



R3PRIZ

Application: 20220654

**TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED

To: **Mr Mark Brown
C/O Mrs Shannon Alexander, Barron Edwards Ltd
Whitehill Place
47 The Terrace
Gravesend
DA12 2DL**

TAKE NOTICE that **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **DETERMINED THAT PRIOR APPROVAL** for the relevant matters for the development of land as described below **IS REQUIRED AND REFUSED**

at **Priesthood
Priestwood Road
Meopham
Gravesend
Kent
DA13 0DA**

and being **Application for determination as to whether prior approval is required for the proposed change of use of the existing agricultural building to a single residential dwellinghouse with associated building operations under Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.**

Your application dated 17th June 2022 is refused on the following grounds:-

1. The change of use of this agricultural building to a Use Class C3 dwellinghouse and the associated building operations and works reasonably necessary to convert the building do not fall within the definition of permitted development as set out in Article 3 of and Part 3, Class Q (a) and (b) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (the 'GPDO') as follows:
 - (a) The proposal does not fall within the definition of curtilage as defined in Class X (Interpretation of Part 3) of the Town and Country Planning (General Permitted Development) Order 2015, as amended, and therefore cannot be permitted development. "Curtilage" means the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. It is clear that the curtilage as shown by the red line plan submitted with the application is substantially greater than the footprint of the building, over 20 times greater.
 - (b) The land is not currently an established agricultural unit, and it has not been an established agricultural unit since at least 1990. Under Class X (Interpretation of Part 3)

of Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, "established agricultural unit" means agricultural land occupied as a unit for the purposes of agriculture - (b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins. No evidence has been provided by the applicant that the site is an established agricultural unit on the relevant date. Therefore, the development does not comply with the limitations of Class Q.1 (a) of Part 3, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

(c) The development would result in the external dimensions of the building, albeit marginally, extending beyond the external dimensions of the existing building at any given point therefore exceeding the limitation in Class Q.1 (h). The current sheet metal roof covering is shown to be removed and replaced with a tiled roof it is inevitable that to meet Building Regulations there is going to be a need for roof insulation, and this will result in the raising of the roof and even if only marginally this will increase the size/height of the roof and roof pitch and ridge and therefore would not comply with the prior approval requirements.

(d) Whilst the submission of the structural appraisal is noted and acknowledged including its conclusions that the proposed conversion is a viable undertaking and that the building is sound and not in need of major reconstruction, it is considered that its findings are not convincing, conclusive, or clear cut and are based on visual inspection only with no opening up works. There is no method statement as to how the building would be converted and constructed. In the Local Planning Authority's view and by fact and degree the works, operations, and demolition to convert the building go beyond what is reasonably necessary for the building to function as a dwellinghouse and would inevitably result in substantial works and could be considered as the rebuilding of the existing agricultural building. On this basis the development would go beyond the limitations in Q.1(i) - (i) and (ii) and the development cannot be considered as permitted development.

Consequently, the Prior Approval procedure is not applicable to this proposal and Planning Permission would be required

2. Notwithstanding the Local Planning Authority's conclusions in relation to the applicability of permitted development rights in relation to the definition of curtilage and "established agricultural unit" as defined in Class X (Interpretation of Part 3) of the Town and Country Planning (General Permitted Development) Order 2015, as amended (The 'GPDO'), and Class Q.1 (h) and Class Q.1(i) - (i) and (ii) of Part 3 of the GPDO, prior approval is required and refused in relation to the transport and highways impacts of the development pursuant to Class Q.2 (1) (a) of the 'GPDO' as there is no submitted analysis of traffic generation and the impact that this would have on the highway network or whether the access has adequate visibility, and there are overriding concerns relating to the lack of parking, turning space, and cycle provision.
3. Notwithstanding the Local Planning Authority's conclusions in relation to the applicability of permitted development rights in relation to the definition of curtilage and "established agricultural unit" as defined in Class X (Interpretation of Part 3) of the Town and Country Planning (General Permitted Development) Order 2015, as amended (The 'GPDO'), and Class Q.1 (h) and Class Q.1(i) - (i) and (ii) of Part 3 of the GPDO, prior approval is required and refused in respect of the proposed design and external appearance of the building pursuant to Class Q.2 (1) (f) of the 'GPDO', due to the lack of detail of the external appearance of the building and external finishes, the need for a design statement and the need for a re-assessment of the extent and type of new openings.

INFORMATIVES:-

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents

Application Form for Prior Approval

Structural Appraisal Report by Paul Molineux Associates (PMA) (Project No 464 dated August 2021)

Planning Statement by Barron Edwards Sterling, submitted 03 August 2022

Drawing No 220401 001 Rev B: Location Plan and Existing and Proposed Block Plans

Drawing No 220401 002 Rev A: Existing Plans and Elevations

Drawing No 220401 001 Rev A: Proposed Plans and Elevations

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance, the application does not meet the permitted development rights under Article 3 of and Part 3, Class Q (a) and (b) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and cannot be supported and therefore prior approval is required and refused accordingly.

Dated: 25 August 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.