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Statement relating to a Class Q Prior Approval application for a proposed change of use of an agricultural barn to 2Nr residential dwellings at Brook End Farm, Cottered, Buntingford, Herts, SG9 9QR

On behalf of: Mr Martin Sibley

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Date: 14 February 2024

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Executive Summary

This statement supports a prior approval application under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of an agricultural barn at Brook End Farm, Cottered to form 2Nr residential dwellings.

The statement demonstrates the proposed development complies with the relevant legislation and should be permitted. The site's lawful use is agricultural, evidenced by its historic use and previous planning applications. The cumulative floorspace of the building is under 450 m² and it would result in fewer than 3 conversions under Class Q on the farm. No listed buildings or other constraints apply.

The statement assesses the prior approval matters, concluding the location is suitable, there are no highways impacts, and the design preserves the agricultural character.

Overall, the submission proves the viability of sympathetically converting this structurally sound barn to provide 2Nr high-quality homes, regenerating a redundant building and boosting housing supply in a rural location. It is respectfully requested that prior approval is granted.

Introduction

This statement is submitted in support of an application for Prior Approval under The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) Schedule 2, Part 3, Class Q, for the conversion of an agricultural building to form 2Nr self contained residential dwellings on land at Brook End Farm, Cottered, Buntingford, Herts, SG9 9QR. The statement has been prepared on behalf of the applicant, Mr Martin Sibley.

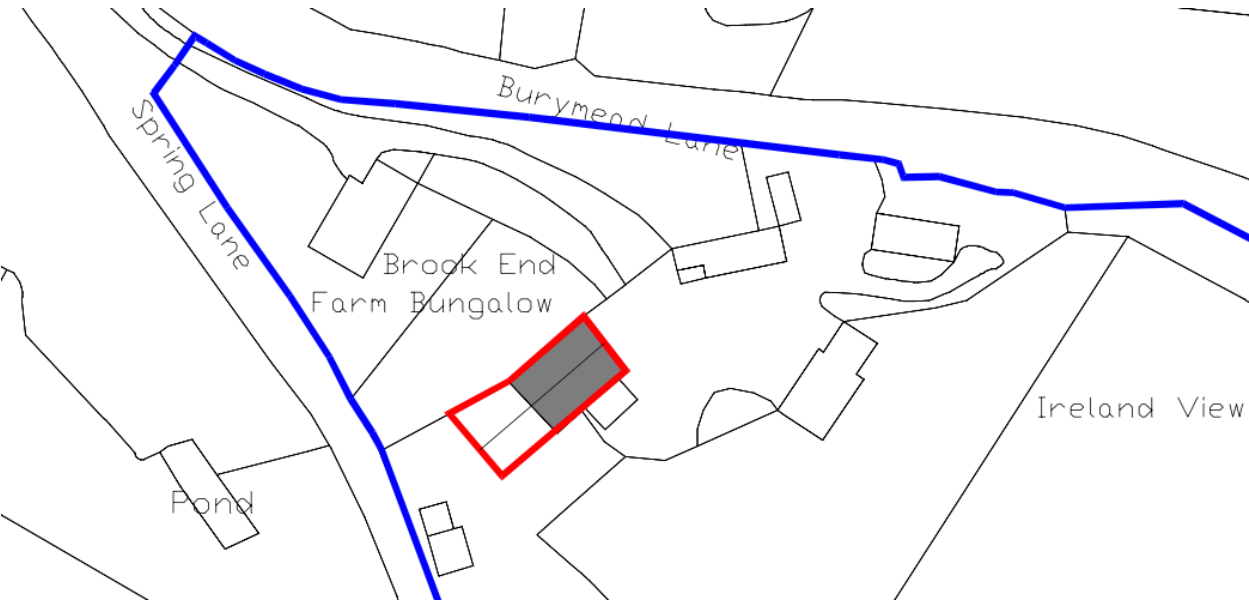
The purpose of the statement is to demonstrate that the application should be assessed favourably in accordance with the Class Q provisions.

The statement should be ready in conjunction with the following set of plans which forms part of the application to the Local Planning Authority (LPA).

- Location Plan 10987/A1/01 **Appendix 1**
- Existing Plans and Elevations 10987/A1/02 **Appendix 2**
- Proposed Plans and Elevations 10987/A1/03 **Appendix 3**
- Block Plan - Existing 10987/A1/04 **Appendix 4**
- Block Plan - Proposed 10987/A1/05 **Appendix 5**

Location & Site Description

The red line boundary on the Site Location Plan includes the footprint of the existing agricultural barn and the curtilage of the proposed private gardens which would serve the intended dwellings. The land within the blue line boundary is also owned by the applicant and includes 20.5 acres of land holding which formed Brook End Farm, along with Island View and Brook End Bungalow (which are both dwellings with agricultural ties) and several other barns/outbuildings. Island view was built in the early 1970's pursuant to outline planning permission granted in 1970. An extract of the Location Plan is provided below:



It is recognised in previous Officer's Reports that accompanied applications 3/16/0126/PNHH and 3/16/0457/PNHH which both proposed an enlargement to Island View that the barn was used in association with the farm.

The land is within the 'Rural Area beyond the Green Belt designation' and outside the built up area of Cottered. The site is not located within a Conservation Area, or within the curtilage of a listed building according to the Historic England database, or any other protected area in accordance with the NPPF. Furthermore, the site is within Flood Zone 1 according to the Environment Agency's online flood mapping database, which

represents the lowest probability of a flood risk event occurring.

Vehicular access to the barn is already established and there is sufficient space within the site for cars to park.

Structural Report

A structural report dated 03 October 2023 accompanies the application and is included at **Appendix 6**.

The purpose of this structural report, dated 3rd October 2023, was to assess the viability of converting the agricultural barn into 2Nr habitable dwellings. The report was prepared by RCA Structures Ltd.

The existing barn consists of 4 precast concrete portal frames spaced at approximately 4m centres, with a clear span of 10.25m. The roof is clad in corrugated cement sheeting on concrete purlins. The front and rear elevations have some corrugated cement sheeting, while the sides are mainly open with low block-work walls about 1.8m high. The floor is a concrete slab of unknown thickness.

Overall, RCA Structures Ltd found the barn to be in good structural condition with no signs of movement. It was concluded that the barn is capable of being converted for residential use with some minor refurbishments. This would include new perimeter foundations, insulating and boarding the floor, adding a profile metal roof system, and constructing stud work walls with insulation and featheredge boarding. New steel goalpost frames would be installed in line with the existing frames to support a mezzanine floor structure.

In summary, despite requiring insulation upgrades and finishing, the inherent strength and stability of the existing structural frame was deemed suitable to support a residential conversion, subject to some localised strengthening works. The report provides confidence that the barn is capable of conversion to habitable accommodation.

Planning History

The following planning history of the site extracted from the LPA's online public access system is considered to be relevant to the Prior Approval application.

Reference no.	Description	Decision	Date
1404-70-OP	Erection of additional agricultural dwelling at Brook End Farm (Island View)	Prroved	06/07/1970
1436-71	RP Details of the design and materials of construction of the bungalow of 71.53 sqm agreed on 26 December 1970 by Braughing Rural District Council (Island View)	Approved	16/12/1970
3/15/2165/AGPN	Replacement storage barn with farm office	Withdrawn	23/10/2015
3/16/0126/PNHH	Island View - Single storey rear extension (Depth 8 metres, Maximum height 4 metres, Eaves height 2.4 metres)	Prior Approval Refused	19/02/2016
3/16/0457/PNHH	Island View - Single storey rear extension (Depth 8 metres, Maximum height 4 metres, Eaves height to match existing.	Prior Approval Not Required	21/03/2016

3/16/0126/PNHH - It was recognised within the Officer's Report that the barn was being used for the storage of farm equipment.

3/16/0457/PNHH - The Officers Report stated in relation to Island View and the surrounding land *'The property is located on a parcel of land used as an agricultural holding of approximately 20 acres. The site includes another agriculturally tied bungalow Brook End Bungalow sited to the north west of island View, close to the entrance to the site. There are also two other barns/outbuildings within the site used for farm equipment and storage of farm supplies.'*

Proposed development

The applicant is proposing to convert an agricultural barn to form 2Nr self contained semi-detached dwellings in accordance with Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The proposed development would be undertaken in accordance with the accompanying plans and would deliver 2Nr 3-bedroom 4-person dwellings with a gross internal floor area of 132m² each, referred to as Units 1 and 2. The dwellings would exceed the National Described Space Standards (NDSS) in relation to the total gross internal floor space of the units and individual room sizes.

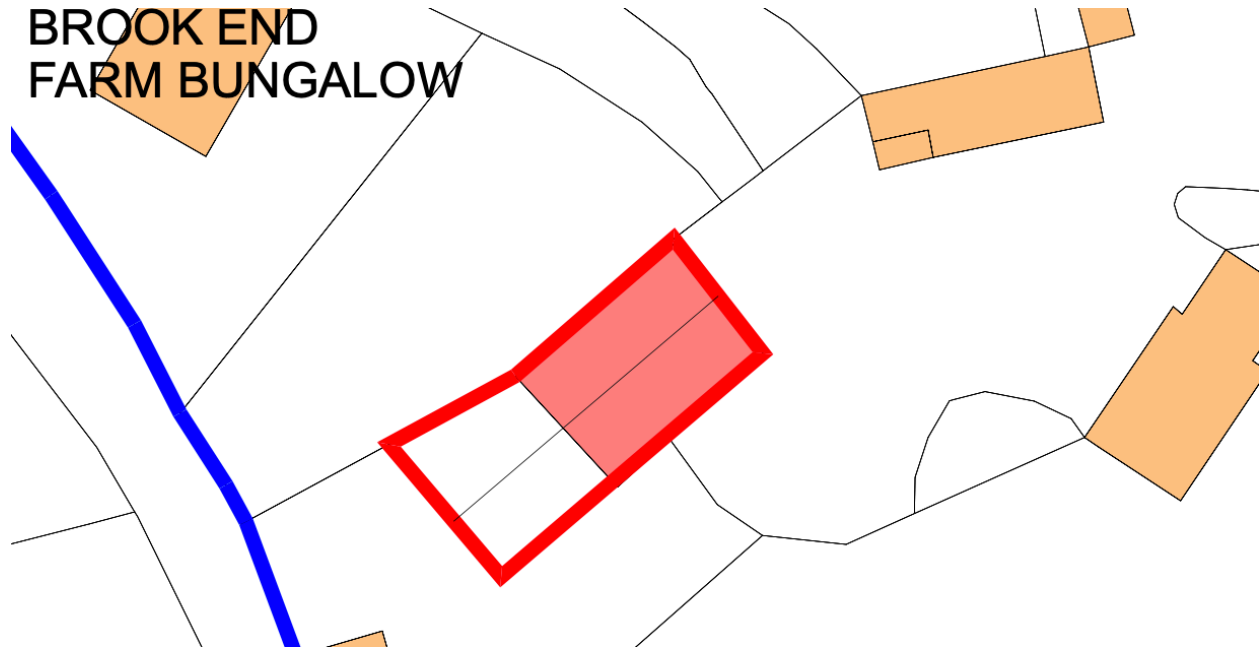
Proposed Plans



The dwellings would each be allocated with dedicated curtilages as identified within an

extract of the Proposed Block Plan below. The total combined area of the gardens would not exceed the footprint of the existing barn, and is duly considered to comply with the relevant regulations in this regard.

Proposed Block Plan (extract)



No alterations to the existing vehicular access would be required to serve the proposed dwellings and there is more than sufficient space within the site for prospective occupiers to park their cars.

Legislation

This Prior Approval application seeks the change of use of the agricultural barn to form 2Nr self contained dwelling, under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The relevant legislation as extracted from the Town and Country Planning Act is set out below.

Class Q – agricultural buildings to dwellinghouses

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; and*
- (b) *building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

Development not permitted

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;
- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;
- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (e) 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;
- (f) 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;

- (g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
- (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);
- (j) the site is 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;
- (l) the site is, or contains, a scheduled monument; or
- (m) the building is a listed building.

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,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (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
- (f) the design or external appearance of the building,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(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.

The application is considered to comply with the aforementioned criterion as set out throughout the remainder of the statement.

Compliance

It is considered that the proposed conversion is fully compliant with the provisions of Q.1 of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) as identified below.

Q.1 Development is not permitted by Class Q if-

- a) the site was not used as part of an established agricultural unit (i) on 20 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 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 last use of the site was for agricultural purposes association with Brook End Farm, prior to the 20 March 2013 and has not been used for any other purpose since.

As stated earlier it was recognised within the Officer's Report in association with application 3/16/0126/PNHH that the barn was being used for the storage of farm equipment. Furthermore, the Officers Report in relation to 3/16/0457/PNHH stated '*The property is located on a parcel of land used as an agricultural holding of approximately 20 acres. The site includes another agriculturally tied bungalow Brook End Bungalow sited to the north west of island View, close to the entrance to the site. There are also two other barns/outbuildings within the site used for farm equipment and storage of farm supplies.*'

The following details are also considered to be relevant and it is clear that the site has been used for agricultural purposes.

Mr K Skipp is recorded as owning and managing the site as agricultural land in 1962 and at that time there were no structures or buildings on the land. In early 1962 an application was approved for a caravan to be stationed on the site for an agricultural worker on the condition that it was only used for someone employed in farming and the permission would expire in December 1966. The rural council recognised that a holding of this size would require required a dwelling on site. The caravan was subsequently

stationed and occupied by the owner's son and wife. In September 1962 the Council observed that the barns, piggery and poultry sheds had been erected on the site. In 1963 an outline application was approved for the erection of a permanent agricultural tied dwelling (Brook End Bungalow). Reserved matters were approved under application 2092/63 and the bungalow was subsequently erected. In 1970 an outline application for a second farmworkers dwelling (Island View) was approved under 3/1404/70, with reserved matters granted under 3/1436/71 in December 1973. It is clear that the LPA was entirely satisfied that the land and associated buildings were in agricultural use by virtue of approving the provision of a second tied dwelling.

An Estate Solutions Report produced by Renaissance Environmental dated 08 May 2015 is included at **Appendix 7**, and also identifies the historic use of the site as a farm.

No planning applications have been submitted after 1973 which proposed the change of use of the barn and as a consequence the lawful use remains agricultural. It is understood that the CPH reference for the farm is 18/030/0173.

(b) the cumulative floor space of the existing building changing use under Class Q within an established agricultural unit exceeds 450 square metres.

The cumulative floor space of the building changing use under Class Q within the established agricultural unit does not exceed 465 m².

(c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;

No other buildings within the agricultural unit have been converted to residential dwellings under the Class Q provisions. Island View and Brook End Bungalow are tied buildings and were not conversions of existing buildings. Furthermore the aforementioned dwellings were not secured via the Class Q provisions. As a consequence a combined total of just 2Nr conversions would be delivered under the Class Q provisions within this agricultural unit.

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

The site is not occupied under an agricultural tenancy.

(e) less than 1 year before the date development begins (i) an agricultural tenancy over the site has been terminated, and (ii) the termination date 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.

An agricultural tenancy was not in situ less than 1 year before the date the development would begin, and no agricultural tenancy was terminated for the purpose of carrying out a development under Class Q.

(f) 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 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.

No development under Class A(a) or Class B(a) has been carried out on the established agricultural unit since 20 March 2013.

(g) the development would not result in the external dimensions of the building extending beyond the current dimensions, as demonstrated on the accompanying set of existing and proposed plans.

The proposed development would not result in any extension to the external dimensions of the existing building as evidenced on the accompanying set of existing and proposed plans.

(h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

As stated earlier, no other buildings within the agricultural unit have been converted to residential dwellings under the Class Q provisions. Island View and Brook End Bungalow are tied buildings and were not conversions of existing buildings. Furthermore

the aforementioned dwellings were not secured via the Class Q provisions. As a consequence a combined total of just 2Nr conversions would be delivered under the Class Q provisions within this agricultural unit.

(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).

The proposed development would not consist of building operations, other than the installation or replacement of windows, doors, roofs and exterior walls, as can be ascertained from the existing and proposed set of plans. The accompanying structural report also provides sufficient evidence that the existing structure is sound and capable of conversion to form 2Nr residential dwellings.

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

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The site is not subject to article 2(3) land in accordance with the LPA's policies maps.

(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 the aforementioned designations in accordance with the LPA's online policies maps.

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

The site is or does not contain a scheduled monument.

(m) the building is a listed building.

The building is not designated as a listed building according to the Historic England database, as identified on the extract over page

Extract from Historic England mapping database



It is clear that the application satisfies all the aforementioned criteria and should be assessed favourably by the LPA.

Conditions

The applicant has considered as to whether prior approval should be required from the LPA in relation to the aforementioned considerations in accordance with Q.2 of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

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,

The existing vehicular access is considered to be more than sufficient to serve the proposed development. No works are required to the existing access or the highway in order to facilitate the proposed development.

(b) noise impacts of the development,

By virtue of the rural location of the proposed dwellings and the limited volume of residential development in the area, it is not considered that the conversion would result in an adverse impact to the neighbouring properties in relation to potential noise disturbance. A significant separation distance exists between the barn and the closest two dwellings, Brook End Farm (20 metres) and Island View (15 metres).

(c) contamination risks on the site,

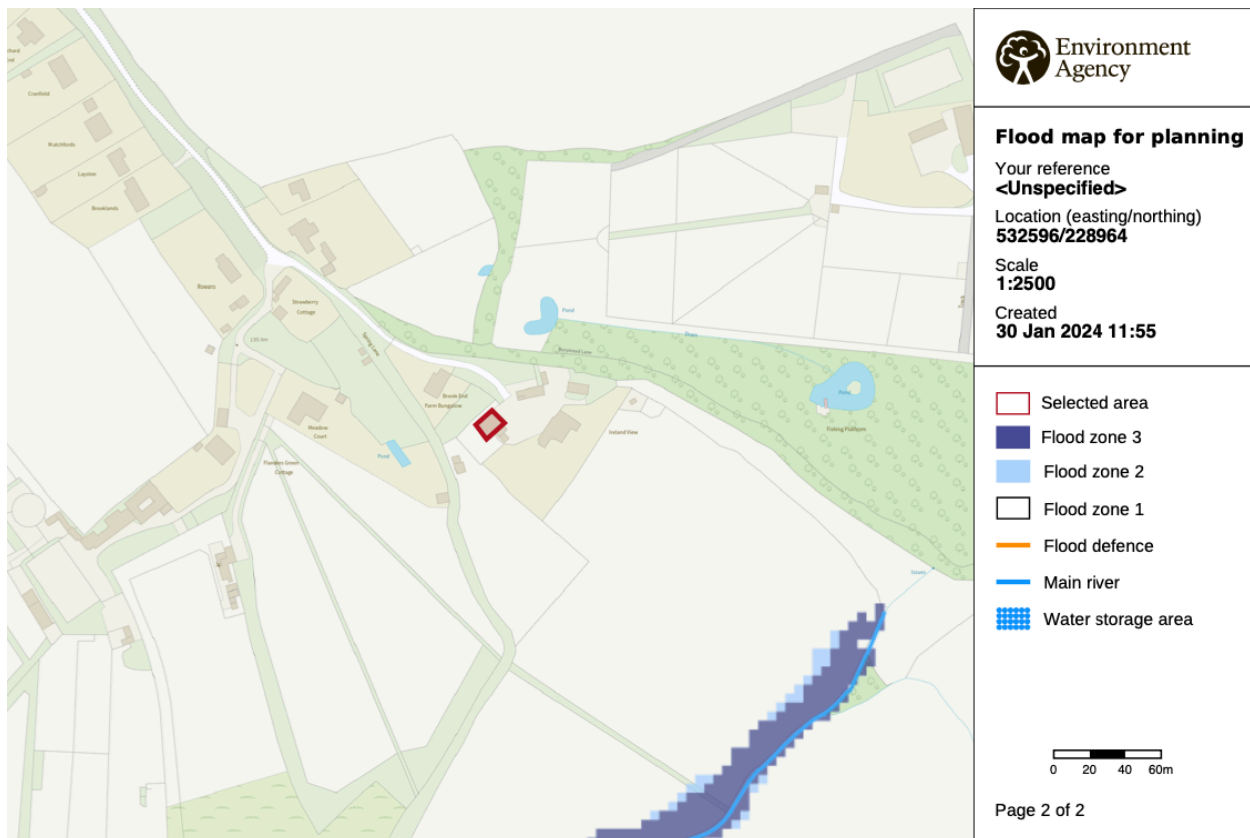
An Estate Solutions Report produced by Renaissance Environmental dated 08 May 2015 is included at **Appendix 7**, which recommended that a further assessment of potential risks should be undertaken. Should it be identified that an up to date Phase 1 Land Contamination Report is deemed necessary by the Council's Environmental Health Officer, it is anticipated that the submission of this document can be reasonably conditioned by the LPA. It is evident that this approach has been adopted on other

Class Q applications within the district, such as 3/23/0172/ARPN.

(d) flooding risks on the site;

The site is within Flood Zone 1 according to the Environment Agency’s online flood mapping database, which represents the lowest probability of a flood risk event occurring. As a consequence it is not considered necessary to submit a Flood Risk Assessment to accompany the application.

Environment Agency Flood Map



(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 proposed development would be located in the rural countryside. The Planning

Practice Guidance (PPG) 2020 provides that permitted development rights under Class Q do not require an assessment of the sustainability of the proposed development. The main consideration is whether the location can be considered impractical or undesirable for residential use, and this is enshrined in case law. The PPG provides guidance on interpreting 'impractical' as meaning not sensible or realistic, while 'undesirable' reflects a location that would be harmful or objectionable.

In this instance, as vehicular access is already established the site is considered to be in a practical location for a pair of dwellings. Furthermore, it is not deemed that the proposed dwelling would be viewed as objectionable, given it would be in keeping with the existing rural character of the surrounding area which also includes a cluster of residential dwellings up to the A507. This approach has been adopted by the LPA in relation to other Class Q applications in the district.

(f) the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The proposed conversion aims to retain the existing shape and internal structural framework of the barn by adapting the existing portal frames. New window and door openings would be inserted to the elevations, with existing openings infilled. Despite the modifications to the exterior, the overall agricultural appearance and rural character of the barn would be maintained through the reuse of the existing framework.

Whilst there are significant changes proposed for the elevations, the overall visual impact is considered sympathetic by retaining a clear agricultural vernacular. The converted building will be in keeping with the rural surroundings and not detract from the visual cohesion of the wider farm site. The applicant would be willing to consider the use of alternative externally facing materials and finishes to those proposed should these be more acceptable to the LPA.

2) Where the development proposed is development under Class Q(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

This application has been submitted in accordance with the aforementioned provision for the assessment of the LPA.

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.

The aforementioned provision is noted.

Conclusion

In conclusion, it has been demonstrated that the proposed conversion of the agricultural barn complies with all the relevant legislation and criteria for permitted development under Class Q. The lawful planning use is established, and the works are considered acceptable in terms of design, highways impacts and all other technical matters.

The accompanying plans and structural report provide assurance over the deliverability of the scheme in accordance with the regulations. It is therefore considered that prior approval should be granted without delay to allow these two new homes to progress. The proposed development is appropriate for its rural context, delivering regeneration benefits.

Appendices

Appendix 1: Location Plan

Appendix 2: Existing Plans & Elevations

Appendix 3: Proposed Plans & Elevations

Appendix 4: Block Plan - Existing

Appendix 5: Block Plan - Proposed

Appendix 6: Structural Report

Appendix 7: Estate Solutions Report