

Your ref:
Our ref: SHN/LJN/JB58588
DD: 07932 699 707
E: Louise.Newton@bidwells.co.uk
Date: 12th July 2023

Planning and Development Control
East Herts District Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Dear Sirs

CHANGE OF USE OF AN AGRICULTURAL BUILDINGS KNOWN AS 'BARN 1 AND 2' TO 4NO. DWELLINGS UNDER PART 3 CLASS Q OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) AT GAYLORS FARM BARN, CHERRY GREEN LANE, WESTMILL, HERTS SG9 9LD

We enclose a Prior Notification under Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of buildings and land within their curtilage from agriculture to 1no dwelling house.

This submission relates to two buildings that have previously been assessed and approved under Class Q (application references 3/22/1914/ARPN and 3/22/1915/ARPN). The applications were approved in October 2022, with no changes having taken place at the site since their approval. Please note that no works have commenced.

Following approval of the previous applications, the applicant has considered the best use of the buildings at the property. As such, this revised proposal under Class Q simply seeks to rearrange the internal layout of both buildings, with Barn 1 to provide 3.no dwellinghouses and Barn 2 to provide 1.no dwellinghouse. The overall number of units remains unchanged, and the external designs are subject to only minor alterations compared with the approved conversions.

As no changes of use have occurred and works have not commenced, the full quota of floor area remains available to utilise at Gaylors Farm.

1 The Established Agricultural Unit

The agricultural building subject of this proposal is located on the western periphery of Westmill village, due south of the town of Buntingford. It has, until recently, been occupied under a Farm Business Tenancy but is no longer required by the tenant. Letters from the tenant, are enclosed with this submission to confirm this.

The site formed part of an Established Agricultural Unit on 20th March 2013, and 10 years prior to the date of this application, as required by Class Q criteria, and remains in agricultural use to present day. The trading name of the Established Agricultural Unit as at 20th March 2013 was Gaylors Farm Partnership.

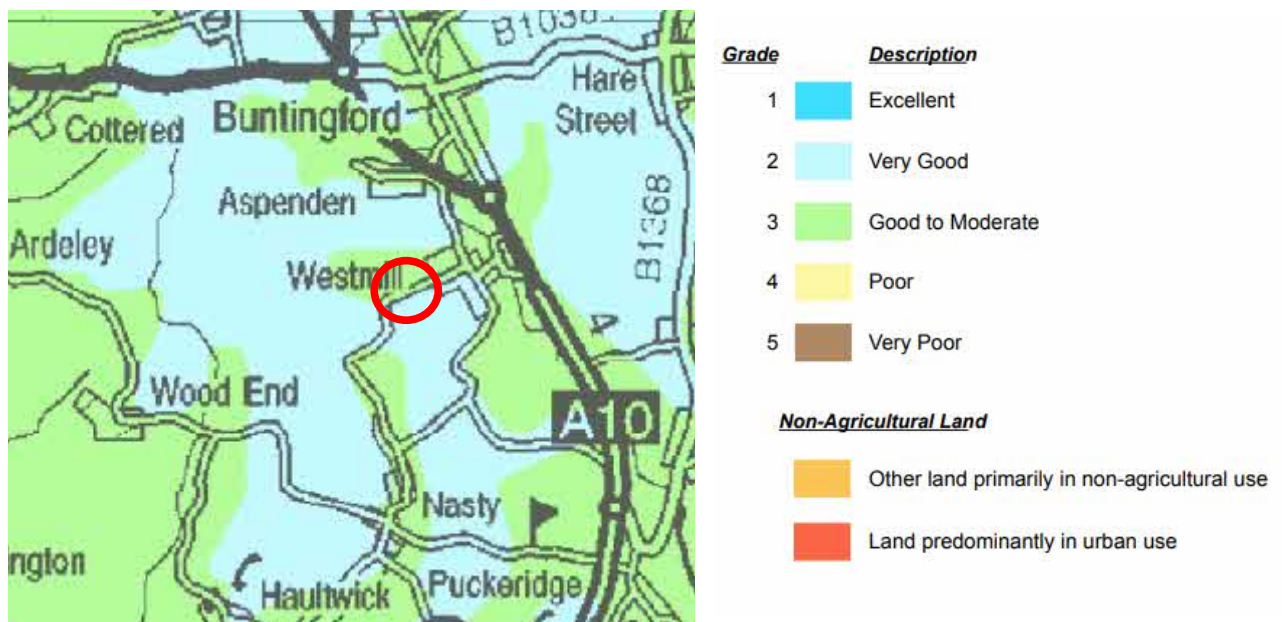
On the 20th March 2013, and 10 years prior to the date of this application, the buildings subject of this proposal were clearly part of an Established Agricultural Unit, as evidenced within this statement. It has remained in agricultural use since this date, although its ownership has changed. Various planning applications have taken place at the site since 20th March 2013 and it has consistently been acknowledged by the Council that this is an agricultural site, having only ever been used for agricultural purposes, including in the recent determination of 3/22/1914/ARPN and 3/22/1915/ARPN. This has also been noted by consultees (including neighbours) in responses to other applications at the site. Appendix 2 details a schedule of historic aerial imagery, which shows the consistent use of the site and the Established Agricultural Unit for agricultural purposes.

As at 20th March 2013, and 10 years prior to the date of submission, the Established Agricultural Unit extended to 50.15 hectares (123.92 acres), or thereabouts and had been farmed as a trade/business for many years. A Farm Plan is enclosed within the application documents, which shows the extent of the farm at the relevant date.

The Established Agricultural Unit is primarily an arable farm, with land farmed in a typical arable cropping rotation. This consisted of winter wheat, spring barley and a break crop, which could be oilseed rape or field beans. Such a rotation allows for a farm to bring to market a diverse range of crops to help diversify income streams and risk, as well as improving soil health, with evidence of crop sales enclosed in Appendix 1.

Gaylors Farm is comprised of a mixture of Grade 2 and 3 soils, as evidenced on the below map.

1:250 000 Series Agricultural Land Classification (Eastern Region)



These are good quality soils, which are well suited to arable crop production. Crops such as winter wheat, a staple of the modern arable rotation, can be expected to produce 7.5 tonnes per hectare during a standard UK farming season. Across the Established Agricultural Unit, if the whole farm was laid to winter wheat, this would produce 376.125 tonnes. To provide context, milling wheat is currently being sold at £197/tonne, producing a total income for the Established Agricultural Unit

of £74,069. It is clear that the Established Agricultural Unit was a productive and commercial farming enterprise.

Notwithstanding the above, we refer to a statement made by Martin Goodhall, Planning Lawyer, as to how the legislation should be interpreted: "*The farming enterprise may not necessarily be profitable but must be commercial in nature. Unlike the standard agricultural occupancy condition, this does not imply that the agricultural holding must be the sole or main source of income for the user*". In this case, the site was clearly 'commercial' in nature. A significant volume of arable crops are produced on the land and then sold by Gaylors Farm Partnership as part of the trading business.

The buildings subject of these proposals historically played a key role in the arable production at the farm. However, due to their more traditional construction and restricted height, they are no longer suitable for modern agricultural machinery so have been used to a lesser extent in recent years, instead providing miscellaneous agricultural storage.

A schedule of aerial imagery from 2000 – present day is enclosed within Appendix 2, which clearly shows that the Established Agricultural Unit and the buildings themselves have been consistently used for the production of arable crops and agricultural purposes. Furthermore, evidence of crop sales is enclosed in Appendix 1.

Growing a range of crops helps to encourage soil health and structure. This is due to different crops requiring a varied range of nutrients for growth. Often break crops, such as field beans, will return essential nutrients, like nitrogen, back to soil. The importance of soil health and fertility is evidenced by the Soil Protection Review (2010) undertaken by Gaylors Farm Partnership for the benefit of the trading agricultural business, attachments included in Appendix 1.

A variety of livestock operations also historically utilised the land and buildings within the Established Agricultural Unit. These included sheep, cattle, turkey and pigs. The inclusion of livestock within an arable rotation is a well-established agricultural practice, which helps to reintroduce essential nutrients back into soil whilst diversifying the farm's income streams.

The Established Agricultural Unit was farmed in hand by a local family (the How family) for many decades, before being contracted by a number of local farm contractors, including Scott & Scott, of Buntingford. Although the land had some farming operations carried out on it on a contractual basis, it remained under the control and ownership of the How family, and continued to be operated as a single, Established Agricultural Unit, trading as Gaylors Farm Partnership. This is a standard practice in modern agriculture, as an increasing need for greater economies of scale relies upon ever larger machinery. Evidence of the historic and continuing agricultural activities of the How family and Gaylors Farm Partnership are enclosed in Appendix 1. A Statement of Truth provided by the How family is enclosed in Appendix 4, which verifies their agricultural activities and confirms the use of the site for agricultural purposes as a trading business.

The buildings subject of this Prior Approval were constructed in the 1960s, alongside a new farmhouse and other agricultural buildings at the site. These formed the essential centre of the Established Agricultural Unit of Gaylors Farm Partnership and were the primary area of covered storage for the farm for a significant number of generations.

Covered storage is essential for any farming business. For a primarily arable farm, this is for machinery and grain storage, as well as hay and straw. For machinery storage, this space must be a dry, covered and secure environment in order to prevent rust, increase the working lifespan of the machinery and to prevent the theft or vandalism of the machinery. The cost of machinery is substantial so the potential of increasing the operational lifespan of agricultural machinery provides a significant economic benefit to the farm business.

Due to the history of the buildings as livestock housing, they are not suited for grain storage, as they do not have grain walling or drying facilities. The restricted height of Barn 1 is also insufficient for tipping grain trailers. Hay and straw was stored in the buildings however and this practice was continued by the recent tenant.

As modern agricultural practices developed, and economies of scale became increasingly prevalent, these buildings fell out of regular use, although they were still used for miscellaneous sundry agricultural storage. They have never been used for any non-agricultural purposes and have always retained their agricultural use class.

The applicant has continued to use the building for agricultural purposes since the change of ownership. During this time, it has predominantly been used for hay and straw storage, but is no longer required for this purpose.

On 20th March 2013, the building was still under the previous ownership. Livestock production and housing had ended at the site but farming still continued at the Established Agricultural Unit of Gaylors Farm. Planning Appeal reference APP/C3105/W/15/3033700 confirms that even if a site is not being regularly used for agricultural purposes on 20th March 2013, then if its last established use was agricultural, then it will fulfil the requirements of Class Q.

The Officer's Report for 3/22/1914/ARPN and 3/22/1915/ARPN gave the following agricultural synopsis:

"Having assessed the planning history of the site, together with the information provided with the application, it is considered that on the balance of probabilities, the barn was used for agriculture and for the purposes of a trade or business. As such it is considered that the barn represents 'agricultural buildings' for the purposes of permitted development"

It is important to note that both barns fall within the same Established Agricultural Unit. As such, it has been shown that East Herts are satisfied of the agricultural use and operation of the site, and this should not be a point of contention for this submission.

2 The Buildings

The buildings subject of this proposal are known as Barn 1 and Barn 2.

Barn 1 is of timber portal frame construction, with lower level blockwork walls and corrugated metal sheet cladding above. It is a single storey building, having historically been used for piggeries, although there is ample height to offer suitable living accommodation when converted. The recent tenant has used this area for hay and sundry agricultural equipment storage, although it was previously used for livestock. This building has been assessed as being sound and capable of conversion without rebuilding.

Barn 2 is constructed with a substantial timber frame. It is clad with dwarf brick walls and metal cladding on three sides. Internally metal sheets have been installed to divide the space into three storage areas, which will form the basis of the three proposed dwellings. The timber frame is of good condition without significant rot or weather damage and provides a suitable base for the structure of a conversion. The building has been assessed to be sound and capable of conversion, utilising existing material, roof, cladding and structure. The works required to facilitate the version will not exceed those permitted under Class Q.

They are typical agricultural buildings for the surrounding area of East Hertfordshire, a significant number of which have been successfully converted under Class Q. Planning appeal reference APP/P4415/W/18/3199988 confirms that buildings with internal timber framing can be successfully converted utilising Class Q.

The buildings are both in good condition and have been well maintained by the applicant and previous owners. They are structurally sound, as referenced in the enclosed structural report by RWA Consulting, and are physically capable of conversion.

For Barn 1, the timber framing will be the foundation structure of the residential dwelling, and existing materials will be retained wherever possible. The building will be subdivided to provide 3no. dwellings, which will have no impact on the structural integrity. Barn 1 will retain the combination of metal sheeting and blockwork elevations, largely utilising the existing materials. Some minor additional cladding will be introduced to the building at the lower levels, but the blockwork will be retained within the structure. This will be in line with the existing variety of cladding on the building as current. The roof will be clad in metal sheeting, as existing. With windows and doors installed, there will be appropriate amenity value for any inhabitants without the requirement for rebuilding. The building will be converted to provide a single larger dwelling.

Barn 2 will have glass windows installed along the building's south elevation (which is currently open) to help bring light into the dwelling. Timber cladding will form the other elevations, whilst the roof will be clad in metal sheeting (as existing). This will give a modern, yet agriculturally-inspired design which helps to create a residential dwelling with appropriate amenity value for its inhabitants.

In the case of both buildings, the external elevations remain largely unchanged compared with those previously approved, with the extent of work required being entirely comparable.

The extent of works required is reasonably necessary for the buildings to function as dwellinghouses and amounts to conversion only. This is evidenced in the accompanying structural survey, which has been prepared directly in relation to the proposed plans and elevations.

The proposal also confirms the partial demolition of a pole barn, which sits between Barn 1 and Barn 2.

The buildings are of sufficient distance from any other buildings or agricultural practices on the Established Agricultural Unit to ensure a high level of amenity and privacy for future residents.

The applicant refers to the judgement in Basil's Farm, Cow Lane, Denver, Norfolk (Appeal Ref: APP/V2635/W/15/3005409). This appeal was dismissed for reasons relating to the established agricultural unit test, but the appeal inspector found that cladding would not materially alter the building:

"The application form states that the building would be cladded although there are few details before me, including on the submitted plans, on what form this would take. The recent revisions to the PPG1 on Class Q clarify that replacement windows, doors, roofs and exterior walls fall within the ambit of what should be permitted. I have considered the Council's submissions that the building is structurally unsound but I have very little persuasive evidence that the building requires structural interventions to function as a dwelling house. Whilst cladding added onto the existing external walls would result in a building which extends beyond its existing external

*dimensions, the net difference to the footprint from cladding would be negligible. Additionally, the cladding would be unlikely to extend beyond the existing roof overhang at the eaves level and as such the re-cladded building would be generally contained within the envelope of the original building. I therefore find that **external cladding in this specific case would not contravene the limitation at paragraph Q.1(g) and would accord with the intention of Class Q to re-use suitable rural buildings, which includes for the replacement of exterior walls.***

As such, the applicant firmly believes that the proposed design for the building falls well within the remit of a Class Q Prior Approval.

The applicant is aware of the determination made in *Hibbitt v Secretary of State for Communities and Local Government* [2016] which clarified the position of ‘conversion’ under Class Q. The building is clearly suitable for conversion and are structurally capable of this, as evidenced in the accompanying structural survey.

Planning appeal reference APP/K1128/W/18/3199823 details that if the existing structure is of substantial construction and capable of taking works necessary for conversion, then it will fulfil the conversion requirement of Class Q. The enclosed structural survey details that the building is of substantial construction. The report concluded *“the main structural elements of the building represent a permanent and substantial construction and can be retained allowing for residential purposes without demolition or major reconstruction of the main structural components.”*

It is clear the buildings are well positioned, is suitable of conversion and will make suitable dwellings. This is further evidenced by the supporting appeal decisions referenced above, as well as the recent approvals for very similar schemes in relation to both buildings. As such, the proposal fulfils all necessary requirements of substantial construction and ability to be converted under Class Q. Additional supporting appeal information is provided in the table below and in Section 6 of this statement.

3 Class Q Criteria

We confirm that the proposal accords with the requirements of Class Q, as demonstrated in the table below:

DEVELOPMENT NOT PERMITTED.	
Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE—	
(a) the site was not used solely for an agricultural use, as part of an established agricultural unit— (i) on 20th March 2013; (ii) if the site was not in use on that date, when it was last in use; or (iii) if the site was brought into use after that date, for ten years before the date the development begins;	The site has been used solely for agricultural use as part of an established agricultural unit for many years and was in agricultural use on the 20th March 2013, as well as 10 years prior to the date of submission. This is confirmed in the officer’s report of both 3/22/1914/ARPN and 3/22/1915/ARPN. Here the Officer also confirmed : <i>“From the available information it appears that the barn was last in use for agriculture, as part of an established agricultural unit, and selling off part of the agricultural holding doesn’t change the historical use of the land”</i> .
(b) in the case of— (i) a larger dwellinghouse, within an established agricultural unit—	This application proposes 2.no larger dwellinghouses (as well as 2.no smaller dwellinghouses).

DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE—	
(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;	The cumulative floor space of the existing buildings changing use to larger dwellinghouses is 465 sqm.
(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 (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;	There are 2no. smaller dwellinghouses proposed, with the floor space of each of the separate smaller dwellinghouses proposed being 100sqm.
(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;	This proposal is for 4no. dwellinghouses. Whilst Class Q prior approvals have previously been granted in relation to the buildings, these approvals have not been commenced. As such, no development has previously taken place under Class Q within the established agricultural unit. The cumulative proposed development under Class Q within the established agricultural unit will comprise two larger dwellinghouses with a cumulative floor space of 465 sqm, and two smaller dwellinghouses, each with a floor area of 100sqm. The cumulative number of separate dwellinghouses will be four.
(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;	There are no agricultural tenancies currently at the site.
(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 has not been subject to an agricultural tenancy within the last 12 months. A previous agreement with a former tenant terminated before July 2022, therefore, no previous tenancies have been terminated within the last year.
(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	Development under Class A(a) or Class B(a) of Part 6 has not been carried out on the established agricultural unit since 20th March 2013 or 10 years prior to the date of submission. A plan of the farm as at 20 th March 2013 (and 10 year's prior to the date of submission) accompanies this application. We have undertaken a search using

DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE—	
<p>which is 10 years before the date development under Class Q begins;</p>	<p>the East Herts map search facility and confirm that no applications under Class A(a) or Class B(a) have been identified anywhere on the agricultural unit within this time.</p>
<p>(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;”;</p>	<p>The proposed dwelling will not result in external dimensions of the buildings extending beyond the existing dimensions of the buildings, as demonstrated in the accompanying plans.</p>
<p>(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 (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);</p>	<p>The development will not comprise building operations other than those allowed by Class Q.</p> <p>The existing building is structurally strong enough to take the loading of conversion works required to provide for the proposed residential use. The structural report by RWA Consulting confirms that the timber frame is in good condition and structurally sound.</p> <p>The report concludes <i>“the main structural elements of the building represent a permanent and substantial construction and can be retained allowing for residential purposes without demolition or major reconstruction of the main structural components.”</i></p> <p>The development will not comprise building operations other than those allowed by Class Q.</p> <p>The applicant is willing to accept a condition in relation to materials.</p> <p>The proposed works will facilitate the conversion of the building which is suitable for conversion to residential use and do not exceed those works permissible under Class Q.</p> <p>Internal operations proposed will include an upgrade to the thermal performance of the building fabric to meet or exceed current building regulations and insertion of dividing walls etc., none of which is regarded as ‘development’ and are therefore permissible under Class Q.</p> <p>The existing building is structurally strong enough to take the loading of conversion works required to provide for the proposed residential use without rebuilding.</p> <p>The extent of works required has been considered extensively. The work forming part of this proposal is significantly less than that approved under the following appeal:</p>

DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE—	
	<p>Appeal Ref: APP/L3245/W/18/3216271 Barn East of Northwood Villa, Ellesmere Lane, Northwood, Ellesmere, Shropshire SY12 0LU</p> <p>The Inspector states:</p> <p><i>“I acknowledge the Council’s argument that the building is utilitarian and designed for housing cattle. That is the case for many agricultural buildings. The building is single-skin and therefore it is not unreasonable for works to be carried out to make the building weatherproof. The GPDO recognises this by allowing works to such buildings in order to convert them into dwellings. The Council also state that the building is not capable of functioning as a dwelling in its current state. However, it need not be. The GPDO permits reasonably necessary works to enable the building to function as a dwelling.</i></p> <p><i>The proposal would involve the creation of the internal walls and the replacement of approximately 50% of the existing walls, which would be facilitated by the installation of a non-structural timber frame. I do not consider that these works go beyond what is reasonably necessary for the conversion of the building.</i></p> <p><i>I find therefore that the appeal building is capable of conversion and the proposal would only consist of building operations reasonably necessary for the building to function as a dwellinghouse and therefore does not conflict with Class Q.1 (i)(i) of the GPDO.”</i></p> <p>Appeal Allowed - Decision date: 10th April 2019</p> <p>Some cladding works are proposed, which are again established as permissible at appeal level. The applicant refers to the judgement in Basil’s Farm, Cow Lane, Denver, Norfolk (Appeal Ref: APP/V2635/W/15/3005409). Here, the appeal inspector found that cladding would not materially alter the building.</p> <p>In both previous applications, the Officer’s Report states: <i>“It is considered that the works involved in the proposed conversion would be reasonably necessary, within the parameters of Class Q(b).”</i></p>
(j) the site is on article 2(3) land;	The site is not on article 2(3) land.
(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 is not and does not form part of a site of special scientific interest, a safety hazard or a military explosives storage area.

DEVELOPMENT NOT PERMITTED. Q.1 DEVELOPMENT IS NOT PERMITTED BY CLASS Q WHERE—	
(l) the site is, or contains, a scheduled monument;	The site is not and does not contain a scheduled monument.
(m) the building is a listed building.	The building is not listed.

4 Prior Notification

Prior Notification is sought to enact the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Q.2 – (1) Class Q development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to –

CONDITIONS	
(a) transport and highways impacts of the development,	<p>Highways – access to the site is via the existing agricultural access from Cherry Green Lane. The point of access is well established and is used regularly in conjunction with the use of the building.</p> <p>This access provides safe ingress and egress from the public highway.</p> <p>Under the National Planning Policy Framework (2021) Paragraph 111 states that <i>“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”</i></p> <p>Whilst the overall volume of traffic may be increased due to this development, the type of traffic using the site will change dramatically. Large agricultural machinery can be a significant hazard on the public road network. Personal vehicles for residential occupants will be significantly smaller and as such will have a reduced impact on the road network.</p> <p>As modern agriculture develops and economies of scale become more paramount, the size of agricultural machinery will only increase. This is not a trend which will be reversed or slowed. The access at Gaylors Farm Barns can cope with current agricultural machinery, but may struggle with future machinery sizes. Residential vehicles are naturally much smaller than farm machinery and do not face the same pressures to become larger, as with farm machinery. Moving forward, the difference in size will only increase.</p> <p>There is sufficient space within the site access to ensure that there will never be a situation of vehicles waiting on the road whilst others enter or leave the site. The access road is of sufficient width for residential vehicles to pass</p>

CONDITIONS	
	<p>each other. Furthermore, being a short, straight section of road, there is also sufficient visibility from one end to the other for the safe passage of vehicles.</p> <p>Appropriate parking has been allowed for within the curtilage to the rear of each of the proposed dwellings. All parking provisions meet the standards set out within East Hertfordshire Council's (EHC) Vehicle Parking Standards Supplementary Planning Document (SPD). Ample turning space is available within the site for all vehicles to enter and leave in forward gear</p> <p>Overall, the small increase in traffic numbers is easily an acceptable change from the current situation of large agricultural machinery regularly accessing the site and utilising the public highways for travel.</p> <p>Public Transport – there is accessible bus services running through the village of Westmill. From here, easy access can be gained to the nearby conurbations of Stevenage, Royston and Bishop's Stortford.</p> <p>The applicant wishes to note that as per the decision in <i>East Herts v Secretary of State</i> (2017) that a location outside of a village or community, does not give sufficient grounds for refusal.</p> <p>The applicant wishes to draw attention to the Highways comments provided during the determination period of the previous applications. Here, the Highways Officer confirmed that Highways did not wish to restrict the approval of the applications. Given that this proposal is again for the conversion of Barn 1 and Barn 2 to create 4 dwellings, this comment should be treated as valid and appropriate. It is therefore confirmed that the proposal meets highways requirements.</p> <p>The Officer's Report previously found: "<i>it is not considered that the proposal would result in a severe impact on the local highway network, nor would there be harm to highways safety</i>".</p> <p>In relation to Barn 2, the Officer noted: "<i>The application indicates that an existing barn to the west of the site would be demolished. A separate planning application would be required for the creation of a drive/road leading to Barn 2. This is a matter which falls outside of the prior approval process and the non-provision of a drive leading to the parking spaces at this stage would not amount to a reason for refusal for this application.</i>" In this regard, the proposals remain unchanged.</p>
(b) noise impacts of the development,	There will be no significant noise impacts on the local area as a result of the change of use of the buildings during the development or after completion.

CONDITIONS	
	<p>The proposed dwellings are of sufficient distance from the remaining agricultural unit that any residential dweller's amenity will not be impacted.</p> <p>Environmental Health's comment on previous submissions did not raise specific concerns with noise impact of the proposal, although a condition was proposed, which the applicant would be happy to retain for this proposal. The Planning Officer found this to be reasonable and acceptable.</p>
(c) contamination risks on the site,	<p>The applicant is not aware of any contamination risks on the site. No concerns were raised by consultees or the Planning Officer during the previous application in relation to the buildings, subject to an appropriate condition. The Applicant is willing to accept the same condition, which is considered reasonable and acceptable.</p>
(d) flooding risks on the site,	<p>The Environment Agency Flood Map for Planning (Rivers and Seas) does not indicate that the site is at any risk of flooding. This is evidenced in Appendix 3.</p> <p>It is not proposed to increase the level of hard standing on the site and it is not considered that there will be any impact on potential flooding risks from the proposal. Indeed, an existing pole barn to the east of Barn 1 will be demolished, which will reduce the extent of impermeable surface area at the site and therefore reduce surface water runoff and improve permeability/infiltration. This provide an overall benefit in terms of flood risk.</p> <p>No concerns were raised by consultees or the Planning Officer during the previous application in relation to this building.</p> <p>Again, compliance with this criteria was confirmed in the Officer's report: "<i>the site is not within a flood zone and therefore the proposed dwelling would not be an unacceptable risk of flooding</i>".</p>
(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, and the provisions of paragraph N of this Part shall apply in relation to any such application, and	<p>We consider that the location of the building is desirable for a dwelling, with close links to public transport.</p> <p>The village of Westmill is well served by a range of amenities, including a public house, tearoom and church.</p> <p>The site is currently underused. The conversion of the building for residential use will result in the area being well maintained, and ultimately deliver a more attractive site.</p> <p>The Planning Practice Guidance, specifically states that "<i>The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as</i></p>

CONDITIONS	
	<p><i>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.</i> The sustainability of the location is therefore not applicable.</p> <p>This decision was validated by the decision in <i>East Herts v Secretary of State</i> (2017) as described above.</p> <p>The officers report for both previous applications also confirms the following with regard to the location: <i>“The proposal would be accessible from the access road within the wider site, and therefore would not be in an impractical location. It is not considered that the proposed dwelling could be viewed as being in a harmful or objectionable location and would fit within the rural grain of development within the area.”</i></p>
(f) the design or external appearance of the building.	<p>The proposed plans and elevations of the building are enclosed with this prior notification. The design is in keeping with the character of the building and its surroundings. It is considered that the proposed conversion will enhance the Site and the surrounding countryside.</p> <p>The design remains largely unchanged, which has previously been found to be acceptable.</p> <p>As before, all the habitable rooms would benefit from at least one window or opening offering uninterrupted outlook. Consequently, it is considered that adequate natural light would be provided into the habitable spaces of the proposed dwellings.</p>
(2) Where the development is proposed under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local authority for a determination as to whether prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to € and the provisions of paragraph W (prior approval) of this Part in relation to that application.	<p>The applicant hereby applies to the Local Authority for a determination as to whether prior approval of the authority will be required.</p>
(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.	<p>The development will be completed within 3 years of prior approval being granted.</p>

5 Relevant Appeal Decisions

In addition to the appeal decisions referenced throughout this report, additional supporting appeals should be considered.

In the preparation of this application, we have considered a number of relevant planning appeal decisions comparable to the proposals at this site. The proposal has been developed and designed in accordance with these appeal decisions and as such adheres to the conditions required for a successful Class Q Prior Approval decision.

As is well known, the determination made in *Hibbitt v Secretary of State for Communities and Local Government* [2016] clarified the position of 'conversion' under Class Q. Planning appeal reference APP/P4415/W/18/3199988 confirms that buildings with internal timber framing can be successfully converted utilising Class Q. The buildings are of substantial construction and this is validated by the enclosed structural report, as well as previous assessments of the site. They are clearly capable of conversion and would not require rebuilding.

6 Ecology

A Preliminary Ecological Appraisal has been undertaken by Denny Ecology, which accompanies this application. The report found the site and building to be of "*low ecological importance*". Minimal recommendations were made within the report, which equate to best practice working standards when undertaking works on the site.

The applicant is willing to accept a condition ensuring compliance with all recommendations set out within the report.

7 Summary

The proposal relates to agricultural buildings forming part of the Established Agricultural Unit known as Gaylors Farm. The buildings and proposed conversion works have been assessed with regard to all relevant criteria set out under Class Q. Additional independent assessments relating to highways, structure and ecology have also been conducted.

All relevant third party professional consultants engaged in this project have been supportive of the proposal, and have not identified any reason why a Class Q Prior Approval should not be successful. The buildings have also been previously assessed and approved for conversion under Class Q, with very minimal changes proposed in the resubmission.

It is clear from the information contained within this letter, as well as the accompanying supporting documents, that the proposal fully complies with the requirements of Class Q. Furthermore, when reviewed in context with the previous submissions for the site, it is clear that East Herts view the proposal as reasonable and acceptable for a Class Q submission. All consultees for the previous submissions were of this opinion, and so this resubmission should be accepted.

8 Prior Notification Documents

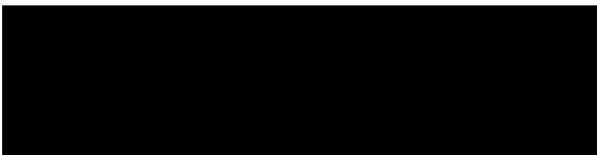
The prior notification comprises the following documents:

REFERENCE	DOCUMENT TITLE
	Application Form
SHN/LJN/JB58588	Covering Letter and Statement (including agricultural evidence)
GF_PL_001_B	Site Location Plan
Appendix 3	Environment Agency Flood Risk Map Extract
GF_PL_002_B	Site Plan
GF_PL_003_A	Barn 1 Existing Plans
GF_PL_004_A	Barn 2 Existing Plans
GF_PL_005_B	Barn 1 Proposed Plans
GF_PL_006_A	Barn 2 Proposed Plans
RMW/12855/letrep3A/19	Structural Survey
A55747 (See Appendix 1)	Farm plan
0371.01	Preliminary Ecological Appraisal

We enclose all of the above documents along with payment for £206.00, being the requisite planning fee.

If you require any further information or if you would like to arrange a site visit, please do not hesitate to contact me by either telephone or email.

Yours faithfully



Louise Newton MRICS
Associate, Rural

Enclosures

APPENDIX 1

AGRICULTURAL EVIDENCE

Statement of Truth – Mr David How



STATEMENT OF TRUTH

OF

Mr David How

I, Mr David How of Ford Street Farm, 7 Ford Street, Braughing, Hertfordshire, SG11 2PN, do solemnly and sincerely declare that I believe the facts stated in this document are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

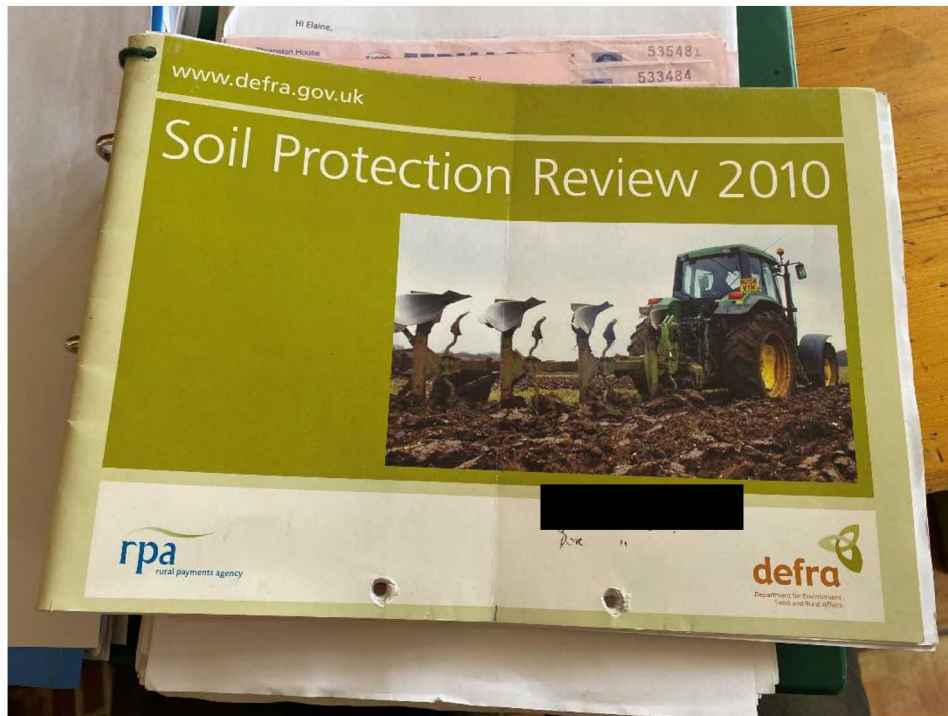
1. I confirm that the buildings known as Barn 1 and Barn 2 (as shown edged red in Appendix 1) formed part of the Established Agricultural Unit known as Gaylors Farm Partnership on 20th March 2013.
2. I confirm that as at 20th March 2013 Gaylors Farm Partnership was operational as a trading agricultural business.
3. Gaylors Farm Partnership has occupied the buildings for agricultural storage purposes until such time that the property was sold to the current owners. This included items such as hay, straw and machinery.
4. Since the sale of the property, I am aware that the buildings have continued to be used for agricultural storage, which I have been witness to.
5. I have been witness to the exclusive use of Barn 1 and Barn 2 for agricultural purposes from 1965 to present day.

Signed: 

Mr David How

Date: 20/08/21

Soil Protection Review



Soil Protection Review (SPR)

Part 1 Farm details

PART 1 – Farm Details – please enter your farm details as indicated below and sign.

Farm Name and Address: How Dy and J How T/A Gayles Farm, Pin.

CPH Number: 14/027/0024 18/037/0003

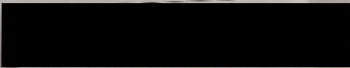
Single Business Identifier (SBI): 106800070 106616964

Farm size (ha): 50.15

Person preparing this review: C. CARTER FOR MRS J. HOW

Position: FARM ADVISOR

Person(s) responsible for implementing actions resulting from this review, if different from the above person:
J. S. How.

Signature: 

• The Soil Protection Review must be completed and updated by 31 December 2010 or by 31 December of the first year you have claimed, if that is a subsequent year. You must start completing Part 4 – Access to Waterlogged Land – from 1 January 2010 or from 1 January of the first year you have claimed, if that is a subsequent year.

• It is for you to keep this document on farm and review. You will be asked to show this to an Inspector on an inspection.

Cross Compliance Soil Protection Review

Hi Elaine,

Thrapston House

535484

533484

Rural Land Register (RLR) Information
 SBI - 106616964 Main CPH - 18/037/0003
 Gaylors Farm Partnership - Field Information Data Sheet

rpa

Map Sheet No.	Sheet ID	Parcel ID	CPH Number for the Land Parcel	English Region	Land Parcel Data			Permitted Ineligible Features ID	Description	Area (ha)
					Total Area (ha)	SPS Eligible Area (ha)	Permitted Ineligible Area (ha)			
Map 1 of 1	TL3626	3469	180370003	N	0.78	0.78	0.00			
	TL3626	3472	180370003	N	0.00	0.00	0.00			
	TL3626	3447	180370003	N	0.28	0.28	0.00			
	TL3626	3443	180370003	N	0.11	0.11	0.00			
	TL3627	3119	180370003	N	16.08	16.09	0.00			
TL3626	3278	180370003	N	23.86	23.88	0.00				
Totals					No. Of Parcels	Total Area (ha)	SPS Eligible Area (ha)			
Totals:					6	48.71	48.71			

Page A (1 of 1)

14/01/2013

Farmers own use - do not return

fed that it
of the

Sale of grain receipts

Eight Elms Farm
Arrington
Royston
Hertfordshire
SG8 0AQ
VAT No: 197683695

STANDEN FARMS
Tel/Fax: 01223 207275
Email: eightelms@btconnect.com

TASCC
TASCC NO: XY 498

TICKET NO: 8236 **21-2-19**

DRIVER: <i>Archie Sainsbury</i>		PREVIOUS THREE LOADS CARRIED:		
VEHICLE REG NUMBER	TRAILER ID NUMBER	PREVIOUS LOAD 1	PREVIOUS LOAD 2	PREVIOUS LOAD 3
<i>KX05 LUN</i>	<i>7945</i>	<i>1 L. Wheat</i>	<i>2 L. Wheat</i>	<i>3 L. Wheat</i>
		SWEPT <input checked="" type="checkbox"/>	SWEPT <input checked="" type="checkbox"/>	SWEPT <input checked="" type="checkbox"/>
		WASHED <input type="checkbox"/>	WASHED <input type="checkbox"/>	WASHED <input type="checkbox"/>
		STEAMED <input type="checkbox"/>	STEAMED <input type="checkbox"/>	STEAMED <input type="checkbox"/>
		SANITISED <input type="checkbox"/>	SANITISED <input type="checkbox"/>	SANITISED <input type="checkbox"/>
QUALITY CONTROL	This vehicle/trailer has been inspected and is clean and ready for loading. To be signed ONLY by the consignee or the loader. By (Signature) PRINT NAME			

COLLECTION	DATE	TIME ARRIVED	TIME DEPARTED
DESCRIPTION OF GOODS	FROM	COLLECTION REFERENCE	REQUESTED WEIGHT
<i>Grain Milling L. Wheat</i>	<i>D. New Gaylors Farm Westmill</i>	<i>P67912</i>	<i>7945</i>

DELIVERY	DATE	TIME ARRIVED	TIME DEPARTED
DESCRIPTION OF GOODS	TO	INTAKE REFERENCE	NET WEIGHT & TICKET NUMBER
<i>Grain Milling L. Wheat</i>	<i>L. NORTH BROS LTD Victoria Mill Westmill</i>	<i>W1209131 W1209132 S102 M-61191</i>	

ON ACCOUNT OF: *NORTH BROS LIMITED*

Received in good condition By (Signature)	PRINT NAME	DATE
--	------------	------

DISTRIBUTION White - Delivery Yellow - Office/POD Pink - Office/Records Blue - Collection


www.defra.gov.uk

DIGBY BROS. CONTRACTORS
RAMSEY HALL, RAMSEY
Nr HARWICH, ESSEX CO12 5LT
Tel: 01255 880245
Mobile: 07770 583531

No: 70781
TASCC: YY2703
Date: 110321

Quantity	Commodity	Variety	Reg. No.
	<i>WHEAT</i>		<i>GL 12 FZC</i>
			Trailer No. <i>DB7</i>
Collect ex.	Deliver to:	Comments	
<i>D 3 402 GAYLORS FARM WEST MILL</i>	<i>ROUGHAM</i>	<i>NC NWF</i>	
<i>SG 9 9LD</i>	<i>4502889478</i>	Vehicle Was Visually Inspected Prior To Loading	
Ref:	Ref:	By (Driver)	
Previous Loads	Swept	Washed	Sanitised
1. <i>WHEAT</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. <i>WHEAT</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. <i>PETS</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mastersheet - White. Collection - Pink. Delivery - Blue. Haulier - Yellow.			W/B Ticket No: Weight: Date:

Crop spraying plan



Spray Plan Report

Address: Ten Lloyd
 Mobile:
 Email: fm.hutchinson@hutchinson.co.uk
 NASS No.: 2013/548
 FACS No.: 0

Gaylors Farm Partnership, Cherry Green Farm, Westmill, Buntingford, SG9 9LD, United Kingdom

Plan No.: 95 Plan Date: 27/04/2017 Plan Name: fungicide

Field	Crop	Variety	Area (ha)	Treat Area (ha)	Growth Stage	Water Courses
Skimmers 1	W Field Beans		8	8	61: 10% of flowers open	
			Total	8		

Proposed App Date: EHD: 08/06/2017 (Based on Plan Date) **Comments:** dont spray when bees are foraging

Apply aquatic protection zone: A (5m)
 Please do not normally take into account any reduction in sprayable area due to a protection zone being observed. Please check treatment areas. All protection zones should be respected.

Product	Precautions	Rate/ha	Total	Total Used	Reasons	Full	Part
PHORCE (MRS381)		0.5 lts	4 lts		plant nutrition		
N, P205, 1000							
Headland Stern (MBS477)		1.25 lts	10 lts		manganese		
manganese							
Rover 500 (13498)	D B-B Ht42	2 lts	16 lts		Chocolate Spot		
Chlorothalonil							
Fury 10 EW (17255)	D B-A(5m) Ht14	150 ml	1200 ml		insecticide		
Zeta-cypermethrin							
Water (lts)		200 lts	1600 lts			0	

Water Vol. (lts / ha): 200 lts Spray Quality: Medium

Field	Date	Start	Finish	Speed	Dir.	Temp.	H%	Buffer	Nozzle
Skimmers 1									

Protective Equipment Worn: Coveralls Apron Face Shield/Goggles Gauntlets Boots Respirator


Operator Name: _____ Signed: _____

Key to Precautions: pr: protected crop, D: Special Disposal Procedure, refer to label, F: Following crop restriction, B: Apply Buffer Zone, Ht: Harvest Interval (in Days), REE: Re-Entry Interval (hours), GP: Grazing period, MAI: Minimum Application Interval (in days), EHD: Earliest Harvest Date. Always read product label before use and follow manufacturer's tank cleaning procedures. # indicates farmer plan. An EAMU is applied at the grower's own risk. HLHutchinson Ltd and group of companies accepts no liability, in contract or in tort or otherwise, for any loss or damage or personal injury arising directly or indirectly out of the putting into effect of any or all of the recommendations contained in this report (whether by reason of the negligence of HLHutchinson Ltd and group of companies, its agents or at all) other than for death or personal injury resulting from the negligence of HLHutchinson Ltd within the meaning of section 1 of the Unfair Contract Terms Act 1977.


P. PLAN 92
SPRAYED ON 14/4/17

Online registry of Gaylors Farm Partnership

Gaylors Farm



Tel: 01763271254



☆☆☆☆☆

Gaylors Farm
Gaylors Farm Cherry Green Lane
Westmill
Buntingford, Hertfordshire
SG9 9LD
United Kingdom

Tel: 01763271254
Fax: N/A

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About Gaylors Farm

<https://www.memberlinks.co.uk/gaylors-farm.html>

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Lower Farm, Buckland, Buntingford, Hertfordshire, SG9 0PS
01763 2... [Message now](#) [Review Now](#)
 - S J Hodge** Is this your business? Claim now!
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01279 7... [Review Now](#)
 - Wyld Farms** Is this your business? Claim now!
Great Hornead Hall, Hall Lane, Great Hornead, Buntingford, Hertfordshire, SG9 0NZ
01763 2... [Review Now](#)
 - Gaylors Farm** Is this your business? Claim now!
Cherry Green Lane, Westmill, Buntingford, Hertfordshire, SG9 9LD
01763 2... [Review Now](#)

<https://directory.leicesterm Mercury.co.uk/search/buntingford%2Chertfordshire/arable-farming>

<p>Landseer Frames</p> <p>Unit 1 39 High Street, Ware, SG12 9BA</p>
<p>Bridget B's Traditional Meats</p> <p>Sacombe Hill Farm, Hertford, SG14 3NL</p>
<p>M D I Worldwide</p> <p>Suite 304 Mill Studio, Ware, SG12 9PY</p>
<p>Gaylors Farm</p> <p>Cherry Green Lane, Buntingford, SG9 9LD</p>
<p>Abel Smith</p> <p>Estate Office, Hertford, SG14 3NF</p>
<p>T Findlay & Sons</p> <p>Halfway House Farm, Ware, SG12 8PU</p>
<p>A W Vigus & Sons</p> <p>Home Farm, Ware, SG12 0JA</p>
<p>G W Little & Son</p>

<https://www.inyourarea.co.uk/localservices/SG11%201QX/Farmers>

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Gaylors Farm

Data Set Entry

- » Add Company
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On this page you will find important information about Gaylors Farm based in Cherry Green Lane, Westmill, Buntingford SG9 9LD, United Kingdom, like the address, contact person and details, as well as the email address and home page, or other specific information.

COMPANY NAME: Gaylors Farm

LOCATION ADDRESS
LOCATION STREET: Cherry Green Lane, Westmill
LOCATION CITY: Buntingford
LOCATION ZIP: SG9 9LD
COUNTY: Stevenage
DISTRICT: East Hertfordshire District
WARD: Mundens and Cottered Ward
PARISH: Hertfordshire

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APPENDIX 2

SCHEDULE OF AERIAL IMAGERY

2000



2003



2010



2012



2014



2017



2018



2020



APPENDIX 3

ENVIRONMENT AGENCY FLOOD RISK MAP

