

PLANNING STATEMENT

**The Town and Country Planning (General Permitted Development) (England)
Order 2015 Schedule 2, Part 3, Class Q – agricultural buildings to dwelling-houses.**

**Change of use of a building and land within its curtilage from an agricultural use
to a use falling within Class C3 (dwelling-houses) and building operations
reasonably necessary to convert the building.**

Under the provisions of Class Q of the above order this statement is in support of an application for the change of use of a redundant barn at Paradise Farm, Lower Hartlip Road, Hartlip, Sittingbourne, ME9 7SU, to residential dwellings within a 3 year period from either prior approval being granted or the period of days referred to in paragraph N(9)(c) of this Part expires without the local planning authority notifying the developer as to whether prior approval for the development is given or refused.

It is proposed to change the use of the redundant barn to a three-bedroom dwelling (large) in accordance with Class Q of the above order.

November 2022

APPLICANT

Mrs & Mrs Love

AGENT

Architectural Designs

Michael Tamsett

1 APPLICATION SITE

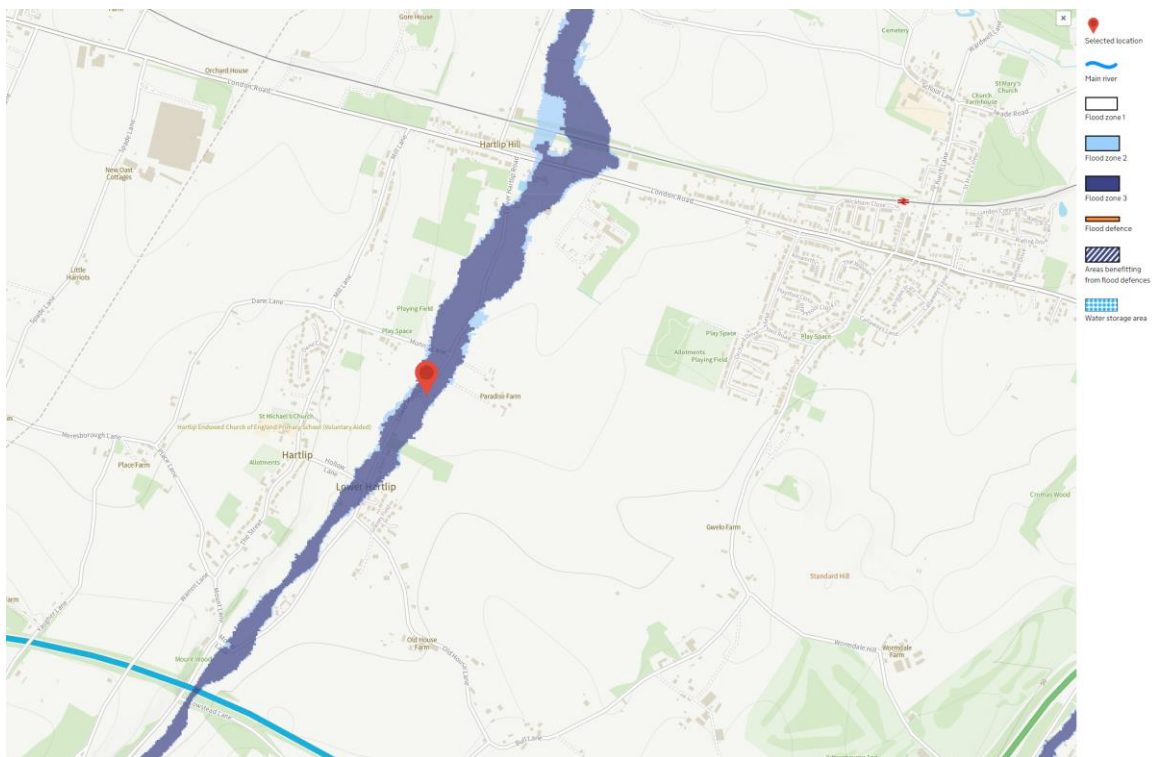
1.1 The site lies within the open countryside.

1.2 Access to the site is off Lower Hartlip Road.

1.3 The barn was part of an agricultural unit known as Paradise Farm.

1.4 The site does not lie within a conservation area or an Area of Outstanding Natural Beauty.

1.5 The site lies in a Flood Zone 3 area with a high probability of flooding.



Environment Agency Flood Map

Flood risk

Extent of flooding

Location

me97su

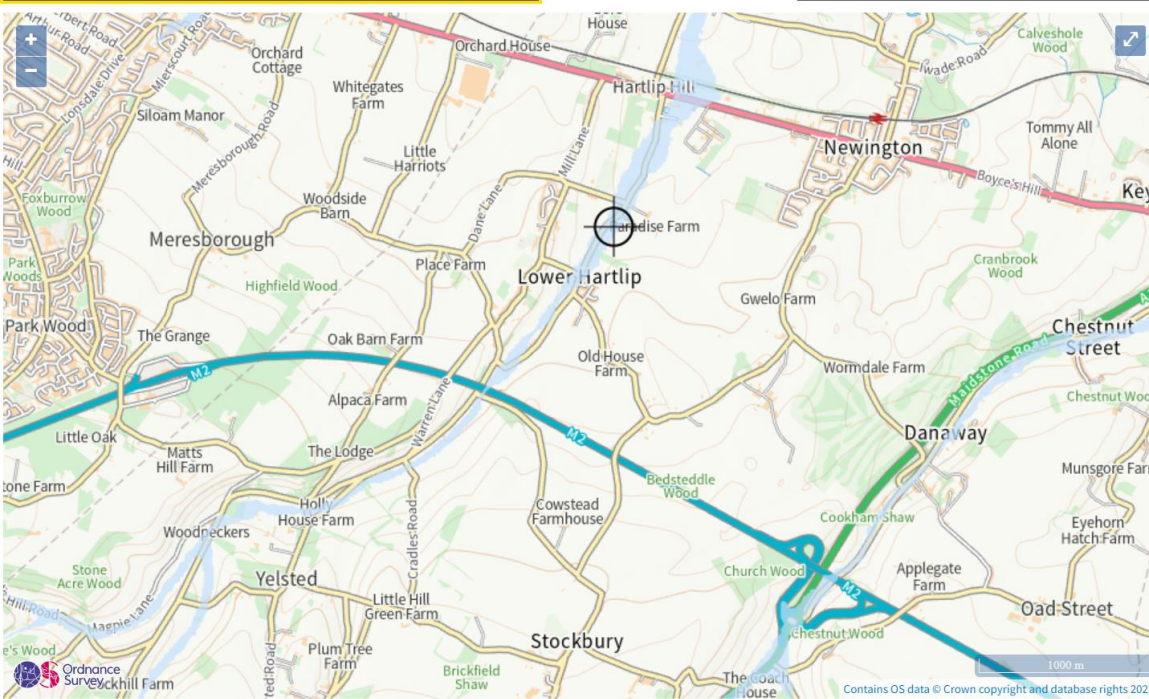


Extent of flooding from surface water

The site has a high risk of flooding from surface water.

Extent of flooding

me97su



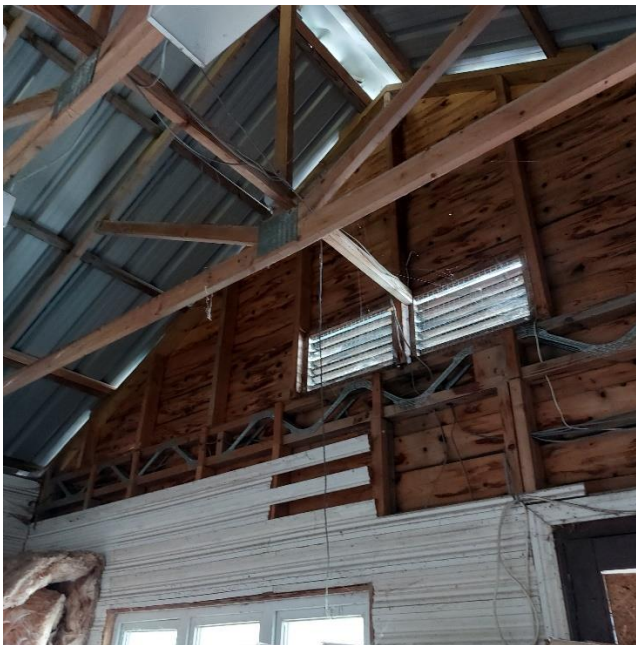
Extent of flooding from rivers or the sea

The site has a very low risk of flooding from rivers or the sea.

- 1.6 The building is constructed of a timber frame with trussed rafters supporting a corrugated metal sheet roof and timber weatherboard wall cladding.



The timber clad existing agricultural barn.



The internal timber trussed frame structure

2 SITE PLANNING HISTORY

2.1 Swale Borough Council's website indicates six previous planning applications on the site.

Listed Building Consent for the Installation of wood burner with associated flue
Ref. No: 22/503497/LBC | Status: Approved

Installation of Wood Burner with associated flue.
Ref. No: 22/503511/FULL | Status: Approved

Conversion of barn to form a dwelling, demolition of remaining outbuildings and new garage.
Ref. No: SW/99/0994 | Status: GRTCPP

Listed Building Consent for conversion of barn to form a dwelling, demolition of remaining outbuildings and new garage.
Ref. No: SW/99/0995 | Status: GRTLBC

Listed Building Consent for conversion and minor extension to form a dwelling, demolition of remaining outbuildings, new garage with relocation of access
Ref. No: SW/99/0382 | Status: Refused

Conversion and minor extension to form a dwelling, demolition of remaining outbuildings, new garage with relocation of access.
Ref. No: SW/99/0362 | Status: Refused

3 CONFORMING TO CLASS Q

Class Q – agricultural buildings to dwellinghouses

Permitted development

Q. 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; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

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

The barn was used as an agricultural storage building as part of an established agricultural unit, Paradise Farm, on 20th March 2013 and has remained solely in agricultural use.

“(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;

There is to be one larger dwellinghouse having a floor space of 122.5 m² and this is the only dwellinghouse that will be on the site

(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;

N/A

(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;

The larger dwellinghouse does not exceed 465 square metres and there is only 1.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(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;

There are no agricultural tenants.

(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

No development under Class A(a) or Class B(a) of Part 6 has been carried out on this agricultural unit.

(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;

(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;”;

The proposed external dimensions of the building will remain the same.

(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);

Building operations will consist only as set out above and as shown on Drawing No. 22/3334

The existing structure is to be retained. (Any failing member to be replaced)
A structural assessment accompanies the application.

- (j)the site is on article 2(3) land; (k)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;

- (l)the site is, or contains, a scheduled monument; or

- (m)the building is a listed building.

The site is not on and does not form part of any of the above. The building is not listed.

Conditions

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development 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,

It is considered the addition of one new dwelling will have minimal impact on transport and highways. With the closing of the nursery there will be less impact.

- (b)noise impacts of the development,

It is considered the proposed conversion, by view of its location, will not provide any harmful noise impact to neighbouring properties.

- (c)contamination risks on the site,

There are no known contamination risks.

The barn has been used for the storage of agricultural equipment and tools and occasionally has had some fruit stored.

It should be noted that Paradise Nursery has never used any chemicals or fertilizers or treated any plants by spraying pesticides.

- (d)flooding risks on the site,

The site lies in a Flood Zone 3.

A Flood Risk Assessment has been prepared and accompanies the application.

- (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, and

- (f)the design or external appearance of the building,

The location of the building, its design and external appearance are all suited for the conversion of the barn to provide a practical and desirable dwelling.

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

(2) Where the development proposed is development under Class Q(a) only, development 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 the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

This application seeks determination as to whether the prior approval of the authority will be required.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

It is understood that the development must be completed within the 3-year period as stated.

Paragraph W, Part 3

“(bb) in relation to development proposed under Class Q of this Part, a statement specifying—

(i) the number of smaller dwellinghouses proposed; (ii) the number of larger dwellinghouses proposed;

(iii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q;”.

The description of development for the proposed prior approval application is as follows:

“The change of use of the agricultural building and land within the curtilage to provide one larger dwellinghouse falling within Class C3, together with the necessary associated building works.”

4 CONCLUSION

It is considered that the proposal conforms with The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class Q – agricultural buildings to dwelling-houses and ask for the application to be looked on favourably.