



Application: Prior Approval Change of Use

Proposed Use: Class Q – Change of use from agricultural to C3 (dwellinghouse)

Address: 5 Acres, Holywell Lane, Upchurch, Kent, ME9 7HN

Client: Private

Ref: 562_4.01.4872.EG

Revision: R2

Date: 24.11.2023

PLANNING STATEMENT

INTRODUCTION

This planning statement has been prepared on behalf of Trevor Kenney in order to accompany a Prior Approval application for the change of use of agricultural buildings to dwellinghouses in accordance with the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3, Class Q (as amended).

SUPPORTING DOCUMENTS

The following submitted documents and drawings should be read in conjunction with this statement:

- Structural Report (223022.100)
- Preliminary Ecological Appraisal (23_1744_Report_MF_TK)
- Arboricultural Survey (0623_10862)
- CIL - Additional Information Form
- Drawings:
 - 562_AR_300_001-Site Location Plan
 - 562_AR_300_002-Existing Site Plan
 - 562_AR_210_001-Proposed General Arrangement

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APPLICATION BACKGROUND

There are a no previous planning applications in relation to the site.

PROPOSED DEVELOPMENT

The existing agricultural unit contains a singular agricultural shed and some additional agricultural storage structures. The main shed is a timber-pole-framed agricultural building, which has a lawful agricultural use and is confirmed as structurally sound and capable of conversion as concluded within the accompanying structural report.

This Prior Approval application has been submitted to seek the change of use of the barn.

In accordance with Class Q legislation the barn has been proposed to be converted in order to provide two 'smaller dwellinghouses'. The total number of dwellinghouses proposed on the agricultural unit equates to Two.

The accommodation will be provided at ground floor level only. Each dwelling would be provided with a domestic curtilage (in accordance with the wording of Paragraph X of Part 3, Schedule 2 of the GDPO, as amended), as shown hatched and annotated on the proposed site plan. The existing vehicular access would be used to serve the proposed dwellings.

The proposed building works and operations, which are reasonably necessary for the buildings to function as dwellinghouses, would include:

- Retention of the existing timber frame, purlins, walls, floor slab (where existing), roofing, and walling materials.
- Underdrawing of the existing roofs with insulation and an inner lining supported by the existing purlins.
- Localised repairs, where required.
- Insertion of self-supporting non-structural insulation panels.
- Insertion of localised matching materials, where required.
- New DPC throughout.
- Installation of new windows, doors, and rooflights, as indicated on the drawings.

PRINCIPLE OF DEVELOPMENT

Assessment of Proposals Against Class Q.I

The following summary confirms that the proposals satisfy the provisions, conditions and limitations as laid out by Class Q (a) and (b), Part 3, Schedule 2 of the GDPO.

Q.I outlines requirements that the development must comply with and highlights that 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;

The existing barn is currently in agricultural use and has been, continuously, since 20th March 2013.

(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;

No large dwellings are proposed in this application, refer to the accompanying drawings for further information.

(ba) 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

No large dwellings are proposed in this application, refer to the accompanying drawings for further information.

(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 dwelling house having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

The cumulative number of separate smaller dwellinghouses developed under Class Q will be 2 and the floor space of each is 61 sq/m. Refer to the accompanying drawings for further information. As such the proposals are compliant with this criterion.

(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;

No larger dwellinghouses are proposed and the cumulative floor space is not greater than 465 square meters. Additionally, the cumulative number of separate dwellinghouses will not exceed 5. Refer to the accompanying drawings for further information. The proposals are compliant with this criterion.

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

The site is not occupied under an agricultural tenancy.

(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;

The site is not occupied under an agricultural tenancy and an agricultural tenancy has not been terminated within the last year or previously.

(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

(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;

The site has seen no development under Class A(a) or Class B(a) of Part 6 of Schedule 2 of the GPDO 2015 has been carried since 20 March 2013.

(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;

(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);

The development would not result in the external dimensions of the building(s) extending beyond the external dimensions of the existing building at any given point.

The proposed building operations under class Q(b) comply with the provisions of the Order and are reasonably necessary for the buildings to function as two dwellinghouses. The demolition of the parts specified above is reasonably necessary for the building operations to be carried out. A structural survey has been submitted to

demonstrate that the buildings are capable of conversion with structural elements able to take the loadings required.

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

The site is not located 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;

The site is not, nor forms part of a SSSI; a safety hazard area; or a military explosives storage area.

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

The site is not nor contains, a schedule monument

(m) the building is a listed building.

None of the affected buildings are listed or curtilage listed.

Assessment of Proposals Against Class Q.2

Class Q.2(2) requires where the development proposed is development under Class Q(a) together with development under Class Q(b), the developer is to apply the local Planning Authority for a determination as to whether prior approval will be required as to:

(a) transport and highways impacts of the development;

The application site benefits from an existing gated entrance off Holywell Lane sufficiently setback from the road edge and good visibility in both directions.

(b) noise impacts of the development;

The site is not in close proximity to any existing residential property. The nearest dwelling being some 200m away to the north. The proposed residential use of the building is consistent with adjoining uses of the existing buildings – including a nearby barn conversion to the east at Holywell Barn. The proposals would not generate any significant noise or disturbance to neighbouring residential properties. Therefore, it is considered that the new proposal is also acceptable in this regard.

(c) contamination risks on the site;

The site is not known to be at risk of contamination, A Phase I Contaminated Land Assessment can be conditioned, if required.

(d) flooding risks, on the site;

The application site lies within Flood Zone 1 which means it is not identified by the Environment Agency as an area at risk of fluvial flooding. The application site is also not identified as an area at high risk of surface water flooding. There will also be no increase in roof area or footprint of the building so it is considered that the change of use would not increase the risk of flooding on site or elsewhere.

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the proposed residential use: and

As made clear in national planning practice guidance permitted development rights do not apply a test as to the sustainability of the location. The site, however, lies in proximity to other existing dwellings and has good access on to local road networks via an established access. As such, it is a desirable location for residential use.

(f) the design or external appearance of the building.

The buildings proposed to be converted are simple agricultural buildings designed for the varying agricultural purposes and, therefore, are of a utilitarian appearance. The proposals respect the character and appearance of the existing agricultural buildings with sympathetic fenestration details that are in accordance with the size and scale of the existing buildings.

Overall, the design and external appearance of the converted buildings is appropriate to the locality and would not appear out of place given the rural setting. Therefore, it is considered the proposals satisfy this condition.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

Each habitable room will be provided with adequate natural daylight via windows, doors, and rooflights. Refer to accompanying plans.

OTHER RELEVANT MATTERS

Curtilage

Paragraph X under Part 3, Schedule 2 of the GPDO (as amended) defines the permitted curtilage, for the purposes of Class Q, R or S only, as:

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,

whichever is the lesser.

The submitted plans show the change of use of a small area surrounding the proposed dwellings for residential curtilage. In order to comply with the definition of curtilage as set out under Paragraph X of Part 3, these areas are 'no larger than the land area occupied by the agricultural building'.

Statement of Truth

Submitted as part of this application are 5no. Statements of Truth. These letters have been submitted from 5no. separate households and detail their knowledge of the site and duration of familiarity. In each case, they state knowledge of the site for over 20 years and all corroborate that the site (the area edged red) has been used solely for agricultural purposes as part of the wider unit managing the orchard during that time.

At no point has the camping aspect of the wider unit been transferred to the agricultural barn.

Community Infrastructure Levy (CIL)

As the proposals would result in the change of use from agricultural to residential, the proposals will technically be liable for CIL subject to the deduction of existing floorspace. Please refer to accompanying CIL Additional Information Form.

CONCLUSION

In light of the above information, and assessment against the revised legislation, it is considered that the proposals which this Prior Approval application relates to are acceptable and, therefore, permission is respectfully requested from the local authority.

END