is within walking and cycling distance of the facilities available in Tring. Access to the site is available via a network of footways and footpaths. One public footpath crosses the application site. Tring Railway Station is also within easy cycling distance of the site making commuting by cycle/train a viable option

for users of the site. In terms of other public transport, there are regular bus services that link Tring to surrounding towns and villages. The nearest bus stop is on Aylesbury Road, a 550m / 6-minute walk through the Roman Park development, which helps with the sustainable travel mode options, in accordance with Paragraph 110 of the NPPF, which takes into account the type of development and location. No Travel Plan is required since the development is under 2,500sqm.

#### *Parking*

- 5.50 Policy T6 and Appendix B of the VALP require 1 space per 130 sqm of floorspace for storage (B8) use although these are expressed as optimum standards. With 290sqm of floorspace, just 2 spaces are required and shown within the site.
- 5.51 In conclusion, on access, highway and parking matters, it is considered that the development meets planning policy requirements and the NPPF in terms of being in an appropriate location that is safely accessible by a range of transport modes. This is consistent with the previous Prior Approval (19/02629/F) that relates to this building, which is a fallback in planning terms and therefore an important material consideration.

## **6.0 CONCLUSION**

- 6.1 This application seeks permission for the change of use of just a small part (290sqm) of a redundant agricultural building to storage. No alterations to the building are proposed. The larger part of the agricultural building (500sqm) has "Prior Approval" for change use to "flexible" business use after the local planning authority considered transport, noise, contamination and flood risks and raised no concerns. This fallback position is a material planning consideration, as it is a clear possibility, having been granted on 11th September 2019 and still extant. An adjacent, similar building is already in a lawful storage use (375 sqm)
- 6.2 The building lies within the Green Belt but the proposal comprises appropriate development, does not conflict with any of the purposes for including land in the Green Belt and accords with Development Plan and NPPF policies which seek, amongst other things, to ensure that the Green Belt is protected from inappropriate development, that openness is preserved and that there is no conflict with Green Belt purposes. All of these requirements are satisfied by the proposal.
- 6.3 The proposal involves the reuse of an existing building of permanent and substantial construction – supported by the Development Plan and the NPPF – for a small storage use, which would contribute to the rural economy. The site is on the outskirts of Tring, close to Roman Park, is becoming subsumed into the urban area and is accessible to services and facilities by cycle, on foot and by public transport.
- 6.4 The proposal is a very small-scale, inert use within a building, which is low-key, well-screened from public view, has a rural appearance, protects the openness of the landscape and will not result in any intrusion into the AONB or wider landscape.
- 6.5 There will be no impact upon residential amenity and no adverse effects upon highway safety as the access meets visibility standards and the development has a negligible impact in terms of its traffic generation and impact upon the highway network.
- 6.6 The proposal contributes to sustainable development by: supporting the diversification and economic growth in the area; reusing an existing asset; providing accommodation for small/medium enterprises; and helps underpin the rural and agricultural economy, thereby meeting objectives set out in Government guidance, including the Rural Planning Review and Rural Productivity Plan.

6.7 Therefore, in accordance with Section 38(6) of the *Planning and Compulsory Purchase Act, 2004* and Section 70(2) of the *Town and Country Planning Act, 1990*, we respectfully request that the Council grants planning permission for this application, as it is in accordance with the development plan and supported by many other material considerations.