



Delegated Report

Prior Notification Application

Planning Application No: 20240055

Location: Little Rose Farm Gravesend Road Fairseat Sevenoaks

Description: Prior notification under Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of an agricultural building to a commercial use Class E.

Applicant: Mr O'Neil

Submitted Documents/Plans

Application Form
269EX-01 – Block Plan
269PD-01 – Proposed Site Plan/Location Plan
269PD-02 – Proposed Floor Plans/Elevations
269PD-03 – Existing Floor Plans/Elevations
Supporting Statement (Dated 28th March 2024)
Technical Highway Note

Superseded:

~~Supporting Statement~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20211261	Retention of existing mobile home.	Refused	11.03.2022
20191244	Application for a Lawful Development Certificate in respect of the continued use of the building workshop for B1(c) Car Repairs.	Certificate Refused	21.01.2020
20190909	Application for a Lawful Development Certificate in respect of the continued permanent occupation of a mobile home for residential purposes.	Certificate Refused	29.11.2019
20071043	Conversion of part of existing barn into 16 commercial kennels with reception, feed store, wc and installation of cesspool.	Refused	16.01.2008
20070060	Erection of detached single storey replacement dwelling with rooms in the roof space and a detached double garage.	Permitted	03.07.2007
20050900	The applicant has shown beyond all reasonable doubt that the application site has been occupied as a single family dwelling for a period of in excess of four years	Certificate Granted	19.01.2006

	prior to the date of the application. Application for Lawful Development Certificate for continued use of the building as a residential dwelling house.		
19840197	Outline application for construction of an equestrian and country leisure centre including a three day eventing course	Refused	22.05.1984
19770654	Retention of widened vehicular access to agricultural land	Permitted	10.11.1977

Material Consideration

Article 3, Part 3, Class R of Schedule 2 to the Town and Country Planning (General Permitted Development) Order (England) 2015 (GPDO) as amended.

Planning Policies

The nature of this application is such that adopted and emerging planning policies are not relevant, since it relates to whether the proposed change of use requires prior approval only.

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

I have no objections to the proposal, but there appears to be some inconsistencies in the submission. The Planning Statement refers to converting the barn to a B8 use, whilst everything else indicates a class E use.

The Highway Statement concentrates on light industrial processes but does include a couple of other uses in its analysis. It is therefore suggested that any approval should be restricted to use classes E(c) and E(g) which best reflects the analysis. This permits any other use to be assessed on its own merits in both terms of car parking and traffic generation.

The use of maximum vehicle parking standards except in special circumstances is no longer considered appropriate in the National Planning Policy Framework

“112. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.”

Initially this should consist of two car and one van for each unit under 200m² with adequate facilities to accommodate the largest goods vehicle liable to visit the site and above that one car parking space per 50m² with 1 goods vehicle space for every 200m² up to a maximum of 6 HGV's.

It is suggested that a parking plan should be conditioned to protect the future provision and avoid external storage at the expense of vehicle parking. The applicant also needs to make appropriate provision for cycle parking, 3 cycle spaces should suffice given the floor area involved.

Officer Note: Since these comments were received the supporting statement has been amended by the planning agent to only refer to change of use to Class E(g).

KCC Highways

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Environmental Protection

There is no objection to this application. Noise is not a concern/issue – given the site's location it is unlikely to impact on any nearby properties. In respect of contamination, although an agricultural use can give rise to a risk, as the end user will be commercial as opposed to residential, the risk is minimal – no contamination assessment is therefore needed.

Neighbouring properties

A site notice was placed on 19.02.24. The final date to submit comments ended on 11th March 2024. No comments were received from members of the public.

Officer's Analysis

Discussion

In terms of establishing the agricultural use of the site, the Planning Statement identifies that the farmland is historically used for grazing of sheep and horses and the production of hay and fruit trees. It identifies that this barn is located within the farmland. The size and layout of the building has the appearance of an agricultural barn. Whilst the wider site has substantial planning history, there is limited planning history relating to the barn. The most recent planning application which would relate to this site is reference

20071043 for Conversion of part of existing barn into 16 commercial kennels with reception, feed store, WC and installation of cesspool, which was refused. This application at that time referred to the building as a barn. The existing floorplan submitted with that application shows the building as being used as stables, tack and feed. No planning permission has been obtained for this barn after this application was refused and so the agricultural use of the building remains and is therefore established.

As the floor space of the building subject to this application exceeds 150m² then R.3 (1) (b) applies and not (a). Under the provisions of R.3 (1) (b) prior approval of the Local Planning Authority is required as to –

- (i) transport and highways impacts of the development;
- (ii) noise impacts of the development;
- (iii) contamination risks on the site; and
- (iv) flooding risks on the site,

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

Paragraph W requires the following relevant consultation:

- The Local Highway Authority – as the change relates to traffic entering or leaving a classified Road (Gravesend Road)

The LPA also consulted;

- GBC Highways Officer
- GBC Environment Protection

Criteria R1 - Development is not permitted by Class R if—
(a) the building was not used solely for an agricultural use as part of an established agricultural unit— (i) on 3rd July 2012; (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 building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins; <u>Response</u> Historical maps show the building in situ as early as 1990. The Layout and design of the building appear to be purpose built for agricultural use. Based on available information, the proposal complies with the relevant criteria of R1 (a)
(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres <u>Response</u> The cumulative floor area of the building (measured externally) which would change use under class R is 340m² and no other permission has been given under Class R.
(c) the site is, or forms part of, a military explosives storage area; <u>Response</u> The site does not form any of the above

(d) the site is, or forms part of, a safety hazard area; or <u>Response</u> The site does not form any of the above
e) the building is a listed building or a scheduled monument. <u>Response</u> The building is not listed/scheduled monument

Criteria R3 (b) - determination as to whether the prior approval of the authority will be required as to—
(i)transport and highways impacts of the development; <u>Response</u> A document titled 'Technical Highway Note' prepared by Bellamy Roberts has been submitted. In that documents it is estimated that the existing use could generate between 32 and 56 two-way vehicular movements daily. Whilst the proposed use could generate approximately 22 two-way traffic movements daily. Based on this assessment the proposed use would result in less traffic generation. It also details that two goods vehicle spaces and 7 car parking spaces are required and there is sufficient space to accommodate this. The GBC Highways Officer has suggested that a parking plan should be conditioned to protect the future provision and avoid external storage at the expense of vehicle parking. The applicant also needs to make appropriate provision for cycle parking, 3 cycle spaces should suffice given the floor area involved. No other concerns have been raised by the GBC Highways Officer of the KCC Highways Officer and that appropriate parking provision can be provided, subject to details reserved by condition.
(ii)noise impacts of the development <u>Response</u> The Environmental Protection Team have raised no concern regarding noise impact given the position of the building. The building is relatively isolated and set away from residences. As such should there be any increase in noise, it would not result in significant impact to residential neighbours.
(iii)contamination risks on the site <u>Response</u> No concerns regarding contamination were raised by the Environmental Protection Team. The building has a long history of agricultural use and is not in an area which raises potential contamination concerns.

(iv)flooding risks on the site

Response

The site is located in Flood Zone 1. The Environment Agency have not notified the LPA of any critical drainage problems in this area and so no formal Flood Risk Assessment (FRA) has been submitted or would be necessary as per Paragraph W(6).

Conclusion & Recommendation

As the agricultural building to which this application relates is over 150 square metres, a determination is required as to; the transport and highways impacts of the development, noise impacts of the development, contamination risks on the site and flooding risks on the site. The development is considered to be acceptable with regard to these matters, subject to conditions. For avoidance of doubt this assessment relates only to change of use of the building and no external changes or engineering operations would be granted by the decision associated with this application. Such works may require separate planning consent.

As such the development is considered to comply with Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the recommendation is to Grant Prior Approval for the Development.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	4 th April 2024	Dated:	04 April 2024