

The Town and Country Planning (General
Permitted Development) (England) Order 2015, as amended.
Schedule 2, Part 3, Class Q.

Statement to support change of use of agricultural building to 4 no. two bedroom
dwellings under Class Q of the GDPO 2015, as amended.

at

West Lane Farm
West Lane
Pirton
Hertfordshire
SG5 3QP

Prepared By

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Of



September 2024

1. Introduction

- 1.1 This statement is submitted to support an application for determination of prior approval of North Herts Council in relation to the change of use and operational development of an agricultural building and associated curtilage at West Lane Farm, Pirton from Agriculture to 4 no. two bedroom dwellings under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, as Amended (GPD0 2015).
- 1.4 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 Tom McArdle who holds a Bachelor of Science Honours Degree in Rural Land Management from the Royal Agricultural College, is a Professional Member of the Rural Faculty of the Royal Institute of Chartered Surveyors and a professional member of the National Association of Estate Agents.

2.0 Background

- 2.1 West Lane Farm extends to 108.72 acres of arable land used for the growing of cereal crops along with a group of buildings located on the western side of the farm along with access off the bell mouth entrance from the adopted highway known as West Lane as shown on the attached location plan.
- 2.2 This Prior Notification is a resubmission of 21/02673/PNQ (Class Q for conversion of agricultural building into 4 no. two bedroom dwellings) which was permitted on 23rd November 2021. This 'resubmission' is an exact mirror of the proposal submitted and approved under 21/02673/PNQ.
- 2.3 The development as permitted under 21/02673/PNQ has neither been implemented nor completed.
- 2.4 Changes to the criterion of Class Q were introduced on 21st May 2024 under the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579) which in effect has served to relax some of the previous criterion of Class Q prior o May 2024.

3.0 Proposal

- 3.1 The proposal seeks to seek Prior Approval for the change of use and operational development of an existing agricultural building located on an established agricultural unit to 4 no. two bedroom dwellings all of which have a floor area of less than 100 sq.m.
- 3.2 We attach a site/location plan showing the extent of the existing building (hatched in red) along with the curtilage shown outlined in red.
- 3.3 We attach existing and proposed floorplans and elevations.
- 3.4 We also attach a copy of the Case Officer's report for 21/02673/PNQ which serves to confirm the various Class Q criterion continuing to be satisfied.

4.0 Class Q Permitted Development.

4.1 Class Q of the GPDO 2015, as amended, sets out various criteria under Part Q.1 and Part Q.2 as follows:

4.2 The criteria are set out as a “negative list” of criterion as follows:

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,

4.3 The ‘site’ (consisting of the subject building and curtilage) is part of an established agricultural unit on, and prior to, 24th July 2024 and continues to be part of an established agricultural unit. This is confirmed by way of the previously submitted documents as part of 21/02673/PNQ and as confirmed in the Case Officer’s report.

4.4 **THE PROPOSAL COMPLIES WITH Q.1 (a).**

(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,

4.5 The proposed 4 no. two bedroom dwellings all have floor areas of less than 150 sq.m. (100 sq.m., 100 sq.m., 89 sq.m. and 76 sq.m. respectively) as shown on the attached proposed floorplans and as confirmed in the Case Officer Report for 21/02673/PNQ.

4.6 **THE PROPOSAL COMPLIES WITH Q.1. (c)**

(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,

4.7 A previous Class Q has been permitted and completed for the northern barn (not subject to this submission) on this established agricultural unit under 18/02017/PNQ with variations permitted under 20/01167/PNQ and 20/01739/PNQ which permitted 226 sq.m. on the ground floor and 209 sq.m. on the first floor thereby totalling 435 sq.m.

4.8 This submission proposes 4 no. dwellings totalling a floor area of 365 sq.m..

4.9 As such, the total number of dwellings falling within Class C3 will neither 1) exceed 10 or 2) exceed a cumulative floor space of 1000 sq.m.

4.10 **THE PROPOSAL COMPLIES WITH Q.1. (d)**

(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,

4.11 The site is not occupied under a tenancy.

4.12 **THE PROPOSAL COMPLIES WITH Q.1. (e) and (f)**

(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,

4.13 No development under Class A (a) or Class B (a) of Part 6 has been carried out on the established agricultural unit within the past 10 years.

4.14 **THE PROPOSAL COMPLIES WITH Q.1. (g)**

(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,

4.15 The proposal does not involve any extensions to the existing building as confirmed in the Case Officer's report for 21/02673/PNQ..

4.16 **THE PROPOSAL COMPLIES WITH Q.1. (i)**

(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),

4.17 The proposal only involves the building operations of windows, doors, roofs, exterior walls and utilities reasonably necessary for the building to function as a dwellinghouse/s as confirmed in the Case Officer's report for 21/02673/PNQ.

4.18 **THE PROPOSAL COMPLIES WITH Q.1. (j).**

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

(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,

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

(n) the building is a listed building,

4.19 The site does not fall within any of the designations set out under (k), (l), (m) or (n) as confirmed previously in the Case Officer report from 21/02678/PNQ.

4.20 **THE PROPOSAL COMPLIES WITH Q.1. (k), (l), (m) and (n).**

(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(a) as read with the notes dated 19th May 2016 which apply to it, or

4.21 The proposal complies with all parts of the nationally described space standards as is evident from the attached floor plans and elevations as confirmed below:

Each proposed dwelling (1 storey two bedroom units allowing 4 persons number of bed spaces) has at least the minimum 70 sq.m. gross floor areas required in Table 1 and provides at least 2 sq.m. of built in storage (Cupboards, wardrobes and storage) as shown on the attached floor plans;

Each 2 bedroom dwelling will have at least 1 no. double bedroom of which each double bedroom is at least 11.5 sq.m.;

There are no areas with a headroom of less than 1.5 sq.m.;

The minimum floor to ceiling height exceeds 2.3m throughout the entire floor area of the dwellings;

4.22 **THE PROPOSAL COMPLIES WITH Q.1. (o)**

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

4.24 The building benefits from existing suitable access to a public highway.

4.25 **THE PROPOSAL COMPLIES WITH Q.1. (p)**

4.26 **THE PROPOSAL THEREFORE COMPLIES WITH ALL PARTS OF Q.1**

4.27 Part Q.2 sets out the Conditions as follows:

4.28 *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,

(b) noise impacts of the development,

(c) contamination risks on the site,

(d) flooding risks on the site,

(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 Schedule 1 to the Use Classes Order,

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

(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.

- 4.29 This submission represents the determination as to whether prior approval of the Authority is required of which we provide the following information:

4.30 TRANSPORT & HIGHWAYS

- 4.31 It has previously been determined, as part of 21/02673/PNQ, that there are no undue highway or transport impacts of the proposal.

- 4.32 The Case Officer's report for 21/02673/PNQ summarised the HCC Highways comment which stated:

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.

- 4.33 There have been no material changes to the proposal nor to highways and therefore the proposal does not result in any material traffic issues.

4.34 NOISE IMPACTS

- 4.35 The Case Officer's report for 21/02673/PNQ stated:

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

- 4.36 There have been no material changes to the proposal and therefore the proposal does not result in any material noise impacts.

4.37 CONTAMINATION

- 4.38 The subject building is used for the purposes of storing harvested cereals which enter into the food chain and hence it is/has/will been suitably maintained free of any contamination. As

such there are no contamination risks on the site, which was confirmed in the Case Officer report by stating:

Environmental health have raised no objections to the proposed conversion.

- 4.39 There have been no material changes to the proposal and therefore the proposal is not impacted by any risks of contamination.

4.40 FLOODING

- 4.41 The site is designated by the Environment Agency Flood Maps as being located in Flood Zone 1 (lowest probability of flooding) and hence there are no flooding risks on site.

- 4.42 ***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 Schedule 1 to the Use Classes Order,***

- 4.43 The Case Officer's report for 21/02673/PNQ summarised the above, which stated:

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.

- 4.44 There have been no material changes to the proposal nor to the location therefore the proposal is acceptable in terms of its location and siting.

4.45 the design or external appearance of the building, and

- 4.46 The Case Officer's report for 21/02673/PNQ summarised the above, which stated:

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.

- 4.47 There have been no material changes to the proposal nor to the design therefore the proposal is acceptable in terms of its external appearance.

4.47 the provision of adequate natural light in all habitable rooms of the dwellinghouses,

- 4.48 The Case Officer's report for 21/02673/PNQ summarised the above, which stated:

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

4.49 There have been no material changes to the proposal nor to the design/fenestration therefore the proposal is acceptable in terms of natural light.

4.50 CONCLUSION

4.51 The proposal complies with all parts of Class Q.1. and Q.2 as previously confirmed by the Case Officer who concluded:

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.

End of statement