

NOTES FOR TECH		
APPLICATION PROPOSAL		Ref No 24/503157/PNQCLA
<p>Prior notification for the change of use of a building and any land within its curtilage from agricultural to one residential 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.</p>		
ADDRESS The Barn Staplehurst Road Marden Tonbridge Kent TN12 9BS		
RECOMMENDATION - Prior Approval Granted		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Marden	APPLICANT Mr T La Dell AGENT Peter Court Associates
DECISION DUE DATE 26/09/24		PUBLICITY EXPIRY DATE 28/08/24

Officer Site Visit

Notice displayed on 29th August 2024.

Most relevant planning history:

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

Site description

The application 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 barn measures 5.8 metres wide and 23 metres long, with eaves at 3.75 metres. The barn comprises pre-cast concrete posts with duo-pitched steel lattice trusses over, concrete blockwork external walls between the posts and a fibre cement clad roof over. There are 4 No. intermediate trusses with frames to each gable end and purlins spanning between the trusses.

The Maidstone Landscape Character Assessment identifies the site as falling within area 12, 'Low Weald Fruit Belt', which is characterised by flat or gently undulating, small-scale, enclosed landscape; predominantly dwarf fruit trees and extensive open arable fields, with hops and pasture locally with guidelines to improve and conserve. The site is also identified on the Borough Wide Character Areas as falling within area 16 'Staplehurst Low Weald' which is in very good condition with high sensitivity and guidance to conserve.

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). 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. The proposal 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 in Class Q3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The existing vehicle access to the site is to be utilised and is considered suitable to serve the proposed development. There is sufficient room on site to accommodate two off street parking spaces and for vehicles to manoeuvre within the site.

Policy and other considerations

Development Plan: Maidstone Local Plan (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 (2021)

Section 2 – Achieving Sustainable Development
Section 12 – Achieving well Designed Places

Section 4 - Decision Making

LOCAL REPRESENTATIONS

None

CONSULTATION RESPONSES

MBC Environmental Protection Team:

Stated the following: 'It is evident from our GIS database that this site does not fall within an Air Quality Management Area (AQMA) nor is it suspected to be on, or near to, contaminated land. Therefore no further assessments would be required. It does not seem that this building's change of use would give rise to complaints of noise, lighting or dust.

APPRAISAL

The intention of the submission 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 the storage of farm machinery and hay as part of an established agricultural holding, and on balance, this would have been so on 24th July 2023. 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 building is of timber construction with timber cladding and concrete slab floors, which indicates the building is structurally sound and as such is capable of conversion without a major reconstruction.

The submitted plans/drawings affirm 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. The cumulative floor area changing use would be 133.4m², which is within the threshold set out in Class Q. 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 the 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 scale of the development any increase in traffic using the lane would be barely noticeable.

On parking provision and demand, the submission provides two car parking spaces for the proposed dwelling, and there is adequate space for vehicles to 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, the site has a previous use which has potential to cause land contamination. However, any potential land contamination could be adequately addressed by a land contamination condition. Consequently, there are no justifiable reasons to raise planning objections on land contamination grounds, and the proposal is considered acceptable on contamination subject to conditions on land 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 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 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. 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.

Access to services/amenities within Marden for the most part, is along unlit rural lanes with no pavements. Therefore, this would be an unattractive route for walking, particularly for families and in the winter given its muddy verges and at night; and for similar reasons, cycling these routes would be unattractive. However, 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 alter the agricultural character and appearance of the building. However, the proposed insertion of windows, 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.

CONCLUSION:

In summary, the proposals seeking to change the use of the agricultural building to a residential dwelling is generally acceptable, however, conditions on land contamination and implementation of flood resilient measures are required to secure some aspects of the development. In this regard, it is considered that Prior Approval is required, but that it should be granted subject to the conditions set out below.

RECOMMENDATION – Prior Approval Granted subject to the following conditions/reasons:

(1) 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.

(2) Prior to first occupation of the dwelling hereby approved foul sewage and surface water disposal measures long with details regarding the provision of potable water shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the local planning authority. All measures shall be maintained permanently thereafter. Information provided should specify exact locations on the site and any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation). If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority. Reason: To ensure adequate foul sewage and surface water disposal arrangements.

(3) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The approved details shall be in accordance with bat conservation trust guidelines and the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The scheme of lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme. Reason: In order to prevent undue light pollution and to protect wildlife.

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 applicant is advised that the following plans and documents were considered as part of the application:

0209/24/B/1 Rev A Site Location and Application Area

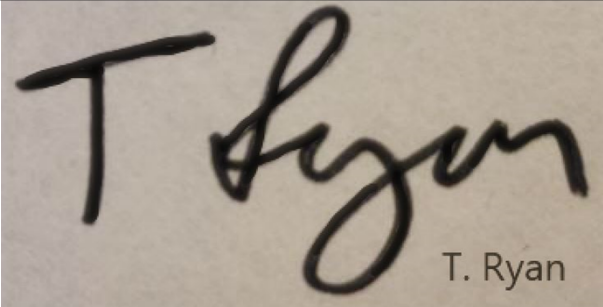
402_PL_111 Rev P3 Proposed Plans and Elevations

R402_PL_110 Rev P3 Existing Plans and Elevations

Planning Statement

Structural Report

N/A

Delegated Authority to Sign:	Date:
 T. Ryan	26.09.2024