

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01733/PNQ	Conversion of former Poultry building into 3 residential dwellings with all associated building works.	Woodcotes Fears Green Sandon Buntingford Hertfordshire SG9 0QZ

Submitted Plan Nos

220230-PL-001 220230-PL-002 220230-PL-010 220230-PL-030 220230-PL-100 220230-PL-300

1.0 Policies

2.0 **Site History**

2.1 **None**

3.0 **Representations**

3.1 Kelshall Parish Council – No comments received

3.3 **HCC Highways** – *The Highway Authority under the current submission cannot support the proposals due to the application has failed to demonstrate a satisfactory policy and design-led approach to the accessibility of the proposed development contrary to Hertfordshire's Local Transport Plan (LTP4) policies 5 and 6 and also contrary to the principles of sustainable development contained in the NPPF.*

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)** – The Environmental Protection and Housing Team have no objections to the proposals in relation to noise and other nuisances.

3.7 **Environmental Agency** – None received.

3.8 **Waste and Recycling** – No objection. General advice given

3.8 **North Herts Ecologist: Comments**

Having read the submitted Preliminary Ecological Appraisal (PEA) it is evident the poultry building (B1) was identified as being occupied by two barn owls. Nesting adults and dependent young are legally protected against disturbance and the PEA makes recommendations to ensure works to the barn can proceed lawfully. The applicant is advised to follow the recommendations as set out in the report.

A bat survey report was also provided and whilst the bat surveys of the buildings revealed no evidence of bat roosts, the surveys do not preclude the potential roosts of bats at other times of the year. The applicant is advised during the proposed works to the buildings, should bats or evidence of roosting bats be found, works to the buildings should cease immediately and Natural England be contacted for advice.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

4.1.1 The application site is a farm building and associated hard standing area at Kirby Manor farm, which lies at the north end of Ashwell on the east side of Northfield Road. The site is within the Rural Area Beyond the Green Belt as per the Local Plan. The building in question is a concrete framed structure with concrete block infills and fibre-cement cladding, and a clad roof. The building measures 33.4m wide and 23.5m long. The building has 2 lean-to structures, on the south and east sides and is partly open on

the west and north elevations. The building is part of a larger agricultural land holding and is set back from Northfield Road behind disused agricultural sheds, originally pigsties, at a distance of 55m. To the south-west is Kirby Manor Farmhouse, a two-storey dwelling in separate ownership, and to the west is the smaller Kirby Cottage on the other side of Highfield Road, which is owned by the applicant.

4.2 Proposal

- 4.2.1 The Prior Approval of the Local Planning Authority is sought for the conversion of former Poultry building into 3 residential dwellings with all associated building works, under Class Q, Part 3 of Schedule 2 of the General Permitted Development Order as amended.
- 4.2.2 The building, when converted into three dwellings will contain three near identical layouts, with the main front entrance leading into the open plan living room/kitchen/diner area off which is a hallway to a toilet, leading on to 4 bedrooms and two en suite bathrooms. The three units mirror one another. The building is to be treated sensitively with existing external materials to be retained and improved where necessary. Sufficient space exists on the site to provide a discreet curtilage in compliance with the size constraints set down by Class Q.

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 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, 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 20th March 2013. Therefore, the proposal complies with this criterion.

(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 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 3 dwellings with a Gross Internal Floor Area of 155 square metres, well below the overall 865 square metre threshold for larger dwellings and in line with the 465 square metres requirement for Class Q. As such, the proposal complies with this criterion.

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

No dwelling with floor space more than 465sqm is proposed. Therefore, the proposal complies with the above criterion.

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

N/A

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

N/A

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The proposed large dwelling houses have floor areas of 155 sqm and the cumulative number of dwelling houses (large and small) is 3. None of the large dwelling houses has a floor area exceeding 465sqm and the cumulative number of dwelling houses does not exceed 5. Therefore, 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 supporting information states that the site is not occupied under an agricultural tenancy and no such agricultural tenancies have been terminated within the past 12 months in compliance with part (e) & (f). Therefore, 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;**

As above. Therefore, the proposal complies with this criterion.

(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—

**(i)since 20th March 2013; or
(ii)where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;**

The supporting information states 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 since 20th March 2013. Therefore, the proposed development complies with this criterion.

(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;

Based on the plans submitted and as stated within the planning statement, no proposed external dimensions would extend beyond the existing external dimensions. The proposal therefore complies with this criterion.

(i)the development under Class Q(b) 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**

The planning statement states the following “the development is compliant in that it will not consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls or, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house”

Based on the information provided within the planning statement and the proposed plans, it is considered that the proposal would comply with the above criterion.

(ii)partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

As above. The proposal would comply with the above criterion.

(j)the site is on article 2(3) land;

The site is not on article 2(3) land. The proposal complies with the above criterion.

(k)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 does not form part of any of the aforementioned designations. Therefore, the proposal complies with the above criterion.

(l)the site is, or contains, a scheduled monument; or

The proposal complies with the above criterion.

(m)the building is a listed building.

The proposal complies with the above criterion.

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, formally stating that they object to the proposal on the grounds that the site is not in a sustainable location such that the future occupants would be solely reliant on private vehicles for journeys. The Highway Authority did not raise any concerns in respect of the single lane nature of Northfield Road, potential safety concerns, or the use of the lane by pedestrians/cyclists, which many interested parties have stated in their representations. Following receipt of this formal response, the LPA contacted the Highway Authority to make them aware of the PPG guidance on considering 'sustainability' for PNQ applications (to be considered in detail under Condition e). As such, the Highway Authority took the guidance on board and provided the following condition should Prior Approval be given:

"Prior to first occupation of the development the access road shall be of a bound material for the first 5m into the site to prevent extraneous material spilling onto the carriageway

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)".

This is a reasonable condition in my view given the existing state of the hardstanding at the site. Therefore, whilst the concerns of the Highway Authority are acknowledged in respect of 'sustainability' which will be considered later in this report, 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.

Moreover, it is considered that the proposed access road of Northfield Road, including a turning area, and the provision of 8 parking spaces (2 per dwelling) and 2 visitor spaces, 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 a Phase 1 report would be required should be enforced via condition.

(d)flooding 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”.

With respect to the formal comment received from the Highway Authority, 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.

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

- 4.4.1 The proposed conversion of the existing agricultural barn to provide 3 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 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. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a view to determining the presence of contamination likely to be harmful to human health, and the built and natural environment.
(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
(ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:
(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to, and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

3. 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.

4. 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. 1) 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.

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. Doors to bin stores should be sufficient in width to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.
- Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available.
- Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.
- Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.
- Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.
- We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor.
- Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.
- For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.
- Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.
- Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.
- Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.
- Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

Further general advice on waste provision for developments is available on our website: <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>

The bin requirements stated there are specific to North Herts, but the rest of the advice is general.

3. In regards to the submitted Preliminary Ecological Appraisal (PEA) it is evident the poultry building (B1) was identified as being occupied by two barn owls. Nesting adults and dependent young are legally protected against disturbance and the PEA makes recommendations to ensure works to the barn can proceed lawfully. The applicant is advised to follow the recommendations as set out in the report.
4. The applicant is advised during the proposed works to the buildings, should bats or evidence of roosting bats be found, works to the buildings should cease immediately and Natural England be contacted for advice.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 25 September 2024	