

PLANNING STATEMENT

for

Prior Approval Application for Change of use and conversion of
existing agricultural storage building to one 4-bedroom dwelling

at

CHESTNUT FARM
WOODFIELD LANE
BROOKMANS PARK AL9 6JJ



1.0 Background

- 1.1 Chestnut Farm is located on the northern side of Woodfield Lane to the rear of The Ridings. The site lies within the Metropolitan Green Belt and comprises a detached bungalow and two agricultural storage buildings, one of which is partially used as ancillary residential accommodation associated with the bungalow.
- 1.2 The outbuildings and dwelling are accessed via a private drive which leads from Woodfield Lane and also provides access to the agricultural land to the north and east of the bungalow and agricultural storage buildings
- 1.3 The overall site covers an area of approx 25 Acres and has been in the ownership and occupation of the family since 1987 when it operated as a smallholding with the outbuildings being used for agricultural purposes in association with the agricultural business.
- 1.4 The barns comprise concrete portal frames with masonry external walls and corrugated sheet roofing and part of the barn closest to the bungalow has been in ancillary use for domestic purposes ever since the family moved to the property and contains a utility room, w.c and areas for domestic storage. For the avoidance of doubt, the barn closest to the bungalow does not form part of this application for Prior Approval.

2.0 Permitted Development Under Class Q

- 2.1 Paragraph Q (a) confirms Development consisting of 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 is Permitted Development
- 2.2 Paragraph Q (b) confirms development is Permitted Development where 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.

3.0 Evaluation

- 3.1 Paragraph Q.1 of Schedule 2, Part 3, Class Q of the Town and Country (General Permitted Development (England) Order 2015 (as amended) (GPDO) states that development is not permitted by Class Q if-

a) the site was not used solely for 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;

- 3.2 For the purposes of Part 3, the GPDO defines “agricultural building” to mean a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and “agricultural use” refers to such uses
- 3.3 Furthermore “established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture.
- 3.4 The planning records for Chestnut Farm include a number of Planning and Certificate of Lawful Development applications and the Officer’s Reports to applications **SG/2009/0291/FP** and **SG/2011/1855/LUP** refer to the outbuildings as “detached agricultural buildings” and “a small courtyard of derelict agricultural outbuildings” respectively. Extracts from the above Officer’s Reports are included at Appendix A:
- 3.5 It is clear from the above, the site and outbuildings have been in agricultural use for the purposes of agriculture as defined in the GPDO since 1987. However, should they not be considered to be in that use on 20th March 2013 for the purposes of this application, it is clear that the agricultural barn and agricultural land were last used for that purpose in compliance with 3.1 a) (ii) above.
- 3.6 In respect of paragraph Q (b), a structural appraisal prepared by HLS Structural Consultants is submitted in support of this application which confirms the building is structurally sound and suitable for conversion, without the need for building operations other than those reasonably necessary to convert the building in accordance with paragraph Q(b) of the GPDO.
- 3.7 Paragraph Q.1 (a) states development will be permitted if:
- (a) The barn was used as part of an established agricultural unit on or before 20 March 2013 or 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 .*
- The barn is on agricultural land and was in agricultural use as part of an established agricultural business in compliance with the above as confirmed in paragraphs 3.4 & 3.5 above.
- (b) (i) In the case of larger dwellinghouses:*
- (aa) the cumulative number of separate larger dwellinghouses developed under Class Q does not exceed 3; or*
- (bb) the cumulative floor space of the existing building or buildings changing use to larger dwellinghouses under Class Q does not exceed 465sqm.*
- Our submitted proposals include one larger dwelling permitted under (aa) above. The existing agricultural barn has a footprint of 208sq m which is below the 465sqm maximum floor space under (bb) above.
- (c) Requirements for smaller dwellinghouses.*
- The application does not include smaller dwellinghouses.

(d) Development under Class Q

(i) There has been no previous development under Class Q and the one larger dwellinghouse proposed is within the maximum floor space of 465sqm.

(ii) The cumulative number of dwellinghouses having a use falling within Class C3 (dwellinghouses) is one, which is within the maximum of five dwellinghouses permitted under Class Q.

(e) There are no tenants associated with the land unless there is consent between tenant & landlord.

There are no tenants associated with the land.

(f) If there has been a tenant associated with the land, then the tenancy is to have been terminated more than one year before the development begins. Termination cannot be so that development can take place.

There have been no tenancies therefore no termination involved.

(g) No other Permitted Development under Class A(a) or Class B(a) of Part 6 of this schedule has been carried out since 20th March 2013.

No development under Class A(a) or/and Class B(a) of Part 6 has been carried out on the agricultural building or land within the applicant's ownership since March 2013.

(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;”;

The proposals do not extend the barn. The development proposed is contained within the existing envelope of the barn and utilises the current available footprint.

(i) The development under Class Q(b) will not include building operations other than:

(i) 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 demolitions reasonably necessary for the building to function as a dwelling.

The existing structural elements of the barn are retained and the development will not include anything other than installation or replacement of the above and our application therefore includes only building operations reasonably necessary to convert the building to residential use in compliance with paragraph Q.1(b) of the GPDO (as amended).

(j) The site is not on Article 2(3) land.

The site is not within a National Park, the Broads, an Area of Outstanding Natural Beauty or designated Conservation Area or land within a World Heritage Site.

(k) The site does not form part of:

(i) SSSI – Site of Special Scientific Interest.

The site is not within a SSSI.

(ii) A safety hazard area.

There are no hazards within the site.

(iii) A military explosives storage area.

The site has not been and is not used as a military explosives store.

(l) The site is, or contains a Scheduled Monument.

There are no monuments on site.

(m) The building is not a Listed Building.

The barn has not been listed.

Class Q.2 specifies conditions in addition to the stipulations laid down in Class Q.1.

Condition (1)

Where the development proposed is development under Class Q (a) together with Class Q (b) the developer must, before commencement of works on site, apply to the council for a determination as to whether prior approval is required as to the following:

(a) Transport and highways impacts of the development.

(b) Noise impacts of the development.

(c) Contamination risks on the site.

(d) Flood risks.

(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

(f) The design or external appearance of the building.

(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 the application

Condition (2)

Where the development proposed is development under Class Q (a) only

Condition 2 is not applicable

Condition (3)

Development permitted under Class Q(a) & (b) is completed within 3 years of the date of the prior approval.

Condition (1)

(a) The application site is located north of Woodfield Lane and is accessed via an existing drive with a vehicle crossover. The new dwelling would be accessed via the existing driveway and any additional traffic to the new dwellings created under Class Q would not significantly increase traffic flow to and from the site.

- (b) The barn is set back in excess of 100m from the highway which is the only local source of potential noise impact on the development. The proposed residential use would not generate significant noise impacts to adversely affect the amenity of neighbouring properties.
- (c) The agricultural barn is on agricultural land and, as such, its use is limited to mixed farming operations and therefore the risk of contamination is considered to be negligible. The conversion works associated with the change of use are unlikely to require any ground disturbance to take place minimising the risks of contamination.
- (d) The site is identified to be in Flood Zone 1 on the Environment Agency's on-line mapping system, is not within a flood plain and therefore not at risk from flooding.
- (e) Planning Practice Guidance states that the permitted development right under Class Q does not apply or require a test in relation to sustainability of location. This is deliberate as the permitted development 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.

Sustainability of location is, therefore, not a matter Councils need to consider when determining Class Q applications.

- (f) The design of the proposed conversion includes the use of appropriate external materials and is therefore considered acceptable in this rural location.
- (g) The design of the proposed conversion with new external doors and windows allows maximum levels of daylight to be provided to the deeper areas of the floor plan which is enhanced through the provision of a roof light on the inward facing roof slope.

PNA

April 2024

Appendix A

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2009/0291/FP
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NOTATION:

The site lies within the Metropolitan Green Belt as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application dwelling is a detached bungalow sited on a spacious plot. The residential curtilage of the dwelling is surrounded by open Green Belt Land. The application dwelling is set back from the main public highway and is accessed via a narrow access road. To the rear of the dwelling are some detached agricultural buildings. The application dwelling boundaries are screen by tall trees and vegetation.

DESCRIPTION OF PROPOSAL:

The proposed development would involve the erection of an extension matching the approved scheme within planning application S6/2002/9/FP.

The proposal would consist of a single storey addition that would measure 7.52m by 7.75m and have a hipped roof to a maximum height of 4.55m.

PLANNING HISTORY:

E/4810-72	Retention and use of store as dwelling house – Refused and subsequently allowed on appeal.
S6/750/83/FP	Single storey extension and enlargement of roof – Approved
S6/2002/9/FP	Erection of side extension to bungalow – Approved

SUMMARY OF DEVELOPMENT PLAN POLICIES:

PPS1: Delivering sustainable development
PPG2: Green Belts
PPS3: Housing
PPS9: Biodiversity and Geological Conservation
PPG13: Transport

East of England Plan 2008
SS1: Achieving Sustainable Development
SS2: Overall Spatial Strategy
T14: Parking
ENV3: Biodiversity and Earth Heritage
ENV7: Quality of the Built Environment

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/1855/LUP
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NOTATION:

The site lies within the Metropolitan Green Belt and West End - Brickendon Wooded Slopes Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE: The site access is off Woodfield Lane, the building is to the rear of The Ridings. The entrance to the dwelling is via track road that leads to a small courtyard of derelict agricultural outbuildings and a detached bungalow.

DESCRIPTION OF PROPOSAL: Certificate of lawfulness for the erection of single storey rear and side extensions

PLANNING HISTORY:

S6/2011/0416/LU - Certificate of Lawfulness for the proposed erection of two side extensions and a front extension, Refused 27/04/2011

E/4810-72 - Retention and use of store as dwelling house – Refused and subsequently allowed on appeal.

S6/750/83/FP - Single storey extension and enlargement of roof – Approved

S6/2002/9/FP - Erection of side extension to bungalow – Approved

Extensions approved in the above applications have not been implemented on site.

SUMMARY OF DEVELOPMENT PLAN POLICIES: N/A

CONSULTATIONS: N/A

TOWN/PARISH COUNCIL COMMENTS: N/A

REPRESENTATIONS: N/A

DISCUSSION:

The main issues are:

1. Whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

**Class A
Permitted Development**

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted