

Delegated Report

Prior Approval Application

Application no: 20220654

Location: Priesthood Priestwood Road Meopham Gravesend DA13 0DA

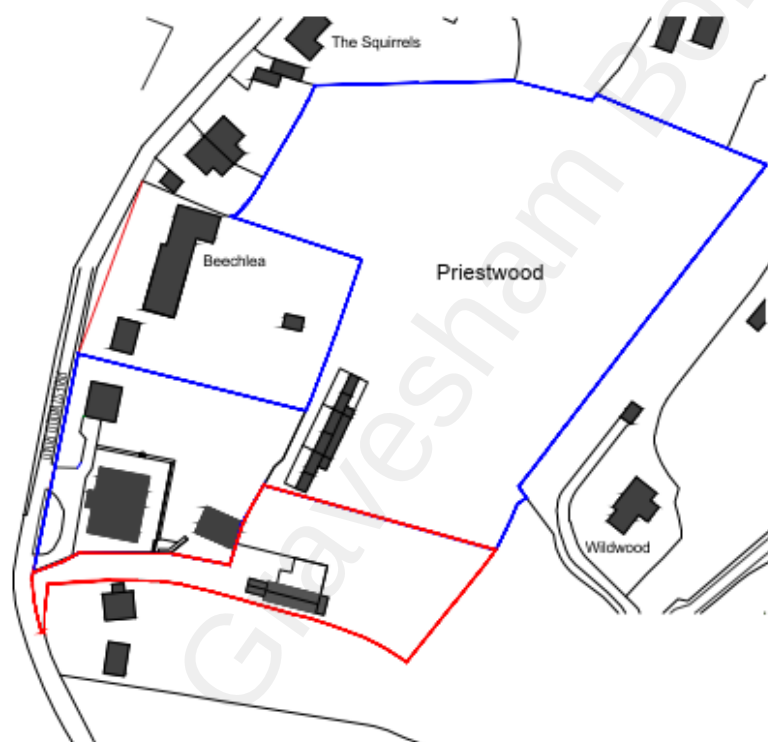
Description: Application for determination as to whether prior approval is required for the proposed change of use of the existing agricultural building to a single residential dwellinghouse with associated building operations under Class Q (a) and (b) of the Town and Country Planning (General Permitted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

Applicant: Mr Mark Brown

Site Visit Date: 01 July 2022

Description of Application Site and Surroundings

The application site to which this prior approval application relates (as shown in the red line boundary below taken from the applicants Site Location Plan), has a site area of 0.21 hectares.



It lies to the south and east of the applicant's residential property, Priesthood, which is located within a scatter of development on the east side of Priestwood Road, Harvel, Meopham and is within a rural area.

The application site forms part of a much larger field that has an area of 1.14 hectares of land. The field is currently uncultivated grassland. There is a mound of earth and rubble towards the southern end that has regenerated with vegetation.

At the southern end is a rather dilapidated building in a poor state of repair that was originally, along with the remainder of the land, part of a small holding operating as a piggery unit.

The building is constructed of rendered brickwork with a corrugated sheet metal roof of which parts are missing and there is Perspex section towards the rear. Much of the roof is covered by vegetation. There is a lean to of blockwork with a metal roof in poor condition at the eastern end. The eastern end gable of the main roof section is missing, and timbers are exposed. The building is currently used for domestic storage and storage of building materials and logs and may have been a stable. Rainwater goods are missing or defective. There is electricity connected and a part concrete floor. Beyond the western end is a small building used as a log store constructed of part timber ply and part concrete panel walls and with an almost flat metal roof.



In front of and immediately north of the building is a small concrete hardstanding area of poor quality (*left photo below*). To the north within the larger field are the remnants of former piggery buildings constructed of mainly blockwork that are overgrown by vegetation (*right photo below*)



The applicants dwelling is a chalet style detached dwelling with both gables and dormers front and rear in the roofspace and which at the rear is part conventional two storeys. It is constructed of yellow facing bricks with a slate roof and lies to the west of the field within a clearly defined dwelling curtilage. The dwelling has been significantly extended and altered from its original appearance as a very low-pitched bungalow built in red bricks and a concrete pan-tiled roof, following permissions in 2014 and 2017.



Above: Google earth image Feb 2009



Above: Google earth image Jan 2021

It appears to have originally been built as and restricted to occupation by an agricultural worker in 1968.

There is a gated vehicle entrance serving the dwelling in front of the dwelling as well as a gated entrance at the southern end of the frontage that leads to the field and the remains of the former agricultural buildings.

The dwelling has a detached triple garage constructed of red brickwork and a tiled pitch roof that dates from the late 1970's. There is also a detached double garage to the north of and slightly forward of the front of the applicants dwelling that is of more recent construction and matches the current external appearance of the dwelling and it has a half-hipped roof.

The larger field is enclosed by post and rail fencing and there are more substantial trees to the north and east enclosing it.

To the south is Owls Cottage (formerly Morden) a gable fronted cottage which is rendered externally and painted white and has a slate roof. To the north is Beechlea Cottage, an elongated detached bungalow of red bricks and with a plain hipped tiled roof built in the early 1950's.

Beechlea was the original dwelling that served the piggery buildings at the rear when the site was operated as a small holding on some 5 acres of land involved with an intensive pig farm and turkey fattening unit. The applicants dwelling (Priesthood), its curtilage and the land at the rear and the agricultural building and building remnants were all at one time within the curtilage of Beechlea.

The application site is outside of any rural settlement and is within the Green Belt and just to the south of the Kent Downs Area of Outstanding Natural Beauty (AONB).

Priestwood Road is a narrow single width country lane with limited passing places (often available only where there are vehicle accesses from dwellings on to the road) and with poor forward visibility edged by trees and hedging.

Planning History

Ref No	Description and Site	Decision	Date
19490250 (TH/6/49/250)	Erection of bungalow (Beechlea)	Permission	02.12.1949
19500019 (TH/50/19)	Erection of agricultural bungalow (Beechlea)	Permission	03.03.1950
19580129 (TH/6/58/129)	Erection of a bungalow (within curtilage of Beechlea)	Refused Appeal dismissed	07.06.1958
19630195 (TH/6/63/195)	Site for the erection of a bungalow (within curtilage of Beechlea)	Refused	13.09.1963
19630364 (TH/6/364)	(Outline Application) Site for the erection of agricultural workers bungalow (within curtilage of/adjointing Beechlea)	Permission	11.06.1965
19680165 (TH/6/68/165)	Erection of detached agricultural workers bungalow (within curtilage of/adjointing Beechlea)	Permission, subject to agricultural occupancy condition	30.09.1968
19770461	Erection of detached treble garage at rear (east) of dwelling (Priesthood)	Permission	22.07.1977

20130892	**REVISED PLANS** Construction of new enlarged roof with rooms in the roofspace incorporating erection of rear and side extensions to provide a five-bedroom chalet bungalow and erection of new detached double garage at the front (Priesthood)	Permission	08.04.2014
20170545	Construction of new enlarged roof with rooms in the roofspace incorporating erection of rear and side extensions to provide a five-bedroom chalet bungalow and erection of new detached double garage at the front. (Priesthood)	Permission	18.07.2017
20170915	Application for the approval of condition 3 attached to planning permission reference no. 20170545 relating to details of materials. (Priesthood)	Approved	24.10.2017
20180832	Erection of a barn at land rear of Priesthood Bungalow.	Refused	09.04.2020

Proposal

This application is for a determination as to whether prior approval is required for the proposed change of use of the agricultural barn to a dwelling with associated building operations under Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Submitted Plans and Documents, as revised

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

Details of the Development

The submitted drawings are not entirely clear in showing the existing building, but the plans appear to show the building has a complete roof at present (currently covered in corrugated sheeting) and with part open walls on the north and south elevations.

The proposed conversion occupies more or less the same footprint but would be marginally increased due to the thickness of the new walls.

The drawings are not annotated as to what new materials are proposed but appear to show a tile or slate laid on a low pitch roof and what appears to be vertical timber boarding to the exterior walls.

The external alterations indicated in the application form are stated as:

- Installation or replacement of windows, doors, roof or exterior walls
- Installation or replacement of water drainage, gas or other services

The converted/alterd building would comprise a combined kitchen/living/dining room of 35.5m², a bedroom of 13.0m², a bathroom of 5.3m² and a second bedroom of 13.5m²

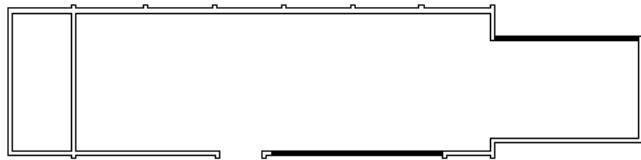
The proposed dwelling would have an external footprint of 93.12m² within an overall plot (curtilage) including the vehicle access from Priestwood Road of 2138.41m² (as shown in the redline boundary).

Notwithstanding the above, the applicants Planning Statement, that was provided well after the application had been submitted, states that the proposal comprises:

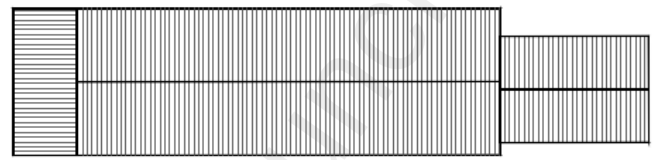
- *An external curtilage is proposed which is no larger than the footprint of the existing building.*
- *Space for parking is available immediately to the side of the building.*

It is indicated in the Planning Statement that no significant structural works are proposed, with only minor external works proposed in the form of the installation of timber cladding, windows, and doors, alongside internal conversion works.

The existing floor plan and roof plan are shown below

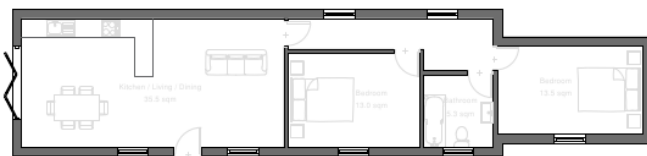


Existing Floor Plan



Existing Roof Plan

The proposed floor plans and roof plan are shown below



Proposed Floor Plan



Proposed Roof Plan

Development Plan and other Relevant Planning Policies and Guidance

Note: The application stands to be assessed under the terms of Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended) to determine whether the siting, design and external appearance of the proposed building requires prior approval.

In this determination, the Local Planning Authority shall have regard to the following development plan and national planning policies, which are relevant to the subject matter of the prior approval.

The Development Plan for Gravesham currently comprises: -

- The Gravesham Local Plan Core Strategy (September 2014)
- Remaining Saved Policies of the Local Plan First Review (1994), and
- The Kent Minerals and Waste Local Plan 2013 - 2030 (2016, revised 2020)

There are a number of other planning policy documents which are of some relevance to the consideration of planning applications and are material considerations, including national planning advice and guidance in the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and supplementary planning guidance and where they exist neighbourhood plans. There are currently no relevant neighbourhood plans. Previous decisions on planning applications and appeals relating to the site and relevant case law etc. are also capable of being material considerations.

Local Planning Guidance

Gravesham Local Plan Core Strategy (September 2014):

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies which will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The site is shown as being within a **Green Belt area** (Policy CS02) in the Gravesham Local Plan Policies Map but just to the south of an Area of Outstanding Natural Beauty.

The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance:

Core Strategy Policy CS01: Sustainable Development
Core Strategy Policy CS02: Scale and Distribution of Development
Core Strategy Policy CS11: Transport
Core Strategy Policy CS12: Green Infrastructure
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles
Core Strategy Policy CS20: Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

The Gravesham Local Plan First Review was originally adopted in November 1994. The following remaining saved policies are relevant

Policy C11: Policy for Change of Use of Redundant Buildings in the Countryside
Policy C18: Incorporation of Additional Land into Residential Gardens
Policy T1: Impact of Development on the Highway Network
Policy T2: Channelling of Traffic on the Highway Network
Policy T4: Development outside the Built-Up Area
Policy P3: Policy for Vehicle Parking Standards

Review of Local Plan

Paragraph 33 of the NPPF (2021) sets out those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and The review found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02 due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF, policies in this document may be accorded weight in the decision-making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework. As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should at this stage be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this pre-application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy GB 1: Agricultural and Forestry Development
Proposed Policy GB 7: Re-use of Buildings in the Green Belt
Proposed Policy AG 1: Agricultural Land
Proposed Policy INF 2: Transport Design Principles
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts
Proposed Policy INF 4: New Accesses and Junctions
Proposed Policy GI 5: Landscape Character

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) July 2021 is a material consideration. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or where the policies are out of date planning permission should be granted unless policies of the Framework provide a clear reason for refusing the development such as where land is designated as Green Belt or any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF taken as a whole.

The following paragraphs are specifically highlighted as being of importance to the consideration of the application

Section 2, Paragraphs 7 - 14: Achieving Sustainable Development

Section 4, Paragraphs 38 - 59: Decision Making

Section 5, Paragraphs 60 - 80: Delivering a sufficient supply of homes

Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport

Section 12, Paragraphs 126 - 136: Achieving well-designed places

Section 13, Paragraphs 137 - 151: Protecting Green Belt land

Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

Section 16, Paragraphs 189 - 208: Conserving and Enhancing the Historic Environment

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF. It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things. The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It outlines the six tests.

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this application:

- Kent County Council Supplementary Planning Guidance SPG1: Landscape Character (adopted July 2006)
- Adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)
- Gravesham Landscape Character Assessment, May 2009 (a technical document which underpins policy CS12 of the Gravesham Local Plan Core Strategy)

The application site lies within the Harvel Wooded Downs landscape character area in the Gravesham Landscape Character Assessment.

Planning Legislation

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Consultations, Publicity and Representations

Consultations

There is no statutory requirement for the Local Planning Authority to consult upon a prior approval application. However, in determining whether the siting, design and external appearance of the proposed building requires prior approval, the following consultation responses will be taken into account:

Internal Responses

GBC Environmental Protection Comments

No comments received

GBC Highways Development Management Officer

This proposal raises several questions, not all of which may be a planning consideration.

1. There is an existing access and whilst it fails to meet current guidance it exists, and it is doubtful that a two-bedroom dwelling would result in a significant increase in traffic.
2. The nature of the proposal appears to suggest that the adjacent field adjacent to the development site will lose its vehicle access and become land locked.
3. Kent County Council's Interim Guidance Note 3, Residential Parking of the Kent Design Guide, suggests that in rural areas on average two-bedroom properties should have 1.5 spaces per unit. Given on street parking is not viable in this area due to the width of the carriageway, I consider it appropriate for two parking spaces should be provided, one for the resident and the second for a visitor.
4. The distance from the highway is almost 50 metres, which is considerably above the recommended distance of 25 metres in the Kent Design Guide and as such I would expect an onsite turning provision.
5. Given the distance of the dwelling from the highway and the fact the access is on the inside of a bend, it would be desirable for delivery vehicles to park onsite and able to leave and join the highway in forward gear in the interests of highway safety. The drawings suggest that egress/access to and from the north is constrained and provision for delivery vehicles would need to be proven by swept path/tracked drawings if this were an application, as would any onsite turning provision for a suggested 12 metre rigid lorry, which should also include the requirements of a fire engine, although in this case the appliance only needs to get within 45 metres of the property and a maximum reverse of 20 metres is permitted and this can be achieved within the current proposal.
6. Not a highway issue and not mentioned in the submission is how foul water drainage will be accommodated. If there is a main sewer then it is not a problem, but any local solution would require a tank and some form of soakaway or drainage field which would have to be within the site. If there is a tank (Septic Tank or Cesspool) then access will be required by a tanker to remove waste products from a cesspool of liquid and solids as opposed to sludge for the septic tank. A tanker would have to be able to access the site and park off street and get within 30 metres of the tank. Access and egress from the site would have to be proven for a suitable sized tanker as would any on site turning facility. Note British Water guidance for a two-bedroom property suggests the design load would be 4 x 150litres per day or 18000 litres every 30 days. This would require frequent visits if a cesspool were used with a small tanker, perhaps fortnightly or less frequent, but with a significantly larger vehicle at less frequent intervals

7. To comply with the requirements of SPG4, two secure cycle parking spaces should be provided.

8. The site is remote and cannot be considered to be in a sustainable location.

Given the information supplied, if this were a planning application, I would consider a refusal would be appropriate. Inadequate parking, no onsite turning facility, no details on foul water drainage, the property is not in a sustainable location, no provision for cycle parking.

External Responses

Meopham Parish Council

If it is deemed that approval is required, the Parish Council would not object to the change of use of the barn, provided that it is confined to the existing footprint of the barn and on the condition that it is not permitted as a separate hereditament.

KCC Biodiversity Officer

Advises that the EU regs supersede the prior approval app if there are EU protected species and/or habitat impacts. Regardless, having looked at the images within the planning statement, it is highly unlikely that bats (an EU protected species) would be present, because of the single sheet corrugated roof, lack of roost features and exposure to the elements. Barn Owl could be a possibility, but this is not an EU protected species (obviously, the applicant will still have to adhere to the law if barn owls are present).

As such, we take the view that there is no requirement for surveys to assess the impact regarding the Conservation of Habitats and Species Regulations 2010 (as amended).

Environment Agency

No comments received

Southern Water

There are no public foul and surface water sewers in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long-term effectiveness.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Publicity and Representations

There is no statutory requirement for the Local Planning Authority to publicise a prior approval application by neighbour notification. However, in this case neighbour notification was sent to seven adjoining properties and site notice displayed on the site. The expiry date was 22 July 2022.

A total of **6** neighbour representations have been received **all objecting** to the application and the representations can be summarised as follows:

Impact on Green Belt and Countryside

- The site is within the Green Belt and a close to an Area of Outstanding Natural Beauty and agricultural land
- Impact on the rural environment
- The land that was previously Priestwood Farm (A piggery) ceased to be used as farmland over 50 years ago.

Overdevelopment

- Overdevelopment - there would be three dwellings where previously only one existed
- This site was originally one property, a small bungalow. A deed of separation meant that the neighbouring property was built many years ago.
- The original bungalow has now been rebuilt into an unfinished five-bedroom house with an additional residential dwelling built as a garage but being lived in by the applicant.
- Another building is being requested out of a derelict garage, thus creating four residential dwellings on a site that was originally one.
- The replacement dwelling at Priesthood is massively larger than the original bungalow.

Access

- The road is only eight feet wide and single track and the visibility splays from the property are very limited.
- The plan provided shows access across the driveway/entrance of the neighbouring property. This land is not owned by the applicant and cannot be claimed to aid access.
- Access to the proposed property is on a blind bend of a country lane; the access will be shared by the neighbouring property, produces a three-way junction.
- Adding a new independent property on Priestwood Road will be further challenging the already existing traffic.

Drainage Impact

- There is no mains drainage, with the development requiring either the construction of septic tank or waste removal from the site.
- The boundaries of the proposed new build do not appear to have sufficient space to allow for an effective foul water handling system.

Overlooking

- Development will overlook neighbouring property

Other Matters

- The applicant has already applied for a similar development a few years ago and was turned down.
- The application seeks to subdivide existing agricultural land and convert it to a dwelling and garden, clearly with the intention of selling it on.

Planning Officer Assessment and Analysis

Introduction

This current application claims that the proposed works of the change of use of this building along with the building operations to convert the building, fall within the scope of permitted development 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 therefore do not require planning permission.

This is required to be verified by the Borough Council in relation to the criteria in Class Q.1 and under the conditions in Class Q.2 the applicant is required to seek a determination as to whether **prior approval** is required for the change of use of this building along with the building operations to convert the building in

relation to a number of impacts and other matters (including transport, noise, contamination, design and external appearance etc.).

Class Q Assessment of the Current Application

Class Q sets out that the following change of use and building operations are permitted development:

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.*

Class X (Interpretation of Part 3) of the Town and Country Planning (General Permitted Development) Order 2015, as amended, defines the terminology used in Class Q, as follows:

- An “agricultural building” means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business
- The term “agricultural use” refers to such uses.
- “Curtilage” means
 - (a) 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
 - (b) 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

The applicants Planning Statement suggests that the curtilage proposed is no larger than the area occupied by the agricultural building. However, it is clear that the curtilage as shown by the red line plan is substantially greater than the footprint of the building, in fact over 20 times greater.

The proposal therefore 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

The permitted change is subject to a number of limitations (that potentially also take the change of use and associated building operations beyond the scope of permitted development), which are listed in the table below alongside an assessment of whether the development accords or not with these limitations.

Criteria Q.1 Development is <u>not</u> permitted by Class Q if—
(a) the site was not used <u>solely</u> for an agricultural use as part of an <u>established agricultural unit</u>— (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. <u>Response</u> The key with this limitation, given that the building exists, is how the building was used on 20 March 2013. On this date the site must have been used solely for an agricultural use as part of an established agricultural unit (Q1 (a)(i)) or if it wasn't in such a use, when it was last used for that purpose (Q1 (a)(ii))

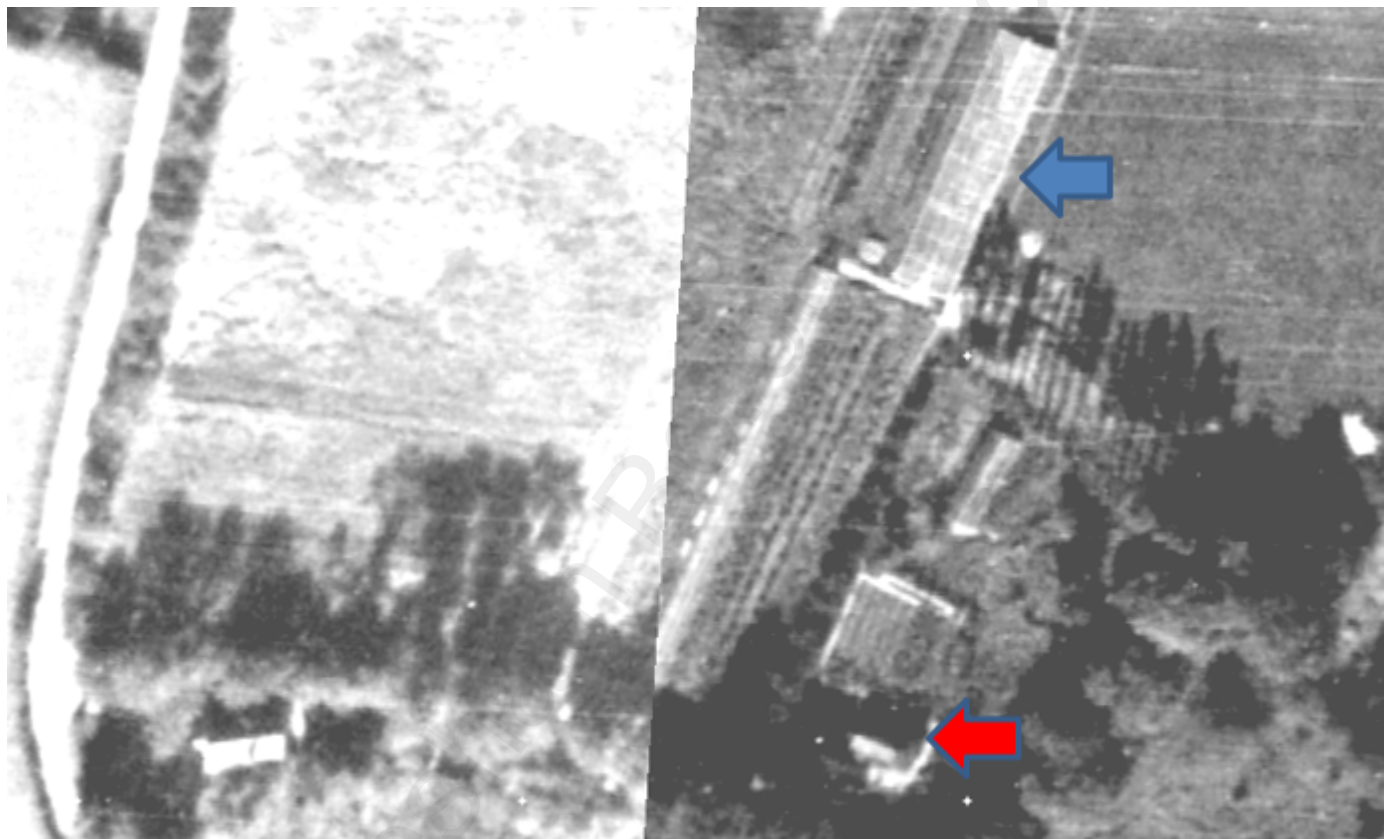
The evidence provided by the agent acting for the current applicant includes a Google Satellite view from 2007 which shows the barn. The Planning Statement says:

The barn's condition shows that it has been abandoned and is not used for a long period of time. When the barn was last in use it was used solely for an agricultural use as part of an established agricultural unit. There has been no other use of the barn since this time. Therefore, the barn complies with Q.1(a) and benefits from the rights set out in Class Q.

Currently there is no agricultural use taking place on the site or within the building and the building appears to be used for domestic storage and storage of building materials, although it is unclear as to how long this has been used for non-agricultural purposes. Other agricultural buildings that did exist to the north of the application building are now totally disused and are remnants of buildings only.

Map evidence from the KCC Heritage Maps website appears to show the existence of the building, the subject of this application (shown by the red arrow), in 1946 along with the other piggery buildings (shown by the blue arrow) within the holding immediately to the north.

Below: 1946 Aerial Map View



Subsequent map evidence from KCC Heritage Maps website appear to show that in 1990 the larger piggery building had been abandoned and comprised remnants only and it is evident on that basis that there was no agricultural activity likely to have been taking place on the site including any agricultural use of the application building.

Below: 1990 Aerial Map View



It is acknowledged that the building appears to have been originally in agricultural use in connection with a smallholding in the mid 1940's, but it has not been in such use actively since at least 1990, or earlier, but it is not clear when the building was last actively used for agricultural use or if and for how long there have been solely domestic uses of the building. It may also have been a stable.

Certainly, 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. Such evidence might be the agricultural holding number.

Therefore, the view is taken that the development falls foul of the limitations of Q.1 (a) and the development cannot be considered as permitted development.

(b) in the case of—

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

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

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres.

Response

The proposed dwelling (Agricultural Barn) has a footprint of 93.12m² as measured externally

(electronically).

Under Class Q.3 (Interpretation of Class Q) a “larger dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. “smaller dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

Therefore, the development is not contrary to the limitations in Q.1 (b), although again it should be noted that there is a lack of evidence relating to the site being an established agricultural unit.

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

Response

The floor space of the dwelling does not exceed 450m²

Therefore, the development is not contrary to the limitations in Q.1 (ba)

(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.

Response

There are no number of separate small units, or cumulatively (as proposed) exceeding 5.

Therefore, this is not applicable in this case. * Nevertheless, this still only applies to established agricultural units.

(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

Response

There have been no other dwelling houses proposed under Class Q previously and thus the development is not contrary to the limitations in Q.1 (d).

* See note above concerning established agricultural units.

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

Response

According to the application form, the site is currently not occupied under an agricultural tenancy

agreement. Therefore, the development is not contrary to the limitations in Q.1 (e)

(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.**

Response

According to the application form no agricultural tenancy over the site has been terminated a year before this development is proposed. Therefore, the development is not contrary to the limitations in Q.1 (f)

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

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

Response

No development under Class A (a) or Class B (a) or Part 6 (agricultural buildings and operations) has been carried out on the agricultural unit, although as indicated earlier the land does not appear to be currently an established agricultural unit or has been necessarily so since 1990.

Therefore, the development is not contrary to the limitations in Q.1 (g)

(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.

Response

The applicants Planning Statement says:

The proposed development relates to the conversion of the existing building and no extension to the envelope of the buildings is proposed. The windows, and doors proposed would sit no further forward than the existing envelope.

From a comparison of the submitted drawings - Drawing No 220401 002 Rev A: Existing Plans and Elevations and Drawing No 220401 001 Rev A: Proposed Plans and Elevations - reveals that the existing building has an external footprint of 92.77m² whereas for the proposed building the external footprint is slightly increased to 93.12m². (See also comment re height of building under Class Q (b) (i)).

Although this is marginal, on this basis the development falls foul of the limitations in Q.1 (h) and the development cannot be considered as permitted development.

(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);**

Response

The applicants Planning Statement says:

The existing building is structurally sound and capable of conversion as detailed in the submitted Structural Report. The only external development proposed is the installation of timber cladding, windows and doors. Mains water and electricity connections are available.

The 'GPDO' does not include any interpretation on what is considered to be the extent of building operations reasonably necessary for the building to function as a dwellinghouse, or the extent of demolition reasonably necessary to carry out building operations.

However, paragraph 105 of the National Planning Practice Guidance (Reference ID: 13-105-20180615) does provide advice on what works are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use. It says:

The right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

It goes on to say:

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.

There is also case law that can be referred to. The leading high court case of *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin) has established that there is a clear distinction between conversion and rebuilding and in applying the principles of this judgment.

The Courts held that the Inspector's analysis in dismissing an appeal against the refusal of a planning authority to grant prior approval to a proposed development was correct and the application to quash the decision did not succeed.

The building in question in that case was a 30 metre, steel framed barn largely open on three sides with a monopitch roof, a concrete floor slab and six steel uprights which span to support a corrugated fibre roof.

In order to convert the barn into a dwelling the existing steel frame and roof would be retained. No demolition was proposed. Panels were proposed for the four external walls and a ceiling within the existing frame.

The planning appeal was dismissed, the Inspector considered that the agricultural building would not be capable of functioning as a dwelling without substantial building works, including the construction of all four exterior walls. The proposed works went "*well beyond what could reasonably be described as conversion*". Effectively it was a new building, except for a limited amount of the existing building.

The Inspector stated her view that the simple fact that the existing barn was sufficient to bear the load of the proposed development was not, in and of itself, sufficient to meet the requirements of part Q. She thus stated:

Nevertheless, having regard to the extent of works necessary for the frame and fibre roof to function as a dwelling, a demonstration of the load bearing capacity of the frame alone is insufficient to meet the requirement of part Q in this case. Although I accept that substantial works could fall under the scope of class Q, they nonetheless presuppose that the works comprise 'conversion'. In this case, the building before me would not be capable of functioning as a dwelling without the building works outlined above which include the construction of all four exterior walls. This goes well beyond what could reasonably be described as conversion, and notwithstanding the re-use of the 6 steel uprights as the main structural element for the building and the retention of the fibre roof, the works described would be so extensive as to comprise rebuilding. I must therefore conclude that the works necessary to create a dwelling from the structure onsite would not fall within the scope of that permissible under part Q. Accordingly, they would not be permitted development under Class Q(b).

Each application is considered and assessed on a case-by-case basis having regard to the NPPG advice and case law but ultimately building operations and demolition that result in a building of a different size and form would exceed the works reasonably necessary to convert the building, and therefore would not meet the provisions of the GPDO. As an example of basic guidance (*sourced from other LPA guidance notes*) a scheme might not comply where the following applies:

- Substantial reconstruction
- Where the existing structure requires strengthening to enable the safe conversion of the building
- the replacement of the roof where that requires the strengthening of the existing structure
- Having regard to *Hibbitt v Secretary of State for Communities and Local Government* [2016], the construction of walls to enclose a largely open sided building (e.g., a Dutch or pole barn)
- Internal walls that provide lateral stability, strengthen the existing structure or take any load from the roof or other parts of the building
- Provision of internal structures to support new window and door openings
- Development extending beyond the existing building's envelope
- Provision of external features such as chimneys, flues, external cladding that extends beyond the existing envelope

Note: This is not exhaustive

In this particular case the details submitted with the application show that the extent of the works to be carried out to the existing building to convert to a dwelling and this is supplemented by a structural survey - Structural Appraisal Report by Paul Molineux Associates (PMA) (Project No 464 dated August 2021). The structural appraisal is based on visual inspection only with no opening up works. The quality of the footings is unknown.

As indicated earlier already the floor plans appear to show that the footprint of the building will be enlarged even if only marginally.

The existing barn building is constructed of part rendered blockwork and part rendered single skin brickwork with a corrugated sheet metal roof of which parts are missing and there is Perspex section towards the rear. Much of the roof is covered by vegetation. The roof rafters/trusses are in a poor condition and part of the roof timbers appears to be propped up.

At the eastern end is a lean to of blockwork with a metal roof in poor condition. There are significant wall cracks. The eastern end gable of the main roof section is missing, and timbers are exposed. Rainwater goods are all missing or defective. There is electricity connected and a part concrete floor.

Beyond the western end is a small building used as a log store constructed of part timber ply and part concrete panel walls and with an almost flat metal roof.

See Photographs Below.

Below: Eastern end of building

Below: West end of building



Below: External Wall



Below: Internal View – East end of building



The structural appraisal suggests that the existing building is in a condition that it is able to be converted following what are described as remedial works and this assumes logically that the existing building would therefore be retained intact.

However, there is no method statement as to how the building would be converted and constructed or the make-up of the walls, which have a thickness of 0.3m. The reality is that the existing barn would have to be rebuilt as it will have to have entirely new solid walls on all 4 sides.

The structural survey indicates that the eastern section would require the roof cladding replaced by a tiled roof and walls to be replaced/repared. The survey also indicates that the main section of building would require the existing roof cladding all to be removed and replaced with a tiled roof and with walls repaired/replaced.

As 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.

It is anomalous that in the structural appraisal it is indicated that the western end of the building will include the removal of the existing roof cladding and its replacement with a suitable flat roof covering but the submitted drawings purport to show a proposed pitched roof.

It has not been demonstrated that no underpinning or other structural works to the foundations would be required in order to carry out the proposal which includes additions such as patio doors and significant number of new openings.

The excavation and installation of foundations are not included in the list of permitted operations set out in the NPPG.

Whilst the submission of the structural survey 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 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 inevitably result in substantial works and could be considered as the rebuilding of the existing agricultural building.

On this basis the development falls foul of the limitations in Q.1 (i) and the development cannot be considered as permitted development.

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

Response

The site is not on Article 2 (3) land (such as AoNB or conservation area). The Kent Downs AoNB lies close to the site, being 100m to the north.

(k) the site is, or forms part of—

- (i) a site of special scientific interest (SSSI)**
- (ii) a safety hazard area**
- (iii) a military explosives storage area**

Response

The site is not part of a SSSI, a safety hazard zone, or a military explosives storage area.

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

Response

The site is and does not contain a scheduled ancient monument

(m) the building is a listed building.

Response

The building is not listed or within the curtilage of a listed building.

Class Q.2 (1) Conditions and Prior Approval Assessment

For a Class Q application, the following matters are for Prior Approval:

- (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

- (f) The design or external appearance of the building, and
- (g) The provision of adequate natural light in all habitable rooms of the dwellinghouses,

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

Part W requires (amongst other things) the Local Planning Authority to take into account any representations made to them as a result of any consultation and in response to a site notice and have regard to the National Planning Policy Framework (NPPF) 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application

In terms of the Local Planning Authority's assessment in relation to the above matters for prior approval, and notwithstanding the assessment under Class Q1 above, the following comments are made:

(a) Transport and highways impacts of the development

The development is for a single dwelling utilising an existing access that also serves the applicants existing dwelling and currently provides vehicle access to a triple garage that was granted permission in 1977.

The applicants Planning Statement indicates that the site has an appropriate access and parking is to be provided to the west of the building and also that cycle parking can be provided and secured by a planning condition. There is, however, no submitted analysis of traffic generation and the impact that this would have on the highway network or whether the access has adequate visibility.

There are a number of neighbour objections relating to highway impacts and access. They also point out that the submitted plans show access being across a neighbour's property which is not owned by the applicant.

It is likely that the development would generate at least 6-8 trips per day from the proposed residential use.

GBC Highways Development Management Officer who was consulted on the application does not consider that while the existing access fails to meet current guidance it exists, and it is doubtful that a two-bedroom dwelling would result in a significant increase in traffic.

He points out, amongst other things, that there should be on site turning for all vehicles liable to visit the site, (suggested 12-metre rigid vehicle to accommodate a refuse freighter/tanker), the need for two parking spaces to be provided on the site and secure parking for two cycles. He also suggests that the site is remote and not in a sustainable location and as a planning application would have recommended refusal on such grounds and for lack of parking, turning space, cycle provision and no details of foul water drainage.

The prior approval of the Local Planning Authority would be required on the transport and highways impacts of the development

(b) Noise impacts of the development

A dwellinghouse is recognised as being a noise sensitive development but it is accepted that the dwelling itself is not likely to generate significant levels of noise and is a sufficient distance away from the neighbouring dwelling to the south at Owls Cottage, Priestwood Road not to result in material noise impacts. No concerns have been raised in relation to this aspect by the Council's environmental health officers and the site is well away from any likely significant noise generating uses.

Therefore, the proposed works would satisfy criteria Q.2 (1) (b)

(c) Contamination risks on the site

The application has not been accompanied by any technical reports in relation to contamination risks. The applicants Planning Statement says:

There are no contamination risks on the site, and this could be secured by planning condition if required.

Given the past uses of the building and potential for some contamination from vehicle storage it would be appropriate for the applicant to undertake a watching brief during construction in case any contamination issue is encountered.

Therefore, the proposed works would satisfy criteria Q.2 (1) (c)

(d) Flooding risks on the site

The site is within Flood Zone 1 and no formal Flood Risk Assessment (FRA) has been submitted or would be necessary.

The Environment Agency have made no comments in relation to flood risk, although Southern Water have made comments in relation to foul and surface water disposal.

Therefore, the proposed works would satisfy criteria Q.2 (1) (d)

(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 National Planning Policy Guidance (Paragraph 109) addresses this in detail as follows:

Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval. There may be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.

In this case the proposed change of use to a dwelling is not impractical because of its siting as it not in a totally isolated location, albeit it is in a remote and unsustainable rural location, and its use as residential would not be materially affected by any adjoining agricultural activities. There are some services already provided - water and electricity - but there are no foul waste arrangements on site.

Nevertheless, on balance the proposed works would satisfy criteria Q.2 (1) (e)

(f) The design or external appearance of the building

The Local Planning Authority will require that any submission is of a design and appearance which reflects and upholds the inherently agricultural and rural character of a building and its setting. This would accord with the guidance in the National Planning Policy Framework (NPPF) and Policy CS19 of the Gravesham Local Plan Core Strategy and Saved Policy C11 (Conversion of farm buildings) of the Gravesham Local Plan First Review

Works are only permitted where they are reasonably necessary to facilitate the buildings conversion to a dwelling and it is not the aim of the Class Q permitted development rights to allow the domestication of the countryside.

Any conversion should utilise existing openings and minimise the number of new openings. Where new openings are required, they should be appropriately designed so as to reflect the buildings character in terms of profile and material use. If elements of the building are being replaced, then they should be replaced to match original materials. Where the building or its features are of historic or architectural interest or attractive in their own right, the proposed development will be expected to uphold the character. External materials to be used will be expected to reflect the agricultural appearance of the building in all cases.

A Design Statement is normally recommended to demonstrate that the design maintains and enhances the character of the immediate rural surrounds, but this has not been submitted with this prior approval application.

The applicants Planning Statement simply indicates that the external alterations are minor, are reasonably necessary and do not have a harmful impact and the building would still be legible as a former agricultural building.

In this case the external wall cladding as being weatherboarding is appropriate to the rural location and setting, although it is not clear what the proposed finishes are, and vertical cladding, as shown in the drawings, tends to appear more modern whereas horizontal cladding looks more traditional to a rural location. The existing building currently has very few openings being a door and what would have been high level windows/openings in the north elevation. The proposals introduce 5 new windows and a door on the north elevation. There are no details of the window design. More anomalous is the large patio doors in the west elevation that are out of character with the agricultural appearance of the building.

The prior approval of the Local Planning Authority would be required on the design or external appearance of the building through the submission of a design statement and re-assessment of the extent and type of new openings

(g) The provision of adequate natural light in all habitable rooms of the dwellinghouses

It is noted that all habitable rooms are served by windowed elevations, thereby achieving adequate natural light, albeit that it would potentially run contrary to Q.2 (1) (f).

Therefore, the proposed works would satisfy criteria Q.2 (1) (g).

Conclusions and Recommendation

After assessing the above criteria, it is considered that 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:

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.

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 view is taken that the development falls foul of the limitations of Q.1 (a) and the development cannot be considered as permitted development.

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 and 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.

It is anomalous that in the structural appraisal it is indicated that the western end of the building will include the removal of the existing roof cladding and its replacement with a suitable flat roof covering but the submitted drawings purport to show a proposed pitched roof.

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

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. 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. The GBC Highways Development Management Officer points out that as a planning application he would have recommended refusal on such grounds and for lack of parking, turning space, cycle provision and no details of foul water drainage. There are several neighbour objections relating to highway impacts and access.

In addition, prior approval is required in respect of the proposed design and external appearance of the building pursuant to Class Q.2 (1) (f) of the GPDO through the submission of a design statement and re-assessment of the extent and type of new openings.

Recommendation:

Prior approval is required and refused.

Reasons for refusal

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 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

1 DRAWINGS AND DOCUMENTS

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

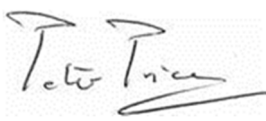
Drawing No 220401 002 Rev A: Existing Plans and Elevations

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.

Case Officer:	Mr Peter Price	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	25 August 2022	Dated:	25 August 2022

File Location: H: Plan/Typing/General/Peter/Delegated Reports/Uniform - 20220654 - Delegated Report - Agricultural Building
Priesthood Priestwood Road Meopham - Prior Approval for change of use of agricultural building to a dwelling