

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02908/PNQ	Conversion of agricultural buildings into 7 residential dwellings	Fear End Fears Green Sandon Buntingford Hertfordshire SG9 0QY

Submitted Plan Nos

222140-PL-0-003-A 222140-PL-0-002-A 222140-PL-0-001-A 222140-PL-1-100 222140-PL-3-100
222140-PL-6-301 222140-PL-6-100 222140-PL-4-302 222140-PL-4-301 222140-PL-4-101 222140-PL-
4-100 222140-PL-3-301 222140-PL-3-101 222140-PL-2-301 222140-PL-1-302 222140-PL-1-301

1.0 Policies

2.0 **Site History**

- 2.1 24/02360/PNQ Conversion of agricultural buildings into 9 residential dwellings
WITHDRAWN – Amenity issues

3.0 **Representations**

- 3.1 Kelshall Parish Council – No comments received

3.3 **HCC Highways – Conditions proposed**

It should be noted that "Prior approval Class Q" refers to a specific type of permitted development in the UK under the Town and Country Planning (General Permitted Development) (England) Order 2015. Class Q allows for the change of use of certain agricultural buildings to residential dwellings without needing full planning permission. Hertfordshire County Council, as the Highway Authority, has considered that the proposal would lead to an increase in traffic generation to the development. However, this increase is not expected to significantly impact the surrounding highway network. Therefore, the Highway Authority has determined that while the proposal would have an impact, it would not unreasonably affect the safety and operation of the adjoining highways, provided the specified planning conditions and highway informatives are included.

- 3.4 **Environmental Health (Contaminated Land)** – *Given the existing use and potential for historical contamination I recommend that information is obtained in this regard. For a prior approval, this ideally would be done 'up front' to ensure that the development can go ahead without any structural alterations that may be required. However, we could use pre-commencement/pre-occupation conditions should you be minded to grant approval.*

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

- 3.6 **Environmental Health (Noise/Nuisances)** – The Environmental Protection and Housing Team have no objections to the proposals in relation to noise and other nuisances.

- 3.7 **Waste and Recycling** – *Without sufficient information I am not able to determine that the proposal can meet the requirements*

3.8 **North Herts Ecologist: Comments –**

Comments were made previously in relation to this site for 24/02360/PNQ. As the reduction of units from 9 to 7 has no impact on the ecological outcomes those comments remain the same as follows;

The submitted Preliminary Ecological Appraisal (PEA) and associated bat emergence surveys report has identified building (B1) as a maternity roost for pipistrelle bats. The bat report recommends retaining this existing roost in the building fabric as the bats are

found under the weatherboarding on the exterior and the proposed design allows for this. However, as works may still impact bats mitigation will be required, parts of which will require licencing and supervision by an ecologist.

The introduction of residential use onto this site will increase the light levels and consequently could have a negative impact on nocturnal species using the site and adjacent woodland.

Biodiversity net gain does not apply to Class Q applications but the NPPF and North Herts Local Plan policy NE4 do place an expectation on development to deliver net gains for biodiversity and this could be supported in this scheme through the inclusion of bat and bird boxes and new nectar / berry rich planting.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

- 4.1.1 The application site is a farmyard which consists of six vacant former agricultural buildings, formerly used for housing pigs and associated storage buildings.

4.2 **Proposal**

- 4.2.1 The Prior Approval of the Local Planning Authority is sought for the conversion convert the barn buildings into nine dwellings under Class Q, Part 3 of Schedule 2 of the General Permitted Development Order as amended. The buildings themselves measure 717.4 square metres Gross External Area., the site area (excluding the buildings) does not exceed this.

Building 1 – Will be converted into two dwelling units, unit 1.1 will contain 3 bedrooms with a large open plan kitchen, living room, diner all contained on the ground floor. Unit 1.2 has one bedroom on the ground floor and two further bedrooms and a bathroom upstairs. The living accommodation consists of a living room, separate kitchen, dining room and study, all contained on the ground floor.

Building 2 – Building two is the smallest unit, and contains a single bedroom, bathroom, and living area with a total area of 37.1 square metres

Building 3 – A single unit, containing three bedrooms on the ground level, it contains a separate kitchen and utility, as well as a study and a dining room, with an open plan entrance hall.

Building 4 – Contains two dwellings, these are mirrored. They contain two bedrooms each, along with a kitchen and open plan living accommodation.

Building 5 – Required to be demolished in order to provide appropriate amenity for buildings 1, 3, and 4 .

Building 6 – This is a smaller unit, with an open living, kitchen room and a single bedroom with a gross internal area of 41.2 square metres.

The primary change on this occasion sees the removal of building 5 in order to allow for appropriate amenity for buildings 1, 3 and 4. This change will allow for greater separation between buildings and allow for unimpeded amenity provision for the remaining units. The red line area has also been reduced to reflect that building 5 is no longer being converted.

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 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 applicant states that the building was in agricultural use on the 24th July 2023. Therefore, the proposal complies with this criterion.

(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 buildings were part of an agricultural unit on the 24th July 2023. The proposed development therefore fully accords with Class Q in this respect.

(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,

No other dwellings have been developed within the established agricultural unit under Class Q. Furthermore, this proposal under Class Q will result in 7 dwellings, and proposes no units under 150 square metres, no more than 10 dwellings and the cumulative floor space does not exceed 1000 square metres. As such, the proposal complies with this criterion.

(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,**

The proposal complies with this 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 proposal complies with this 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 site is not occupied under an agricultural tenancy and no such agricultural tenancies have been terminated within the past 10 years in compliance with part (g) below.

(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,

No development under Class (A) or Class (B) of Part 6 of this same schedule has been carried out on the established agricultural unit since 20th March 2013, which satisfies part (g).

(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),**

the proposal is compliant in that the development would not result in the external dimensions of the converted building extending beyond the external dimensions of the existing buildings at any given point as can be seen from the submitted drawings.

(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,**
- (iv) 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,
- (v) 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,

In regard to part (i), the development is compliant as no extensions 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**
- (iii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),**

The development will not make any physical changes other than the installation and replacement of windows, doors, roofs, exterior walls, as well as drainage, water, electricity gas/other services to the extent reasonably necessary to allow the building to function as a dwellinghouse.

The proposed demolition of building 5 is required in order to make an acceptable development in my view, it is therefore considered to be reasonably necessary to carry out the building operations. If the building to remain, it could be utilised for agricultural purposes or converted to residential, either way, this was deemed inappropriate by the LPA during the earlier withdrawn Class Q Prior Approval application.

(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,

The proposal is in compliance with parts (k), (l), (m) and (n), the site is not on article 2(3) land and it does not form part of a site of special scientific interest, safety hazard area or military explosives storage area. The site also does not contain a scheduled monument and the buildings are not listed as a heritage asset. Indeed, there are no listed buildings in the vicinity, with the nearest being over 650 metres away from the host buildings.

(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 2015⁶⁴ as read with the notes dated 19th May 2016 which apply to it, or

the proposals comply as the buildings proposed for conversion will comply with the nationally described space standard

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

The existing access to these farm buildings is appropriate, and could be resurrected for intensive farm traffic if this use was reintroduced. Highways have not objected for this reason.

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, the Highway Authority has determined that while the proposal would have an impact, it would not unreasonably affect the safety and operation of the adjoining highways, provided the specified planning conditions and highway informatives are included.

Moreover, it is considered that the proposed access road, including a turning area, and the provision of 14 parking spaces (2 per dwelling) is acceptable in planning terms.

(b)noise impacts of the development,

Environmental Health Noise/Nuisances have been consulted on this proposal and have stated no objection..

(c)contamination risks on the site,

Based on the evidence submitted, it is considered that there is a potential for land contamination risk on site. Following consultation with the Council's Environmental Health officer, it was deemed that conditions should be included on any decision.

(d)floodings risks on the site,

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

Overall, it is considered that the proposal would not result in flood risk impacts.

(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 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”.

Based on the above guidance set out in the PPG, the LPA cannot consider sustainability and use it 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.

In my view, as with the vast majority of farm buildings, the barns are located within the countryside as opposed to an urban setting, although the application represents a sustainable use of an existing resource and is within a reasonably short walk of Sandon. The change of use of the barns will enhance the locality and will not give rise to any demonstrable harm and in this regard the proposal does not conflict with the provisions of the NPPF, which is supportive of the re-use of rural buildings in the countryside.

In my opinion, the proposed development would not result in:

An unacceptable impact upon the natural environment or the character of the area.
An unacceptable impact upon the amenity of present/future occupiers and neighbouring properties.

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

The planning statement proposes to retain and enhance the agricultural characteristics of the existing barn with regards to form and design. The planning statement makes the following comment in this respect:

“The chosen design provides a contemporary design solution. It purposely seeks to avoid a conventional domestic type of arrangement in fenestration terms, which often leads to bland uninspiring conversions under Class Q albeit that the proposals are constrained to the existing envelope of the building. The design and external treatment of fenestration ensures that the amenity afforded by the internal living space is of a very high standard and the resultant dwellings are in keeping with the agricultural character, form and massing of both the buildings. The buildings will be interesting, and modern, although only minimal changes are required externally to convert the agricultural building into a residential use.”.

(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.

Following the demolition of building 5, all habitable rooms would benefit from natural light. The proposal would comply with the above criterion.

4.4 Conclusion

4.4.1 The proposed conversion of the existing agricultural barn to provide 7 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.

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 the first commencement of the development hereby permitted a plan of cycle parking should be submitted in accordance with (Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020) and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme 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)

3. Prior to the first commencement of the development hereby permitted, a plan for an on-site bin/refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

4. Prior to the commencement of the development hereby permitted a plan should be submitted which shows vehicle parking details (2.5 x 5.0 meters in accordance with the HCC's Place & Movement Planning Design Guidance (P&MPDG-2023) and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle and vehicle 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)

5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of: Access arrangements to the site.

Reason: To ensure highway safety

6. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
 - o A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
 - o A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
 - o A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

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

7. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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

8. Prior to occupation, each of the 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.

Informative/s:

1. 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.
2. 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.
3. 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.
4. EH Informative
EV Charging Point Specification:

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.

1) 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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 13 February 2025	