

Application: 20211422

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

DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED

To: **Mr K Gozzett
C/O Mr Steve Clarke, Graham Simpkin Planning Ltd
2 The Parade
Ash Road
Hartlet
Longfield
DA3 8BG**

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

at **Agricultural Barn
Warren Farm
Swillers Lane
Shorne
Gravesend
Kent
DA12 3ED**

and being **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.**

Your application dated 17th November 2021 is refused on the following grounds:-

1. The change of use of this agricultural building to a Class C3 dwellinghouse and the associated building operations and works 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 development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point (in this case enlarging the width and footprint) and therefore exceeding the limitation in Class Q.1 (h).

(b) The development under Class Q (a) and (b) would consist of building operations and demolition works that go beyond the extent reasonably necessary for the building to function as a dwellinghouse allowed by paragraph Q.1(i), (i) and (ii).

The building itself is virtually an open pole barn and comprises a building that is open to the elements entirely on two sides with only steel uprights. Where there are any walls coverings remaining they are only partial and comprise poor quality shiplap boarding/weather boarding and this could not be retained.

The existing building is shown to be retained including the metal stanchions along with the existing roof framework but the whole structure will have entirely new solid walls on all 4 sides. 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.

Much of the roof, which is covered by a light corrugated covering, is already missing. The submitted structural statement suggest that the fibre cement roof sheeting is 'generally in acceptable order and can be retained' and the elevation drawings show the proposed roof material as being corrugated sheet roofing (green) although it is indicated that there would be 6 conservation roof lights inserted into the roof slopes, 2 at the front (north elevation) and 4 at the rear (south elevation).

As the roof covering is shown to be the same as existing namely as fibre cement roof sheets it is inevitable that to meet Building Regulations there is going to be a need for insulation and this will result in the raising of the roof 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.

There is no flooring whatsoever for the existing building. This is also likely to involve significant structural alterations to the building. While the structural report suggests that from just a single trial hole (showing 1.0m³ of concrete for the column foundations) but it has not been categorically 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 heavy glazing panels. The excavation and installation of foundations are not included in the list of permitted operations set out in the National Planning Practice Guidance (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.

Consequently, the Prior Approval procedure is not applicable to this proposal.

2. Notwithstanding the Local Planning Authority's conclusions in relation to the applicability of permitted development rights in relation to Class Q.1 (h) and (i) 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 in the opinion of the Local Planning Authority the curtilage associated with the proposed dwelling would not be sufficient for the provision of adequate amenity and operational requirements for the proposed dwelling.
3. Notwithstanding the Local Planning Authority's conclusions in relation to the applicability of permitted development rights in relation to Class Q.1 (h) and (i) prior approval is required and refused due to the proposed design and external appearance of the building pursuant to Class Q.2 (1) (f) of the 'GPDO' as in the opinion of the Local Planning Authority the large number of openings (windows/doors) and notably all the rooflights would appear to be at odds with the character of the existing building giving it a very domestic appearance, and due to the impracticalities of retaining and reusing corrugated cement sheeting as roof covering for the dwelling.

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;
Covering Letter and Supporting Statement by Graham Simpkin Planning Ltd dated 17 November 2021 (ref PR3408/SC);

Structural Assessment Report (TSC Designs Ltd) October 2021;
Groundsure Siteguard Report (Ref GS-8339739) Dated 17 November 2021;

Drawing No 3408.01: Site Location Plan & Existing Block Plan;
Drawing No 3408.02: Existing Floor Plan;
Drawing No 3408.03: Existing Elevations;
Drawing No 3408.04: Proposed Block Plan;
Drawing No 3408.05: Proposed Floor Plan;
Drawing No 3408.06: Proposed Elevations.

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

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

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

Dated: 10 January 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.

- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

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

but does **not** include –

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

PURCHASE NOTICES

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

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

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.