

NOTES FOR TECH		
APPLICATION PROPOSAL		Ref No 24/501009/PNQCLA
Prior notification for the change of use of a building and any land within its curtilage from agricultural to Prior notification for the change of use of exiting agricultural building to one residential dwelling and associated operation development. For its prior approval to: - Transport and Highways impacts of the development. 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 use of the building to change from agricultural use to C3 (dwellinghouse) - Design and external appearance impacts on the building. - Provision of adequate natural light in all habitable rooms of the dwellinghouse dwellinghouses and associated operation development.		
ADDRESS The Nurseries Staplehurst Road Marden Kent TN12 9BS		
RECOMMENDATION - Prior Approval Not Required		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Marden	APPLICANT Mr T La Dell AGENT Peter Court Associates
DECISION DUE DATE 03/05/24		PUBLICITY EXPIRY DATE 02/04/24

Officer Site Visit

Notice displayed on 29th March 2024.

Most relevant planning history:

23/505565/PNQCLA Prior notification for the change of use of a building and any land within its curtilage from agricultural to 1no. dwellinghouse and associated operation development. For its prior approval to: - Transport and Highways impacts of the development. - 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 use of the building to change from agricultural use to C3 (dwellinghouses).- Design and external appearance impacts on the building. - Provision of adequate natural light in all habitable rooms of the dwellinghouses. 02.02.2024

04/1343/C01 Erection of agricultural barn - Submission of details received on 10 February 2005 pursuant to condition 2 of MA/04/1343 being samples of timber cladding and roof sheeting. Approved 23.11.2005

13/1492 Change of use of existing barn and stables to offices/workshops (Class B1) with associated alterations. Approved 22.01.2014

04/1343 Erection of agricultural barn as shown on drawing numbers 0209/04/1, 2 and 3 received on 12/07/04. and as amended by additional document(s). Approved 27.08.2004

12/1591 Change of use of existing barn and stables to offices/workshops (Class B1) with associated alterations. Withdrawn 21.11.2012

01/2019 An application for the prior approval of the local planning authority for the erection of a detached storage building, as shown on A4 sized unnumbered site location plan received on 19.12.01. and as amended by additional documents being applicant's covering letter and Form 5A received on 19.12.01. Pending Decision

Site description

The Barn is located to the north of Staplehurst Road and is accessed from an unmetalled road that runs to the front of the barn. The road provides access to other agricultural buildings and a residential property.

Proposal

The submission is a prior notification of the applicant's intent to change the use of the agricultural building to one residential dwelling (Class C3). This application is a resubmission of a previous scheme that was refused for the following reasons:

The application (with the extent of works necessary to provide habitable accommodation) fails to demonstrate that the development represents the 'conversion' of the building in light of the High Court decision of Hibbitt, and Another v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council [2016]. The proposal fails to accord with the requirements of Schedule 2, Part 3, Class Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The starting premise for Class Q is that permitted development right grants planning permission, subject to the local planning authority assessing the proposed development in respect of transport, highways, and noise impacts of the development, and also the flooding and contamination 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 dwelling house. It is also necessary to assess whether prior approval would be required regarding the design or external appearance of the building.

The supporting evidence indicates the intention is to address matters under Class Q (a) and Q(b) and the development would mainly involve insertion of door and window openings in addition to repair of the cladding to the exterior to ensure the building is suitable for its residential purpose. This submission states this element would not result in the external dimensions of the building extending beyond that of the existing.

The extent of curtilage proposed for the dwelling would be in accordance with the definition of 'curtilage' set out at Paragraph X of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The existing vehicle access to the site from Staplehurst Road is to be utilised and is considered suitable to serve the proposed development. There is sufficient room on site to accommodate parking off the public highway and for vehicles to manoeuvre within the site.

Policy and other considerations

Adopted Maidstone Local Plan Review (2024):

Policy LPRSS1– Maidstone Borough Spatial Strategy
Policy LPRSP9 – Development in the Countryside
Policy LPRSP15 – Principles of Good Design
Policy LPRQ & D4 – Design principles in the Countryside
Policy LPRTRA4 – Parking

The National Planning Policy Framework -NPPF (2023)

LOCAL REPRESENTATIONS

Staplehurst Parish Council:

No comments received

CONSULTATION RESPONSES

KCC Highways and Transport:

Offered their standing advice

MidKent Environmental Protection Team

Raise no objection.

APPRAISAL

The intention of the submission when taken as a whole is to address matters under Class Q (a) and Q(b). Therefore, the main issues relate to (i) Whether the agricultural building is capable of conversion to a dwelling in accordance with the extent of works set out as permissible in paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015; and (ii) whether prior approval is required in relation to the location or siting of the building, as well as its design and external appearance.

The submission indicates the application building was used for agricultural and on balance would have been so on 20th March 2013. Given the physical nature of the building and its location, I consider on the balance of probability that the agricultural holding within which it is located, and the building itself, has been used at some point in the past for an agricultural use. A key issue in this submission is question of whether the building is capable of conversion. The submission is support by a structural Appraisal Report which indicates the building is structurally sound and as such is capable of conversion without a major reconstruction. The submitted plans/drawings affirms the development will be accommodated within the existing building and will not result in the external dimensions of the building extending beyond that of the existing. It appears to me the proposal meets all the basic requirements in relation to the existing use of the site, the floor space involved, etc set out in Q.1.

For development to be permitted by Class Q of the GPDO, the Local Planning Authority must determine whether the development requires the prior approval of the Council on a number of matters, as set out at paragraph Q.2 of the GPDO, which address matters relating to transport and highway impacts, noise impacts, contamination risks, and flooding risks on site respectively.

On transport and highways impacts, the dwelling would generate a very modest increase in vehicle traffic using the local road network surrounding the site. It is not considered this modest increase in vehicular traffic would be a source of traffic congestion on the local road network or exacerbate any existing highway safety issues. Owing to the small scale of the development any increase in traffic using the lane would be barely noticeable.

On parking provision and demand, the submission does not include any car parking provision for the development. However, there is adequate space for vehicles to park and manoeuvre within the site. On this basis, the proposal is acceptable in terms of parking and its impacts on highways.

With regards to land contamination, although, the site has a previous use which has potential to cause land contamination, the MidKent Environmental Health Team have not raised any objection and consequently, there are no justifiable reasons to raise planning objections on land contamination grounds. The proposal is considered acceptable on contamination.

On flooding, the application site does not fall within a recognised Flood Zone on the Environment Agency's Flood Map for Planning.

On the issue of noise impacts, the application building forms part of an agricultural holding and whilst no indication has been given as to whether the nearby agricultural use will continue to operate, the likely level of noise resulting from this existing use is not considered to be significant enough to raise overriding planning objections to this application. It is noted that Class Q rights recognises that many agricultural buildings by virtue of their location would be affected by noise from nearby agricultural use. Conversely, the development proposed is unlikely to generate significant noise problems so as to adversely affect any nearby residential dwellings. The submission states the existing adjacent farm staff caravan building would be removed.

The remaining test on the change of use relates to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from an agricultural use to residential dwelling. Paragraph 108 of the Guidance is quite explicit that *"the permitted development right does not apply a test in relation to sustainability of location"* and that "instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house.

The application site is located within reasonable distance of the settlement of Staplehurst which has services including a school, health centre, pharmacy, shops and post office. Class Q rights recognises that many agricultural buildings will not be in village settlements and occupants may not be able to rely on public transport for their daily needs. Therefore, the fact that the building to be converted is in a location where the planning authority would not normally grant planning permission for a new dwelling is not sufficient reason to refuse this application. Moreover, the guidance for Class Q makes it clear that the sustainability or otherwise of a location is not a reason to refuse an application.

Turning to the impact of the conversion on the appearance of the building and its surroundings, the extent of the works which have been described by the proposals would not significantly alter the agricultural character and appearance of the building. The proposed insertion of windows and doors in this instance comprise relatively limited external works to enable the conversion and could not be said to be unreasonable in their scope or intent where the development is permitted. With regards to the visual impact of an associated domestic curtilage, I note that the overall extent of the curtilage is limited in size by virtue of the interpretation of "curtilage" for the purposes of Class Q. Furthermore, it would not be reasonable to resist the use of an appropriately sized curtilage for domestic purposes in conjunction with the dwelling, particularly when considering it would not extend significantly into the open countryside.

RECOMMENDATION – Prior Approval Not Required subject to the following conditions/reasons:

(1) The development shall be carried out in strict accordance with the following approved plans:

Drawing Number: 0209/23/B/1 Rev A (Site Location Plan)
Drawing Number: 402_PL100 Rev P3 (Existing Floor and Roof Plans and Elevations)
Drawing Number: 402_PL101 Rev P3 (Proposed Floor and Roof Plans and Elevations)
Planning Statement
Structural Survey

Reason: To ensure a satisfactory visual appearance to the development.

(2) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure the risks associated with contamination of the site have been considered in full and dealt with appropriately.

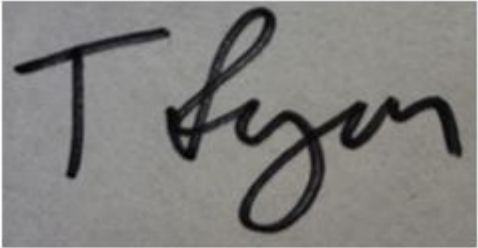
INFORMATIVES

(1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

(2) The following documents and plans were considered as part of this application.

Drawing Number: 0209/23/B/1 Rev A (Site Location Plan)
Drawing Number: 402_PL100 Rev P3 (Existing Floor and Roof Plans and Elevations)
Drawing Number: 402_PL101 Rev P3 (Proposed Floor and Roof Plans and Elevations)
Planning Statement
Structural Survey

N/A

Delegated Authority to Sign:	Date:
<div data-bbox="204 607 683 853"></div> <div data-bbox="197 898 694 965">Print name: Tony Ryan</div>	<div data-bbox="826 763 1007 801">02.05.2024</div>