



Mike Holmes  
Principal Planning Officer  
Sevenoaks District Council  
Argyle Road  
Sevenoaks  
TN13 1HG

Our ref SEV/21/20

Your ref

10.06.21

Dear Mr Holmes,

**Notification for Prior Approval- Proposed Change of Use of Office Building to a Dwellinghouse (Class C3), Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3, Class O**

**Site- Dome Barn, Otford Lane, Halstead, TN14 7EG**

I refer to the above site. I have been instructed to submit an application for prior approval for the change of use of the existing building from offices to residential use at Dome Barn, Otford Lane, Halstead.

Class O of Part 3 of Schedule 2 of the General Permitted Development Order (GPDO) allows for the change of use of offices to residential use as permitted development subject to a number of criteria and the terms of paragraph W of the GPDO. The details below demonstrate that the proposal complies with the relevant criteria of Class O and terms of paragraph W.

The application is accompanied by the following information;

- Site plan and block plan
- Drawings numbered 001 (proposed floorplans), 002 (existing plans), 004 (proposed elevations) and 005 (existing elevations);
- Prior approval application form.

The application fee will be paid direct via the Council's website.

**Proposed development**

The proposed development is the conversion of the existing larger office building on the site to a



dwellinghouse. The larger building (the Nissen hut) is located to the north-east corner of the site. The curtilage of the site also contains two other buildings, used as part of the business operations. A store building is located to the north-west corner of the site, and a smaller store is located to the south-east corner of the site.

The conversion of the building will result in a one bed dwelling being formed in the Nissen hut, with the other buildings being used as storage, incidental to the residential use. The existing parking area is to the south-west corner of the site and will remain in this location as part of the proposals.

### **Permitted development criteria**

The criteria for establishing whether proposed conversion and associated works are permitted development are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class O. As part of the Transitional Arrangements that accompany the amendments to the GPDO, the Use Classes Order that was in operation at 31.08.20 remains in force in relation to applications made under the terms of the GPDO, with the new Use Classes Order, which came into operation on 01.09.20 not being in effect until 01.08.21.

In addition, Article 3, paragraph 9 of the GPDO sets out that development under Schedule 2 (which includes Class O applications) does not grant permission for, or authorise any development of, any new dwellinghouse where the gross internal floor area is less than 37 square metres in size or that does not comply with the nationally described space standards. As per the submitted drawings, the building to be converted to a dwelling exceeds 37 sqm, and meets the minimum national space standards.

The criteria for Class O are set out below, and the proposed development is assessed against them.

### **Class O – offices to dwellinghouses**

Class O sets out that development consisting of the following is permitted—

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.



Class O goes on to set out that development is not permitted if;

*the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—*

*(i) on 29th May 2013, or*

*(ii) (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;*

The applicant purchased the site in 2009, with a view to using the property as office accommodation. At the time, it was used for a B2 industrial use. The case officer's report for the application reference 08/03361 (an application for a Certificate of Lawful Development for the change of use from B2 Industrial to B1 Business use) is appended to this letter and confirms that the change of use from B2 to B1 was lawful. The applicant purchased the property after the Certificate was issued, and from that point used the premises for his offices. Although the building has not been used as offices for the past 12 months due to the Covid restrictions, the use of the building and land within its curtilage was used for offices since 2009, and certainly before 29.03.13.

Development is also not permitted if;

- *the site is, or forms part of, a safety hazard area;*
- *the site is, or forms part of, a military explosives storage area;*
- *the building is a listed building or is within the curtilage of a listed building; or*
- *the site is, or contains, a scheduled monument.*

The site does not fall within any of the above.

Paragraph O.2 sets out that development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to;

*(a) transport and highways impacts of the development,*



- (b) contamination risks on the site,*
- (c) flooding risks on the site, and*
- (d) impacts of noise from commercial premises on the intended occupiers of the development, and*
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.*

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

In relation to the criteria under parts (a)-(e), the following is relevant;

Transport and highway impacts- the present use of the site is as an office, and this use would generate commercial traffic. The existing buildings on the site amount to 112 sqm, which would generate a parking requirement for 6 spaces on the site. The parking standard for a 1 bed house is 1.5 spaces. As a result, the notional parking requirement will be reduced. In addition, the trip generation will be reduced, as the number of trips associated with a 1 bed dwelling will be significantly less than for a commercial office that requires 6 parking spaces.

There is an existing access to the site which will be utilised for the proposed change of use. The highway is relatively straight and level adjacent to the site, and there will be no harm to other highway users as a result of the proposed change of use.

Contamination risks- the most recent use of the site has been for a commercial office. Historically, the site was used for industrial purposes. There is therefore a likelihood that some contamination may be present on the site. However, this is a matter that can be addressed by the use of an appropriately worded condition should prior approval be granted.

Flooding risks- the site is within flood zone 1 and is therefore not at risk of flooding.

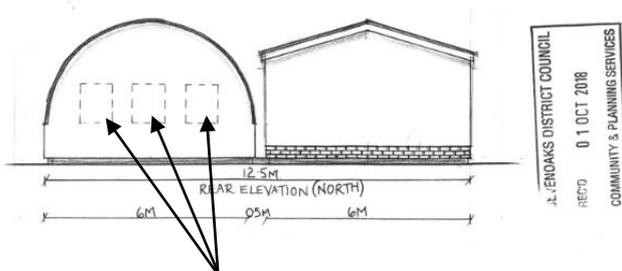
Impacts of noise from commercial premises on the intended occupiers of the development- the site is located within the countryside and there are few surrounding buildings. There are two properties opposite, fronting Otford Lane, and a dwelling immediately to the west. The planning history for the dwelling to the west (Sepham Barn) includes the planning permission for the change of use from agriculture to office use (B1) under reference 97/01757. Whilst the details of the application (apart from



the decision notice) are not included on the Council's website due to the historic nature of the application, it is assumed that the proposal refers to the change of use of a barn to an office use. One of the conditions attached to the permission (condition 10) sets out that the building should only be used for office purposes only and no other purpose (including any other purpose in use class B) of the Use Classes Order. As a result, the use of an adjoining building for office purposes is not likely to create an unacceptable noise environment for the intended occupiers of the residential unit.

The provision of adequate natural light in all habitable rooms- the proposed floorplans indicate that there are, in effect, two habitable spaces for the proposed dwelling. At the front of the building, it is proposed to use the space as a lounge/diner/kitchen area. This space will be lit by the existing full height and full width glazed windows and entrance door. This elevation of the building faces south and will therefore benefit from sunlight for the majority of the day, and the size and shape of the windows will allow significant natural light into the building.

To the rear part of the building are three window openings in the rear wall. These windows were previously blocked up for security purposes when the building was converted to an office. The existing elevations, submitted for application 18/03073 (an application for a Certificate of Lawful Development for an extension to the existing buildings) are shown below;



*Window openings shown to be blocked up*

*Extract from plans submitted with application 18/03073 showing rear (north) elevation.*

For the current application, the window openings will be reinstated, and two of the windows will serve the bedroom, and one of the windows will serve the bathroom.

It is clear from the above that the proposed development will result in adequate natural light for all habitable rooms.



Given the above it is clear that the proposed development will not result in any adverse transport or highway impacts, that there are likely to be minimal contamination risks, but this can be dealt with by condition, that the site is not at risk of flooding, there will be no noise impact from any adjoining commercial premises, and all habitable rooms will receive adequate natural light.

Development under Class O is also permitted subject to the development must be completed within a period of 3 years starting with the prior approval date and the developer must apply for a determination on or before 31.07.21. Should prior approval be given, then the development will be completed within three years, and the determination as to whether prior approval is required is submitted before 31.07.21.

It is also set out that the provisions of paragraph W apply. Paragraph W sets out that the application must be accompanied by;

- *a written description of the proposed development;*
- *a plan indicating the site and showing the proposed development;*
- *a statement specifying the net increase in dwellinghouses proposed by the development;*
- *a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;*
- *the developer's contact address;*
- *the developer's email address if the developer is content to receive communications electronically;*  
*and*
- *where sub-paragraph (6) requires the Environment Agency to be consulted, a site specific flood risk assessment,*

*together with any fee required to be paid.*

In relation to the above, a written description of the proposed development is set out at the top of this letter.

The submitted plans indicate the site and proposed development, and the proposed floorplans indicate



the total floorspace of the proposed dwellinghouse, and the dimensions and uses for each room, and the position and dimensions of windows doors and walls. The elevations of the buildings are also provided.

The number of dwellinghouses to be provided is 1.

The developer can be contacted, including via email, through the contact details at the foot of this letter, and as set out on the submitted application forms, as I am acting as the developer's agent.

The Environment Agency are not required to be consulted as the site is not within Flood Zones 2 or 3, and the site does not have critical drainage problems. As a result, a site-specific flood risk assessment is not required.

The relevant fee will be paid directly via the Planning Portal.

In the light of the above, it is submitted that the prior approval application is properly made, and that the Council have 56 days from the date that the application is received to either confirm in writing whether prior approval is required or not. If written notice is not received within 56 days, and a longer period has not been agreed, then the developer is entitled to carry out the development in accordance with the submitted details.

Should you wish to visit the site, please contact me on the details below to arrange access.

Yours sincerely,

Encs- Appendix 1- Officers report for application 08/03361

**Appendix 1-** Officers report for application 08/03361



**RECOMMENDATION NOTE**

<b>REFERENCE:</b>	SE/08/03361/LDCPR	<b>DATE:</b>	09.02.08
<b>SUBJECT:</b>	Appraisal	<b>NAME:</b>	Guy Martin
<b>ADDRESS:</b>	Dome Barn, Otford Lane, Halstead, Sevenoaks, Kent, TN14 7EG		

**Proposal**

Change of Use from B2 Industrial to B1 Business

**Planning History**

06/00414/FUL	Replacement building for use for motor vehicle repairs and servicing.	REFUSE	04/05/2006
PA/08/00358	Change of use class from B2 to B1	PDE	

**Constraints** (e.g.: AONB, Green Belt,)

Metropolitan Green Belt  
Special Landscape Area

**Publicity Expires:**

N/A

**APPRAISAL**

**Description of Site**

Dome Barn is a Nissan hut style building which is used for car repairs. The site is located on the northern side of Otford Lane approximately 1.4km south east of Halstead village.

**Description of Proposal**

Change of Use from B2 Industrial to B1 Business

**Principle Issues**

The principle issue is to determine whether the existing structure has an established B2 industrial use. The applicant has stated that the site has been used for a period of 35 years for motor vehicle repairs and maintenance which is a B2-use. Correspondence from SDC Enforcement team from 11<sup>th</sup> September 1995 confirms that the site has been used for the repair of motor vehicles going back to 1991 when the matter was considered by the Council's Development Control Sub-Committee at which time no enforcement action was taken.

**Conclusion** - It has been confirmed that Dome Barn has been used for motor vehicle repairs for the last 18 years and so it is an established use. The proposed change from B2 to B1 is a permitted change of use within the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 3, Class B.

**Recommendation – Grant Lawful Development Certificate**





Signed: *[Signature]*

Case Officer: Guy Martin

Date: 09.02.09

Signed:

Team Manager: *[Signature]*

Date: 13.2.09

*[Faint stamp]*

*[Faint stamp]*



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