



## SUPPORTING PLANNING STATEMENT

The Cold Store, Butlers Farm, Horseshoes Lane, ME17 3JY

September 2022

# SUPPORTING PLANNING STATEMENT

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**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 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), together with building operations reasonably necessary to convert the building**

*at*

**The Cold Store  
Butlers Farm  
Horseshoes Lane  
ME17 3JY**

*On behalf of*

**Mr Adams, Mr Adams and Mrs White**

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## 1. Introduction

- 1.1. This statement is submitted 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 our clients, Mr Adams, Mr Adams and Mrs White.
- 1.2. This statement supports an application under the provisions of Class Q, parts a and b, of this Order for a determination as to whether Prior Approval will be required for the conversion of an agricultural building into a residential dwelling at The Cold Store, Butlers Farm, Horseshoes Lane, ME17 3JY.
- 1.3. In accordance with Paragraph W (a) of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, this supporting planning statement provides a written description of the proposed development. The application is also accompanied by a plan indicating the site and showing the proposed development, and the developer's contact address and email address are;

Mr Adams, Mr Adams and Mrs White, c/o Amy Mitchell, Bloomfields, 77 Commercial Road, Paddock Wood, Kent, TN12 6DS; and [amy.mitchell@bloomfieldsltd.co.uk](mailto:amy.mitchell@bloomfieldsltd.co.uk)

## 2. Proposal

- 2.1. This application seeks confirmation that the change of use of the building and land within its curtilage, from an agricultural building to a use falling within Class C3 (dwellinghouse) together with building operations reasonably necessary to convert the building, is permitted development in this instance, under the provisions of Class Q of part 3 of Schedule 2 of the GPDO.
- 2.2. The proposal includes the conversion of the building into 1no. 3-bedroom dwellinghouses, comprising a gross internal area of approximately 91.4sqm, thus falling within the definition of “smaller dwellinghouses”, as defined within Q.3, as the floor area does not exceed 100sqm per dwelling.
- 2.3. The extent of the residential curtilages for the proposed dwellinghouse has been carefully considered to ensure that this includes land immediately beside and around the agricultural building and that it 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 GPDO.
- 2.4. The external alterations proposed are considered to be ‘*reasonably necessary for the building to function as a dwellinghouse*’ as laid out within paragraph Q.1(i) and include the replacement of windows and doors, and the installation of services.

### 3. Site Context

- 3.1. This application site lies to the north of the Langley Heath village settlement and relates to a cold store building which forms part of Butlers Farm, located to the north of Horseshoes Lane, which links with the B2163 (Upper Street) 450 metres to the east.
- 3.2. Immediately to the south of the application building is a courtyard and a small complex of buildings which share an access off Horseshoe Lane. While the site is bound by orchards associated with the farm holding to the north, east and west.



**Figure 1:** Aerial view of the site, courtesy of Google Earth.

- 3.3. The application building comprises a pitched-roofed, timber framed barn, set on a concrete slab and understood to have been constructed during the late 1950's to early 1960's in association with the wider fruit farm to the north of the property.
- 3.4. Butlers Farm has historically, and still is, used as a produce farm, consisting of approximately 10.52ha of land used for the growing of vegetables and top fruit. Up until around 2016, the application building has historically been used as a cold store for fruit grown on the farm, however it has since become inefficient for today's standards and as such is used for the storage of agricultural bins.

- 3.5. The roof is clad with profiled fibre cement sheeting, while elevations comprise green plastic-coated profile metal cladding, with two top hung sliding steel doors on the south elevation. Internally, 2 cold stores divide the main section of the building, and a plant room projects out to the north.

## 4. Planning History

- 4.1. According to Maidstone Borough Council's online records, the building subject of this application has the following relevant planning history:

### **17/505114/PNQCLA**

- 4.2. Prior notification was submitted in October 2017 for the conversion of the application building to two dwellings comprising two-storeys under the provisions of Class Q of part 3 of Schedule 2 of the GPDO.
- 4.3. Prior approval was refused for this on the grounds that insufficient information was submitted in respect of the structural capability of the building to insert a second floor and the extent of works to be carried out.

### **18/501751/PNQCLA**

- 4.4. A second prior notification application was then submitted in April 2018 for a similar scheme for two two-storey dwellings under the provisions of Class Q of part 3 of Schedule 2 of the GPDO.
- 4.5. Although further information was submitted with this application, including a structural report, Prior Approval was again refused on the grounds that the Council was not satisfied that the Structural Report sufficiently demonstrated that the building was capable of conversion and support an additional storey without structural alterations.
- 4.6. Further, the Council also found that the proposed extent of residential curtilage was larger than the footprint of the building to be converted, and as such would not comply with the criteria within Class Q.
- 4.7. It is otherwise noted that the Delegated Report found the scheme acceptable in respect of Transport and Highways; Noise Impacts; Contamination (subject to condition); Flood Risk; and Location and Siting.
- 4.8. Alternatively, this application proposes a single dwelling with one floor and as such, it is considered that the building would not require structural alterations in order to be capable of conversion as set out further in below and the Building Inspection Report which accompanies this application.



## 5. Permitted Development

- 5.1. Class Q permits the 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 development referred to above, together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule.
- 5.2. 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 used for the purposes of a trade or business. In this case the building has been used as a cold store for purposes ancillary to the agricultural operations carried out under the ownership of the applicants. The building is therefore considered to constitute an agricultural building for the purposes of Class Q in accordance with Paragraph X.
- 5.3. It is submitted that the proposed change of use of this building into residential dwellings would fulfil the specific criteria laid out at Paragraph Q.1 of the GPDO which states that development is not permitted by Class Q in the certain instances. Each circumstance is laid out below –
- a) “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”;**
- 5.4. The proposed change of use of this building would fulfil criteria a) (i) on the basis that the application building remains solely in agricultural use at present, and forms part of the established agricultural unit, as it has done since its erection in the early 1960’s.

5.5. It is considered that the buildings and the established agricultural unit within which it is sited would fall within the definition of 'agriculture', as defined at Section 336 of the Town and Country Planning Act (1990) (as amended). Particularly where a number of agriculture related permissions on the site, as set out above, have already accepted this principle.

**b) 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 exceed 3; or**

**(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceed 465 square metres”.**

**ba) development is not permitted by Class Q if “the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres.”**

5.6. In this case the application building does not constitute a 'larger dwellinghouse' as defined at Paragraph Q.1 (b) as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018.

5.7. As such the proposed dwellings also do not have a floor space exceeding 465sqm, and therefore also comply with the requirements of Paragraph Q.1 (ba).

**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.**

5.8. The cumulative number of dwellings proposed with this scheme is one, which is below the upper threshold of five, while the proposed dwelling would have an approximate gross internal area of 91.4sqm.

5.9. The development under Class Q would therefore result in the provision of a 'smaller dwellinghouse' as defined at Paragraph Q.1 (c), as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018.

**d) 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.”***

5.10. In this case the conversion of the application building:

- Would constitute the provision of one 'smaller dwellinghouse' as defined at Paragraph Q.3 as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018.
- The floor space of the dwellinghouse is below 465 square metres.
- The cumulative number of separate dwellinghouse is one, which is below the maximum number of 5.

**e) 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.”***

5.11. This application is being made on behalf of the land owners and there are no tenants in occupation.

f) 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.”***

5.12. An agricultural tenancy over the site has not been terminated within the past year.

g) Development is not permitted by Class Q if ***“development under Class A(s) 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 20<sup>th</sup> March 2013; or***

(ii) ***Where development under Class Q begins after 20<sup>th</sup> March 2023, during the period which is 10 years before the date development under Class Q begins.”***

5.13. There has not been any operational development carried out under Class A(a) or Class B(a) of Schedule 2 of the GPDO (as amended) since 20<sup>th</sup> March 2013.

h) 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;”***

5.14. As detailed on the submitted plans, the building operations reasonably necessary to convert the building would not incorporate any operational development that would extend beyond the external dimensions of the existing building.

i) Development is not permitted by 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)."***

5.15. As shown within the submitted plans, building operations required in connection with the proposed use would only incorporate the insertion and replacement of windows and doors. These works would therefore not result in the external dimensions of the building extending beyond that of the existing building.

5.16. The High Court determined in the 2016 *Hibbitt v Secretary of State* case that where new structural elements are required and/or there is rebuilding involved that this will not be regarded simply as a 'conversion'. Additionally, updated Planning Practice Guidance contained within paragraph 105 states "*Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q*".

5.17. The works proposed within this development amount to works which are reasonably necessary for the building to function as a dwellinghouse.

5.18. It is considered that all of these works would be making good of the existing fabric of the building, and not result in any material change to the appearance or extent of the building.

5.19. The installation of water, drainage and gas or oil services would be permitted on the basis that they are a utility which is reasonably necessary for the building to function as dwellinghouses. The building already benefits from electricity.

**j) Development is not permitted by Class Q if "The site is on article 2(3) land"**

5.20. The application site is not on designated article 2(3) land; namely it is not within a Conservation Area, Area of Outstanding Natural Beauty, an area specified for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the broads, a National Park, or a World Heritage Site.

k) Development is not permitted by 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.”**

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

l) Development is not permitted by Class Q if **“This site, or contains a scheduled monument.”**

5.22. The site does not contain any scheduled monument.

m) Development is not permitted by Class Q if **“The building is a listed building”**

5.23. The building is not a listed building.

5.24. In light of the above, in accordance with Paragraph Q.1, it is submitted that the proposal would constitute permitted development. 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;

- Transport and highways impacts of the development;
- Noise impacts of the development;
- Contamination risks on the site;
- 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 (dwellinghouses) of the Schedule to the Use Classes Order;

- The design or external appearance of the building, and
- The provision of adequate natural light in all habitable rooms of the dwellinghouses.

## 6. Prior Approval for the Residential Use of the Building

- 6.1. The provisions of Paragraph W of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) apply in relation to this application as to whether prior approval would be required.
- 6.2. Paragraph W (10) (b) advises 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*’.
- 6.3. To this end it is relevant to note the Ministerial Statement on Local Planning by Nick Boles published in advance of the 2015 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*”.
- 6.4. This was re-affirmed by amendments to the National Planning Practice Guidance which states that “*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*”. It also advises that “*the permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs*”.
- 6.5. Paragraph 38 of the National Planning Policy Framework states “*Local planning authorities should approach decisions on proposed developments in a positive and creative way... Decision-makers at every level should seek to approve applications for sustainable development where possible*”.



6.6. That being said, it is submitted that prior approval is only required in relation to the above criteria, and the proposal should be considered acceptable in relation to each of these issues as follows;

## 7. Transport and Highways Impacts of the Development

- 7.1. As set out in Section 4 of this Statement, it has previously been stated by Maidstone Borough Council when considering a proposal for the conversion of the application building to two dwellings with application 18/501751/PNQCLA that:

*“The proposed dwellings are accessed from within the existing site from the existing accessway into the site off Horseshoes Lane. Adequate space exists within the site for the parking and turning of any vehicles associated with the proposed residential use. Given the modest scale of the proposed development there is not likely to be any significant impact on traffic and/or highway safety in the vicinity of the site.”*

- 7.2. It is therefore submitted that this proposal for the conversion of the building to one dwellinghouse would also not amount to any material increase in traffic numbers and that the development would not generate any material increase or a material change in the character of traffic in the vicinity of the site. It is therefore submitted that there is not any requirement for this application to be accompanied by a Transport Statement or Transport Assessment, in accordance with Paragraph 111 of the National Planning Policy Framework.
- 7.3. Paragraph 108 b) 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. The proposal would make use of an existing access which is considered to benefit from adequate visibility splays. There is ample existing parking space.
- 7.4. 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 NPPF; Promoting Sustainable Transport.
- 7.5. 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) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## 8. Noise Impacts of the Development

- 8.1. Again, as set out in Section 4 of this Statement, it has previously been stated by Maidstone Borough Council when considering a proposal for the conversion of the application building to two dwellings with application 18/501751/PNQCLA that:

*“The proposed residential use of the building is not likely to have any significant noise impact on any neighbouring residential property. The closest neighbouring residential property is some 31m away at Butlers Farmhouse to the south of the site.*

*Whilst the Environmental Health Officer raises the issue of potential noise from the agricultural/commercial use of the existing neighbouring buildings impacting on the proposed dwellings, no excessively noisy activity was apparent at the time of the site visit in connection with the current application and the Environmental Health Officer has raised no objection to the proposals. Future occupiers of the proposed dwellings should be clearly aware of the potential noise impacts from the use of the neighbouring agricultural/commercial buildings.”*

- 8.2. It is therefore again considered that in this case, the nearest neighbouring residential property is sufficient distance away from the application site such that there would not be any adverse noise impacts upon any neighbours, nor on the prospective occupants of the application building.
- 8.3. As has been considered previously by the Council above, it is also not considered that the operations associated with the buildings to the south of the site would generate noise levels which would have a material impact upon the amenity levels of prospective occupants.
- 8.4. It is noted that 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.”* Therefore, in the unlikely event that the Council did consider that noise was a prevailing issue, it is submitted that a condition could be imposed to ensure that satisfactory noise attenuation measures were installed as part of the change of use of this building.

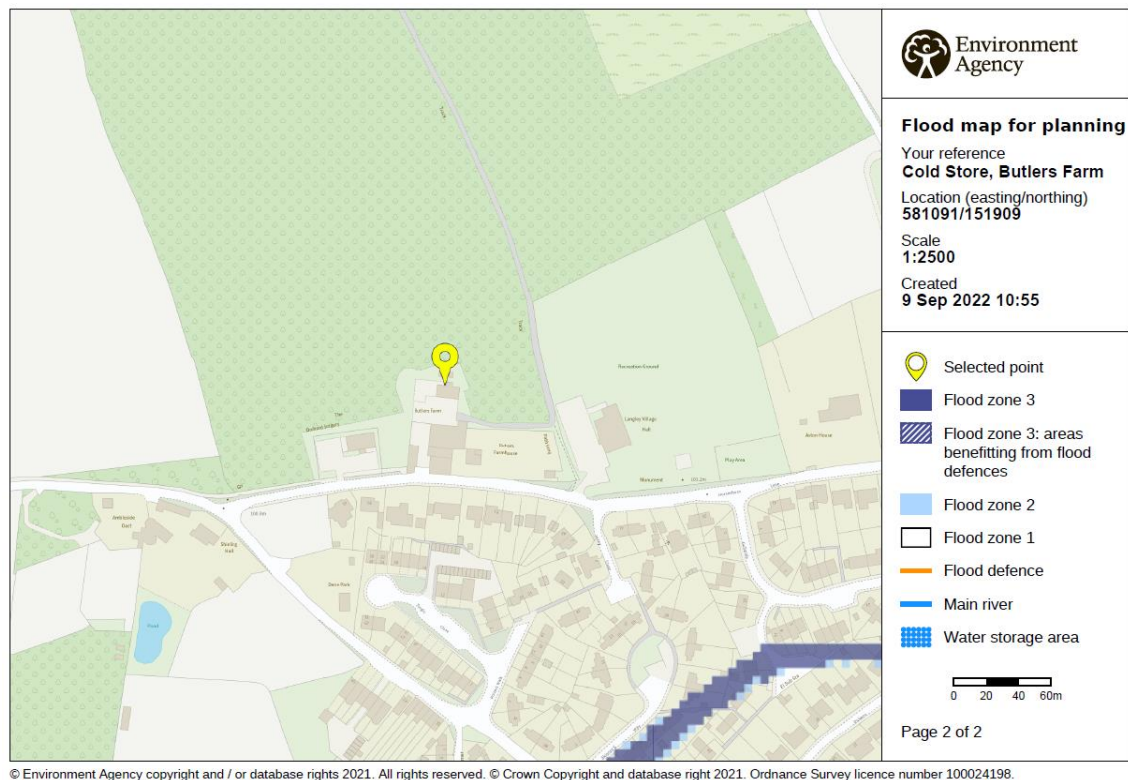
- 8.5. It is respectfully submitted that prior approval should not be required from the Local Planning Authority in relation to the noise impacts of the development, in accordance with Paragraph Q.2 (1) (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## 9. Contamination Risks on the Site

- 9.1. 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.
- 9.2. 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.
- 9.3. 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, such as radon, methane or elevated concentrations of metallic elements.
- 9.4. 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 120 of the National Planning Policy Framework.
- 9.5. It is respectfully submitted that prior approval should not be required from the Local Planning Authority in relation to the contamination risks on the site, in accordance with Paragraph Q.2 (1) (c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## 10. Flooding Risks on the Site

10.1. Paragraph 159 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). As can be seen in Figure 2 below, the site is located within Flood Zone 1 and does not have critical drainage problems that have been notified to the Local Planning Authority by the Environment Agency.



**Figure 2:** Environment Agency Flood Map for Planning

10.2. 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, in accordance with Paragraph W (6) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is also therefore not necessary for this application to be accompanied by a site-specific Flood Risk Assessment, in accordance with Paragraph W (2) (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 10.3. Again, the delegated report associated with previous application 18/501751/PNQCLA reiterates this, stating that: *“The site does not fall within flood zones 2 or 3 as shown on the Environment Agency’s Flood Maps. There is no evidence to suggest that the site is subject to any significant drainage issues. Flood risks on the site do not appear to be a significant issue.”*
- 10.4. It is respectfully submitted that prior approval should not therefore be required from the Local Planning Authority in relation to the flood risks on the site, in accordance with Paragraph Q.2 (1) (d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **11. 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**

- 11.1. As detailed above, the proposed development is considered to be fully compliant with the criteria set out within Paragraph Q.1 of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 11.2. 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”*.
- 11.3. 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. Adequate external amenity areas and parking could 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 paragraphs 126 and 130 of the National Planning Policy Framework.
- 11.4. As set out in [Section 8](#) of this report, it is also not considered that the nature of the continued use of the buildings circa 16 metres south of the property would be harmful to the residential amenity of future occupants. This was also acknowledged by Maidstone Borough Council with the previous application in 2018.
- 11.5. 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).



11.6. 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).

## 12. The Design and External Appearance of the Building

- 12.1. It is relevant to note that paragraph 105 of the National Planning Policy Guidance on clarifies that *“It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.”*
- 12.2. The National Planning Policy Guidance also goes on to clarify that *“Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q”.*
- 12.3. The proposal will retain the character of the existing building by making extremely minimal alterations to the external appearance of the building, only going as far as inserting and replacing windows and doors. Where necessary, any external materials to be repaired or replaced would be with similar materials to those existing. There would not therefore be any significant visual impact of the proposed external works.
- 12.4. 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.
- 12.5. 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).

### **13. The Provision of Adequate Natural Light in All Habitable Rooms of the Dwellinghouses**

- 13.1. 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.
- 13.2. 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.
- 13.3. 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).

## 14. Conclusion

- 14.1. 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)
- 14.2. 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).
- 14.3. It is therefore respectfully requested that the Local Planning Authority approves this application for 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.