

**Prior Notification Statement
Porters End House**

Porters End Lane SG4 8ER

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1 Introduction

1.1 The Proposal

The site at Porters End is located at Porters End which is a settlement of nine dwellings on the outskirts of Batford and Harpenden.

The proposal is for the conversion of an agricultural building into dwellings under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015

The conversion of the building to dwelling houses will allow the building which is underutilised in its current function to provide a necessary dwelling within this district. Other agricultural buildings will be retained for the management of the surrounding land.

A similar scheme has previously been submitted to North Herts Council. This latest application looks to address the points raised by the case officer with an aim to reach a sustainable and long-term future for the site.

1.2 Overview of the Proposal

The barn sits to the north of the residential property known as Porters End House and its ancillary outbuildings. The Barns are separated from this property located to its south by another brick barn building and a fence and hedge line form its eastern boundary. Porters End House is made up of a series of structures located around an internal courtyard and overlooking managed gardens to the south and east of the property.

The barns are flanked to the east by the access driveway to the house. To the west is a residential dwelling. To the north is Porter's end lane and access to the site.

The barns are of substantial construction steel framed and clad with a curved tin rooves.

It is proposed to convert a barn into five dwellings under Class Q of the Town and Country Planning (General Permitted Development)(England) Order.



2 The Proposal's compliance with Paragraph Q.1

Assessment under Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (amended 2018) for the change of use of an agricultural building to a dwelling house (Use Class C3) in respect of the conditions, the proposals need to show they are compliant with the limitations and restrictions specified under Q.1 Table 1 below demonstrates the building's compliance with the criteria of Paragraph Q.1 thereby allowing permitted development rights to be applied to the building.

Development is not permitted by Class Q if	Agricultural use
(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 site and the building in question has been part of an established agricultural unit utilised for grain storage and general agricultural storage. Since ceasing to be part of an established agricultural unit, the site has not been used for any non-agricultural purpose.
(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 floor space of each proposed dwelling will not extend to 150 sqm
(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	The cumulative number of separate dwelling houses provided by Class Q within the established agricultural unit will be no greater than 10. 5 units are proposed to be formed. The cumulative floor space of the proposed dwellings will

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,	not extend to over 1000 sqm The five units will have a cumulative floor space of less than 650sqm
(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 site is not subject to an agricultural tenancy.
(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,	Development under Class A(a) or Class B(a) of Part 6 has not been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,
(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), (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,	The proposed dwelling will not result in external dimensions of the conversion extending beyond the dimensions of the existing building.
(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,	The development will not comprise building operations other than those allowed by Class Q. The works to be undertaken are reasonably necessary for the building to function as dwelling houses.

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),	
(k) the site is on article 2(3) land,	The site is not on article 2(3) land (it is not in a conservation area, ANOB, the broads, a national park nor a world heritage site)
(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,	The site does not form part of a site of special scientific interest, a safety hazard or a military explosives storage area.
(m) the site is, or contains, a scheduled monument,	The site does not contain a scheduled monument.
(n) the building is a listed building,	The building is not a listed building, nor in the curtilage of a listed building.
(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(1) as read with the notes dated 19th May 2016 which apply to it, or	The proposals would be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(1) see section 3.8 below.
(p) the building does not have suitable existing access to a public highway.	The building has its own access off the existing driveway with direct connection to the public highway. See site plan.

3 The Proposal's compliance with Paragraph Q.2

If the development is not excluded by the limitations and restrictions listed under the paragraph Q.1, as is demonstrated above, then it is necessary to apply to the local planning authority for a determination as to whether the prior approval of the local authority will be required as to;

- a transport and highways impacts of the development,
- b noise impacts of the development contamination risks on the site
- c flooding risks on the site,
- d 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 (dwelling houses) of the Schedule to the Use Classes Order, and
- e The design or external appearance of the building.

This statement seeks the Councils confirmation that prior approval is not required for any of the above.

3.1 A - Transport and highways impacts of the development.

Vehicular access to the barns and therefore the proposed dwellings is currently provided from the existing entrance gate off Porters End Lane. It is proposed this access will be retained as currently.

A design for parking has been shown on the proposal drawings which is compliant with North Hertfordshire parking standards for residential dwellings and is located in good proximity for access to the dwelling.

Prior approval should be granted in respect of the highways impacts of the development.



3.2 B - Noise impacts of the development

The site is surrounded by other residential dwellings and no adverse noise-generating activities that would prejudice the quality of any new occupiers.

Prior approval should be granted in respect of the noise impacts of the development.

3.3 B - Contamination risks on the site

A Phase 1 Contamination Survey is submitted with this prior notification. See appendix IV. *The area is considered to be low/ moderate risk rating for contamination, low moderate risk*

rating of controlled waters, and very low risk rating from ground gas pathways. It is considered by the applicants that sufficient information has been submitted to satisfy paragraphs 120 and 121 of the NPPF and to inform an appropriate condition for further works to be undertaken if the hard standing is ever to be removed for validation of the materials beneath the hard standing to be undertaken and for verification of any imported surface cover.

Prior approval should be granted in respect of the contamination risks of the development.

3.4 C - Flooding risks on the site

No concerns are raised in terms of Flooding risks on the site. The site is located in flood risk Zone 1. In addition to this, the site is not in an area identified by the Environment Agency as having critical drainage problems. See Appendix II for Porters end Environment Agency Flood Map for planning.

Prior approval should be granted in respect of the flooding risks of the development.

3.5 D - Impractical or undesirable

Sustainability

The Planning Practice Guidance, specifically states that "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."

That being said the site is 5 minuet drive or 17 minuet cycle from the centre of Harpenden and a 3 minuet drive or 5 minuet cycle from the centre of Kimpton there are also smaller groups of amenities along these routes into the centre of Harpenden in Batford.

Odour, Danger, Disease control.

There are no uses or animals of a size, nature, and quantity within the vicinity of the proposed property that would create an environment where odors, danger or disease would make the property undesirable.

Services and Access

The site has access from the road, suitable hard surfaces to access the building are proposed see proposal drawings. Good and safe access already can be put in place from the highway to the dwellings.

The site is currently serviced with electricity, and water and drainage could accommodate all that is needed to provide the services required for a residential property.

Privacy and Amenity & setting

The location of the barn is set within its own curtilage bounded by hedgerow to three sides and

a brick wall to the rear. There is a separation between the side of the barn and the side of the adjacent property to the west is 20 meters. There is a separation between the side of the barn and the side of the adjacent property to the east is 100dwedw meters. There is 19m from the rear of the barn and the closest point of Porters End house, a large brick store is also located between the properties. The location provides adequate privacy and separation distances between dwellings to ensure quality of privacy. The site is set in an area of defined boundary and has adequate land surrounding it to provide sufficient amenity space for the property proposed.

The proposed conversion will have no more visual impact than the existing building and the design is considered appropriate in its context.

3.8 E - The design or external appearance of the building

The internal design of the proposals has looked to provide light to all habitable rooms and to be compliant with government spaces standards as set out below.

- the minimum [floor area](#) for any [new home](#) should be 37 sq. m
- Room used for a single bedroom: No smaller than 7.5 m².
- Room used for a double bedroom: No smaller than 11.5 m².

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) ²			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

The proposals look to provide 5 dwellings.

In terms of design and appearance, the scheme designed retains the form of the existing building. The existing barn is formed of a steel frame clad with sound structural foundations, a curved tin roof. See photographs Appendix I

The existing building has been found to be structurally sound and suitable for conversion as confirmed within the structural engineer's report to be found in appendix V.

The proposals allow for the addition of windows to the façades, which would be detailed to be in

keeping with the buildings agricultural form. The roof would be finished with zinc suitable for its pitch and in keeping with the surrounding buildings.

The proposals would retain and enhance the existing external appearance of the building.

Prior approval should be granted in respect of the external appearance of the development.

4 Planning policy context

Paragraph W - to have regard to the NPPF so far as relevant to the subject matter of the prior approval. The Council can only have regard to the

"National Planning Policy Framework... so far as relevant to the subject matter of the prior approval."

There is no provision within the GDPO for the Council to have regard to the development plan or superseded National Policy when making a decision. Taking into account the relevant parts of the NPPF, whilst recognising a presumption in favour of sustainable development, it is considered the proposal is sustainable in that it reuses and converts an existing building.

External Amenity outside of red line

Whilst the allocation for suitable parking space numbers is shown within the red line, it is acknowledged that some of the supporting external amenity for the site would fall outside the redline.

Neither private gardens nor the turning areas for parking are included within the red edge. It has been established via appeals and case law that that while such areas form a legitimate part of the planning considerations they do not need to form part of the red edge site. There are a number of cases which support this approach, with specific case studies identified as case study below;

Agricultural building in field no 0934 adjoining Bay Horse Road, Wellington, View Farm, Bay Horse Road, Ellel, Lancaster

Application Ref: [20/00876/PAA](#)

Appeal Ref: [APP/A2335/W/20/3264905](#)

Local Planning Authority: Lancaster City Council

Description: Prior Approval application for the change of use of agricultural building to 3 dwellings.

Proposed Site Plan



Fig. 1 – Site Plan as approved on appeal showing supporting external amenity outside the red-line of the application site

Reasons for Approval at Appeal

The judgement of the appeal granted permission for the proposed works with the following reasoning (as extracted from the Inspectors report at Appeal);

Reasons*Permitted development*

6. Class Q, Paragraph X of Schedule 2 Part 3 of the GDPO defines curtilage as being a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. The area shown within the red line on the plans submitted falls within definition b), and is the lesser of the land which would fall within definition a).
7. The matter in dispute is whether the car parking area and access should be considered to be within the curtilage. If so, the curtilage would extend beyond the red line and fall foul of part b), with the result being that it would not be permitted development. There is no further definition of curtilage in this part of the GDPO and no clarification is provided as to what should be considered to be included within the curtilage of a dwellinghouse.
8. In the absence of a definition in the GDPO to demonstrate otherwise, the submission that the appellant has made meets with the requirement of Paragraph X with respect to curtilage. The fact that elements usually associated with residential dwellings would be located outside of what has been defined as curtilage does not alter this compliance with the GDPO.
9. In previous appeal decisions¹, Inspectors have made reference to the inclusion of car parking areas within the curtilage of the resultant residential dwelling(s). However, the GDPO seeks only to define the size of the curtilage and not which elements associated with residential use it must include. Therefore, for the purposes of the determination of this application, I find that the curtilage identified on the plans submitted complies with the requirements of Paragraph X of the GDPO.

As a more local case study, the following has been identified which supports the case for demolition of an existing barn to provide additional external amenity areas;

Fear End Fears Green Sandon Buntingford Hertfordshire SG9 0QY

Application Ref: [24/02908/PNQ](#)

Local Planning Authority: North Herts Council

Description: Conversion of agricultural buildings into 7 residential dwellings

Proposed Site Plan

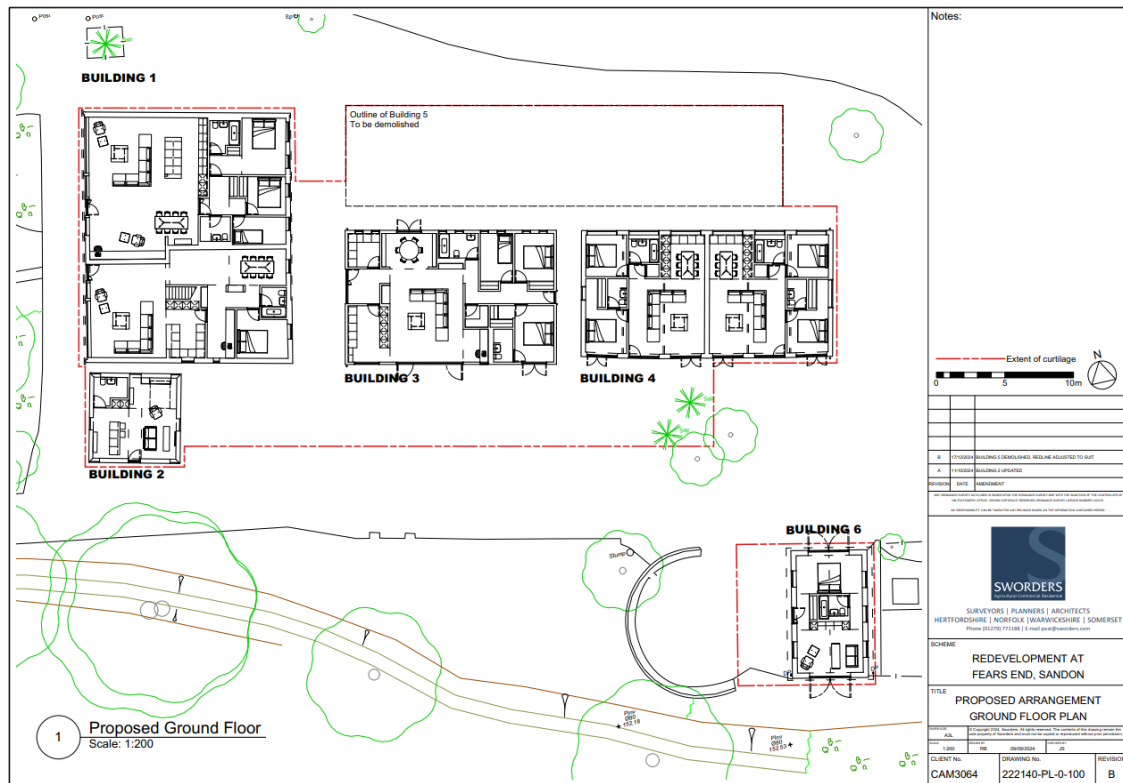


Fig. 2 Approved Ground Floor Plan showing access routes to buildings would be outside of the red line



Fig. 3 Approved Highways Plan showing bicycle rack, refuge storage and private external amenity would be allocated outside the red line

Case Study Relevance

The approved scheme above shows much of the external amenity, including access routes to the

building entrances, turning areas for parking, refuse storage and bicycle storage, all falling outside of the red line, acknowledging that this is an approved approach within North Herts planning.

5 Planning History

The site has had a recent application made for similar proposals – application ref: 24/01683/PNQ – which were refused. In developing this scheme, the points for refusal raised by the case officer have been identified as the following;

The proposed conversion of the agricultural building to create five dwellings would fail to comply with limitations set out under paragraphs Q.1(j)(ii) and Q.(a)(i) as defined by Q.2(1) Class Q, Part 3, Schedule 2 of the General Permitted Development Order as amended.

Each of the raised points have been addressed with the approach outlined below;

Q.1 (j)(ii) The case officer has raised the point that demolition of the south barn would constitute development and therefore fall outside the remit of a Class Q application. Whilst case study within North Herts council to include substantial demolition within a Class Q demolition, this applications seeks to mitigate the concerns of the case officer by submitting a separate Class B application which addresses demolition of a secondary barn. Whilst a separate application, this proposed demolition will improve the outlook, openness and amenity of the dwellings within this application, and should be considered to provide positive condition in providing a long-term, sustainable use for the site.

It should be noted that whilst the barns sit alongside one another, these are separate structures and should be considered as such.

Taking the above into account, the demolition proposed within the previously refused application has now been removed, with the proposals now pertaining to the conversion of the existing barn only.

Q.(a)(i) The case officer has raised comments with regard to the extent of the curtilage of the agriculture building. In this latest submission, the red line has been reduced, ensuring that the site area is equal or less than the land area taken up by the building. Areas are provided below for clarification;

Application	Site Area	Building Area
Submission application	405m ²	809 m ²

The red line amendments within this resubmission have addressed the curtilage areas in line with requirements for a Class Q submission.

6 Summary:

The proposal is to convert an agricultural building to a dwelling house under the provisions of the GPDO Schedule 2, Part 3, Class Q.

The proposal accords with the criteria contained within Paragraph Q.1 and therefore permitted development can be applied to the building in question. It is considered that there is no detrimental impact to highways and transport and flooding as a consequence of the proposal. Sufficient information has been provided in relation to contamination risks. It is considered that the proposal is not impractical or undesirable. The design enables the dwelling house to retain the form of the existing building, retaining the external materials pallet and for the original form to be converted. These proposals will result in a sympathetic conversion that will be in keeping with its surroundings with no variation to the existing access and egress.

It is therefore respectfully requested that the Council conclude that prior notification is not required.

APPENDIX I – Photographs of the site



Site from above.





Barn on the left with Porter's end House to the rear and neighbouring property to the west on the right.



View down drive towards Porter's end House to the rear with the barns on the right

Appendix III

Evidence of agricultural use



