

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02074/PNQ	Conversion of existing barn into four dwelling houses	West Lane Farm West Lane Pirton Hertfordshire SG5 3QP

Submitted Plan Nos

2518.02 Location Plan 0001 0002

1.0 Policies

2.0 **Site History**

- 2.1 23/02422/PNR - Change of Use of agricultural building to offices – Prior Approval not Required
- 2.2 23/01857/PNR - Change of Use of agricultural building to offices – Prior Approval Refused
- 2.3 21/02673/PNQ - Conversion of existing barn into four 2-bed dwellings – Prior Approval Given
- 2.4 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- Conversion of existing barn into four 2-bed dwellings (re-submission of previous application 21/01645/PNQ withdrawn 22.06.2021).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
- 2.5 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
- 2.6 19/01432/FP - Creation of vehicular access onto West Lane – Conditional Permission

3.0 **Representations**

3.1 **Neighbour comments** – 33x Objection:

- Asbestos construction material would require extensive stripping back to a skeleton structure and would fail to comply with Class Q.
- Previous application should not automatically grant permission in this instance.
- Safety of future occupiers would not be assured by presence of asbestos.
- Extensive on-site demolition works.
- Change in Class Q legislation since previous determinations on site.
- Queries relating to outbuilding present on site and what has received permission.
- Close proximity to heritage assets.
- Queries relating to the correct measurement of the buildings on-site.
- Insufficient vehicle access, drainage and parking provision.
- Query relating to not consulting Historic England.

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 **Pirton Parish Council** – Objection -

- Queries aggregate scale and limit for the site in relation to Class Q Criteria.
- Discusses previous site history and determinations.
- Prior communications indicated that a previous application required reconstruction and was not permitted development.
- “The demolition of walls to provide car ports and storage areas cannot, in our opinion be interpreted as necessary for building operations.”

3.2.1 Councillor Strong has requested for the application to be called into planning control committee. This is acknowledged. The Council Constitution, namely, Footprint 19, advises that the Planning Control Committee shall determine applications, but *“This does not apply to notifications to the Council for development that would fall under the Town and Country Planning (General Permitted Development) (England) Order 2015”*. For this reason, the application shall be determined under delegated powers.

3.3 **HCC Highways** – *“Should the LPA be minded to approve the application please note the above conditions and informatives. This level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore; the highway authority would not wish to restrict the grant of planning permission.”* – Does not wish to restrict the grant of permission subject to conditions.

3.4 **Environmental Health (Contaminated Land)** – No comments or objections.

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

3.6 **Environmental Health (Noise/Nuisances)** – No objection.

3.7 **Waste and Recycling** – Insufficient information provided. Provides detail for bin provision requirements.

3.9 **Ecology** – *“I have no ecological objection to the proposal.”*

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

4.1.1 The application site comprises a large farm building and hardstanding at West Lane Farm, accessed to the north of West Lane, Pirton. The site is designated as Green Belt land, as per the Local Plan 2011-2031.

4.2 **Proposal**

4.2.1 The Prior Approval of the Local Planning Authority is sought for the conversion of existing agricultural building to provide 4 No. 2-bedroom residential with all associated building works, 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—

- (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,**

The site has been in use as an established agricultural unit on and prior to 24 July 2023. The agricultural use is ongoing. This criterion is complied with.

- (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,**

N/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,**

Each dwelling would measure approx. 100 sqm in area or less. This criterion 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,**

4 No. C3, residential units are proposed. The floor area would measure approximately 365 sqm. Car parking is provided, resulting in a cumulative floor area of approx. 467.7 sqm. The adjacent dwelling, now constructed and ready for occupation was converted under Class Q. Its floor area comprises approximately 480 square metres. Cumulatively, this would result in approximately 948 square metres of residential floor space within the site, and 5 separate dwellings, converted under Class Q. This criterion is complied with.

The cart lodge/three bay car port adjacent to the converted dwelling was not part of a previous Class Q determination, and therefore was not granted consent under such an application. The area of this building would therefore not form part of the area calculations set out above.

- (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 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),

Plans 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,

The covering letter, together with plans do not indicate that an extension is proposed to the 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, 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),

Some demolition works are proposed to remove an existing structure and windows, doors and car ports are proposed to replace some sections of wall within the building. A structural report is carried forward from the previous determination, and advises that the building is in a good state of repair, and proposes the replacement of the roof, utilising existing purlins and possibly some reinforcement should it be necessary. Floors would be retained without the need for additional foundations, and exterior walls would in places be retained or

opened up to create openings. Some render and cladding is proposed to the walls, and the structural report advises that the existing walls are suitable to resist wind loading. Representations reference the 'Hibbitt' case, wherein this case discusses how substantial alterations would be necessary to make the building suitable for conversion, including substantial rebuilding works. I do not consider that this applies to this site.

The proposed works would not fall outside of the scope of the above criteria given that the frame of the building would be retained and many existing elements are suitable to be retained for the conversion such as wall elements and the main floor. It is therefore considered to be a conversion rather than a rebuild of the main structure and complies with this section.

(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 West Lane. Hertfordshire Highways made representation and considered the access to be acceptable.

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—

(a) transport and highways impacts of the development,

Hertfordshire Highways have made representation and do not wish to restrict the grant of permission. Their comments 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. 4 No. parking spaces are proposed, therefore falling under the minimum requirement for parking as set by North Herts Council. I do not consider that this undersupply would result in harm to the safe operation of the highway, and would possibly be provided within the site. It is therefore considered that the proposal will not give rise to any unacceptable transport or highway impacts.

(b) noise impacts of the development,

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

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 unacceptably 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.

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.

(c) contamination risks on the site,

The Design and Access Statement advises that the site is free of land contamination present on site and has been maintained to be suitably free of contamination given that the building has been used for the storage of cereals and foodstuffs. Environmental Health have raised no objections to the proposed development.

It is noted that representations raise objection with concern about the presence of asbestos panelling to the building, querying the prospective management and disposal of these panels. Environmental Health have not raised objection to the proposal, and therefore based on the evidence provided by the applicant, no objection is raised and I therefore consider that this criterion is met.

(d) flooding risks on the site,

The covering letter advises that the site is in Flood Zone 1. Given the low risk associated with Flood Zone 1, I consider that it is acceptable.

(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,

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 close proximity to the built core of Pirton, and is accessed off West Lane, a Classified Road, and is therefore not considered to be impractical for the purposes of Class Q.

Taking the undesirable consideration next, the proposal would be adjacent to another residential dwelling, 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 not raised objection to the proposed development in ecological terms.

(f) 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 and car ports opened. The proposed materials of construction and the built form are considered to be 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.

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 919 sqm of curtilage. The total floor area of the building would measure approximately 525 square metres, and the remaining site curtilage would measure approximately 394 square metres. The development would therefore comply with (b) given that the surrounding land would not exceed the area occupied by the building.

4.4 Conclusion

- 4.4.1** The proposed conversion of the existing agricultural barn to provide 4 residential units with all associated building works, would comply with the criterion set out

under Class Q, Part 3, Schedule 2 of the General Permitted Development Order as amended.

4.4.2 The applicant has agreed to the attached pre-commencement conditions.

5.0 Recommendation

5.1 That **PRIOR APPROVAL BE GIVEN**, subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to occupation, Each of the four new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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.

3. Prior to the first commencement of the development hereby permitted, a plan for cycle storage is to be provided and be designed in line with design standards contained in Chapter 11 of the Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020). Prior to first occupation the approved design shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

4. Full details of a construction method statement and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works or development (including any pre-construction or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:

- i) Hours of construction operations including times of deliveries and removal of

waste;

- ii) Measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- iv) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- v) Screening and hoarding details, to protect neighbouring residents;
- vi) End of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- vii) Wheel washing facilities for construction vehicles leaving the site;
- viii) Storage and removal of building waste for disposal or recycling;

Reason: To ensure the correct phasing of development in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity.

- 5. Details and/or samples of materials to be used on all external elevations and the roof of the converted building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

Informative/s:

- 1. A 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 termination 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.

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

- o UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.

2) The above condition is considered relevant and reasonable for the following reasons:

- o Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).

- o Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra low emission vehicles.

- o HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to 'preserve the character and quality of the Hertfordshire environment' and 'make journeys and their impact safer and healthier', as well as its Emissions Reduction Policy 19.

- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

2. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the

interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 6 November 2024	