

Planning Statement

for

Change of Use of Land to Residential Curtilage.

at

Dellfield Farm
Plough Lane
Sarratt
Hertfordshire

Prepared By

John Hunt BSc (Hons) MRICS FAAV

Of



February 2024

1 Introduction

- 1.1 The applicant Mr N Green is seeking planning permission for the change of use of a small area of land around the existing barn conversion to provide an extension to the existing residential curtilage. This application must be read in conjunction with the application for a Certificate of Lawful Existing Used/Development (CLEUD) relating to the construction of a raised terrace/patio, which includes part of the land in this application.
- 1.2 The statement has been prepared by Pike Smith & Kemp Rural who have experience and knowledge of many types of Rural Enterprises. Pike Smith & Kemp Rural are specialist Rural Consultants who advise clients on a number of day to day issues relating to planning and land ownership. Specifically, this appraisal is written by John Hunt BSc (Hons) MRICS FAAV, John is a member of the Rural Faculty of the Royal Institution of Chartered Surveyors. John is also an Agricultural Consultant and is a Fellow of the Central Association of Agricultural Valuers (CAAV).

2 Background Information

- 2.1 The subject property is a conversion of a modern portal framed barn. The original dwelling was granted permission under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) under Prior Notification, reference 16/0225/PDA. This consent was implemented and the conversion of the barn to a dwelling has been completed.
- 2.2 The prior approval also allowed an area of curtilage around the building, which, in accordance with the GPDO, only extended to an area equal to the footprint of the barn. in this case circa 139m².
- 2.3 Prior to conversion, the agricultural barn incorporated a timber framed “lean-to” building. The lean-to was partly clad and comprised a corrugated fibre cement single pitched roof attached to both the main building to the east and a further agricultural pole barn to the west, which formed part of the original farmyard serving the agricultural enterprise.
- 2.4 The applicant did originally seek to incorporate this lean-to into the design of the barn conversion; however it was deemed that the works required to convert this part of the building went beyond what would have been permitted under Class Q. The lean-to building was therefore removed when the main part of the barn was converted. The pole barn has also subsequently been removed.
- 2.5 The barn is sited very close to the eastern boundary of the farm and is on naturally sloping ground, which falls away to both the south and west. When the barn was originally built, the ground floor simply followed the contours of the land meaning that internally, the floor in the north eastern corner of the barn was higher than the south western corner. This made little difference in terms of its agricultural function, but was clearly not ideal in terms of its use for a dwelling.

- 2.6 As part of the works to convert the barn into a dwelling, it was necessary to partly raise the internal floor levels to compensate for the original differing levels. This created a finished floor level within the building, which was higher than the surrounding land, particularly in the south western corner of the building.
- 2.7 The area to the west and south of the barn formed part of the original farm yard and is surfaced with concrete, tarmac and hardstanding. The yard also followed the natural contours of the land.

3 Proposed Development

- 3.1 Towards the end of the conversion works, the applicant created a patio area on the front (west facing,) elevation. This was necessary to provide safe and level access to the barn conversion. In addition a pathway was created on the southern elevation to provide access to the boot room/utility room. Given the nature of the topography, it was necessary for the patio/pathway to be raised to match the floor level in the dwelling.
- 3.2 The creation of the new path on the southern elevation, created a steep and dangerous drop down to the original farmyard level. The applicant resolved this by creating a terrace with a small gravel garden between the path and an existing blockwork wall forming part of the farmyard.
- 3.3 Whilst the majority of the patio area to the west of the dwelling was contained within the original area designated as curtilage in the prior approval, unfortunately the applicant constructed part of the patio over an area which was still in agricultural use. In addition to the south, a small part of the gravel garden also strayed outside of the original curtilage.
- 3.4 The physical works to construct the patio/terrace were substantially completed over four years ago and are subject to a separate application for a Certificate of Lawful Use for Existing Development (CLUED). This application therefore only seeks the change of use of the land directly beneath these works.
- 3.5 The original permitted curtilage extended in total to 139m². Broadly this comprised an area extending 1.5m from the barn on the northern elevations, 3.2m on the southern elevation and 4.3m on the western elevation. The eastern elevation is broadly on the boundary of the farm, so no significance area of curtilage was identified here.
- 3.6 The patio/terrace as built, which defines the residential curtilage, extends to 1.5m on the northern elevation, which is line with the original consent, to the west, the patio extends 6.5m from the barn, an increase of 2.2m over the permitted curtilage. To the south the curtilage extends to 3.9m, an increase of 0.7m over that permitted.
- 3.7 The additional areas total 41m², this takes the total curtilage to 180m², which represents an approximate increase of 27% over the permitted curtilage.

4 Planning Policy.

- 4.1 Planning policy is divided into nation and local policies. National planning policies are found in the National Planning Policy Framework (NPPF). Local Planning Policy can be found in Three Rivers Core Strategy, adopted 14 October 2011 and Local Development

Document adopted July 2013. The New Local Plan has ended its consultation stage and as such has not yet been adopted.

- 4.2 The principal planning policies to consider relate to dwellings in the Green Belt – Looking at the Core Strategy first policies CP11 and CP12 are relevant, these state:

CP11 – Green Belt

The Council will:

- a) *Maintain the general extent of the Metropolitan Green Belt in the District*
- b) *Where appropriate, make minor revision through the Site Allocations Development Plan Document to the detailed Green Belt boundaries around the main urban area, to accommodate development needs, as detailed in the Spatial Strategy and Place-Shaping Policies*
- c) *Retain ‘Major Developed Site in the Green Belt’ status for Maple Lodge Sewage Treatment Works*
- d) *Review ‘Major Developed Site in the Green Belt’ status in relation to Leavesden Aerodrome, having regard to the important contribution the site is expected to make to meeting needs for housing and employment*
- e) *Encourage appropriate positive use of the Green Belt and measures to improve environmental quality.*

There will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.

CP12 – Design of Development

In seeking a high standard of design, the Council will expect all development proposals to:

- a) *Have regard to the local context and conserve or enhance the character, amenities and quality of an area*
- b) *Conserve and enhance natural and heritage assets*
- c) *Protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space*
- d) *Make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials*
- e) *Build resilience into a site’s design taking into account climate change (for example flood resistant design)*
- f) *Use innovative design to reduce energy and waste and optimise the potential of the site*
- g) *Ensure buildings and spaces are, wherever possible, orientated to gain benefit from sunlight and passive solar energy*
- h) *Design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places*
- i) *Incorporate visually attractive frontages to adjoining streets and*

- public spaces*
- j) *Ensure all appropriate frontages contain windows and doors that assist informal surveillance of the public realm*
 - k) *Use high standards of building materials, finishes and landscaping; also provide/contribute towards street furniture and public art where appropriate*
 - l) *Ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces*
 - m) *Make a clear distinction between public and private spaces and enhance the public realm*
 - n) *Ensure that places, spaces and buildings are accessible to all potential users, including those with mobility difficulties*
 - o) *Provide convenient, safe and visually attractive areas for the parking of vehicles and cycles without dominating the development or its surroundings*
 - p) *Be durable and, where practical, buildings should be capable of adapting to other uses and functions in order to ensure their long-life.*

4.3 The proposed development complies with Policy CP12 of the Core Strategy. In particular, the curtilage permitted under Class Q was very small in relation to the accommodation provided by the barn conversion and this was not considered to provide adequate amenity space for the occupants of the dwelling.

4.4 Turning to the Local Development Document it is policy DM2 which is most relevant as this sets out policy in relation to the Green Belt.

DM2 – Green Belt

As set out in the National Planning Policy Framework, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below:

....

e) Extensions to Residential Curtilages
The Council will safeguard the countryside from encroachment, therefore proposals which include the extension of the curtilage of a residential property within the Green Belt which involves an incursion into the countryside will not be supported.

....

4.4 Having regard to Policy DM2 part e) it is apparent that there is a presumption against extending residential curtilages into the countryside. However in this particular case the extended curtilage is in an area which was originally partly built on, and formed part of the farmyard, i.e. not open countryside.

4.7 It is also important to consider National Planning Policy contained in the most recent version of the NPPF, dated December 2023.

4.8 Paragraphs 154 and 155 of the NPPF set out a limited number of development types, which are not considered to be inappropriate development, these paragraphs state:

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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 re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

- 4.5 Having regard to the above, it is clear that there is an element of conflict between local policy DM2 and the NPPF, as in certain circumstances the NPPF clearly does support material changes of use of land, in particular section e) of paragraph 155.
- 4.6 Also relevant is section b) of paragraph 154, this allows the provision of appropriate facilities for outdoor recreation, along with a change of use of land. The NPPF does not however expand on what qualifies as “outdoor recreation”.
- 4.7 The term “recreation”, is defined broadly as “*what people do for pleasure when they are not working,*” this may include activities or hobbies, including playing sports or games, it can also include more “gentle” activities such as meditation, gardening or reading.
- 4.8 As the extended area of curtilage is used by the applicant during the warmer months of the year for recreational activities, it is therefore considered that it does fall within the exception contained in paragraph 154.
- 4.9 Whilst it is appreciated that the original lean-to and pole barn buildings are no longer in existence, it is believed that their removal, in order to provide the extended curtilage has already had a positive visual and spatial impact on the openness of the Green Belt.
- 4.10 As with any residential curtilage in the Green Belt, there is usually the argument put forward by the LPA that the associated “residential paraphernalia” such as outbuildings garden furniture as well as things like car parking, washing lines etc.
- 4.11 The majority of patio is however within lawful curtilage, as permitted under class Q. As such items such as tables and chairs BBQ etc can lawfully be placed in this area. It is considered unlikely that the marginally extended area would lead to any material increase in the amount of paraphernalia. The questions is therefore whether the spread of these items over a slightly larger area going to have a material impact on openness. It is considered in this case that it would not.
- 4.12 To the south, the gravel garden, simply fills a space between the farmyard and dwelling, it is planted with low growing shrubs and perennials and has no impact on openness, whilst providing for substantially safer access and egress to the dwelling.
- 4.13 It is also worth noting that there is no ability to put outbuildings up on the original curtilage as this is specifically excluded on dwellings created by way of Class Q. in any case it is not possible to erect outbuilding which are forward of the principal elevation, which in this case would effectively prevent erection of outbuildings on the extended curtilage.

5 Conclusion

- 5.1 The retrospective change of use of the ground beneath the existing lawful patio provides an addition to the existing small curtilage permitted by way of Class Q. The extended area is not disproportional to the size of the original curtilage, and is considered to be commensurate with the overall size of the dwellinghouse provided in converted barn.