

2.5 REFERENCE NO - 21/503580/PNQCLA		
APPLICATION PROPOSAL		
Prior Notification for change of use of agricultural buildings to 5no. residential dwellings and associated operational 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.		
ADDRESS St Christophers Kingsdown Road Lynsted Sittingbourne Kent ME9 0JW		
RECOMMENDATION - Prior Approval Granted		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD Teynham And Lynsted	PARISH/TOWN COUNCIL Lynsted With Kingsdown	APPLICANT Mrs Dawne Waters AGENT Kent Design Partnership
DECISION DUE DATE 25/08/21		PUBLICITY EXPIRY DATE 26/10/21

Planning History**21/501293/PNQCLA**

Prior Notification for change of use of agricultural buildings to 5no. residential dwelling and associated operational 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.

Withdrawn

Decision Date: 07.05.2021

16/504301/PNR

Prior Notification for the change of use of three agricultural buildings to storage use.

Prior Approval Not Required Decision Date: 12.07.2016

1. DESCRIPTION OF SITE

- 1.1 The site is a small farm situated in a rural location to the south of Lynsted at a location locally known as Erriottwood. The location is not the subject of any special planning designations although it does lie well beyond any Local Plan defined settlement boundary. The buildings in question are part of a C20 farmyard and face each other across the narrow yard, which provides access to land to the north. All are fairly non-descript mid/late C20 buildings of no particular architectural merit which are variously built in brick, rendered and unrendered blockwork or metal sheet cladding.

- 1.2 Access to the site is via an established access point onto a narrow lane at a point quite close to the awkward double junction with the main Lynsted to Doddington road.
- 1.3 Members will note that in 2016 Prior Approval was not required for conversion of these buildings to storage uses, so although that use was then lawful it was not commenced.

2. PROPOSAL

- 2.1 The current application is seeking Prior Approval for the conversion of the existing agricultural buildings to five 'smaller' dwellings (each is less than 100sq m) under Class Q of Part 3 of the GPDO 2015 (as amended). Class Q of the GPDO permits up to five smaller dwellings to be provided on any one farm as conversion of agricultural buildings, as follows;

“Development consisting of –

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.”

- 2.2 Class Q of the GPDO means 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 when 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 dwellinghouses.

- 2.3 The 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 a subjective assessment of the planning merits of the development.

- 2.4 This permitted change of use is subject to a number of criteria including the provisions of Section W (Procedure) which states that the Local Planning Authority may refuse an application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether, the proposed development complies with any conditions, limitations or restrictions specified.
- 2.5 In this case the original submission showed curtilages larger than provided for by the regulations, and an amended site plan has since been submitted reducing the residential curtilages to plots 1-3 as this did not accord with the parameters within the GPDO. Re-consultations were sent to neighbours and other contributors including the Parish Council.
- 2.6 The proposed change of use of the buildings would require replacement roofing to all units as well as internal insulation and new windows and doors which are permitted under Class Q regulations. All external walls and wall cladding are now to remain. This has been clarified by a drawing received 27 October 2021 which shows retention of the existing metal wall cladding to unit 3 which was initially shown to be re-clad in timber boarding.
- 2.7 For units 1 and 2 a crude metal canopy is to be removed from the front of the building, along with a small addition at the rear, whilst for units 4 and 5 a lean-to rear extension to this building is shown to be demolished to provide amenity space.
- 2.8 The accommodation proposed is limited to three 3 bed dwellings and two 2 bed dwellings, each with a curtilage (including parking spaces) no larger than the footprint of the dwelling itself, as required by the Class Q regulations.

3. PLANNING CONSTRAINTS

- 3.1 None

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).

5. LOCAL REPRESENTATIONS

- 5.1 Fourteen letters of objection from twelve different addresses were received including from the Parish Council which is not a statutory consultee on this type of application. The local objections can be summarised as follows:
- The hamlet of St Christopher is a small scattered area of mostly former agricultural workers cottages well spaced along its two roads and no deeper than a single house
 - The proposed is out of keeping with the history and setting
 - No identified planning need in this rural hamlet
 - There is a lack of services
 - Lynsted Lane is not safe for walking with no footpaths or speed restrictions
 - The corner at Erriotwood is very dangerous with poor sight lines
 - There has been a fatal accident in the last two years
 - There is only an infrequent bus service

- No car charging points
- Lack of parking for visitors and on street parking would be impossible
- Bin storage and cesspool locations are not shown
- Broadband at this location is poor
- There is inadequate information about proposed finishes
- Approving homes in this location may increase pressure on the domestic right of way at The Greys to access the farm
- Not in accordance with the Lynsted Design Guide
- Will the farm track be re-located
- Properties to the east will be overlooked and suffer loss of privacy
- A previous application was withdrawn without explanation
- Two properties may be acceptable but not five
- Application SW/80/782 was refused on highways grounds and that was only for one dwelling not five
- The roofs are likely asbestos and would cause a health risk to properties and surroundings
- It is impossible to imagine how the development could be achieved without exceeding what could reasonably be called a conversion under Class Q – a similar application 19/501119/PNQCLA was refused because of the amount of work required and I would argue that this mirrors very closely
- Unclear if the buildings are structurally sound
- All units are to have new roofs so this is not conversion
- A bat survey should be carried out before any determination
- The application shows the current track to the North blocked off
- The development could lead to encroachment into the surrounding agricultural land
- Plots 4 & 5 would directly back on to the garden at St Christophers which would mean that the windows and doors to the rear of these properties will overlook the garden and will also have a clear view into one of the bedroom windows as well as the main living space. if the boundary wall was high enough to preserve our privacy the bungalows themselves would get very little light at the rear
- Lack of privacy and potential noise issue for St Christophers garden as it is close to patio and dining area

5.2 Following the re-consultation on the amended site location plan nine comments were received from eight addresses, all of which had previously commented upon the application. The letters can be summarised as follows:

- Nothing in this amendment answers any points made by previous objectors
- Earlier objections still stand
- The curtilage can support two dwellings and not the five proposed
- The reduction in curtilage has removed three car parking spaces which is not reasonable for this rural location where future residents would be heavily reliant on private cars
- The proposed gardens are incredibly small

5.3 Lynsted Parish Council commented as follows:

- We suggest that plot 1 and 2 become one plot and plot 3 to stay as is.
- The Councillors object to plots 4 & 5
- The hamlet would increase from 10 houses to 15
- Increase in cars
- No visitor parking allocated
- Additional space for deliveries and removal of waste is required
- The site appears to be greater than the 465m² allowed under permitted development (NOTE: The 465m² relates to larger dwellings of over 100m². the GPDO allows for up to 5 smaller dwellings each under 100m²)
- Great care required for removal of asbestos roofs
- Additional cars would cause an amenity issue to Robin House opposite with headlights in the windows
- Exiting the site would be hazardous
- Contamination risk, noise of extra traffic, air pollution, light pollution
- Investigation of bats required
- The junction 100m away is very dangerous and adding more traffic is not something that would be recommended
- Plots 4 and 5 would directly overlook neighbouring property

5.4 Lynsted Parish Council commented on the amended site layout as follows:

- The curtilage has been further reduced and one parking space has been removed from plots 1-3. We understand Swale's recommendations for new rural homes state a minimum of three parking spaces per property
- There is no off road parking available
- None of our original objections have been addressed and earlier comments still stand

6. CONSULTATIONS

- 6.1 Kent Highways states that the proposal does not meet the criteria to warrant involvement from the Highway Authority.
- 6.2 The Environmental Health Manager has no adverse comments or observations to make in connection with the application.

7. BACKGROUND PAPERS AND PLANS

- 7.1 All plans and documents relating to 21/503580/PNQCLA.

8. APPRAISAL

8.1 It is important for Members to note from the outset that this is not an application for planning permission; it is a request to determine whether or not Prior Approval is required **only** in relation to:

- Transport and Highways impacts of the development
- Contamination risks of the site
- Flooding risks of 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 of the building
- Provision of adequate natural light into all habitable rooms

8.2 This is essentially a technical assessment of the issues outlined in the GPDO, which itself grants deemed planning permission for the development, and would normally be dealt with under delegated powers. It has been referred to Members as there is a Parish Council objection as well as a number of local objections. It is, however, important to note that the Prior Approval process automatically approved details unless the Council refuses Prior Approval within 56 days, unless an extension of time is agreed by the applicant. In this case the applicant has agreed to an extension of time until 12th November to allow the matter to be considered by the Planning Committee. However, if the Committee decides to defer this application I do not expect the applicant to agree a further extension of time, and so the development would be approved by default on 13th November. It is therefore vital that a decision either way be made on this application at the meeting.

8.3 I am satisfied that the use of the buildings in question was agricultural at the relevant date (20 March 2013), and I am of the opinion that the proposal now being considered wholly complies with the conditions set out in Class Q of the GPDO 2015 (as amended). Having consulted with the various consultees I now address the various Class Q criteria that are relevant to the Prior Approval Procedure

Transport and Highways Impacts of the Development

8.4 I have read the neighbours' objections in relation to highway safety and the suitability of the access carefully. However, this proposal relies on use of an existing agricultural access with an expectation that the buildings would themselves generate a number of vehicle movements if in active use, rather than proposing a new opening; and Kent Highways have made it clear that this is a non-protocol matter on which they do not offer advice. The drawings do not show the track to the north being blocked off but an access gate being put in place. I acknowledge the comments from a neighbour regarding a previous refusal on traffic grounds however, this was forty years ago with different policies, and was not a decision related to a Prior Approval procedure where the principle of the use sought was already established.

8.5 The proposal does not create a new unsafe access and will, in my view, have little net impact on the volume of traffic using the access or the rural lane involved. Although occupants of the proposed dwellings will inevitably use the awkward junction on the Lynsted/Doddington road, this is a major rural route that provides easy access to the A2. I do not consider that the Council could mount a sustainable objection to the use of the relatively small buildings for residential use on highway safety grounds

8.6 Matters relating to ownership and rights of way over this access and any neighbouring access are private legal matters to be agreed between the owner of the land and the applicant and are not material to consideration under Class Q.

Noise Impacts of the Development

- 8.7 Residential use of these 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. Nor would the dwellings be built in a noisy area. A certain amount of noise is to be expected during conversion works, but this would be short-lived and is a factor of development in general. The residential use of the buildings would likely lead to less noise than associated with an agricultural use.

Contamination Risks of the Site

- 8.8 The Environmental Health Manager has been consulted upon the application and has raised no comments or objections to the proposal.

Flooding Risks on the Site

- 8.9 The site is not within an area where there is a risk of flooding, and the Council's Prior Approval should not be withheld in this regard.

Location or Siting

- 8.10 I note the many local objections and that of the Parish Council, but Members will be aware that Local Plan policies in respect of sustainability should not be applied to this type of application, as the very nature of agricultural buildings is that they are often in rural locations where Local Plan policies would normally resist new residential development. In this case the location of the building is not subject to issues that would give rise to substandard levels of amenity for occupants of the new dwellings. As such the Council's Prior Approval should not be refused in this respect.
- 8.11 I note the comments from the occupier of St Christopher's and the Parish Council regarding overlooking from the proposed dwellings into the private garden space and living accommodation. This would be most likely from units 4 and 5, but this is a single storey building and there is a high wall already to the boundary here which will mitigate any overlooking concerns.

Design or External Appearance of the Building

- 8.12 The design suggested for the proposed dwellings is simple, utilising existing openings to a large extent, and in my opinion is acceptable for this sort of building. The buildings would retain their agricultural character, retaining the existing brickwork, metal cladding, blockwork and render, but with replacement roof coverings. I do not consider that the appearance of the buildings will change significantly from their 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.

Provision of Adequate Natural Light

- 8.13 Windows are proposed to all habitable rooms of the proposed dwellings and as such Prior Approval should not be refused in this respect.

Other Matters

- 8.14 As noted above, the Council has very limited powers under which it can consider these types of application, and these have been set out in detail above. I note that the local

objections highlighted a lack of parking and the lack of compliance with the Council's Parking SPD however, this cannot be considered under this type of application and Class Q does not require a minimum parking standard. The same applies to the mention of potential bats as that is not something that can be considered under his type of application. Prior Approval cannot therefore be refused in these terms.

9. CONCLUSION

9.1 In my view the proposal fully meets the requirements of Class Q of the GPDO, and in terms of the limited and specific matters to which the Prior Approval procedure relates, it is acceptable.

9.2 I note the local concerns about this proposal, and am sympathetic to many of them, but 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.

9.3 I recommend that Prior Approval is granted.

10. RECOMMENDATION – Grant Prior Approval

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.

