DELEGATED FILE NOTE

CASE OFFICER: …Kate Poyser……

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00236/PNQ	Change of use of agricultural building to one 3 bedroom dwelling and external alterations involving the installation/replacement of windows, doors, roofs and exterior walls.	Barn At Langley End And To The West Of Bathgate House Hill End Farm Lane Langley Hertfordshire

Submitted Plan Nos
3123-01 3123-02A 3123-04B 3123-05B

1.0 Policies

2.0 **Site History**

2.1 14/02332/1PN Prior Approval Notification - Class MB. Change of use of agricultural building to one 3 bedroom dwelling and external alterations involving the installation/replacement of windows, doors, roofs and exterior walls.

Notification refused 14th November 2014 for the following reasons:

1 The proposal would be undesirable due to the unacceptably isolated location, resulting in an unsustainable residential development in open countryside for which there is no special justification. In addition to this, the creation of a residential curtilage in this prominent location would be harmful to the openness of the Green Belt. The proposal would, therefore, be contrary to paragraphs 17, 55 and 90 of the National Planning Policy Framework and would fail to comply with the conditions (e) of Class MB, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

2 The existing track that is proposed to serving the site is inadequate by reason of the unstable surfacing, the width and gradient to serve the proposed development. The development if permitted would therefore be to the detriment of public and

highway safety. This would be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework and not in accordance with Roads in Hertfordshire: Highway Design Guide. The proposal would, therefore fail to comply with the conditions (a) of Class MB, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

3 There is insufficient space provided for the turning of vehicles in association with the development this would give rise to conditions detrimental to vehicular and pedestrian safety and as such would result in an unsatisfactory form of development. The development if permitted would be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework and not in accordance with Roads in Hertfordshire: Highway Design Guide. The proposal would, therefore fail to comply with the conditions (a) of Class MB, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

4 The proposed refuse collection arrangements are contrary to National Planning Policy Framework and Manual for Streets, the distance the waste bins need to be carried for the proposed kerbside collection would lead to a large vehicle obstructing the public highway as a consequence would not be fit for purpose. The proposed development would therefore be detrimental to highway safety and amenity. The proposal would, therefore fail to comply with the conditions (a) of Class MB, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

2.2 15/01577/1PN Change of use of agricultural building to one 3 bedroom dwelling and external alterations involving the installation/replacement of windows, doors, roofs, and exterior walls. Prior approval was not required.

3.0 **Representations**

3.1 **Highway Authority** - no objections raised.

3.2 **Environmental Health** - no objections.

3.3 **HCC Fire Officer** – requires fire hydrant.

3.4 **Site Notice/Adjoining residents -** no comments received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The 2015 approval, ref 15/01577/1PN for a change of use to from agricultural to residential has not yet been implemented. As there is a time limit of 3 years in which to complete the work, the application has made this second and identical submission to effectively keep the permission alive for another 3 years.

4.1.2 The application site consists of a low agricultural building, which measures a maximum of 14.5 metres wide, 12.2 metres deep and a maximum of 4.5 metres high, and a section of field which would form the curtilage. At present the barn is

located in a small field that rises steeply from the road towards the building. The barn is closely related to the very small settlement of Langley End and occupies a position just beyond the rear garden of Clifton House and Bathgate House. There is a gated entrance into the field, and access is gained via a lane/bridlepath that runs between Langley End and the B651.

4.2 **Proposal**

4.2.1 The proposal is to convert the barn into a single storey, 3 bedroom dwelling and to create a residential curtilage around it, measuring approximately 53 metres by 20 metres. Although alterations be made to the building to facilitate this, its footprint would remain unchanged. The changes would include a new roof, changes to/ additional doors and windows. Most of the building would be clad in new stained timber boarding, with some facing brick to the east end and at plinth level. It is advised that the applicant would make the building as sustainable as possible using solar panels and ground source heating and hot water. The curtilage of the site is shown by a red dotted line on the drawings. The treatment of the plot boundary is not clear, although a hedge is shown close to it. A gravel drive and two parking spaces are shown.

4.3 **Key Issues**

4.3.1 The key issues are whether the proposal would be permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class Q and whether the prior approval of the local planning authority is required. This report should be read in conjunction with the GPDO 2015.

4.3.2 The proposed change of use of a building and land within its curtilage from agriculture to residential Class C3 is allowed as permitted development, including building operations reasonably necessary to convert the building. This is subject to the following list.

4.3.3 Q.1 (a) The barn was built in the 1980 and was last used for agricultural purposes, as of 20th March 2013.

(b) The floorspace/cumulative floorspace of the existing building(s) would not exceed 450 sq metres.

(c) The number of separate dwelling houses developed under Class Q would not exceed 3.

(d) site not occupied under agricultural tenancy.

(e) N/A

(f) No development under Class A or Class B of Part 6 has been carried out on the established agricultural unit since 20th March 2013.

(g) building would not extend beyond present dimensions.

(h) would not exceed 450 sq metres of C3 use.

(i) the development would not involve building operations beyond those described.

(j) site not article 2(3) land.

(k) the site does not form part of the described areas.

(l) not a scheduled monument.

(m) not a listed building.

The change of use would be permitted development, subject to paragraph (f) above and subject to conditions within Class Q of the Order.

4.3.4 Conditions Q.2 -(1) this lists the matters under which the prior approval can be determined.

4.3.5 (a) Transport and highways - Three of the four reasons for refusal to the earlier prior notification here relate to highway objections. Since then, alteration/repairs have been made to the vehicular access to the site; the configuration of the turning head has been amended; and a refuse collection point is indicated adjacent to the wall at the end of the new access road. The highway authority now raises no objections to the proposal.

4.3.6 (b) Noise impacts - no comments have been received from the Council's Environmental Health Services and I can see no sources of noise which are likely to conflict with a residential property here. It lies close to other residential properties.

4.3.7 (c) Contamination risks - Environmental health have been consulted. No objections have been raised or requests for further information.

4.3.8 (d) Flood risk - the site lies within Flood Zone 1 and is unlikely to flood. I consider there to be no objections relating to flood risk.

4.3.9 (e) Whether the siting or location is impractical or undesirable – Although the 2014 application was refused due to being in an unsustainable location , since then there has been clarification on this matter in Planning Practice Guidance - What are permitted development rights?, para 108, which clearly states that a test in relation to sustainability of location does not apply. This can no longer, therefore, form a reason for refusal.

4.3.10 (f) Design and external appearance - The design and appearance of the proposed scheme remains unchanged from the 2014 and 2015 applications and no objections are raised to then. The proposal would tidy the appearance of the building and would not have a significantly greater impact on the openness of the countryside to the present situation.

4.3.11 Condition Q.2 - (3) should apply and this allows just 3 years to complete the development.

4.4 Conclusion

4.4.1 That prior approval is required, but that there are no objections to raise to the proposed work.

5.0 **Recommendation**

5.1 Prior Approval is required, but no objections are raised subject to the following condition.

1. Development must be completed within a period 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.-(3).

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 12 March 2018	