

DELEGATED FILE NOTE

CASE OFFICER: ...Ben Glover.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
21/02673/PNQ	Conversion of existing barn into four 2-bed dwellings	West Lane Farm West Lane Pirton Hertfordshire SG5 3QP

Submitted Plan Nos

Location plan 0001 0002 2518.01 2518.02

1.0 Policies

2.0 Site History

- 2.1 19/01432/FP - Creation of vehicular access onto West Lane – Granted Conditional Permission on 21/08/2019.
- 2.2 18/02017/PNQ - Change of use of agricultural barn to dwellinghouse (C3) – Prior Approval Given on 26/09/2018.
- 2.3 20/01739/PAV - Variation of Prior Approval ref no 18/02017/PNQ dated 26/09/2019 for change of use of agricultural barn to dwellinghouse (C3) – Agreed on 07/08/2020.
- 2.4 21/01645/PNQ - Conversion of existing barn into four 2-bed dwellings – Withdrawn on 22/06/2021.
- 2.5 20/01733/PNQ - Conversion of two existing barns into 5 dwellings – Prior approval refused on 03/11/2020.
- 2.6 20/01167/PNQ - Change of use of agricultural barn to dwellinghouse (C3) (External alterations pursuant to application ref: 18/02017/PNQ) – Withdrawn on 10/08/2020.
- 2.7 21/01942/PNQ - Conversion of existing barn into four 2-bed dwellings (re-submission of previous application 21/01645/PNQ withdrawn 22.06.2021) – Prior Approval Refused on 18/08/2021.

3.0 Representations

3.1 Site Notice

Start Date: 12/10/2021

Expiry Date: 04/11/2021

3.2 Neighbouring Representations

A total of 368 properties have been consulted on the application. 29 representations have been received, 28 of which are objections and 1 is in support. These representations are summarised below:

Support:

- 1.0 Lack of 2-bed properties in area.
- 2.0 Repurposing of agricultural barns would be attractive from a residential living perspective, but also would avoid building becoming neglected or derelict over time.

Objections:

- 3.0 The proposal does not meet the requirements of Class Q, particularly when taking into account the ruling on the Hibbitt case.
- 4.0 Roof is clad in asbestos and therefore do not qualify for conversion under Class Q.
- 5.0 The development would include rooflights within the asbestos roof.
- 6.0 Application is proposing the demolition of 1/3 of the existing building.
- 7.0 Barn style doors will be filled in, but rebuilding walls goes against Class Q.
- 8.0 The application proposed knocking out large sections of the walls to form garage spaces, alterations should be minimal under Class Q.
- 9.0 Internal parking is not being counted towards internal space and the building is being developed beyond that which they can apply for under Class Q.
- 10.0 Development lacks natural light.
- 11.0 Applicant received approval on another barn on the site with a time limit of 3 years to complete. They are over this time limit, is it right for the Council to grant approval for another project on site.
- 12.0 The works are intrusive and significant on the landscape and environment.
- 13.0 The agricultural building is not capable of functioning as dwellings without substantial works.
- 14.0 The creation of party walls would require new internal foundations to be constructed.
- 15.0 The additional cladding would require additional steelwork and bracing contrary to Class Q.
- 16.0 The application is contrary to the Pirton Neighbourhood Development Plan and is beyond the village boundary.
- 17.0 The size and design of the proposed building would not be appropriate in context of its location and not in keeping.
- 18.0 Inadequate parking.
- 19.0 Sets a precedent for residential use on agricultural land.
- 20.0 The buildings are close to protected buildings and its design should be set against them.
- 21.0 Development would detract from views over open countryside.
- 22.0 There has been an increase in flooding on West Lane.
- 23.0 The newly constructed track does not allow for two cars to pass and there is no safe walking for pedestrians.
- 24.0 No sufficient turning circle for large vehicles.

- 25.0 Pirton has seen an increase of more than 20% in housing stock, it is time to stop excessive development in Pirton.
- 26.0 Increased traffic in the village.
- 27.0 The dwelling design is not viable. Unit 3 would be contorted to fit the rooms into a space where there is no space.
- 28.0 The sewage system is inadequate with regular overflows.
- 29.0 The design and height will impact on the nearby Grade II Listed Building at Burge End.
- 30.0 The new buildings should be permitted on the basis that they would be offered on a low rent basis to local people.

3.2 **Statutory Consultees**

Pirton Parish Council – Objection. Comments in full on NHDC website.

Pirton Neighbourhood Plan Steering Group – No comments received.

HCC Highways – No comments received.

Environmental Health (Contaminated Land) – No objection.

Environmental Health (Noise) – No objection.

Environmental Health (Air Quality) – No objection subject to condition.

Waste and Recycling – Comments requesting details of where waste bins are to be stored and collected from.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

- 4.1.1 The application site is situated to the north side of West Lane, Pirton. The site consists of a group of existing agricultural structures accessed via a track off the public highway.

4.2 **Proposal**

- 4.2.1 The Prior Approval is sought for the conversion of an existing barn into four 2-bed dwellings 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 a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

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

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—

- (i) on 20th March 2013, or**
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or**
- (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;**

Documentary evidence has been provided to address the above criteria. The barn proposed for conversion has been solely and continuously in agricultural use since at least 2001. The proposal would comply with the above criterion.

(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

- (aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or**
- (bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;**

The proposal would comprise of four separate dwellinghouses each no more than 100 square metres. The above criterion does not apply in this case given that the four dwellings proposed are not considered to be larger dwellinghouses.

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

None of the dwellinghouses proposed for development would exceed 100sqm.

The dwellings would feature the following floorspace: 1. 100sqm, 2. 100sqm, 3. 89sqm, 4. 76sqm.

The proposal complies with the above criterion.

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

- (aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or**

There would be four 'smaller dwellinghouses' within the development. The proposal complies with this criterion.

(bb)the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

The proposal includes the creation of four dwellinghouses with associated shared parking spaces contained within the ground floor of the barn. The parking, whilst contrived, is considered separate from the dwellinghouses and therefore would not count toward the floor space of any one of the dwellinghouses.

As stated within the application and on Drawing No. 0001, the dwellinghouses themselves would not measure over 100sqm as shown on the submitted plan, the proposal is considered to be in compliance with the above criterion.

(d)the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i)a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

The proposal complies with the above criterion.

(ii)the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

There would be no more than 4 dwellinghouses proposed in total. The proposal would comply with the above criterion.

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

The agent has confirmed within the planning statement that the applicant is the freehold owner of the site and no agricultural tenancies relate to the site. The proposal complies with the criterion.

(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 confirmed that the site is not subject to any agricultural tenancy. The proposal complies with the above 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—

(i)since 20th March 2013; or

(ii)where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

As confirmed by the agent within the planning statement, no development has been carried out on the holding under Class A(a) of Class B(b) of Part 6 of the GDPO. The proposed development complies with this criterion.

(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;

Based on the plans submitted and as stated within the planning statement, no proposed external dimensions would extend beyond the existing external dimension. The proposal is in compliance with this criterion.

(i)the development under Class Q(b) 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(i)(i);

The proposal would result in the demolition of what is considered a large lean-to structure. Based on the information and photographs provided, the demolition of the lean-to would be considered reasonably necessary in this case. As confirmed within the structural report and planning statement, the development would not consist of works other than those stated within (i) (aa) and (bb), and works that are considered reasonably necessary. The proposal would comply with both parts (i) and (ii) of the above criterion.

(j)the site is on article 2(3) land;

The site is not on article 2(3) land. The proposal complies with the above criterion.

(k)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 proposal complies with the above criterion.

(l)the site is, or contains, a scheduled monument; or

The proposal complies with the above criterion.

(m)the building is a listed building.

The site is not a listed building. The proposal complies with the above criterion.

Conditions

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), 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 and have considered that the proposal would be of small scale and would not have an unreasonable impact on the safety and operation of the nearest highway. The Highways Authority had no objections.

(b)noise impacts of the development,

The dwelling would not generate harmful amounts of noise. Environmental Health have raised no objections to the scheme.

(c)contamination risks on the site,

Environmental health have raised no objections to the proposed conversion.

(d)flooding risks on the site,

The application site is situated within Flood Zone 1, the zone of lowest risk.

(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 acceptability of the location and siting of the buildings and their conversion into dwellinghouses has been previously accepted under application reference number 18/02017/PNQ. Whilst this application related to a separate barn, the barn subject to this application is accessed via the same track.

The site benefits from access to facilities and infrastructure within Pirton given the proximity of the site to the Pirton village boundary. The site is therefore not considered impractical or undesirable for the change of use.

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

Based on the information submitted, the external appearance of the barn would retain the roof as existing, the metal cladding as existing with a render finish along the bottom half of the building. The proposal would also include the insertion of fenestration. The external appearance of the building would not appear overly domestic and is considered acceptable.

(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.

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

- 4.4.1 The proposed conversion of an agricultural barn to create four dwellings would comply with the criterion set out under Class Q, Part 3, Schedule 2 of the General Permitted Development Order as amended.

5.0 Recommendation

- 5.1 That prior approval be given, subject to the following conditions and informatives.

1. The development hereby permitted shall be completed before the expiration of 3 years from the date of this decision notice.

Reason: As required by the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q.

2. Prior to occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

Informative/s:

1. EV CHARGING POINT SPECIFICATION INFORMATIVE:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).

o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed determination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
2. Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 23 November 2021	