



SUPPORTING PLANNING STATEMENT

The Packing Shed, Cannon Farm, TN12 9LR

SUPPORTING PLANNING STATEMENT

Pursuant to Schedule 2, Part 3, Class Q (a and b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

In support of an application for a determination as to whether Prior Approval will be required 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), together with building operations reasonably necessary to convert the building (amendment to Prior Approval permission 23/501475/PNQCLA)

at

**The Packing Shed
Cannon Farm
Thorn Road
Marden
TN12 9LR**

On behalf of

Mr and Mrs Martin

Bloomfields is the trading name of Lambert & Foster (Bloomfields) Ltd (company no. 08278915) an owned subsidiary of Lambert & Foster Ltd a Limited Company registered in England and Wales, No 10574225. Registered office 77 Commercial Road, Paddock Wood, Kent TN12 6DS.

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1. Introduction

- 1.1. This statement is submitted in accordance with the requirements of Paragraph Q.2 (1) of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), on behalf of our clients, Mr and Mrs Martin.
- 1.2. This statement supports an application under the provisions of Class Q, parts a and b, of this Order for a determination as to whether Prior Approval will be required for the conversion of an agricultural building into a residential dwelling at The Packing Shed, Cannon Farm, Thorn Road, Marden TN12 9LR and is an amendment to Prior Approval reference 23/501475/PNQCLA.
- 1.3. In accordance with Paragraph W (a) of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), this supporting planning statement provides a written description of the proposed development. The application is also accompanied by a plan indicating the site and showing the proposed development, and the developer's contact address and email address are;

Mr Chris Martin and Mrs Carol Martin, c/o Vicky Bedford, Bloomfields, 77 Commercial Road, Paddock Wood, Kent, TN12 6DS; and vicky.bedford@bloomfieldsltd.co.uk

2. Site Context

- 2.1. The application building is a former packing shed, which comprises a concrete frame and pitched roof, clad in fibre cement sheeting, with low height block work walls, with metal profile sheeting above.
- 2.2. The packing shed forms part of a complex of buildings, some of which are former agricultural buildings (including the application building) and some of which are still associated with Cannon Farm. Cannon Farmhouse is located to the far northeast of the site.
- 2.3. It is understood that the packing shed was constructed in the 1990's for use in association with the agricultural holding, which the previous owners and their family had farmed since the 1930s as an orchard. The agricultural use of this building ceased at the end of September 2023, when the building was sold, thus it is now redundant.
- 2.4. As shown on the Google Earth extract below, the application site lies outside of Marden Village limits to built development (circa 300m to the south-east).



Aerial view of the application site.

Source: Google Earth

- 2.5. The packing shed is comprised of materials which are typical of an agricultural building; namely a concrete frame, pitched roof clad in fibre cement sheeting and elevations which comprise a low-level brick work wall with metal profile sheeting above. There are existing windows on the east and south elevations, along with a personnel door and roller shutter door on the northern elevation.



Photograph of the southern elevation of the building, taken December 2022



Photograph of the northern elevation of the building, taken December 2022

- 2.6. The application site is located within Flood Zone 1 and is not subject to any other constraints.

3. Planning history

Prior Approval application reference 23/501475/PNQCLA

- 3.1. The application building was granted Prior Approval for the change of use to one dwelling, along with the associated operational development, under the above reference number on the 17th of May 2023.
- 3.2. Within the delegated report for this application, it was considered that *“it has been shown in the application that enough of the existing building is to be retained for the proposed change of use and conversion of the existing agricultural building to a dwellinghouse falls within the scope of permitted development within Class Q...”*.

Planning application reference MA/01/0061

- 3.3. Planning application reference MA/01/0061 granted planning permission for the *“Change of use of redundant fruit pack house to distribution depot for horticultural and agricultural requisites and crop protection products”* in March 2001, which is understood to refer the application building.
- 3.4. It is our understanding that the application building has been used predominantly for the storage of farm machinery in more recent years.

Other relevant planning applications

Prior Notification application reference 23/501438/DEMREQ – Cannon Farm

- 3.5. Prior Approval was granted for the demolition of a redundant atcost barn and two cold stores at the site on the 28th of April 2023.

Prior Approval application reference 23/501474/PNQCLA – The Cold Store, Cannon Farm

- 3.6. Prior Approval was granted for the change of use of the adjacent building (“The Cold Store”) for agricultural use into two dwellinghouses on the 17th of May 2023.
- 3.7. A full planning application is also submitted for the conversion and alteration of the adjacent building “The Cold Store” to a single dwellinghouse.

- 3.8. Prior Approval was granted for the conversion of this building into two dwellinghouses in May 2023, as already detailed. Should planning permission be approved for the full planning application at “The Cold Store” for a single dwelling, and Prior Approval be approved for the conversion of the application building into two dwellinghouses, it is pertinent to note that there will be no change to the number of properties which can be created at the site, over and above that which currently exists through extant permissions (reference 23/501475/PNQCLA and reference 23/501474/PNQCLA).

4. Proposal

- 4.1. This application seeks confirmation that the change of use of the building and land within its curtilage, from an agricultural building into two separate dwellinghouses (Class C3), together with building operations reasonably necessary to convert the building, is permitted development in this instance, under the provisions of Class Q of part 3 of Schedule 2 of the GPDO.
- 4.2. The proposal includes the conversion of the building into 2no. 3-bedroom dwellinghouses, comprising a gross internal area of approximately 122m² each, thus falling within the definition of a “larger dwellinghouse”, as defined within Q.3, as the floor area of each dwelling is more than 100sqm, but no more than 465 sqm.
- 4.3. As detailed within the submitted Building Report and given the previous uses of the buildings and the recent Prior Approval permission to convert the building to a single dwellinghouse, it is considered that the building is capable of conversion without significant building works being required.
- 4.4. The extent of the residential curtilages for the proposed dwellinghouses has been carefully considered to ensure that this includes land immediately beside and around the existing building and that it is no larger than the land occupied by the building, in accordance with the definition of ‘curtilage’ laid out at Paragraph X of Part 3 of the GPDO.
- 4.5. Externally the proposed alterations are considered to be ‘*reasonably necessary for the building to function as a dwellinghouse*’ as laid out within paragraph Q.1(i) and include the replacement of windows and doors, and the installation of services.
- 4.6. There is an existing area of hardstanding to the front of the building which would continue to be used as the means of access to the dwellings and parking area in connection with the residential use of this building.

5. Permitted Development

- 5.1. The provisions of Class Q, of Part 3, of Schedule 3 of the GPDO permits the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses), together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule.
- 5.2. Paragraph X of Part 3 of the GPDO clarifies that an ‘agricultural building’ *“means a building (excluding a dwellinghouse) used for agriculture and which is used for the purposes of a trade or business; and ‘agricultural use’ refers to such uses”*.
- 5.3. It is submitted that the proposed change of use of this building into a residential dwelling would fulfil the specific criteria laid out at Paragraph Q.1 of the GPDO which states that development is not permitted by Class Q in the certain instances. Each circumstance is laid out below –
- a) “development is not permitted by Class Q if (a) the site was not used solely for an agricultural use as part of an established agricultural unit -**
- (i) on 20th March 2013, or**
 - (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 20th March 2013, for a period of at least 10 years before the date development under Class Q begins”;**
- 5.4. Paragraph X clarifies that “site”, in this legislation, does not refer to the whole of the ‘site’ as what might normally be considered for planning purposes, but *“means the building and any land within its curtilage”*.
- 5.5. The established agricultural unit, which the building formed part of, falls within the definition of ‘agriculture’, as defined at Section 336 of the Town and Country Planning Act (1990) (as amended). Furthermore, a number of agricultural related permissions on the site, as set out above, have already accepted.

5.6. In this case the building was constructed and used for storage purposes ancillary to the agricultural operations carried out under the ownership of the previous owners of the farm, thus the building can clearly be considered to constitute an agricultural building for the purposes of Class Q in accordance with Paragraph X. Furthermore, the previous Prior Approval application acknowledged that *“it is accepted that the building was solely in agricultural use, as part of an established agricultural unit, on 20th March 2013. As such the proposal complies with this criteria”*.

5.7. The proposed change of use of this building would fulfil criteria a) (i) on the basis that it was last in agricultural use and formed part of the established agricultural unit since its erection in the 1990’s.

b) Development is not permitted by Class Q if ***“in the case of –***

(i) a larger dwellinghouse, within an established agricultural unit –

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceed 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceed 465 square metres”.

ba) development is not permitted by Class Q if ***“the floor space 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.”***

5.8. The application building currently comprises a gross internal area of 161 sqm, over one floor. This application seeks the provision of a self-supported first floor, and the conversion of the building into two dwellings.

5.9. Each dwelling will comprise a gross internal area of 122 sqm. Given that the two dwellings will each have a gross internal area that exceeds 100 square metres, they would constitute ‘larger dwellinghouses’ as defined at Paragraph Q.3.

5.10. The adjacent building, The Cold Store, has Prior Approval for conversion to two ‘smaller dwellinghouses’, both having a gross internal floor area of 70.3 sqm.

5.11. As such, the cumulative number of separate larger dwellinghouses developed under Class Q would be 2, thus it would not exceed 3.

5.12. Furthermore, should both buildings be converted, the cumulative floor space of the two buildings once converted would amount to 382.6 sqm, thus the cumulative floorspace of the buildings changing use would be less than the upper threshold of 465 square metres. Therefore, the proposed development would comply with the requirements of Paragraph Q.1 (b) and (ba).

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 dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres.

5.13. The subject building is shown to comprise two dwellinghouses with gross internal floor areas of 122 sqm, inclusive of the proposed first floor, thereby constituting 'larger dwellinghouses' as defined at Paragraph Q.3 as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018.

5.14. As detailed, the adjacent building, The Cold Store, has Prior Approval for conversion into two dwellings, with gross internal areas of 70.33 sqm each. Therefore, should this scheme be implemented there would be two smaller dwellinghouses within the wider site, which would not exceed the maximum of five. Therefore, the scheme would comply with Q.1(c).

d) Development is not permitted by Class Q if “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 Classes Order;

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

5.15. In this case this application building would comprise two ‘larger dwellinghouses’, each with a floor area of 122 sqm, thus less than 465 sqm, and the cumulative number of separate dwellinghouses within the established agricultural unit would not exceed five.

e) Development is not permitted by Class Q if **“the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.”**

5.16. The application is being made on behalf of the landowners and the applicant has confirmed that there are not any tenants in occupation.

f) Development is not permitted by Class Q if **“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.”

5.17. An agricultural tenancy over the site has not been terminated within the past year.

g) Development is not permitted by Class Q if **“development under Class A(s) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit –**

(i) Since 20th March 2013; or

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

5.18. There has not been any operational development carried out under Class A(a) or Class B(a) of Schedule 2 of the GPDO (as amended) since 20th March 2013.

h) Development is not permitted by Class Q if “the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;”

5.19. As detailed on the submitted plans, the building operations reasonably necessary to convert the building would not incorporate any operational development that would extend beyond the external dimensions of the existing building.

i) Development is not permitted by Class Q if “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).”

5.20. As shown within the submitted plans, building operations required in connection with the proposed use would only incorporate the insertion and replacement of windows and doors. These works would therefore not result in the external dimensions of the building extending beyond that of the existing building.

5.21. The High Court determined in the 2016 *Hibbitt v Secretary of State* case that where new structural elements are required and/or there is rebuilding involved that this will not be regarded simply as a ‘conversion’. Additionally, updated Planning Practice Guidance contained within paragraph 105 states “*Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q*”.

5.22. The works proposed within this development amount to works which are reasonably necessary for the building to function as a dwellinghouse. As set out within the Building Inspection Report which accompanies this planning application, it is considered that the existing building is of sound construction capable of conversion. As such this scheme proposes to make good of the existing fabric of the building, and not result in any material change to the integrity, appearance or extent of the building.

5.23. It is considered that all of these works would be making good of the existing fabric of the building and would not result in any material change to the appearance or extent of the building.

5.24. The installation of water, drainage and gas or oil services would be permitted on the basis that they are a utility which is reasonably necessary for the building to function as dwellinghouses. The building already benefits from electricity.

j) Development is not permitted by Class Q if “The site is on article 2(3) land”

5.25. The application site is not on designated article 2(3) land; namely it is not within a Conservation Area, Area of Outstanding Natural Beauty, an area specified for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the broads, a National Park, or a World Heritage Site.

k) Development is not permitted by Class Q if “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.”

5.26. The site is not, and does not form part of, any of these designated areas.

l) Development is not permitted by Class Q if “This site, or contains a scheduled monument.”

5.27. The site does not contain any scheduled monument.

m) Development is not permitted by Class Q if “The building is a listed building”.

5.28. The building is not a listed building.

5.29. In light of the above, in accordance with Paragraph Q.1, it is submitted that the proposal would constitute permitted development. Therefore, subject to the condition that before beginning the development, in accordance with Paragraph Q.2 (1) the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to;

- Transport and highways impacts of the development;
- Noise impacts of the development;
- Contamination risks on the site;
- Flooding 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 use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
- The design or external appearance of the building, and
- The provision of adequate natural light in all habitable rooms of the dwellinghouses.

6. Prior Approval for the Residential Use of the Building

- 6.1. The provisions of Paragraph W of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) apply in relation to this application as to whether prior approval would be required. To this end, Paragraph W (10) (b) advises that the Local Planning Authority must, when determining an application, have regard to the National Planning Policy Framework (the 'NPPF') '*so far as relevant to the subject matter of the prior approval, as if the application were a planning application*'.
- 6.2. It is relevant to note the Ministerial Statement on Local Planning by Nick Boles published in advance of the 2015 changes to legislation which permit the proposed change of use, which in itself is considered to carry a degree of weight as a material consideration. It was said that "*we expect local planning authorities to take a positive and proactive approach to sustainable development, balancing the protection of the landscape with the social and economic wellbeing of the area...other protected areas are living communities whose young people and families need access to housing if their communities are to grow and prosper*".
- 6.3. This was re-affirmed by amendments to the National Planning Practice Guidance which states "*a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval*". It also advises that "*the permitted development right does not apply a test in relation to 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*".
- 6.4. Paragraph 38 of the NPPF states "*Local planning authorities should approach decisions on proposed developments in a positive and creative way... Decision-makers at every level should seek to approve applications for sustainable development where possible*".
- 6.5. That being said, prior approval is only required in respect of the development in relation to set criteria, as per Paragraph 5.26 above. In this regard it is submitted that the proposal should be considered acceptable in relation to each of these matters as detailed in following sections of this Statement;

7. Transport and highways impacts

- 7.1. The proposed use of the building as two dwellinghouses is not considered to amount to any material increase in traffic numbers. The development would not generate any material increase or any material change in the character of traffic in the vicinity of the site. It is therefore submitted that there is not any requirement for this application to be accompanied by a Transport Statement or Transport Assessment, in accordance with Paragraph 117 of the NPPF.
- 7.2. Paragraph 114 b) of the NPPF advises that decisions should take account of whether a safe and suitable access to the site can be achieved for all people. The proposal would make use of an existing access which is considered to benefit from adequate visibility splays. As shown on the submitted plan, parking is available for residents of both dwellings.
- 7.3. As such, the proposal would not give rise to any adverse transport impacts or the safety and convenience of the nearby highway, which is in accordance with Section 9 of the NPPF; Promoting Sustainable Transport.
- 7.4. Furthermore, there were no objections raised transport and highways matters in respect of Prior Approval application reference 23/501475/PNQCLA.
- 7.5. It is respectfully submitted that prior approval should not therefore be required from the Local Planning Authority in relation to the transport and highways impacts of the development, in accordance with Paragraph Q.2 (1) (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8. Noise impacts

- 8.1. It has previously been acknowledged that this legislation is concerned with the noise impacts *of* the development rather than impact of noise upon future occupants. Therefore, in interpreting the literal wording of this part of the Order, it should only be necessary to consider whether the proposed development (i.e. the conversion of the existing agricultural building to a residential dwelling) would create any noise impacts. It has previously been agreed that the literal reading of this Part of the Order actually precludes consideration of the potential noise impacts created by any existing land use.
- 8.2. In this case, it is considered that the nearest neighbouring property is a sufficient distance away from the application site such that there would not be any adverse noise impacts upon any neighbours, nor on the prospective occupants of the application building.
- 8.3. Furthermore, with regard to agricultural operations surrounding the application site, it is not considered that there would be a material impact upon the amenity levels of prospective occupants.
- 8.4. Within the previously approved Prior Approval application delegated report it was noted by the Local Planning Authority that “*representations from environmental health consultees have not raised any issues regarding noise impacts*”.
- 8.5. Additionally, as set out within earlier sections of this Statement, Prior Approval has separately been granted for the neighbouring building (The Cold Store) to be converted into two dwellings, with a planning application now under consideration for this building to be converted to a single dwellinghouse, along with external alterations. Prior Approval for the demolition of a number of the remaining agricultural buildings on the site, including a redundant Atcost barn and two redundant cold stores has also been granted.

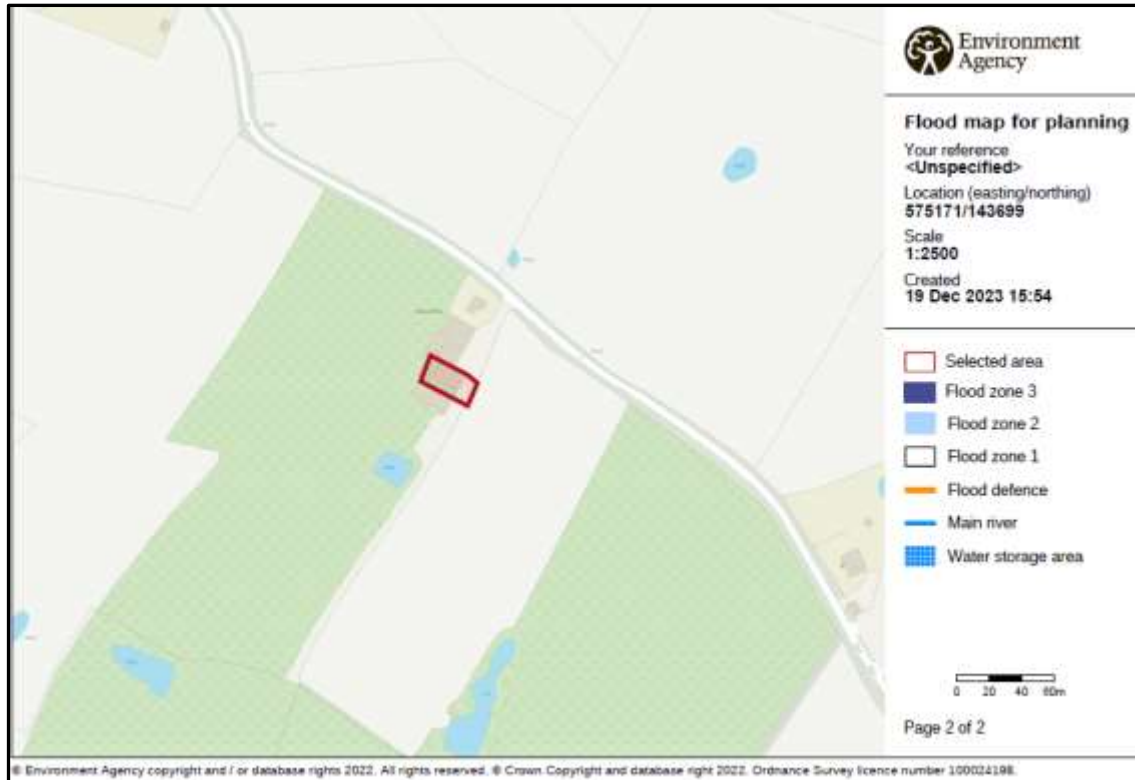
- 8.6. Paragraph 55 of the National Planning Policy Framework advises that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or obligations”*. Paragraph W (13) of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) clarifies that *“the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.”* Therefore, in the unlikely event that the Council did consider that noise was a prevailing issue, it is submitted that a condition could be imposed to ensure that satisfactory noise attenuation measures were installed as part of the change of use of this building.
- 8.7. It is respectfully submitted that prior approval should not be required from the Local Planning Authority in relation to the noise impacts of the development, in accordance with Paragraph Q.2 (1) (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

9. Contamination risks

- 9.1. 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.
- 9.2. 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.
- 9.3. 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.
- 9.4. 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 191 of the NPPF. This point was acknowledged within the Delegated Report for the previous Prior Approval application (reference 23/501475/PNQCLA) where the Local Planning Authority acknowledged "*representations from Environmental Health consultees have raised no land contamination concerns subject to conditions*".
- 9.5. 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).

10. Flooding risks

- 10.1. Paragraph 165 of the NPPF advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk (whether existing or future). As detailed within the extract from the Environmental Agency Flood Map for Planning below, the application site is located within Flood Zone 1, within an area with low probability of flooding.



Extract of Environment Agency Flood Map for Planning (rivers and seas)

- 10.2. The site and immediate area is also considered to be at low risk from surface water flooding, as shown on the surface water map extract overleaf.



Extract of Environment Agency Flood Map for Planning (surface water flooding)

- 10.3. As such, it is submitted that the development would be carried out within an area which has a low probability of flooding, and so it would not be necessary for the Local Planning Authority to consult the Environment Agency, in accordance with Paragraph W (6) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is also therefore not necessary for this application to be accompanied by a site-specific Flood Risk Assessment, in accordance with Paragraph W (2) (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 10.4. It is respectfully submitted that prior approval should not therefore be required from the Local Planning Authority in relation to the flood risks on the site, in accordance with Paragraph Q.2 (1) (d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11. Location / siting of the building

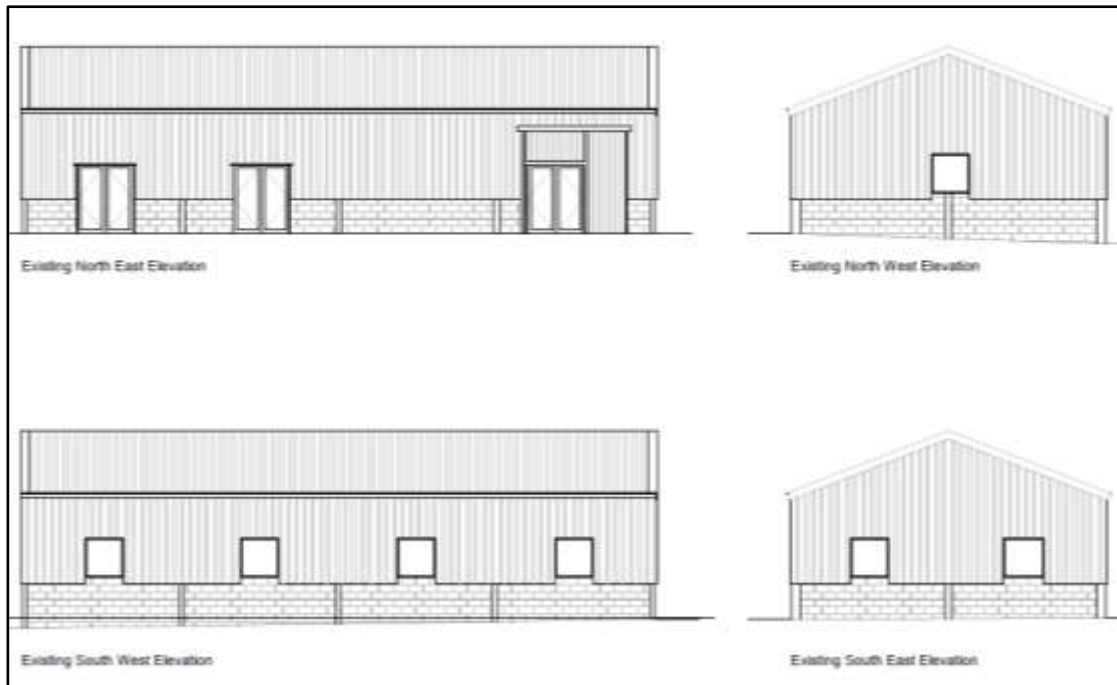
- 11.1. Paragraph Q.2 (1) of Part 3 of Schedule 2 of the GPDO the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required relating to the location or siting of the building and whether this makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 11.2. It is relevant to note the National Planning Policy Guidance in relation to this matter, which says *“a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval”*.
- 11.3. Whilst the application site is located outside of the village envelope of Marden, it is within close proximity to it and served by a number of local footpaths. In this respect it was noted within the Delegated Report for the previous Prior Approval application where the Local Planning Authority noted that *“the proposed dwellings would be located in proximity to other dwellings, this is not an isolated site. ‘Sustainability’ considerations are not assessed as part of an application under Class Q of the General Permitted Development Order”*.
- 11.4. The application building is of sufficient size to be equipped with all of the necessities required for occupation as two independent dwellinghouses, making a valuable contribution to the supply of smaller dwellings in this rural area. Adequate external amenity areas and parking can also be provided. It would therefore be possible to ensure a high-quality design and a good standard of amenity for future occupants, in accordance with Section 12 of the NPPF.
- 11.5. As such, there would not be any reason for the use of the building to be considered impractical nor undesirable as dwellinghouses, in accordance with Paragraph Q.2 (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11.6. It is respectfully submitted that prior approval should not therefore be required from the Local Planning Authority in relation to whether the location or siting of the building make it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling in accordance with Paragraph Q.2 (1) (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

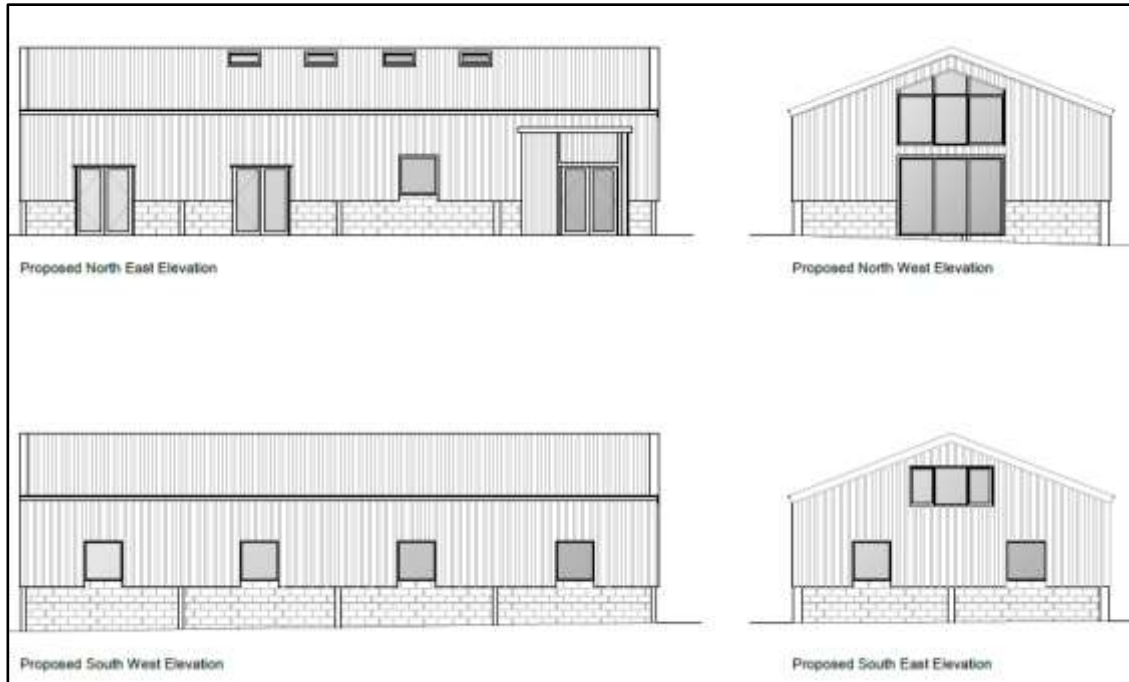
12. Design and external appearance

- 12.1. It is relevant to note that paragraph 105 of the National Planning Policy Guidance clarifies 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. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.”*
- 12.2. The National Planning Policy Guidance goes on to clarify that *“Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q”*.
- 12.3. As detailed, in this instance, this proposal seeks to provision of a self-supporting first floor, to provide residential accommodation over two levels. The form and height of the building enables this to be accommodated without requiring any changes to the height or form of the building. A building report is submitted in support of the proposal which details at Paragraph 6 that: *“The proposal involves subdivision with the incorporation of a first floor to create the internal layout for this proposed change of use. The proposals do not add significantly to the load distribution as any additional load is compensated by the additional subdivision to spread that load throughout the existing floor which, itself will, it is reasonable to presume, be formed of reinforced concrete as it had to carry the distributed weight of the apple storage bins”*.
- 12.4. The report goes on to conclude at Paragraph 8 that *“In summary, it is acknowledged that Class Q requires certain compliance with general guidance with general conversion and adaptation criteria. We consider, with appropriate detailing, this structure should offer the opportunity to achieve a change of use in compliance with general Guidance for Permitted Development”*.

- 12.5. In terms of the external appearance of the building, this proposal seeks to keep works minimal, to retain the external character and appearance of the building. To this end, the only external works proposed are the insertion and replacement of windows and doors. These generally reflect those previously permitted under Prior Approval application reference 23/501475/PNQCLA, and a couple of windows to provide light to the first floor. Where necessary, any external materials to be repaired or replaced would be with similar materials to those existing. As such, it is submitted that the agricultural character of the building would be maintained and that there would not therefore be a significant visual impact on the building as a result of the proposed external works.
- 12.6. To this end, it was noted by the Local Planning Authority within the previous Prior Approval application that *“the form of the building is largely retained, and the proposal does not utilise excessive amounts of glazing, the proposed alterations to the design and appearance of the existing building are considered acceptable”*.



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- 12.7. The proposal does not include the insertion of any flues, aerials or similar domestic paraphernalia which might otherwise materially alter the character of the building. It is therefore submitted that the building operations would be appropriate insofar that there would not be any material impact upon the character or appearance of the building, which would remain that of a former agricultural structure.
- 12.8. In terms of the proposed curtilage for the two dwellings, this is shown to be closely related to the properties and modest in size. This will ensure that the residents have access to a private amenity area, whilst the rural character of the immediate and surrounding area is protected.
- 12.9. It is therefore submitted that prior approval should not be required from the Local Planning Authority in relation to the design or external appearance of the building, in accordance with Paragraph Q.2 (1) (f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

13. The provision of adequate natural light

- 13.1. Paragraph W (2A) of the GPDO (as amended) states that *“where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses”*. Habitable rooms are defined as *“any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms”*.
- 13.2. As detailed, this application incorporates a self-supported first floor, as such there is a requirement for a modest number of additional windows to serve the proposed dwellings, which, as already demonstrated, have been designed to retain the character of the building. To this end, the proposal under consider has been designed to satisfy the criteria set out within Daylight Standard BS EN 17037, with regard to daylight provision; assessment of the view out of windows; access to sunlight; and prevention of glare. As such, it is submitted that the proposed conversion would provide adequate natural light in all of the habitable rooms of the dwellinghouses.
- 13.3. It is therefore submitted that, prior approval should not be required from the Local Planning Authority in relation to the provision of adequate natural light in all habitable rooms of the dwellinghouses, in accordance with Paragraph Q.2 (1) (g) of the GPDO (as amended).

14. Conclusion

- 14.1. In conclusion, it is submitted that this proposal constitutes permitted development, in accordance with Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- 14.2. It is further considered that prior approval should not be required in relation 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 building to change from agricultural use to a residential use; the design or external appearance of the building; or the provision of adequate natural light to habitable rooms. As such, it is submitted that the proposal would be in accordance with Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 14.3. It is therefore respectfully requested that the Local Planning Authority approves this application for the change of use of a building and land within its curtilage from use as an agricultural building to a use falling within Class C3 of the Schedule to the Use Classes Order, along with the building operations reasonably necessary to convert the building.