



Delegated Report

PRIOR APPROVAL CLASS Q APPLICATION

Application No:	20230264
Location:	Land Adjacent To Acorn Villa & Ripley's View, Hermitage Road, Higham, Rochester, ME3 7ND
Description:	Prior Approval application (Class Q) for the change of use and conversion of 1 No agricultural building to 1 no. residential dwellings.
Applicant:	Robert Ripley
Site Visit:	18 th May 2023

Submitted Documents/Plans

- Application Form - dated 17/03/2023;
- Supplementary Information - Planning Statement (received 22/05/2023);
- Ordnance Survey Site Location Plan (scale - 1:1250);
- Drawing no. SMRR/P/1 - Existing and Proposed Block Plans (scale - 1:200);
- Drawing no. SMRR/P/2 - Existing and Proposed Floor Plans;
- Drawing no. SMRR/P/3 - Existing Elevations;
- Drawing no. SMRR/P/4 - Proposed Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
19910630	**AMENDED APPLICATION/REVISED DESCRIPTION** Erection of a single storey building to form toilet/washing facilities and store, installation of a cesspool in connection with the horticultural use and formation of vehicular access onto a classified road.	PERMITTED	02.03.1992

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

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

Paragraph 33 of the NPPF (2021) sets out that 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 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 that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision Making
- Section 5 - Delivering a Sufficient Supply of Homes
- Section 9 - Promoting Sustainable Transport
- Section 12 - Achieving Well-Designed Places
- Section 13 - Protecting Green Belt Land
- Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15 - Conserving and Enhancing the Natural Environment
- Section 16 - Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

External Consultees

Higham Parish Council - At the Planning Committee meeting of Higham Parish Council held on Monday 27th March 2023 the committee unanimously agreed to make an objection to the above planning application as it would have a detrimental effect on the area. It lies in the Green Belt within which inappropriate development should not be approved except in very special circumstances which we the Parish Council believes does not application to this application under the National Planning Policy Framework rev. 20/07/2021. This is a semi-rural area and the proposal would not fill in the gaps between the neighbouring properties as it would be set back from the road so would not preserve the character and appearance of the area. Furthermore the Parish Council feel that if this application is permitted it would set a precedent for future applications.

Dickens Protection Society - The Society would wish to object to this application on the grounds that the site is in an area within which Green Belt policies apply, where new dwellings would not normally be permitted. No evidence has been presented that the building has been used for agriculture. It does not appear to be

associated with any established agricultural holding.

Internal Consultees

Local Ward Councillor - No comment received.

Neighbouring properties

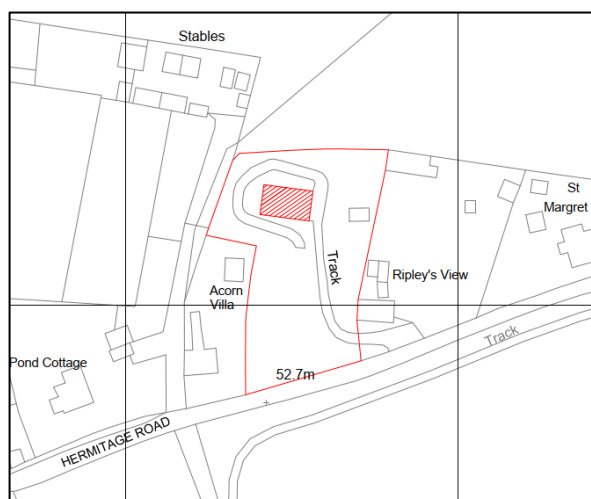
A notice was displayed on site.

In addition, one surrounding properties was consulted and no representations were received. The consultation period expired 21st April 2023.

Officer's Analysis

Site Description

The application site is an unnamed plot of land located on the northern side of Hermitage Road. The site is adjoined on either side by Acorn Villa to the east and Ripley's View to the west.



The site contains a detached building which is currently used for storage, with a total depth of 9.15m and width of 15m. Access is gained by an informal track stemming from Hermitage Road.





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 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 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 not permitted by Class Q if—

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.

Response

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 (Q.1 (a)(i)) or if it wasn't in such a use, when it was last used for that purpose (Q1 (a)(ii)). The onus is on the applicant to demonstrate that the development would, on the balance of probability, comply with Q.1(a) as a sole agricultural use.

The evidence provided by the in the Planning Statement states:

The site was initially part of the surrounding farmland (seen in fig. 2 and 7), and the existing agricultural building was used as a pig store. The proposed site (seen in fig. 1) was acquired by the current owner approximately fifty years ago and at the beginning, the land was used to grow fruit (seen in fig. 12), crops, and kept chickens to produce and sell eggs. Since the passing of one of the owners 13 years ago, the site has been left to overgrow and accumulate objects.

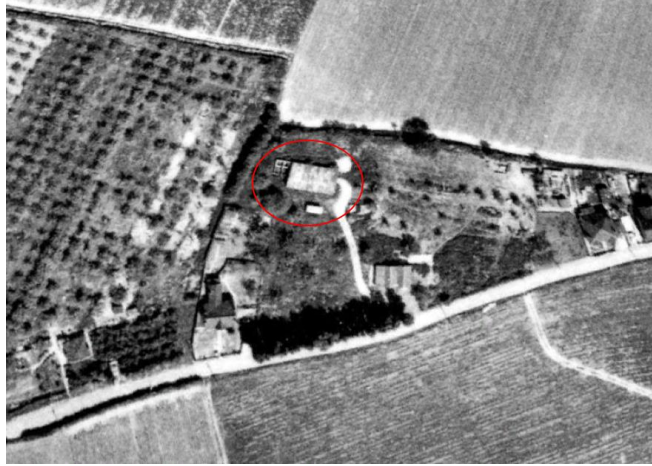
Currently there is no agricultural use taking place on the site or within the building and the building appears to be used for domestic storage and storage of materials.

The Planning Statement utilises mapping evidence from the KCC Heritage Maps website to demonstrate the evolution of the site from 1871 - Present Day. The mapping highlights that the site was formally part of a larger piece of farmland, which was at some point an orchard and then subdivided into two smallholdings (the application site and the plot to the north-east Ripley's View).

It would seem from the evidence provided that the application site and building was only shown in the present day map from KCC. However, the date ranges on the KCC maps are broad and therefore a more in-depth analysis is required through Google Earth Satellite imagery.



December 1940



December 1960



December 1990



November 2006



April 2015



August 2022

Subsequent satellite analysis show that the building has been in situ since at least 1940. The Planning Statement says that the building was originally utilised as a piggery/pig store, while this statement could be correct there is no evidence to support this statement. It is noted that there is agricultural paraphernalia on the site, which similarly would suggest some form of agricultural use.

It is acknowledged that the building appears to have been originally in agricultural use in connection with a larger farm and later potentially a smallholding from the 1940's, but the satellite evidence is considered to demonstrate that 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 for storage. Certainly, the land is not currently an established agricultural unit, and it has not been an established agricultural unit since at least the 1990s.

Notwithstanding this, an investigation of the planning history of the site states a horticultural use. The committee report for ref.19910630 states that the "site is in horticultural use for growing vegetables and keeping chickens, ducks etc on a hobby/leisure basis". According to section 336 of the Town and Country Planning Act 1990, the definition of agriculture includes horticulture. However, the hobby/leisure basis stated in the 1991 committee report does not clearly demonstrate a sole agricultural use on the date specified, especially with the evidence of substantial domestic storage within the building. Moreover, the information provided in the Planning Statement does not amount to convincing evidence that the building is, or has last been, used solely for an agricultural use as part of an established agricultural unit on or

before 20th March 2013 or for the ten years previously.

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 substantial 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 137.4m² 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 100m² and no more than 465m² 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 the site is not 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

A “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.

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).

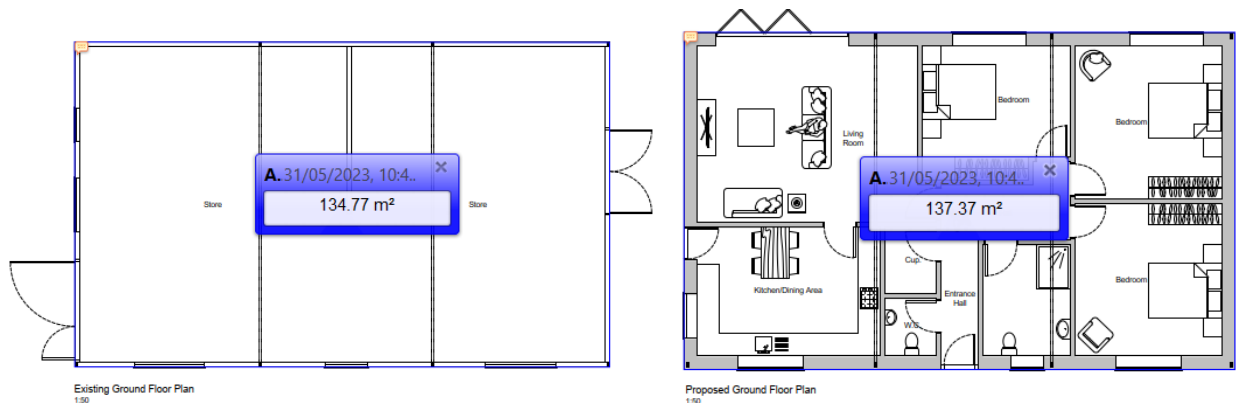
(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

Response

The applicants Planning Statement says that the “*building will be adapted to an extent that is reasonably necessary to convert the building into a dwellinghouse. This conversion will stay within the existing buildings footprint (seen in fig. 18) and the existing steel frame structure will remain.*”

- Existing agricultural building footprint: 135m²
- Proposed dwellinghouse footprint: 135m²”

However, from a comparison of the submitted ‘drawing no. SMRR/P/2 - Existing and Proposed Floor Plans’, the external dimensions would exceed the existing dimensions. The existing dimensions measure at 134.8m² and the proposed dimensions measure at 137.4m². Therefore, the external dimensions of the building would increase by 2.6m².



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 ‘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) (Appendix 1) 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

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

The details submitted with the application show that the extent of the works to be carried out to the building may fall within the above limitations. However, the applicant has not provided a structural appraisal or a construction method to demonstrate that the building is structurally sound and capable of functioning as a dwelling and that the extent of the works required to convert the building would not include the construction of new structural elements.

In the absence of a structural appraisal and construction method statement undertaken by a suitably qualified engineer, it is not possible to confirm that the proposed building operations shown on the submitted drawing reflect the actual extent of works required to the building.

It is noted also that the existing plans do not show areas of disrepair. On site it was possible to see some areas of disrepair, overgrowth and walls covered with corrugated sheeting. It is clear that the roof would need to be replaced and if so whether it would require structural support. Without the adequate surveys and construction details, it is not possible to fully understand the extent of works required to the building and whether this would be reasonably defined as 'conversion'. Some images are shown below for reference:



(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).

(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.

Given that the application has been supported by insufficient information relating to paragraphs Q.1 (a) and Q.1 (i), no detailed assessment has been made against the Conditions or paragraph W (Prior Approval procedure). However, brief comment is provided below:

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 shared access from Hermitage Road. The existing access is shared by Ripley's View, is not reinforced and is an informal dirt track that enters through the gates into the site.



Google Streetview - November 2022

As part of this development the traffic generation is likely to increase and the use of an unreinforced access is not suitable, with loose materials causing a hazard to road users.

Moreover, the existing access falls outside of the redline ownership and therefore its improvement is a civil matter between neighbours. If any future application is submitted a new access from the site should be created onto Hermitage Road formed of bound porous materials would be preferable in highway terms. This should be 10m from the access serving Ripley's View.

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 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 not result in material noise impacts. 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 not located within a Flood Zone and no formal Flood Risk Assessment (FRA) has been submitted or would be necessary. 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. However, there is no details provided relating to any existing service that are already provided - i.e. water, electricity and no foul waste arrangements on site.

Nevertheless, on balance the proposed works are unlikely to be impractical or undesirable and therefore should satisfy criteria Q.2 (1) (e), but additional details/information should be provided.

(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) (2021) and Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Saved Policy C11 (Conversion of farm buildings) of the Gravesham Local Plan First Review (LPFR) (1994).

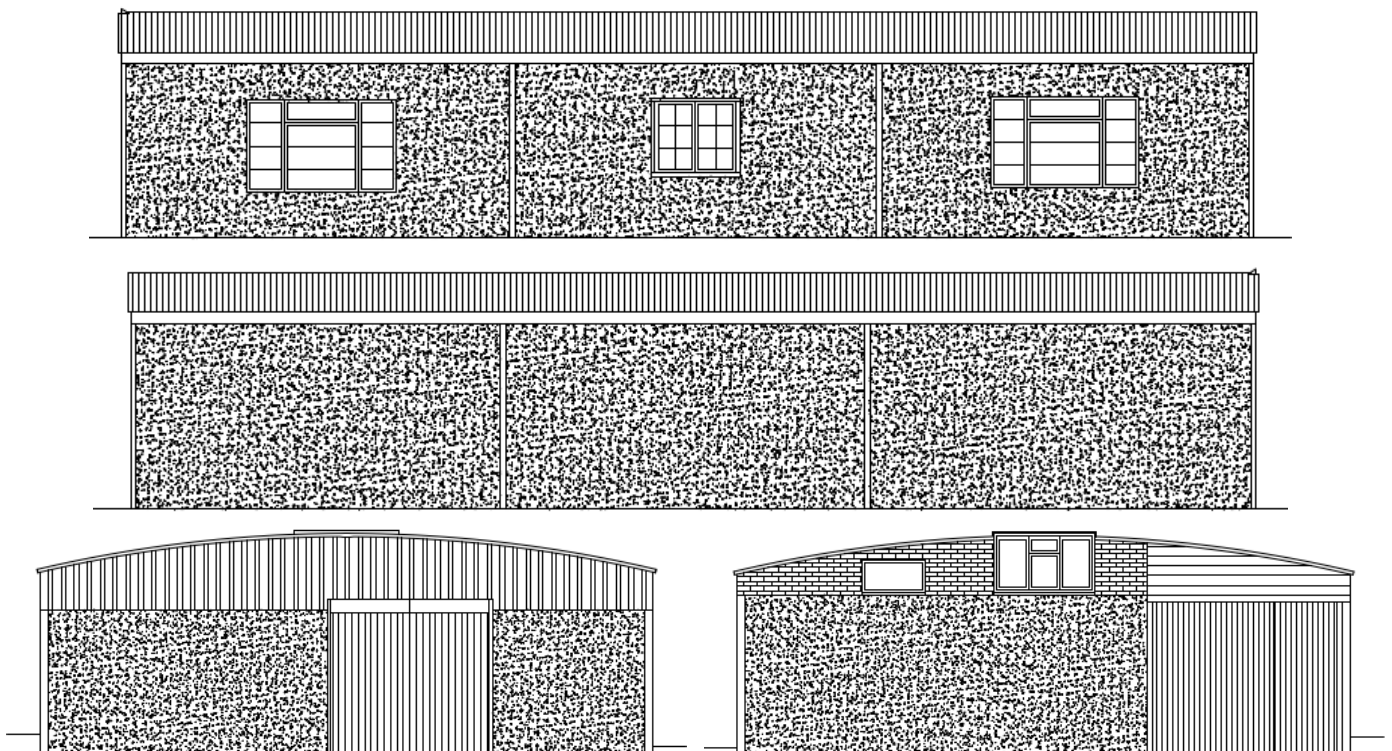
Works are only permitted where they are reasonably necessary to facilitate the buildings conversion to a dwelling and it is not the aim of the Class Q permitted development rights to allow the domestication of the countryside.

Any conversion should utilise existing openings and minimise the number of new openings. Where new

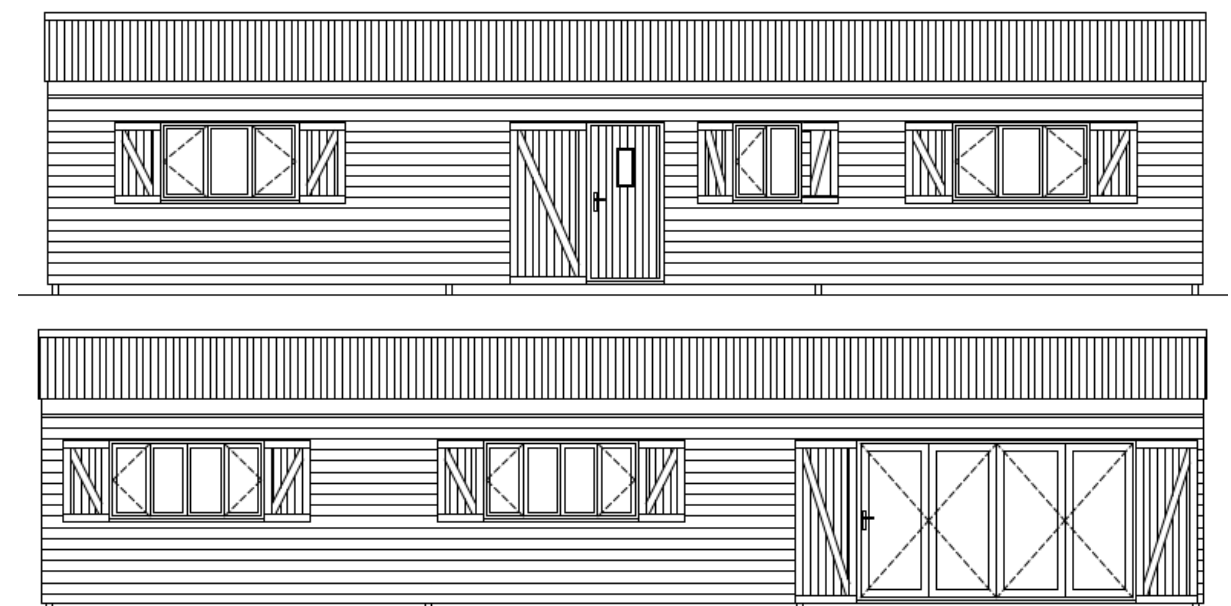
openings are required, they should be appropriately designed so as to reflect the buildings character in terms of profile and material use. If elements of the building are being replaced, then they should be replaced to match original materials. Where the building or its features are of historic or architectural 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.

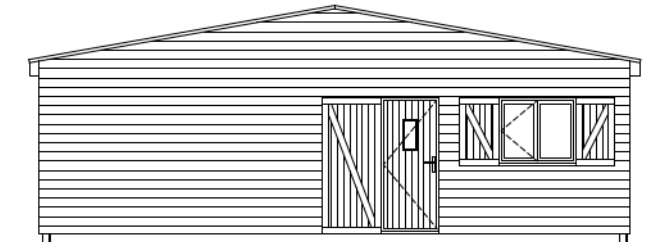
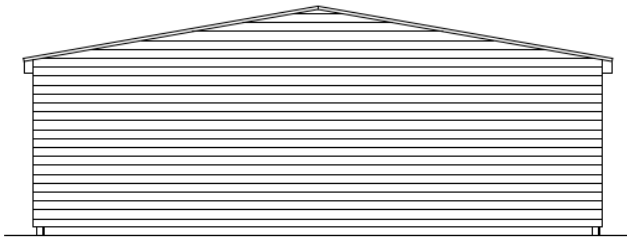
A Design Statement is normally recommended to demonstrate that the design maintains and enhances the character of the immediate rural surrounds, but this has not been submitted with this prior approval application. Below is a comparison of the existing and proposed elevations of the building:

Existing Elevations



Proposed Elevations





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 the horizontal cladding looks more traditional to a rural location. The existing building currently has seven openings, with the proposal seeking two additional openings. There are no details of the window design.

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

Conclusion

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 land is not currently an established agricultural unit, and it has not been an established agricultural unit since at least the 1990s. 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

Recommendation

PRIOR APPROVAL IS REQUIRED AND REFUSED

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:	<i>Ethan Bonthron</i>	Signed:	<i>R Hart</i>
Dated:	1 st June 2023	Dated:	1st June 2023