



IN ASSOCIATION WITH



SUPPORTING PLANNING STATEMENT

Little Barksore Farm, Lower Halstow, Sittingbourne, Kent.

December 2020

SUPPORTING PLANNING STATEMENT

Pursuant to Schedule 2, Part 3, Class Q (a) and (b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

In support of an application for a determination as to whether the Prior Approval of the Local Planning Authority will be required for the

Change of use of building and land within the curtilage from an agricultural use to a use falling within Class C3 (dwelling-houses)

at

Little Barksore Farm, Lower Halstow, Sittingbourne, Kent, ME9 7ED.

On behalf of

Mr Goodhew

Bloomfields is the trading name of Lambert & Foster (Bloomfields) Ltd (company no. 08278915) an owned subsidiary of Lambert & Foster Ltd a Limited Company registered in England and Wales, No 10574225. Registered office 77 Commercial Road, Paddock Wood, Kent TN12 6DS.

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1. Background

- 1.1. In accordance with the requirements of Paragraph Q.2 (1) of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, on behalf of Mr Goodhew to support an application under the provisions of Class Q of this Order for a determination as to whether Prior Approval will be required for the change of use of a building and land within its curtilage from an agricultural use to a use falling within Class C3 (dwelling-house) at Little Barksore Farm, Lower Halstow, Sittingbourne, Kent, ME9 7ED.
- 1.2. In accordance with Paragraph W (a) of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), this supporting planning statement provides a written description of the proposed change of use. The application is also accompanied by a plan indicating the site and showing the proposed site, and the agent's contact address and email address are;

Mr Goodhew, c/o Gary Mickelborough, Bloomfields, 77 Commercial Road, Paddock Wood, Kent TN12 6DS; and gary.mickelborough@bloomfieldsttd.co.uk
- 1.3. This application relates to a redundant relatively large steel framed agricultural building. The southern half of the barn is complete with fibre cement clad elevations and a mono pitched roof. Whilst the northern half is brick built and incorporates sliding timber doors. This agricultural unit forms part of a group of buildings surrounding Little Barksore Farm's yard including a Grade II listed farmhouse, an additional large agricultural barn with extending lean-to sheds. The farmhouse currently serves as the residential property for Mr Goodhew whilst the additional agricultural buildings and lean-to sheds are also redundant.
- 1.4. The building is rectangular in plan form with brick external walls on its southern half and cement clad elevations on its northern counterpart. The building also features a fibre cement sheeted roof.
- 1.5. The proposed agricultural building which is the subject of this application can be viewed below in the Google Earth image outlined in red. Meanwhile the nearest property which is also currently the residence of the applicant Mr Goodhew can be seen within the blue outline this forms part of the wider site owned by Mr Goodhew.



2. Proposal

- 2.1. The proposed development is for the change of use of an existing agricultural building and land within its curtilage, as indicated on the accompanying site plan, into two residential dwelling-houses. The proposal also includes building operations reasonably necessary to convert the building.
- 2.2. The building operations reasonably necessary to convert the building include only the insertion and replacement of doors and windows, and replacement cladding material at the external walls and roof. A part of the existing lean-to element that was erected as an extension to the building would also be removed from the site.
- 2.3. The extent of the residential curtilage due to the proposed change of use has been carefully considered to ensure that it includes only land immediately beside and around the existing agricultural buildings and is no larger than the land occupied by the building, in accordance with the definition of 'curtilage' laid out at Paragraph X of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. Permitted Development

- 3.1. Class Q permits 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 (dwellinghouse). Paragraph X of this Part of the Order clarifies that 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. Schedule 2 of this Order also clarifies that “building” includes any structure or erection and, except in other irrelevant parts of the Order, includes any part of a building.
- 3.2. The proposed change of use of this building into a residential dwelling would fulfil the specific criteria laid out at Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as follows;
- a) This criterion says “***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”;***
- 3.3. The Agent for this application is satisfied that the land has clearly been used for the purposes which fall within the definition of ‘agriculture’, as defined at Section 336 of the Town and Country Planning Act (1990) (as amended) and can be considered to form an established agricultural unit. This Agent has verified the historic use of the land via discussions with the land owner.

- 3.4. This holding was originally used for agricultural operations, as it incorporated and still contains a cold store that was once used to house fruit that was harvested from the adjoining orchards that extend to the south west of the proposed building. These orchards have since been tenanted to a third party. The rest of the building was previously used to store fencing supplies including posts, wire, as well as a land rover and trailer that were also used on the farm and for the applicants ancillary agricultural contracting business. The limited planning history of the site makes it clear that the building was originally and has since only ever been used for purposes in association with the agricultural use of the site;
- 3.5. This building was erected in association with the use of Little Barksore Farmhouse, which was originally the residence associated Little Barksore Farm.
- 3.6. In addition to this application, the only relevant planning history associated with Little Barksore Farm was a historic outline application for a two storey, four-bedroom house in 1995 (under reference SW/95/0155). This application was refused on the 27th March 1995, however no further details of this application are available on Swale Borough Council's website. Furthermore no appeal was made and there is no further recorded planning history associated with Little Barksore Farm or the specific agricultural building that forms the subject of this application. The use of Little Barksore Farm and its outbuildings have remained solely agricultural.
- 3.7. So, the site can clearly be said to represent an established agricultural unit and the application building was originally constructed as an agricultural building and was last used for purposes in connection with those agricultural operations at a date before 20th March 2013, in accordance with (a) (ii).

b) This says development is not permitted by Class Q if "***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;

3.8. The building is 312 square metres in area and the cumulative floorspace of the two dwellings is 357 square metres. The dwellings are considered to constitute a 'larger dwellinghouse' as defined at Paragraph Q.3 as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018. However, only two residential units are proposed.

c) This says development is not permitted by Class Q if "***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";

3.9. In this case, the building will be converted into a residential dwelling, and the proposed dwelling does not constitute a 'smaller dwellinghouse' as defined at Paragraph Q.3 as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018. Therefore, the cumulative floor area would not exceed 465 square metres and the cumulative number of separate larger dwellinghouses developed under Class Q would not exceed 3.

d) This says development is not permitted by Class Q if "***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"

- 3.10. In this case the application building (i) does constitute 'larger dwellinghouses' as defined at Paragraph Q.3 as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018, but would not have a floor area greater than 465 square metres.
- e) This says development is not permitted by Class Q if "***the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained***";
- 3.11. The application is submitted by the land owners and the developer has confirmed that the application is being made on behalf of the land owners and there are no tenants in occupation.
- f) This says development is not permitted by Class Q if "***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***";
- 3.12. The developer has confirmed that an agricultural tenancy over the site has not been terminated less than one year before the date the development begins.
- g) This says development is not permitted by Class Q if "***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***";
- 3.13. There is not known to have been any development carried out under Class A (a) or Class B (a) of Part 6 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) since 20th March 2013.

h) This says development is not permitted by Class Q if “***the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point***”;

3.14. In this case the building operations reasonably necessary to convert the building would include the insertion of new and replacement doors and windows, a new roof, minor repairs to the external weatherboarding, and the external timber posts, new external wall to the eastern end of the south part of the building, and raised ground floor levels to comply with the flood risk assessment. The existing walls will remain in place and be waterproofed and insulated and finished inside. Therefore, there would be no works which would extend beyond the external dimensions of the existing building.

3.15. The application is supported by an assessment carried out by a Chartered Structural Engineer and confirms that the building is structurally sound and capable of conversion, and that building operations only amount to an extent which is reasonably necessary for the building to function as a dwellinghouse.

i) This says development is not permitted under Class Q if “***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)”;

- 3.16. In this case the building operations reasonably necessary to convert the building would include the insertion of new and replacement of doors and windows, a new roof, minor repairs to the external weatherboarding, and the external timber posts, new external wall to the eastern end of the south part of the building, and raised ground floor levels to comply with the flood risk assessment. The existing walls will remain in place and be waterproofed and insulated and finished inside. Therefore, there would be no works which would extend beyond the external dimensions of the existing building.
- 3.17. The National Planning Policy Guidance says (under ‘Are any building works allowed when changing to residential use?') that the permitted development right under Class Q “*recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted*”.
- 3.18. In this case, it is clear that the building is of sound construction with the majority of the existing external structure being capable of retention. The proposal requires a new external wall to the eastern end of the south part of the building, however, given that this relates to such a small proportion of the overall building, the installation and replacement of some exterior walls is permissible under criteria Q(b)(i)(aa) on the basis it is reasonably required (as it is only a relatively small proportion of the works required) to convert the building, and the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use, in accordance with Paragraph 105 of the National Planning Policy Guidance.
- 3.19. The installation of water, electricity, drainage and gas services would be permitted on the basis that they are utilities which are reasonably necessary for the building to function as a separate dwelling.
- j) This says development is not permitted under Class Q if “***the site is on article 2(3) land***”;
- 3.20. Article 2(3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 says “*The land referred to elsewhere in this Order as article 2(3) land is the land described in Part 1 of Schedule 1 to this Order*”.
- 3.21. Part 1 of Schedule 1 to this Order includes “*Land within—*

(a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);

(b) an area of outstanding natural beauty;

(c) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)(a);

(d) the Broads;

(e) a National Park; and

(f) a World Heritage Site”.

3.22. It is clear that the application site has not been designated for any of these purposes.

k) This says development is not permitted under Class Q if “***the site is, or forms part of—***

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area”;

3.23. The site is not, and does not form part of, any of these designated areas.

l) This says development is not permitted under Class Q if “***the site is, or contains, a scheduled monument”;***

3.24. The site does not contain any scheduled monument.

m) This says development is not permitted under Class Q if “***the building is a listed building”.***

- 3.25. The building is not a Listed Building.
- 3.26. Therefore, subject to the condition that before beginning the development, in accordance with Paragraph Q.2 (1) 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) 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 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.

4. Prior approval for the residential use of building

- 4.1. The provisions of Paragraph W of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 apply in relation to this application as to whether prior approval would be required.
- 4.2. Paragraph W (10) (b) says that the Local Planning Authority must, when determining an application, have regard to the National Planning Policy Framework ‘so far as relevant to the subject matter of the prior approval, as if the application were a planning application’.
- 4.3. To this end it is relevant to note the Ministerial Statement on Local Planning by Nick Boles published in advance of the changes to legislation which permit the proposed change of use, which in itself is considered to carry a degree of weight as a material consideration. It was said that *“we expect local planning authorities to take a positive and proactive approach to sustainable development, balancing the protection of the landscape with the social and economic wellbeing of the area...other protected areas are living communities whose young people and families need access to housing if their communities are to grow and prosper”*.
- 4.4. Paragraph 38 of the National Planning Policy Framework says “Local planning authorities should approach decisions on proposed development in a positive and creative way”. Paragraph 38 also says *“Decision-takers at every level should seek to approve applications for sustainable development where possible”*.
- 4.5. That being said, it is submitted that prior approval has already been granted in relation to the transport and highways impacts of the development; the noise impacts of the development; the contamination risks on the site; the flooding risks on the site; and 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 of the Schedule to the Use Classes Order.

5. Transport and highways impacts of the development

Number of vehicle movements

- 5.1. Comments from KCC Highways Officers with respect to similar proposals in the area have been noted. For example, with respect to a proposal for the conversion of a nearby agricultural building into two houses served by an access with visibility splays that would not meet current guidelines (under reference 20/501838/PNQCLA), the Council was advised;
- 5.2. *“It is widely accepted that per square metre, an agricultural building would typically generate more vehicle movements than the equivalent residential floorspace, which is partly why the change of use was made easier under planning legislation with the introduction of the Prior Notification process for this type of development. It is not relevant how the current user of the building operates, and what level of activity they may have at present, it’s the worst-case potential of the building being used for agricultural or other permitted operations that matter.*
- 5.3. *For example, buildings could be used to store numerous items of farm machinery or plant that may be needed on a daily basis and will attract many vehicle movements throughout the day. There are probably many other legitimate operations typically associated with an agricultural building that would also generate a lot of activity, and with larger vehicles than expected with residential use”.*
- 5.4. On this basis, the proposed use as two dwelling-houses is not considered to amount to any material increase in traffic numbers. The proposal could not reasonably be said to give rise to any significantly greater number of movements than the current use of the building for agricultural purposes.
- 5.5. It is therefore considered that the proposed use as two relatively modest dwellings should not be prevented or refused on highways grounds. This is because the NPPF is clear that this should only be the case “*if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*” (our emphasis).

Nature of vehicle movements

- 5.6. The proposal would continue to make use of that existing access but the vehicles using it would be domestic in nature and so less likely to cause noise and disturbance issues than agricultural vehicles, and the trips being required to access the building would be reduced.
- 5.7. Furthermore, it is submitted that the proposed residential use of the building would give rise to less vehicle movements than an alternative proposal for a commercial use, which could be carried out as a permitted development by virtue of Class R of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development would not generate any material increase or a material change in the character of traffic in the vicinity of the site.
- 5.8. Any proposal under the provisions of Class R of this legislation would also be subject to assessment as to whether prior approval was required with respect to the transport and highways impacts of the development. However, the proposed residential use of the building would generate movements of domestic vehicles rather than commercial vehicles. These tend to be much smaller in scale, less noisy and less likely to cause disturbance issues with neighbouring properties. Domestic vehicles are also far better equipped to navigate junctions, being smaller and quicker.

Access

- 5.9. Paragraph 32 of the National Planning Policy Framework advises that decisions should take account of whether a safe and suitable access to the site can be achieved for all people.
- 5.10. The proposal would make use of an existing entrance to Little Barksore Farm which is considered to benefit from adequate visibility splays in both directions, this ensures safe access onto and off Raspberry Hill Lane. This driveway also benefits from its wide sweeping access point onto Raspberry Hill lane which in the past has been suitable to accommodate farm machinery and traffic so is considered capable of supporting two additional dwellings worth of traffic. The access road/driveway consists of hardstanding and joins the highway to the application building providing ample space for access, parking and turning.

- 5.11. As laid out in the submitted site plan, the proposal would provide sufficient space for vehicles to enter the site, park and egress the site in a forward gear, thereby allowing for adequate vehicle parking provision.



Google Earth image showing existing access to the highway

- 5.12. As such, the proposal would not give rise to any adverse transport impacts or the safety and convenience of the nearby highway, which is in accordance with Section 9 of the National Planning Policy Framework; Promoting Sustainable Transport.
- 5.13. It is respectfully submitted that prior approval should not therefore be required from the Local Planning Authority in relation to the transport and highways impacts of the development, in accordance with Paragraph Q.2 (1) (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6. Noise impacts of the development

- 6.1. Planning Officers have previously pointed out that this legislation is concerned with the noise impacts *of* the development rather than impact of noise upon future occupants. The point being that, in interpreting the literal wording of this part of the Order, it should only be necessary to consider whether the proposed development (i.e. the change of use of the existing agricultural building to a residential dwelling) would *create* any noise impacts. It has previously been agreed that the literal reading of this Part of the Order actually precludes consideration of the potential noise impacts created by any existing land use.
- 6.2. That being said, whilst Paragraph W (13) of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) clarifies that “*the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval*”.
- 6.3. However, the nearest neighbouring property is the applicant’s existing dwelling more than 45 metres to the north. The next nearest neighbouring residential property is over 100 metres away. Therefore it is strongly submitted that there is ample distance to the nearest properties such that there would not be any adverse noise impacts upon any neighbours or any material impact upon the amenity levels of prospective occupants of the application building.
- 6.4. Prior approval should not therefore be required from the Local Planning Authority in relation to the noise impacts of the development, in accordance with Paragraph Q.2 (1) (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7. Contamination risks on the site

- 7.1. The Government's website clarifies that 'contaminated land' is used in general terms to describe land polluted by heavy metals, oils and tars, chemical substances, gases, asbestos or radioactive substances. It also clarifies that the legal definition of contaminated land includes substances that could cause significant harm to people or protected species, and/or significant pollution of surface waters or groundwater.
- 7.2. Paragraph 003 of the 'land affected by contamination' section of the National Planning Policy Guidance identifies that Part 2A of the Environmental Protection Act 1990 provides a risk-based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. Paragraph 004 says contamination is more likely to arise in former industrial areas but cannot be ruled out in other locations including in the countryside.
- 7.3. However, in this instance there has not been any inappropriate spreading of materials such as sludges or any contamination being moved from its original source. The area is not considered to be affected by the natural or background occurrence of potentially hazardous substances. The site is not known to have had any history of previous uses which might otherwise have resulted in any contamination of this land.
- 7.4. It is therefore submitted that there would not be any unacceptable risks from pollution and the development would be appropriate to its location, in accordance with Paragraph 180 of the National Planning Policy Framework.
- 7.5. Notwithstanding this, paragraph 180 of the National Planning Policy Framework advises that where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner. In the event that the Council considered that there was likely to be land contamination issues, then conditions could be imposed to ensure that adequate soil tests were carried out prior to the first use of the site as a two residential dwellings (not prior to the commencement of the development). However, it is strongly submitted that this should not be necessary.

7.6. It is respectfully submitted that prior approval should not therefore be required from the Local Planning Authority in relation to the contamination risks of the development, in accordance with Paragraph Q.2 (1) (c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8. Flooding risks on the site

- 8.1. Paragraph 155 of the National Planning Policy Framework advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The site is not located within the designated Flood Zone and the image below is an extract from the Environment Agency's map of 'Risk of Flooding from Rivers and Sea'.
- 8.2. The site is located within a designated Flood Zone 1 which means that the land and proposed building subject to change of use Land has a less than 1 in 1,000 annual probability of river or sea flooding. In addition the site does not present any critical drainage problems that have been notified to the Local Planning Authority by the Environment Agency. The yellow marker indicates Little Barksore Farmhouse, which is the current residence of our client Mr Goodhew, whilst the red outline indicates the proposed agricultural building which is the subject of this application.
- 8.3. As such, it is submitted that the development would be carried out within an area which has a lower probability of flooding, and so it would not be necessary for the Local Planning Authority to consult the Environment Agency. It is also therefore not necessary for this application to be accompanied by a site-specific Flood Risk Assessment, in accordance with Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

9. Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling-house

- 9.1. It is relevant to note the National Planning Policy Guidance in relation to this matter, which says *“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”*.
- 9.2. This being said, the building is of sufficient size to be equipped with all of the necessities required for occupation as a dwelling, which would make a valuable contribution to the supply of smaller dwellings in this rural area. The building does not represent the hypothetical isolated dwelling which the National Planning Policy Guidance seeks to preclude from such development. In this case the building is within only some 70 metres of the highway and is close to an existing dwelling and currently grouped by further outbuildings. The building benefits from existing electricity and water supplies. There is an existing hardstanding around the building and an established means of access to the highway. Adequate external amenity area and parking can also be provided. It would therefore be possible to ensure a high-quality design and a good standard of amenity for future occupants, in accordance with the National Planning Policy Framework.
- 9.3. With regards to noise, the National Planning Policy Framework says at paragraph 180 that decisions should *“avoid noise giving rise to significant adverse impacts on health and quality of life”*. There are a number of existing residential dwellings within the vicinity of the site, and as such, it is considered that the adjacent land uses would not significant material impact upon the amenity levels of prospective occupants of the application building.

- 9.4. The National Planning Policy Guidance indicates that “*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*”. It is clear that the nature of the surrounding uses which this prior approval matter is intended to safeguard against are not present at this site. It is strongly submitted that the nature of the uses surrounding the application building are not such that they should be considered sufficient to give rise to any undesirable impact in accordance with National Planning Policy Guidance.
- 9.5. As such, there would not be any reason for the building to be considered impractical nor undesirable as a dwelling, in accordance with Paragraph Q.2 (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 9.6. It is respectfully submitted that prior approval should not therefore be required from the Local Planning Authority in relation to whether the location or siting of the building make it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling in accordance with Paragraph Q.2 (1) (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

10. The design or external appearance of the building

- 10.1. The National Planning Policy Guidance also goes on to clarify that *“it is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right”*.
- 10.2. In terms of structural works, as has been shown within the submitted plans, this building is considered to be capable of being converted in its current form. The proposal aims to retain the character of the existing building as much as possible. The position of openings aims to reflect those within the existing building where this can be achieved.
- 10.3. In terms of the visual impact of the proposed external works, the proposed changes to the fabric of the building have been carefully thought-out to ensure that they would result in only minimal changes which are reasonably necessary to convert the building. Modern materials would be used to ensure an attractive finish, however, the design subtly highlights the agricultural character, for example, by the use of the existing portal frame will retain the barn like structure.
- 10.4. The proposal does not include the insertion of any flues, aerials or similar domestic paraphernalia which might otherwise materially alter the character of the building. It is therefore submitted that the building operations would be appropriate insofar that there would not be any material impact upon the character or appearance of the building, which would remain that of a former agricultural structure.
- 10.5. It is respectfully submitted that prior approval should not therefore be required from the Local Planning Authority in relation to The design or external appearance of the building, in accordance with Paragraph Q.2 (1) (f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11. The provision of adequate natural light in all habitable rooms of the dwellinghouses

- 11.1. Paragraph W (2A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that “where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.” Where habitable rooms are defined as any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.
- 11.2. The scheme has been designed to satisfy the criteria set out within Daylight Standard BS EN 17037, with regard to daylight provision; assessment of the view out of windows; access to sunlight; and prevention of glare. As such, it is submitted that the proposed conversion would provide adequate natural light in all of the habitable rooms of the dwellinghouses.
- 11.3. It is respectfully submitted that, prior approval should not therefore be required from the Local Planning Authority in relation to the provision of adequate natural light in all habitable rooms of the dwellinghouses, in accordance with Paragraph Q.2 (1) (g) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

12. Conclusion

- 12.1. It is submitted that this proposal should be considered to constitute permitted development, in accordance with Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 12.2. It is submitted that prior approval should not be required in relation to the transport and highways impacts of the development, the noise impacts of the development, contamination risks on the site, flooding risks on the site, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use or the design or external appearance of the building. It is therefore submitted that the proposal would be in accordance with Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 12.3. It is therefore respectfully submitted that the prior approval of the Local Planning Authority should not be required with respect to the change of use of a building and land within its curtilage from use as an agricultural building to a use falling within Class C3 of the Schedule to the Use Classes Order, and the building operations reasonably necessary to convert the building.