Planning Statement

Agricultural buildings named DC Grinding, Gribble Bridge Lane, Biddenden, TN27 8DH

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1. INTRODUCTION

1.1. Background and purpose of the report

1.1.1. This report has been produced by JD Planning Ltd on behalf of the applicant to support the application for prior approval proposing a change of use from the existing agricultural barn to one dwelling, located at Gribble Bridge Lane, Biddenden, TN27 8DH.

1.1.2. The description of development reads as follows:-

"Prior approval for a proposed change of use of an agricultural building to a dwellinghouse and associated building operations reasonably necessary to convert the building"

1.1.3. The primary purpose of this report is to set out all relevant planning history for the site, present the proposed development and draw together all relevant planning considerations to demonstrate that the proposals comply with the planning policies and in particular Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

1.1.4. This report assesses the proposal against the relevant criteria contained within Class Q and provides the information as required under Part 3 Paragraph W.

1.2. The site

1.2.1. The land in question comprises land measuring approximately 0.1ha and is situated approximately 2 km to the south of Biddenden village, Ashford and outside of the Urban Area. The surrounding area is characterised by sporadic residential development with rural and traditional character prevailing.

1.2.2. The site is situated **outside of any landscape designations** and outside of the Kent Downs Area of Outstanding Natural Beauty.

1.2.3. The site is not located in conservation areas, nor is it constrained by any designated heritage designations and/or assets.

1.2.4. The site is outside of the areas of high risk of flooding.

1.2.5. The site is outside of Stodmarsh Catchment Area.

1.3. Relevant Planning History

1.3.1. Historically temporary permissions were issued to use land to store historic aircraft parts during their restoration. This use ceased decades ago.

1.3.2. More recently, prior notification has been approved for a change of use of buildings and land under Class R - from agricultural to commercial storage purposes. **This prior notification has not been implemented.**

2. PROPOSED DEVELOPMENT

2.1. This document seeks to demonstrate that the proposed development would comply with Class Q of the permitted development rights. The application proposes:

"Prior approval for a proposed change of use of an agricultural building to a dwellinghouse and associated building operations reasonably necessary to convert the building"

2.2. To qualify for Class Q permitted development rights, there are three essential considerations. Firstly, the rights apply to a building and its curtilage. Secondly, the building must be agricultural. Thirdly, whether or not the proposal is capable of being converted. In other words, this includes assessment of whether the building operations would be reasonably required for its conversion.

2.3. It is important to note that **PPG** confirms that any internal alterations **do not amount to development** and do not require planning permission (such as insulated walls for example).

A) Curtilage

2.4. The curtilage is defined in Part 3 of paragraph X of the GPDO as:

- *The piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and services the purposes of the agricultural building, or*
- *An area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building;*

2.5. The area proposed for the change of use within the curtilage only includes land that is enclosing and immediately adjacent to the agricultural building;

2.6. Given the location of the building at the rear of the plot, the driveway and access truck result in the exceedance of the total curtilage being larger than the footprint of the dwelling. Nonetheless, the residential curtilage has been appropriately limited so that it includes land closely linked and associated with the building subject to this prior approval. This ensures that it complies with the first interpretation of the curtilage, in that it includes a piece of land that is enclosing the building.

B) Agricultural Use

2.7. The most recent use of the building is that of agriculture for the storage of machinery and the keeping of livestock.

2.8. Indeed, it was the Ashford Council position which was accepted through application reference 20/00958/AS that **all buildings on site were used for agricultural use**.

2.9. It is also noted that the storage use granted under application reference 20/00958/AS **was never implemented**. This application was submitted to explore the potential of the site and to increase land values but was never implemented on-site.

2.10. As such, the last historic use and use that took place on 20th March 2013 was that of agricultural use albeit it is currently vacant.

C) Convertibility

2.11. The development right described in Part Q relates to the conversion of a building. For that right to apply, the building must first be capable of functioning as a dwelling.

2.12. Class Q of GPDO recognises that for the building to function as a dwelling, some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right under Class Q allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and the partial demolition of the extent reasonably necessary to carry out these building operations. Therefore, the PPG confirms 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.

2.13. It is confirmed that all of the existing structure will be entirely retained. The existing structure is visually intact and made of solid concrete walls, has foundations and has a steel frame. The western part of the barn has been insulated internally. It is confirmed that there are no signs of any misalignment, deformation or deflection of the structural framing and associated perimeter of the building. The existing walls are proposed for retention and no physical alterations are proposed to the curved roof/walls forming the main part of the building. The building is single-storey in height and does not propose any additional storeys, so it only requires insulation and a sub-division of internal space. The internal space will be subdivided with single-leaf partition walls.

2.14. **The only alterations** proposed are limited to the walls that are made of blockwork walls. The existing opening (window) is proposed to be replaced with two floor-to-cil openings to the west elevation and the existing large door is proposed to be partially bricked up and replaced with a floor-to-cil windows and front door.

2.15. Internal alterations including extending the insulation and new internal walls to subdivide the property. This would not amount to operational development and do not require

planning permission. It is clarified that all of the existing structure is proposed for retention and no demolition is proposed.

2.16. The building has existing foundations and an existing ground-bearing concrete slab, as demonstrated in the photo below:



2.17. Given the above, the information presented demonstrates that the building is capable of being converted. The existing building would be largely retained in terms of its structural form and that would be reflected through the appearance of the proposed development, which would be very similar to the existing building. Given the minimal level of alterations, far away from the rebuilding or even partial rebuilding, it is clear that the building is suitable for conversion.

2.18. It therefore follows that it is not considered reasonable, proportionate or necessary to submit a structural survey report. Indeed, this position has been accepted through appeal **APP/K0235/W/22/3302658, where the Inspector determined the Council requests for Structural Survey Reports for minor alterations to be unreasonable and awarded costs against the Council for unreasonable behaviour.**

2.19. For the avoidance of doubt, the proposed building operations as described do not encompass anything that goes beyond what is necessary for the building to function as a dwelling. In particular, the **Planning Practice Guidance makes clear that building operations comprising interior alterations do not amount to development.**

2.20. Overall, given that the existing building is only single-storey and has a robust enclosure, roof and foundations, it is capable of functioning as a dwellinghouse and; would not require substantial rebuilding of the existing structure, and would thereby comply with the two components of the PPG. Therefore, the development would fall with Class Q.1, Part 3, Schedule 2 of the Order.

3. Assessment against Class Q

3.1. Part 1 of Class Q lists several criteria where Class Q rights do not apply. The proposals under this application are addressed against each of the criteria in Class Q, in turn, as presented below.

3.2. Class Q, Part 1 - development not permitted

(1) Development is not permitted by Class Q if-

(a) The site was not used solely for agricultural use as part of an established agricultural unit-

i. On 20th March 2013, or <u>Complies</u>

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 20 March 2013, for a period of at least 10 years before the date development under Class Q begins;

The planning history for this site confirms that the site and three buildings have a historic agricultural use.

There was a period in time when the building subject to this application was used around the 80s/90s for commercial storage of aircraft parts and workshops in connection with the restoration of aircraft and aerospace. This historic storage use ceased entirely decades ago. There was permission related to only a small section of the building and the applicant has confirmed that this use ceased more than 18 years ago the building

subject to this application has since been used for agricultural use along with the rest of the building and other buildings on the site.

Indeed, it was the Ashford Council position which was accepted through application reference 20/00958/AS that **all buildings on site were used for agricultural use**.

It is clarified that the proposed use granted under application reference 20/00958/AS was never implemented. This application was submitted to explore the potential of the site and to increase land values but was never implemented on-site.

As such, the last historic use and the use that took place on 20th March 2013 was that of agriculture and the proposal **complies** with this criteria.

(b) In the case of-

I. A larger dwellinghouse, within a established agricultural unit-

(i) The cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(ii) 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;

(ba) the floorspace 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;

There were no previous conversions taking place within the established agricultural unit (blue line plan). The proposals in this application do not propose larger dwellings.

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

Complies - The proposal does propose **one 'smaller' dwellinghouse**, which does not exceed 100 sqm, as demonstrated on the submitted floor plans. As such, the proposal complies with these criteria.

(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 Class Order;

ii) The cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use of Classes Order exceeding 5;

The development would not lead to either of the above and so complies with the criteria.

(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 and so the proposal complies with this criteria.

(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;

Complies - There is no tenancy on the site so this requirement is not relevant to the proposals.

(g) Development under Class A(a) or Class B(b) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit-

(i) Since 20 th March 2013; or,

(ii) Where development under Class Q begins after 20 th March 2023, during the period which is 10 years before the date development under Class Q begins;

Complies - It is confirmed that there has been no development under Class A(a) or Class B(a) of Part 6 of the GDPO carried out on the agricultural building since 20th March 2013 and so the proposal complies with this criteria.

(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;

The proposal is for internal conversion and proposes minimal alterations. There are no extensions and no demolition proposed. As such, the proposal would not extend the dimensions of the building and complies with this criteria.

(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 proposed development would not consist of development other than the installation of replacement of windows, doors, water, drainage, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. The building already benefits from electricity. There is no partial demolition proposed. The building is of sound construction and no alterations to its form are proposed. The proposed works are minimal in scale and materiality, there are no rebuilding works proposed and so the proposed works fall within the scope of Class Q conversion.

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

Complies - 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;

Complies - The site is not and does not form part of a site of special scientific interest, a safety hazard or a military explosive storage area.

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

Complies - The site does not and does not, contain a scheduled monument.

(m) The building is listed

Complies - The building is not listed, nor is it within the curtilage of a listed building.

Conclusions

3.3. The proposed development complies with all criteria of Class Q and so is permitted development.

4. Further information as required by prior approval

4.1. Q.2 of Class Q sets out circumstances where a developer should apply to a local authority to establish whether prior approval will be required relating to matters such as

- transport and highway impacts of the development,
- contamination 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 use falling within class C3 (dwelling houses),
- the design or external appearance of the building and
- Natural light in all habitable rooms will be provided with natural light.

4.2. Should the Local Planning Authority consider that prior approval is required about the above matters, the relevant information is provided below.

Transport and highway impacts of the development

4.3. Access to the site is existing and it is provided via an unclassified road. The existing access point has a width of approximately 5 metres and provides visibility in both directions.

4.4. The NPPF is clear that the development should only be refused on highway grounds if it results in severe impacts. Following TRICS standards, a typical detached dwelling is not expected to generate more than up to 5 vehicle trips per day. As such, given the small scale of the proposed development (one dwelling), this is not going to have a material

impact on the highway network and would not result in an excessive number of trips within the surrounding rural network.

4.5. The site has established vehicular access and the proposed dwelling would be an existing access point. The proposal included two parking spaces, in line with Parking Standards. There is sufficient space within the site for two parking spaces and for vehicles to turn and leave the site in forward gear, as demonstrated on the proposed block plan. As such, the proposed development would not result in an adverse impact on highways and transport safety.

Noise

4.6. The proposed dwelling has no potential to generate permanent and significant noise levels that would harmfully affect the amenity of surrounding properties/uses. Within the wider rural setting, there are no other uses which could be expected to cause noise levels which would be detrimental in amenity terms to future occupants of the proposed dwelling.

4.7. The proposed development would be compatible with the surrounding built form, as there are dwellings on either side of the application site.

Flood Risk

4.8. As demonstrated on the Environment Agency online flood map, the site is, in its entirety, within Flood Zone 1, which is **at low risk of flooding**. As the site is less than 1 ha and less than 10 houses, a Flood Risk Assessment and Drainage Strategy are not required.

Contamination

4.9. The land in question was in use as agricultural land. Therefore, there are no concerns concerning contamination on the site.

4.10. Furthermore, Environmental Health raised no objections to the change of use as proposed under application 20/00958/AS, concerning contamination. As such, the proposal is safe for future occupiers and there is no risk of contamination.

Siting of the development

4.11. It is emphasised that the NPPG (paragraph 108) confirms that the permitted development right under Class Q **does not apply a test concerning the 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.

4.12. The local planning authority can only consider whether the proposals would be 'harmful or objectionable' or not being 'sensible or realistic'. The proposed development is in a location where access, electricity and other resources are readily available and therefore it is not considered impractical on any basis. The site is surrounded by dwellings to the east and west and has access to public transport within walking distance. There are no land uses that would be harmful to future occupants so the proposals **comply** with this criteria.

External Appearance

4.13. The proposed development would not increase the scale, or mass and would not extend beyond the envelope of the existing building. The alterations are minimal to the front and rear elevations. The external appearance of the dwelling would not be materially altered.

Provision of Adequate Natural Light

4.14. All habitable rooms have been provided with one, large, floor-to-cil window to ensure that the quality of internal accommodation is of high standard. The rooms comply with and indeed exceed the National Space Standards and the open space living/kitchen space is provided to ensure adequate living space.

Conclusions

4.15. This report has considered and assessed the proposal against the relevant criteria of Class Q. It successfully demonstrated that the proposal complies with all elements of Class Q. It also provided all relevant and necessary information, should prior approval on relevant matters be sought. The statement has demonstrated that the proposed conversion under Class Q would be permitted development and so prior approval should be given.

APPENDIX 1: Photos

Photo 1: The inside of the building (partially insulated already) and showing storage of agricultural equipment;



Photo 2 & 3: External appearance of the building



