

DELEGATED FILE NOTE

CASE OFFICER: ...Henry Thomas.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00457/PNQ	Change of use of agricultural buildings to ten (10) dwellinghouses with associated building operations, private gardens and car parking.	Slip End Farm Royston Road Slip End Baldock Hertfordshire SG7 6SG

Submitted Plan Nos

P01 P02 P03 P04 P05 P06 P07 P08 P09 P10 P11 P12 P13 P14 P15 P16

1.0 Policies

2.0 **Site History**

- 2.1 **24/00754/FP** – Erection of two 3-bed, three 4-bed and two 5-bed dwellings with associated hard and soft landscaping, parking, garaging and private gardens following the demolition of existing agricultural barns (as supported by information submitted 8th October 2024).

Withdrawn.

- 2.2 **22/02889/PNQ** – Class Q: change of use of one agricultural building to one two-bedroom dwellinghouse together with associated building operations and private garden and car parking associated with the proposed dwellinghouse (as amended by plans received 19th December 2022).

- 2.3 **22/02888/PNQ** - Class Q: change of use of one agricultural building to four dwellinghouses (2 x 2-bedroom dwellings, 1 x 3-bedroom dwelling & 1 x 4-bedroom) together with associated building operations and the formation of private gardens and car parking associated with the proposed dwellinghouses (as amended by plans received 19th December 2022).

- 2.4 **22/01541/FP** – Replace existing entrance gates with acoustic gates, decommission existing vehicular access and install protective landscape bund to boundary.

Conditional Permission.

- 2.5 **21/01358/FP** – Formation of new vehicular access onto Ashwell Road.

Conditional Permission.

- 2.6 **21/01049/FP** – Formation of new vehicular access onto Ashwell Road.

Withdrawn.

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Representations** – None received.

- 3.2 **Baldock, Bygrave and Clothall Neighbourhood Planning Group** – None received.

- 3.3 **HCC Highways** – Objection.

“The Highway Authority recommends refusal due to serious concerns about highway safety and the complete lack of sustainable active travel options

This is a fundamentally unsustainable location, being sited directly off a major strategic A road with derestricted speed limit. There are no footways, cycleways, bus services or rail services close

by, and as such the proposed new houses will be entirely car dependent. This goes totally against all current sustainable and accessible travel policy, and accessibility policies. Key references include paragraphs 110 - 112 of the NPPF, and our LTP4 policy 1.”

3.4 **Environmental Health (Contaminated Land, Noise & Air Quality)** – No objection subject to condition.

3.8 **Waste and Recycling** – No comment.

3.9 **HCC Ecology** – None received.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

4.1.1 The application site is a cluster of farm buildings and associated hard standing area at Slip End farm, which lies north-east of Baldock and south of Ashwell. The site is adjacent to the A505 and has vehicle access from both the A505 and Cat Ditch Lane. The site is within the Rural Area Beyond the Green Belt.

4.2 **Proposal**

4.2.1 The Prior Approval of the Local Planning Authority is sought for the conversion 3 barns and a grain store to provide 10 residential units (1 x 1bed, 5 x 2bed and 4 x 3bed) with all associated building works, under Class Q, Part 3 of Schedule 2 of the General Permitted Development Order as amended.

4.3 **Key Issues**

4.3.1 The key issue is firstly whether the proposed development benefits from prior approval as defined by The Town and Country Planning (General Development Order) 2015 Schedule 2, Part 3, Class Q as amended. Secondly, whether the prior approval of the LPA is required in relation to the six conditions listed in paragraph Q.2.

4.3.2 **Permitted development**

Q. Development consisting of—

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building’s curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building’s curtilage,

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

- (b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
- (c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Q.1 Development is not permitted by Class Q if—

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

- (i) on 24th July 2023, or
- (ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

(b) in the case of a site that was (but is no longer) part of an established agricultural unit—

- (i) the site was part of an established agricultural unit on 24th July 2023,
- (ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or
- (iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

The applicant has stated that the site was in agricultural use on the 24th July 2023 and therefore complies with this criterion.

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

The applicant has provided the following information regarding floorspace:

Plot	Floorspace	Plot	Floorspace
1	85sqm	6	120sqm
2	85sqm	7	82sqm
3	85sqm	8	80sqm
4	150sqm	9	80sqm
5	150sqm	10	76sqm
Total	993sqm		

However, on measurement of the submitted plans, plots 4 and 5 appear to be approximately 158sqm in size and therefore fail to comply with this criterion. The agent confirmed in an email that plot 4 and 5 fell above the 150sqm requirement. In addition, the proposed section drawings

for the grain store show a 3-storey building, however no floor plans were submitted for this floor.

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

- (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or**
- (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,**

The proposed cumulative number of separate dwellinghouses would be 10. Although the submitted plans have annotated the cumulative floor space as being 993 square meters, I consider that the miscalculation of plots 4 and 5 would increase this figure by a further 16m thus failing to comply with this criterion.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,

(f) less than 1 year before the date development begins—

- (i) an agricultural tenancy over the site has been terminated, and**
- (ii) the termination was for the purpose of carrying out development under Class Q,**

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use,

The agent has provided the following:

“The buildings are owned by the applicant and no tenancy exists.”

The proposal therefore complies with this criterion.

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,

No development under these classes has been undertaken.

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—

- (i) extension of the building allowed by paragraph Q.1(i);**

(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

No extensions are proposed to any of the buildings.

(i) the development under Class Q(b) would result in an extension that—

- (i) has more than one storey,**
- (ii) is sited anywhere other than to the rear of the existing building,**
- (iii) extends beyond the rear wall of the existing building by more than 4 metres,**
- (iv) has eaves the height of which exceed the height of the eaves of the existing building,**
- (v) is higher than whichever is the lower of—**

- (aa) the highest part of the roof of the existing building, or**
- (bb) a height of 4 metres above the ground,**

- (vi) extends beyond a wall that forms a side or principal elevation of the existing building, or**
- (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—**

- (aa) the hard surface was not provided on the land on or before 24th July 2023, or**
- (bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,**

No extensions are proposed.

(j) the development under Class Q(c) would consist of building operations other than—

(i) the installation or replacement of—

- (aa) windows, doors, roofs, or exterior walls, or**
- (bb) water, drainage, electricity, gas or other services,**

to the extent reasonably necessary for the building to function as a dwellinghouse, and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),

The applicant has provided the following:

“Physical alterations proposed are limited to those set out above.”

The proposal therefore complies with this criterion.

(k)the site is on article 2(3) land,

N/A.

(l)the site is, or forms part of—

(i)a site of special scientific interest;

(ii)a safety hazard area;

(iii)a military explosives storage area,

N/A.

(m)the site is, or contains, a scheduled monument,

The site is adjacent to a schedule monument however the application site lies outside of its boundary.

(n)the building is a listed building,

N/A.

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

The proposed units would comply with the National Described Space Standards and therefore complies with this criterion.

(p) the building does not have suitable existing access to a public highway.

The site has two accesses, with the primary providing vehicle access from Cat Ditch Lane.

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

HCC Highways have been consulted as part of the application, formally stating that they object to the proposal on the grounds of highways safety and the lack of sustainable active travel options. Within their objection the Highways Authority refer to the access directly onto the A505 as being a hazardous junction with 9 reported accidents between 2019-2024. However,

given that 5 dwellings have previously been granted under 22/0288/PNQ and 22/02289/PNQ and the site can use the access onto Cat Ditch Lane as a primary access point. I do not consider that a refusal on this basis would be reasonable. With regard to the 'sustainability' concern raised by the Highways Authority, this is covered later in the report under condition e.

Policy T2 of the Local Plan requires a minimum of 2 vehicle parking spaces per dwelling for dwellings which consist of 2 or more bedrooms. The Grain Store would be converted into 6 dwellings consisting of 2 or more bedrooms, however only 10 parking spaces are provided creating a deficit of 2 vehicle parking spaces. In my view, given the rural location set away from Ashwell and Baldock and any public transport. The site therefore has a significant reliance on private vehicles and therefore no under provision is acceptable. The proposal therefore fails to comply with Policy T2 and should be refused on this basis.

(b) noise impacts of the development,

Environmental Health Noise/Nuisances have been consulted on this proposal and have recommended a condition for a noise mitigation scheme to include double glazing, miss trickle vents and fencing. Therefore, the scheme is considered acceptable in this regard.

(c) contamination risks on the site,

The application is also supported by a phase 1 land contamination report. This report recommends that a phase 2 report is required. Following consultation with the Council's Environmental Health officer, it was deemed that a Phase 2 report would be required and should be enforced via condition.

(d) flooding risks on the site,

The application site is situated within Flood Zone 1, the zone of lowest risk. Overall, it is considered that the proposal would not result in flood risk impacts.

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,

The Planning Practice Guidance on this specific matter in relation to location is stated below:

"The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house.

"Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical

reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals”.

With respect to the formal comment received from the Highway Authority, based on the above guidance set out in the PPG, the LPA cannot consider sustainability and use it as a reason to withhold Prior Approval. The consideration is whether the location or siting of the building would be impractical or undesirable to be used for residential purposes.

In my view, taking the impractical consideration first, the application site is within proximity to 2 existing residential properties, which will have access to utilities and will likely use private vehicles for most of their journeys. The existence of these 2 dwellings and the relatively short distance to Ashwell and Baldock is such that, in my opinion, the proposed development would not be impractical for the purposes of Class Q.

Taking the undesirable consideration next, the proposal would be adjacent to other residential dwellings, farm buildings and wider farmland. This is not uncommon for rural parts of the district and considering the PPG guidance, the dwellings would likely not be subject to impacts from *intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals*. Moreover, the scheme has been well-designed to provide a high quality standard of living and amenity for future occupiers. Therefore, it is my view that the proposed development would not be undesirable for the purposes of Class Q.

In my opinion, the proposed development would not result in:

An unacceptable impact upon the natural environment or the character of the area.

An unacceptable impact upon the amenity of present/future occupiers and neighbouring properties.

(f)the design or external appearance of the building and

It is considered that the proposed design and external appearance of the building is acceptable. The external alterations would respect the overall integrity and character of the existing building and its historic use for agriculture. The proposal has been designed to a high standard, ensuring the form and proportions of the existing building are maintained.

(g)the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

All habitable rooms would benefit from natural light. The proposal would comply with the above criterion.

Interpretation of Class Q

Q3.—(1) For the purposes of Class Q, “curtilage” means the lesser of—

- (a)the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and**
- (b)an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.**

The ‘red line’ plan indicates approximately 2071 sqm of curtilage. The total floor area of the building would measure approximately 1108 square metres, and the remaining site curtilage would measure approximately 963 square metres. The development would therefore comply with (b) given that the surrounding land would not exceed the area occupied by the building.

4.4 Conclusion

- 4.4.1 The proposed conversion of the agricultural buildings to create 10 dwellings would fail to comply with the criteria (c), (d) (ii) and Q.2 (a) as set out under Class Q, Part 3, Schedule 2 of the General Permitted Development Order as amended and Policy T2 of the Local Plan.

5.0 Recommendation

- 5.1 That prior approval be **REFUSED** for the following reason:

- 0. The proposed conversion of the agricultural buildings to create 10 dwellings would fail to comply with the criteria (c), (d) (ii) and Q.2 (a) as set out under Class Q, Part 3,

Schedule 2 of the General Permitted Development Order as amended and Policy T2 of the Local Plan.

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 30 April 2025	