



Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to Dwellinghouses (Use Class C3), and for building operations reasonably necessary for the conversion

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class Q

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	<input type="text"/>
Suffix	<input type="text"/>
Property Name	<input type="text" value="The Field Barn"/>
Address Line 1	<input type="text" value="Woodgate Lane"/>
Address Line 2	<input type="text" value="Borden"/>
Address Line 3	<input type="text"/>
Town/city	<input type="text" value="Sittingbourne"/>

Postcode

ME9 7QB

Description of site location must be completed if postcode is not known:

Easting (x)

586305

Northing (y)

162621

Description

Applicant Details

Name/Company

Title

Mrs

First name

K

Surname

Jones

Company Name

Bloomfields

Address

Address line 1

c/o Gary Mickelborough, Bloomfields

Address line 2

77 Commercial Road

Address line 3

Town/City

Paddock Wood

County

Kent

Country

UK

Postcode

TN12 6DS

Are you an agent acting on behalf of the applicant?

- Yes
- No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

UK

Postcode

TN12 6DS

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Eligibility

Permitted development rights are subject to conditions set by legislation to ensure that only appropriate proposals are eligible. The need to apply to the Local Planning Authority to see if prior approval is required is one such condition.

The questions below will help determine if the proposals are eligible for this permitted development right.

Please note, there are further eligibility criteria that will be covered in subsequent questions.

Please note: Any new dwellinghouse will only be eligible for permitted development rights if it has a gross internal floor area of at least 37 square metres, and complies with the [nationally described space standard](#).

Was the use of the site on 20 March 2013 (or the last use before that date) solely for an agricultural use as part of an established agricultural unit?

Yes

No

Has any work under the permitted development rights for the erection, extension or alteration of a building reasonably necessary for the purposes of agriculture been carried out on the agricultural unit:

• Since 20 March 2013; or

• Where the development covered by this application will begin after 20 March 2023, during the 10 year period before development begins.

Yes

No

Will the external dimensions of the resulting building(s) extend beyond the existing building(s) at any point?

Yes

No

Is any part of the land, site or building:

- in a conservation area;
- in an area of outstanding natural beauty;
- in an area specified by the Secretary of State for the purposes of enhancement and protection of the natural beauty and amenity of the countryside;
- in the Broads;
- in a National Park;
- in a World Heritage Site;
- in a site of special scientific interest;
- in a safety hazard area;
- in a military explosives storage area;
- a scheduled monument (or the site contains one);
- a listed building (or within the curtilage of a listed building)

Yes

No

Agricultural tenants

To be eligible for this permitted development right, all parties to any agricultural tenancy agreements that are currently in place, or that have been terminated in the year before development is proposed to begin, need to provide consent.

This is to help ensure that agricultural tenants are not displaced to allow a change of use to be carried out.

Is the site currently occupied under any agricultural tenancy agreements?

Yes

No

If yes, have all the parties to any agricultural tenancy agreements consented to the change of use?

Yes

No

Evidence of consent - Please use the supporting documents section to attach a copy of the written confirmation from all relevant landlords and tenants stating that they consent to the change of use.

Dwellinghouses and floor space

To be eligible for this permitted development right, the number and size of dwellinghouses developed has to be within the limits set by legislation. This includes any dwellinghouses that were previously developed under this permitted development right.

- No more than a total of 5 dwellinghouses (including no more than 3 larger dwellinghouses) can be developed;
- No single dwellinghouse can exceed 465 square metres of floor space; and
- The total combined floor space of all the larger dwellinghouses developed cannot exceed 465 square metres.

For the purposes of this permitted development right:

- 'Smaller dwellinghouse' means a dwellinghouse (Use Class C3) which has a floor space of no more than 100 square metres
- 'Larger dwellinghouse' means a dwellinghouse (Use Class C3) which has a floor space of more than 100 square metres but no more than 465 square metres.

Please note: For prior approval applications submitted from 6 April 2021 onwards - Any new dwellinghouse will only be eligible for permitted development rights if it has a gross internal floor area of at least 37 square metres, and complies with the [nationally described space standard](#).

How many smaller dwellinghouses will be created by this proposal?

0

How many larger dwellinghouses will be created by this proposal?

2

What will be the net increase in dwellinghouses?

This figure should be the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development.

2

Previous development

How many smaller dwellinghouses have previously been created under this permitted development right on this established agricultural unit?

0

How many larger dwellinghouses have previously been created under this permitted development right on this established agricultural unit?

0

Floor space of larger dwellinghouse(s)

Will the total combined floor space (previously and in this proposal) changed to Larger Dwellinghouses under this permitted development right on this established agricultural unit exceed 465 square metres?

(Select 'No' if no larger dwellinghouses have been or will be created).

Yes

No

Description of Proposed Works, Impacts and Risks

Please describe the proposed development, including:

- The siting and location of the building(s); and
- From 1 August 2020, details on the provision of adequate natural light in all habitable rooms of the dwellinghouses

The submission is a simplified design of the previously approved application under reference 21/504972/PNQCLA for the proposed conversion of an existing building. The proposal now comprises the provision of two residential units within the building, rather than the previously approved three units.

There would not be any reason for the building to be considered impractical nor undesirable as a single dwelling-house, in accordance with Paragraph Q.2 (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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.

Are any associated building works or other operations required to make this change?

Note that such works are restricted to those listed below that are reasonably necessary to convert the building(s) for use as a dwellinghouse:

- the installation or replacement of windows, doors, roofs, or exterior walls;
- the installation or replacement of water, drainage, electricity, gas or other services;
- partial demolition to the extent reasonably necessary to carry out the works listed above.

Yes

No

If yes, please provide details of the design and external appearance of the building(s) in regard to these building works or other operations:

The proposed design and building works is shown as part of the submitted proposed elevation plans. As with the previously approved scheme, this current proposal seeks to retain all existing external cladding materials in situ, other than the insertion of windows and doors as reasonably necessary.

It is noted from the council's delegated report for the previously approved application for the conversion of this building into three dwellings that officers did "not consider that the appearance of the building will change significantly from its existing appearance, and certainly not in a way that would be especially harmful to the character or appearance of the site or wider countryside, and Prior Approval should not be refused in this regard".

It is respectfully submitted that the same conclusion should also be reached with respect to this current proposal.

Please provide details of any transport and highways impacts and how these will be mitigated:

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;

"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.

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". On this basis, the proposed use as three 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. It is therefore considered that the proposed use as three 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).

The proposal would make use of an existing access which is considered to benefit from adequate visibility splays.

There is ample space for car parking.

It is noted that the previously approved application for the conversion of this building into three residential units was deemed to be acceptable with respect to transport and highways impacts.

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).

Please provide details of any noise impacts and how these will be mitigated:

The current access runs immediately adjacent to the existing houses situated along this highway, such that the passage of commercial and/or agricultural vehicles would clearly have a discernible impact upon occupants of those properties. The use of this access by domestic vehicles instead would be bound to improve or lessen the likelihood of noise impacts at those properties.

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", it is not considered that the imposition of any conditions relating to noise attenuation would be necessary in this instance. It is noted that the previously approved application for the conversion of this building into three residential units that the "residential use of the buildings would not in my view give rise to such substantial noise or disturbance as to indicate a reason to refuse the Council's Prior Approval".

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).

Please provide details of any contamination risks and how these will be mitigated:

Whilst sheep have been sheared at the building and the adjacent concrete clamps, in this instance there is not known to have been any inappropriate spreading of materials such as sludges or any contamination being moved from its original source.

The area is not known to be affected by the natural or background occurrence of potentially hazardous substances, such as radon, methane or elevated concentrations of metallic elements. 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.

It is noted that the Environmental Health Manager had been consulted as part of the previously approved application for the conversion of this barn into three dwellings and had raised no comments or objections to the proposal.

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).

Please provide details of any flooding risks and how these will be mitigated.

A flood risk assessment should accompany the application where the site:

- is in Flood Zones 2 or 3; or
- is in an area with critical drainage problems (such areas will have been notified to the Local Planning Authority by the Environment Agency).

[Check if your site location is in Flood Zone 2 or 3 online.](#)

Check with your Local Planning Authority to see if your site is in an area with critical drainage problems.

The site is not located within any designated Flood Zone and does not have critical drainage problems that have been notified to the Local Planning Authority by the Environment Agency. The council's report for the previously approved application noted that "the site is not within an area where there is a risk of flooding".

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).

Declaration

I/We hereby apply for Prior Approval: Change of use - agriculture to dwellinghouses as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Gary Mickelborough

Date

2023/12/01