

<b>2.3 REFERENCE NO - 20/504753/PNQCLA</b>		
<b>APPLICATION PROPOSAL</b>		
Prior notification for the change of use of building and land within its curtilage to 1 no. dwellinghouse and associated operation development. For it's 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, and Provision of adequate natural light in all habitable rooms of the dwellinghouses.		
<b>ADDRESS</b> Forge Farm Staple Street Hernhill Faversham Kent ME13 9UD		
<b>RECOMMENDATION</b> – Prior Approval Not Required		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Objection from Parish Council		
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Hernhill	<b>APPLICANT</b> Mr & Mrs Bryant <b>AGENT</b> Bloomfields
<b>DECISION DUE DATE</b> 08/01/2021	<b>PUBLICITY EXPIRY DATE</b> 05/11/20	

**Planning History**

17/505345/PNQCLA

Prior notification for the change of use of a building and land within its curtilage from an agricultural use to a use falling within Class C3 (dwelling-house) and building operations reasonably necessary to convert the building

For it's prior approval to:

Transport and Highways impacts of the development. Contamination risks on the site. Flooding risks on the site. Noise impacts of the development. Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed. Design and external appearance impacts on the building.

Prior Approval Not Required

Decision Date: 07.12.2017

17/503400/PNQCLA

Prior notification for the change of use of building and land within its curtilage from an agricultural use to a use falling within Class C3 (one dwelling) (as clarified by email dated 22/08/2017)

For it's prior approval to:

Transport and Highways impacts of the development. Contamination risks on the site. Flooding risks on the site. Noise impacts of the development. Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed. Design and external appearance impacts on the building.

Prior Approval Not Required

Decision Date: 30.08.2017

## 1. DESCRIPTION OF SITE

- 1.1 The building in question is a traditionally designed small former agricultural building (approximately 6m x 5m), built of brick and with a tiled roof. The internal ground floor area measures 26.25 square metres. The building has a gross external area of 30 square metres. The building is at present in disrepair, but appears to be structurally sound. It is accessed from Staple Street by an existing gravelled access. The site is located adjacent to but not within the Staplestreet conservation area, with an established orchard to the rear. The site is adjacent to the site of an application for affordable housing which was decided at Committee in 2010.

## 2. PROPOSAL

- 2.1 The proposal is for the conversion of an agricultural building under Class Q of the GPDO 2015. The proposal is for a single dwelling, with a curtilage not exceeding the floor space of the building.
- 2.2 Members should note that this is a Prior Approval application, and planning permission is already granted for the proposed change of use by Class Q of Part 3 of Schedule 2 to The Town and Country Planning (General Permitted Development)(England) Order (2015) (as amended) (the GPDO). This grants a general planning permission (subject to a number of criteria being met) for up to five dwellings to be converted from agricultural buildings on a single agricultural holding, provided the building(s) in question is not enlarged, and the curtilages to be provided do not exceed the floorspace of the dwelling(s) created.
- 2.3 The resultant dwellinghouse would be subject to restrictions on normal rights for further extensions and alterations, but Class Q of the GPDO does mean that the principle of new homes being created from agricultural buildings in rural locations (except in locations including conservation areas and AONBs) is approved in principle; even where Local Plan policies might otherwise restrict such conversions. The GPDO requires that all such conversions are subject to a Prior Approval process, and the current application is for Prior Approval in relation to the following required matters:
- (a) transport and highways impacts of the development,
  - (b) noise impacts of the development,
  - (c) contamination risks on the site,
  - (d) flooding risks on the site,
  - (e) 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 (dwellinghouses) of the Schedule to the Use Classes Order,
  - (f) the design or external appearance of the building, and
  - (g) the provision of adequate natural light in all habitable rooms of the dwellinghouse
- 2.4 This Prior Approval process is intended to be a straightforward technical assessment of the practicalities of the proposed conversion to determine if the building(s) is suitable for

residential use, and not an assessment of the planning merits of the development. The principle has been already been tested under planning references 17/503400/PNQCLA and 17/505345/PNQCLA where Prior Approval was not required. This application seeks, in effect, to renew that situation, as the works have not yet started and therefore will not be complete within three years of the latter previous Prior Approval.

### **3. PLANNING CONSTRAINTS**

Outside built-up area boundary

Adjacent to Staplestreet conservation area

### **4. POLICY AND CONSIDERATIONS**

4.1 Class Q of Part 3 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO 2015).

### **5. LOCAL REPRESENTATIONS**

5.1 Seven letters/emails of objection have been received from local residents. Their contents are summarised as follows:

- The applicant has had three years to implement this scheme; Covid-19 is not an excuse; the applicant was waiting to see the outcome of the affordable housing scheme adjacent (20/500858/FULL)
- No preparatory work has yet taken place
- The structure is recognised as a building of local and historical interest
- Access gate is usually locked and is shared with tractors and farm machinery. The access is onto a narrow road that is often congested with parked cars and opposite a bus stop
- Will disrupt agricultural activities in the adjacent orchard
- Water tanks etc. nearby - this would introduce a conflict of use in this area and not be acceptable on Health and Safety grounds
- This and the approved affordable houses adjacent will increase both use of and danger from the highway, and the application should recognise this
- The supply of utilities in the area is already stretched, and no details are given for the disposal of sewage. No mains drainage is available
- No fire escape access – one single door
- Two parking spaces shown outside the curtilage, this needs to be clarified
- Will the amenity area be fenced or walled off?
- Bats and swallows use the building – an environmental inspection is needed

- The building is too small, below the 37sq m Government guideline, and conversion of this building to a very small two roomed house is not the correct thing to undertake. It would only be suitable as a short term holiday let, not as useful accommodation
- The cramped nature of the building may lead to later extensions
- If the applicant is allowed to convert the building, he will then apply for further development on the remaining land around the building and eventually Staplestreet will end up with more houses on that edge of the Orchard and become completely urbanised.
- The land-owner has already sold land for the new housing and it is difficult to see that this development fulfils any local housing need
- The cost of conversion of the building will render it suitable as affordable housing, the need for which has already been catered for
- Parking has been an issue in Staplestreet and double yellow lines have been implemented. The visibility splays for the adjacent development will further decrease potential for on street parking
- The building has previously been used for the storage of chemicals, which leads to questions regarding ground contamination

## **6. CONSULTATIONS**

- 6.1 Hernhill Parish Council raises objection, stating that the building is too small to constitute a dwelling.
- 6.2 Kent Highways and Transportation advise that the proposal does not meet the criteria to warrant involvement from the Highway Authority.
- 6.3 I have not received any comments from the Environmental Health Manager but the site has not previously been considered to be contaminated land and I do not anticipate any requirement for prior approval in this respect.

## **7. BACKGROUND PAPERS AND PLANS**

- 7.1 Application papers for applications 17/503400/PNQCLA, 17/505345/PNQCLA and 20/504753/PNQCLA

## **8. APPRAISAL**

- 8.1 Notwithstanding some of the points raised by the Parish Council and local residents I confirm that planning permission is already in place for this conversion subject to the current Prior Approval process, which confines itself to practical issues. The regulations do not set a minimum floorspace for such a conversion, although the Government has enacted amendments to the regulations that take effect from April 2021 that will prevent such a conversion where the building has less than a minimum floorspace. That future change does not affect the Council's decision now.

- 8.2 Accordingly, I consider that the starting point for assessing this proposal is that it is acceptable in principle under the current provisions of Class Q of the GPDO 2015, subject to transport and highways, noise, contamination, flooding, location, design and the provision of natural light, bearing in mind the fact that this process has already been undertaken twice in the last few years. My view on each of the relevant matters is set out below
- 8.3 The transport and highway impact of the development would be minimal and does not require prior approval.
- 8.4 The noise impacts of the development would be minimal and do not require prior approval.
- 8.5 The site has not been considered under previous applications to be contaminated land and does not require prior approval in this respect. The applicant's supporting statement refers to this matter as follows:

*7.1. The Government's website clarifies that 'contaminated land' is used in general terms to describe land polluted by heavy metals, oils and tars, chemical substances, gases, asbestos or radioactive substances. It also clarifies that the legal definition of contaminated land includes substances that could cause significant harm to people or protected species, and/or significant pollution of surface waters or groundwater.*

*7.2. Paragraph 003 of the 'land affected by contamination' section of the National Planning Policy Guidance identifies that Part 2A of the Environmental Protection Act 1990 provides a risk-based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. Paragraph 004 says contamination is more likely to arise in former industrial areas but cannot be ruled out in other locations including in the countryside.*

*7.3. However, in this instance there has not been any inappropriate spreading of materials such as sludges or any contamination being moved from its original source. The area is not considered to be affected by the natural or background occurrence of potentially hazardous substances, such as radon, methane or elevated concentrations of metallic elements.*

*7.4. 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.*

*7.5. No concern was raised by the previous prior approval application 17/505345 therefore it is respectfully submitted that prior approval should not be required from the Local Planning Authority in relation to the contamination risks on the site, in accordance with Paragraph Q.2 (1) (c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

Although I do not see this as a matter requiring prior approval, and it did not feature in the previous prior approval applications here, if contamination is suspected prior approval can be granted with a planning condition(s) to require investigation and remediation.

- 8.6 The site is not in a flood risk zone therefore prior approval is not required in this regard.
- 8.7 I do not consider that the location or siting of the building makes it impractical or undesirable for the building to change from agricultural use to residential use.
- 8.8 In terms of the design or external appearance of the building, I consider that the additional fenestration and external works would be fairly minimal and within acceptable parameters,
- 8.9 I believe that the proposed conversion will provide adequate natural light to the property, with two windows, and a small window set within the proposed front door.
- 8.10 In view of the above points, I consider that the proposal complies with all relevant criteria in Class Q.
- 8.11 I note the local concerns about this proposal. However, planning permission is already granted by the GPDO and this application relates only to specific matters, which I have discussed above. I do not consider that any detailed matter amounts to a reason for the Council to justifiably refuse Prior Approval under the very limited matters that can be taken into account under the terms of the Class Q Prior Approval procedure. In this case, the proposal does constitute permitted development, and therefore must be approved.

## **9. CONCLUSION**

- 9.1 Taking the above into account, prior approval is not required for the development.

## **10. RECOMMENDATION – Prior Approval not required**

### **INFORMATIVE**

- (1) The parking spaces shown on the submitted drawings do not form part of the residential curtilage area, and any off-road parking associated with the property should be wholly within the residential curtilage area shown on the submitted drawings.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

