

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02840/PNQ	Conversion of agricultural buildings into 5 residential dwellings with all associated building works.	Porters End House Porters End Lane Kimpton Hitchin Hertfordshire SG4 8ER

Submitted Plan Nos

31030A Porters End House 01_00(A) 31030A Porters End House 01_01(A) 31030A Porters End House 01_02(A) 31030A Porters End House 01_03(A) 31030A Porters End House 02_02(C) 31030A Porters End House 02_03(A)

1.0 Policies

2.0 Site History

2.1 24/01683/PNQ - Conversion of agricultural buildings into 5 residential dwellings with all associated building works. - Withdrawn

3.0 Representations

3.1 Neighbour comments – 3 x Objections:

- 1.0 Harm from traffic generation and harm to local road network.
- 2.0 Lack of sewer access.
- 3.0 Concern regarding safe access for emergency vehicles.
- 4.0 Cites previous green belt refusal for residential development.
- 5.0 Development at odds with local area.
- 6.0 Harm to natural and local environment.
- 7.0 Lack of detail for energy provision to dwellings. Questions air quality harm from wood burning stoves.
- 8.0 Potential presence of asbestos within site.
- 9.0 Lack of detail of refuse collection/storage.
- 10.0 Loss of wildlife and habitats.
- 11.0 Loss of privacy and general neighbouring amenity.

- 12.0 Flooding of local road network and areas would be exacerbated by development.
- 13.0 Disproportionate scale of development.
- 14.0 Strain put upon water network in local area.

1x Support:

- 15.0 Development would meet Kimpton housing needs survey.
- 16.0 Positive design subject to suitable materials of construction being implemented.
- 17.0 Requests EV charger for each dwelling but welcomed parking provision.
- 18.0 Requests clarification of refuse storage.
- 19.0 Seeks assurance that noise generation from heating equipment would not be excessive.

Officer Note:

It is noteworthy at this stage to state that the considerations under a PNQ are limited to those set out in the conditions of the relevant legislation. Therefore, some of the concerns raised above are either not a material planning concern or the legislation does not allow for consideration of such issues. Those issues that can be considered under a PNQ will be in this report.

- 3.2 **Kimpton Parish Council** – No representation received.
- 3.3 **HCC Highways** – *“The Highway Authority has comment previously on a similar application. These proposals are for a Prior Approval Class Q Agric to Dwelling: Conversion of agricultural buildings into 5 residential dwellings with all associated building works. The site is within the boundary of Porters End House which is a private settlement including 9 dwellings and various outbuildings. The Highway Authority are limited in the extent to which it is able to comment, noting that Porters End House is accessed via a privately maintained road, and therefore beyond the authority of the Highway Authority who are responsible for all roads / footways / verges etc. that are considered maintainable at public expense (the public highway). The review of the application will be advice only as the Highway Authority cannot require conditions or informatives.”*
- 3.4 **Environmental Health (Contaminated Land)** – No objection subject to condition.
- 3.5 **Environmental Health (Air Quality)** – No objection subject to condition.
- 3.6 **Environmental Health (Noise/Nuisances)** – No objection.
- 3.7 **Waste and Recycling** – None received.
- 3.9 **Ecology** – *“The application appears very similar to the earlier application 24/01683/PNQ as there is still a considerable area of semi-natural habitat contained in the red line boundary and no ecological information has been provided. A prior approval notice to convert the barn is exempt from any mandatory BNG requirement but, never-the-less, the applicant may wish to consider opportunities to deliver ecological enhancement as part of the development in accordance with the NPPF..”*
- 4.0 **Planning Considerations**
- 4.1 **Site & Surroundings**

- 4.1.1 The application site is a pair of farm buildings and associated hard standing area at Porters End House and accessed off Porters End Lane. This is to the south of Kimpton and to the north of Gustard Wood, a settlement outside of the district. The site is within the metropolitan green belt and the existing buildings comprise two agricultural sheds comprising metal frames and paneling to all elevations. A concrete base provides foundation for these structures with road access being gained from Porters End Lane to the north of these buildings.

4.2 Proposal

- 4.2.1 The Prior Approval of the Local Planning Authority is sought for the conversion of existing agricultural barn to provide 5 residential units with all associated building works including the demolition of an existing barn, under Class Q, Part 3 of Schedule 2 of the General Permitted Development Order as amended.
- 4.2.2 The associated building works include the full conversion of the existing barn into 5 residential units, with external and internal works, as well as the formation of private gardens, parking, landscaping and the formation of an access track.

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,**

N/A

- (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 advises that the site was part of an established agricultural unit for grain storage and other storage for agricultural purposes. Since this ceased, the site has not been used for any non-agricultural purposes, as confirmed by the submitted statement.

- (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,

Each dwelling would be equal to or would measure less than 150 sqm in area. This is complied with.

- (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,

5 No. C3, residential units are proposed. The floor area would measure approximately 648 sqm. This is complied with.

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

The submitted covering statement advises that the site is not subject to an agricultural tenancy.

- (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,

The covering statement advises that that no development under Class A or Class B of Part 6 of Schedule 2 of the Town and Country Planning (General

Permitted Development) (England) Order 2015 has been carried out on the established agricultural unit in the period of 10 years before the date that the development under Class Q.

- (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),**

Plans together with the covering statement indicate that the proposed dwellings would not result in the external dimensions of the converted buildings extending beyond the dimensions of the existing 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,**

N/A – No extensions to the building 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 accompanying statement advises that no works beyond those allowed by Class Q would be undertaken.

One barn is proposed to be demolished, with its location being to the rear of the retained barn proposed for conversion. The spirit of Class Q is to seek the conversion of buildings into residential dwellings. Given that the demolition of the barn would comprise the removal of approx. 50% of the total building, and would therefore constitute development in its own right, rather than be a conversion, I do not consider that the proposed demolition would comply with

the provisions of criterion (j)(ii). Although it is acknowledged that the building is split into two sections, it is considered to comprise a single, large barn and should be viewed as such.

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

The site is not on Article 2(3) land and is covered by no relevant constraints.

(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 is covered by none of the listed designations.

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

No scheduled monument is within the site.

(n) the building is a listed building,

The building is not listed.

(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 dwellings would exceed the minimum space requirements.

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

Access would be provided through an existing gated access and dropped kerb off Porters End Lane. Some hardstanding would be required, however, the access point to the public highway is considered to be suitable.

Conditions:

Q2.— (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—

1.0 transport and highways impacts of the development,

Hertfordshire Highways have made representation and do not wish to restrict the grant of permission. Their comments acknowledge the private access to the site but do not raise concern regarding the roads surrounding the site or the proposed access. Their comment references the sustainability of the site and references the need for secure cycle storage.

An established access is proposed to be used for access to the buildings. 10 No. parking spaces are proposed, therefore meeting the minimum require set by NHC. In the absence of any formal comments relating to the potential impact of this scheme on the highway network, it is considered that the proposal will not give rise to any transport or highway impacts.

2.0 noise impacts of the development,

Environmental Health were consulted and have raised no objection to the development on noise grounds.

It is acknowledged that neighbour comments have raised noise concerns. This would be when the dwellings are occupied and potentially during construction. Compared to the previous agricultural use, I consider that any impacts would be neutral due to larger, louder vehicles visiting the site when in agricultural use, and more, smaller and quieter vehicles accessing the site when in residential use. This would not be constant and is unlikely to be unacceptable harmful to the amenities afforded to neighbouring occupiers when compared to the existing arrangement. Should this application be granted, I consider that it is prudent to require a Construction Methods Statement to control noise generation during the construction phase and to mitigate noise impacts from any air/ground source heat pumps.

Overall, in the absence of a formal objection from the Environmental Health Officer and taking the CMS condition into account, it is considered that the proposal would not generate harmful amounts of noise in my view.

3.0 contamination risks on the site,

Environmental Health have raised no objections to the proposed development. They have requested the following condition:

“No development approved by this permission shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.”

I consider that this criterion is met by the above.

4.0 flooding risks on the site,

The covering letter advises that the site is in Flood Zone 1 and has not been identified as having critical drainage problems, as defined by the Environment Agency. Overall, it is considered that the proposal would not result in flood risk impacts. Objections raising flood concerns are acknowledged, however, given the above, this condition would be met.

5.0 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,

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”.

The LPA cannot consider sustainability and use this 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.

The application site is within proximity to 2 existing residential dwellings and is part of a modest conurbation of other residential dwellings. The existence of these 2 dwellings and the relatively short distance to Harpenden 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 character of the area.
An unacceptable impact upon the amenity of present/future occupiers and neighbouring properties.
The Local Planning Authority Ecologist has raised objection with the following representation:

“Having looked at this prior notification I am concerned that there is a considerable area of semi-natural habitat contained in the red line boundary and no ecological information has been provided. The proposed site plan shows 3 trees to be removed and there's a large area of hard surfacing being added. This would seem to go beyond a prior approval notice to convert the barn which would be exempt from any mandatory BNG requirement. Given the area impacted and lack of ecological information supporting the application I would object to the proposal.”

It is considered that this would make the development undesirable to change from agricultural to residential use.

6.0 the design or external appearance of the building and

The submitted planning statement and plans indicate that the buildings would retain their agrarian appearance with the replacement of the external cladding and roofs to the buildings. The building frame would be retained and doors and window openings introduced. The proposed materials of construction and the built form is considered to be acceptable.

7.0 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 2600 sqm of site area. This would measure approximately 2200 sqm without the building that this application relates to, or 1900sqm when excluding the building proposed to be demolished. A plan submitted to detail the curtilage of the building in purple measures approximately 900sqm in area. The buildings measure approximately 400 sqm and 300 sqm respectively.

Class Q allows for the change of use from agricultural to residential for a building that is part of an established agricultural unit and any land within that building’s curtilage. The red line on the existing site plan provides the limit/extent of the application boundary. This is exemplified by the gardens, parking, driveway and pedestrian accesses to Units 1 and 2 being outside of

the purple line showing the existing agricultural buildings curtilage and clearly constituting a change of use of the land from agricultural to residential.

Therefore, the development would fail (b) given that the surrounding land would exceed the curtilage area serving the building.

4.4 Conclusion

4.4.1 The proposed conversion of the agricultural building to create five dwellings would fail to comply with the criterion (j)(ii) and the interpretation 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 **REFUSED** for the following reason:

1. 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.

Signed  Sam Dicocco Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 6 February 2025	

