



Appeal Decision

Site visit made on 18 November 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/H2265/W/25/3371765

Barn to the west of Mill Lane, north of 39-45 Mill Lane, Mill Farm, Waterringbury, Kent, ME18 5PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Lamb against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/25/00541/PA.
 - The development proposed is the change of use of existing agricultural building to single residential dwellinghouse (Use Class C3) and land to residential curtilage, together with building operations reasonably necessary to convert the building.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of existing agricultural building to single residential dwellinghouse (Use Class C3) and land to residential curtilage, together with building operations reasonable necessary to convert the building at the Barn to the west of Mill Lane, north of 39-45 Mill Lane, Mill Farm, Waterringbury, Kent, ME18 5PE, in accordance with the application TM/25/00541/PA and the details submitted with it including plan nos 5133 01, 5133 02, 5133 03, 5133 04, 5133 05 and 5133 06 and subject to the following conditions:
 - 1) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 2) No development above ground level shall take place until a site plan showing the proposed vehicle access, turning area, and the proposed car and cycle parking on site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;

- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) delivery, demolition and construction working hours;
- viii) appropriate access routes for construction vehicles and large and heavy vehicles;
- ix) measures to assess, control and limit the effect of large and heavy vehicles on the surrounding road network.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Applications for costs

2. An application for costs was made by the appellant. This application is the subject of a separate decision.

Procedural Matter

3. The site address as it appears in the banner heading reflects the information given within the site location description section of the application form. In the interest of accuracy and conciseness, the description of the proposed development is an abbreviated version of the description given on the application form.

Preliminary Matters

4. This appeal relates to a prior approval application refused by Council because of concerns regarding the proposed floor space of the dwelling and an alleged conflict with criterion Q.1(c) of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
5. On 21 May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 came into force, and Article 3(1), Schedule 2, Part 3, Class Q of the GPDO was amended. Transitional arrangements set out under Article 10 of the amending Order mean that a prior approval application made before 21 May 2025 in respect of the former Class Q should be decided based on what was previously permitted. The application was made to the Council on 24 March 2025. As such, I have therefore determined the appeal having regard to the provisions of the former version of the GPDO.

Main Issue

6. The main issue is whether the proposal would constitute permitted development under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), having regard to the applicable transitional provisions.

Reasons

7. Criterion Q.1(c), as amended in May 2024, limits the floor space of any dwellinghouse developed under Class Q to 150 square metres. The proposed dwelling would have a floor space of approximately 240 square metres and would therefore exceed that limit if the amended provisions applied.

8. However, under the transitional arrangements set out in Article 10 of the 2024 Amendment Order, applications submitted before the relevant cut-off date are to be determined in accordance with the Class Q provisions in force prior to 21 May 2024. Under that earlier regime, a single larger dwellinghouse of up to 465 square metres was permitted.
9. The proposed dwelling would fall well below that threshold. The Local Planning Authority has acknowledged that the refusal was based on the application of the amended Class Q floor space limit to a proposal which benefitted from the transitional provisions. In these circumstances, the proposal does not conflict with criterion Q.1(c) as it applied at the relevant time.
10. Accordingly, I conclude that the proposal does constitute permitted development under Class Q the GPDO.

Other Matters

11. A number of representations from neighbouring residents raise concerns regarding the narrow width of Mill Lane and tight corner on Love Lane, access during construction, disturbance arising from noise and dust, drainage, and disturbance to wildlife.
12. Mill Lane is a narrow rural lane, and I acknowledge that construction activity associated with the conversion of the building could result in some temporary inconvenience. However, the proposal involves the conversion of an existing agricultural building to a single dwellinghouse. The scale of development would be modest and limited in duration. I note the concerns regarding site access and the effect of large and heavy vehicles on the surrounding road network including the small bridge referred to by residents. Construction traffic can be managed through appropriate construction practices and is capable of being addressed through the imposition of a condition requiring the submission of a construction method statement detailing suitable access routes, appropriate arrangements and measures to be taken to avoid adverse impacts on the local highway network.
13. With regard to noise and dust, any impacts arising during the construction phase would be temporary and comparable to those associated with other domestic-scale building works. Environmental Health raised no objections on noise grounds. These matters can also be dealt with adequately through the imposition of appropriate conditions.
14. Concerns have also been expressed regarding drainage. The site lies within Flood Zone 1, and there is no indication that the proposal would give rise to flooding or drainage impacts that could not be satisfactorily addressed through appropriate design and compliance with separate regulatory and building control regimes.

Conditions

15. Paragraph W.(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have had regard to the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity. I have also had regard to the tests in the National Planning Policy Framework and relevant elements of the Planning Practice Guidance (PPG). The additional conditions are set out in the schedule at the beginning of this decision.

16. Paragraph Q.2(3) of the GPDO stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date. A condition relating to the completion of development is therefore not necessary.
17. Given I have listed the submitted plans in my decision and Paragraph W(12) of Schedule 2, Part 3 of the GPDO 2015 requires development to be carried out in accordance with the details approved, the Council's suggested plans condition is unnecessary and has not been imposed.
18. I have imposed a condition requiring full details of external materials as these are relevant to the design and external appearance of the building. A condition requiring the submission of a site plan showing access to the site as well as vehicle and cycle parking has been imposed in the interest of highway safety and to ensure the development provides adequate parking.
19. Furthermore, I consider it reasonable and necessary to impose a condition requiring the submission of a Construction Method Statement detailing construction hours, a scheme for recycling/disposing of waste, parking and storage plans, as well as the arrangements and measures to be taken to avoid impacts on highway safety, and to limit noise, dust, and dirt.

Conclusion

20. For the reasons given above the appeal should be allowed and prior approval should be granted.

Thomas Courtney

INSPECTOR