

PLANNING COMMITTEE – 24 May 2018

PART 3

Report of the Head of Planning

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 17/505796/FULL			
APPLICATION PROPOSAL Conversion of a barn to create a 2 bedroom house and conversion of an adjacent shed to provide a farm office and an additional bedroom for a bed and breakfast business along with the replacement of a large atcost shed with a smaller shed to house a workshop and animal pens.			
ADDRESS Church Farm Throwley Road Throwley ME13 0PF			
RECOMMENDATION REFUSE			
SUMMARY OF REASONS FOR REFUSAL The creation of a new residential dwelling outside the built up area boundary would be contrary to the provisions of the Local Plan			
REASON FOR REFERRAL TO COMMITTEE Contrary representations from Parish Council and local residents; call-in request from Cllr Prescott			
WARD East Downs	PARISH/TOWN COUNCIL Throwley	APPLICANT Mr & Mrs Scutt AGENT Lee Evans Planning	
DECISION DUE DATE 09/01/18	PUBLICITY EXPIRY DATE 19/12/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None relevant			

1.0 DESCRIPTION OF SITE

- 1.01 The site comprises of a small, traditional farmstead. There are four existing buildings on site: a small, low, traditional barn; a much larger C20 Atcost barn; and two smaller C20 agricultural buildings; none of which are in use any longer. None of the buildings on site appear to be in a good state of repair, and the site has an air of abandonment about it. The site is approached via a short existing access trackway, leading up from the roadway, which is on a slightly lower topographical level than the site itself. This access also serves as a public footpath that passes through the centre of the site
- 1.02 The site is situated adjacent to the Grade I listed St Michael and All Angels Church at Throwley, in a very isolated rural location, some considerable distance outside any built-up area boundary and within the Kent Downs Area of Outstanding Natural Beauty (AONB).
- 1.03 Church Farm is not in a conservation area and none of the buildings in the development site are listed. However, as noted above the development is in close proximity to the grade I listed church and one of the barn buildings is of C18

construction and should be considered to be a non designated heritage asset under the terms of the NPPF. The proposal is also close to the grade II listed Church House, but this building is a little further away with other buildings between it and the development site.

2.0 PROPOSAL

- 2.01 The proposal is to convert the small barn to a two-bedroom residential dwelling, to convert one of the smaller C20 buildings to use as storage, a farm office, and a self-contained guest suite. As part of the justification for the conversion it is also proposed to remove the Atcost barn from the site and replace it with a smaller building for animal pens and storage.
- 2.02 The Atcost Barn is by some way the largest building on site and, like all such buildings, though it is very obviously an agricultural building, is not of a pleasing design. The proposed replacement building, which will store agricultural equipment and small animal pens, will be of a much smaller scale and much better design, further away from the boundary with the listed church.
- 2.03 The smaller, traditional barn is proposed for conversion to a two-bedroom permanent dwelling. This part of the proposal would involve external and internal repair, internal works, and the addition of fenestration necessary to effect the change of use. It is intended that the proposed dwelling be the home of a soon to be retired tenant farming couple, who wishes to stay in the area after retirement.
- 2.04 The adjacent smaller 'Tyler Barn' would be re-clad, provided with suitable fenestration, and converted to use as a garage/store, with a small farm office and a guest suite. The abovementioned tenants have experience in Bed and Breakfast businesses, and it is envisaged that with the use of this building, that practice may continue
- 2.05 The application is accompanied by the appropriate supporting documents, including a Planning Design and Access Statement, and a Financial Viability Analysis report, which suggests that other commercial uses for the building have been considered and deemed commercially unviable. These reports recognise the adverse planning policy context for conversion of a rural building to residential use, but do not offer any evidence of marketing the building to demonstrate lack of alternative use options.
- 2.06 What the applicants do explain in some detail is the rationale for the application, one that I have since explored with them in some detail. In essence the applicants are currently tenants of The Duchy of Cornwall and occupy a large farmhouse at Leaveland. The applicant is due to retire and could legitimately stay in the farmhouse but the Duchy are offering him the freehold of the site so that he can vacate the farmhouse and remain living locally where he retains some farmland, and continue offering bed and breakfast accommodation (in the Tyler barn).

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.32	0.32	-
Parking Spaces	N/A	3	+3
No. of Residential Units	N/A	1	+1
No. of Holiday Let Units	N/A	1	+1

4.0 PLANNING CONSTRAINTS

Area of Outstanding Natural Beauty KENT DOWNS

Outside established built-up area boundary

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 The National Planning Policy Framework (NPPF): Paragraphs 7 (sustainable development), 55 (sustainable development within the rural area) and 132 (Listed buildings)

5.02 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies ST3 The Swale settlement strategy), ST7 (The Faversham area and Kent Downs Strategy), CP1 (Building a strong economy), CP4 (Design), DM3 (the rural economy), DM14 (development criteria), DM24 (valued landscapes) and DM32 (Listed Buildings)

6.0 LOCAL REPRESENTATIONS

6.01 Throwley Church Council supports the proposal, noting that the proposal would have a positive impact on the setting of the church and the enjoyment of walkers.

6.02 The Swale Footpaths Group raises no objection.

7.0 CONSULTATIONS

7.01 Throwley Parish Council supports the proposal saying;

“The council discussed this application at the last council meeting and councillors were unanimous in their support of this application.

The council is of the view that these redundant farm buildings should be used to provide housing for long term parish residents who wish to remain in the parish near their friends and family. Furthermore this conversion would serve to enhance the local landscape and environment.”

7.02 Kent Highways and Transportation raise no objection.

7.03 The KCC Public Rights of Way Officer raises no objection.

7.04 Historic England raises no objection.

7.05 The Council’s Tourism Officer supports the application saying;

“Swale is well placed to offer residents and visitors memorable and unique experiences and the value and importance of the visitor economy to the area is widely recognised. This application is sited in an area of outstanding landscape and popular with visitors. There needs to be changing and new quality offers to meet increasing visitor demands. The accommodation will give a welcome boost to the accommodation stock provided that there is supporting marketing and promotion to visitors to ensure good occupancy levels.”

8.0 APPRAISAL

- 8.01 This is an unusual case as there are both positive and negative aspects to the proposal. The removal of the existing Atcost barn is an obvious positive aspect of the proposal, as it would have a positive impact on the character and setting of the adjacent church and the AONB. Equally, the proposed designs submitted are acceptable, with the proviso that timber joinery would be preferable to powder coated aluminium.
- 8.02 I would also acknowledge that the use of the 'Tyler' barn as a farm office and as guest accommodation may be acceptable in principle, although I would have been reassured to have seen a business plan accompanying the application. No such business plan has been submitted.
- 8.03 However, in policy terms, the situation is clear. Policy ST3 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 states in point 5 that;

"At locations in the open countryside, outside the built-up area boundaries shown on the proposals map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities."

I would contend that the proposal fails to fully meet these criteria. Similarly policy DM3 states that;

"Planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area. Planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable."

No such evidence has been submitted, although the applicant has indicated that he does not feel that any alternative use will be viable.

Furthermore, whilst the removal of the Atcost barn is welcome, the application proposes the erection of a new smaller building on the same spot. I have discussed with the applicant repositioning this building closer to the remaining buildings to reduce its impact on long distance views to the church, but he has declined to amend the application accordingly.

- 8.04 In similar terms to that required by policy ST3, with regard to sustainability, the National Planning Policy Framework (NPPF) at para 55 states that:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*

- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.*

Whilst I acknowledge that the proposal would result in removal of the Atcost building, I do not consider that a residential use of the smaller barn will enhance its setting, or that of the church, I would note that the proposal fails to meet other criteria.

- 8.05 It is therefore key to consider whether the scheme meets the principles of sustainable development as described within the NPPF. It states at para 7:

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- ***an economic role*** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ***a social role*** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and*
- ***an environmental role*** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

In this case, the NPPF seeks to emphasise sustainable development; to protect the countryside for its own sake; and to prevent isolated new dwellings in the countryside. I would contend that the proposal would not play either an environmental role, and any economic role would be fairly limited, if approved, and as such these criteria are also not met.

- 8.06 I note that the proposal is to accommodate a local tenant farmer in his retirement, and I appreciate the sentiment shown towards the gentleman by the landowner. However, their responsibilities to their tenant are not planning matters and if they wish to regain control of the farmhouse they will need to look at other methods of compensation if this proposal does not go ahead. I do not agree that a desire for the applicant to be near his family during his retirement is a valid reason to decide against planning policy and approve the proposal, especially as he appears to have secure tenancy of the farmhouse and does not need to move out unless he chooses to.

- 8.07 Officers have met the applicant's agents at their offices in Canterbury to discuss alternative approaches to the site, such as the Duchy retaining the barn for affordable rented housing, but they have declined this suggestion as they see this barn as a solution to their tenant's future and are not interested in seeing it serving wider local needs. A number of possibly mitigating circumstances, including moving the proposed building on the site of the existing Atcost Barn to the north of the existing building proposed for residential use were discussed, but the applicant did not wish to agree to these measures.
- 8.08 The NPPF also emphasises that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Relevant policies of the development plan accord with the aims of the NPPF, and as the new Local Plan was adopted as recently as 26th July, it can be considered as being truly up to date. At the present time, the Council has a 5.3 year housing land supply, which is in excess of the five year supply required by the government. As such, there is no need to approve isolated housing within the countryside on a site not allocated for development.
- 8.09 This position is very similar to a recent application which was refused by the Council and dismissed at appeal under planning reference APP/V2255/W/17/3188008 on 28th March 2018, at Gate House, Uplees, near Oare; a decision which was reported to the last meeting. That proposal was for the conversion of an agricultural building in the countryside to a residential dwelling, including a small commercial workshop. The Inspector, in dismissing the appeal, concluded as follows:

'Whilst I have found that the proposal would not be harmful to the character and appearance of the countryside, this is outweighed by the harm that would result from the siting of a new residential dwelling in this particular location. The limited information provided in respect of the workshop element does not demonstrate any rural enterprise of significance and does not mitigate the circumstances.'

'Even if the council could not demonstrate a five year land supply the contribution of one additional residential unit would be very small. In the circumstances I see no reason why the proposal should not be determined in full accordance with the development plan.'

9.0 CONCLUSION

- 9.01 I acknowledge the fact that there would be positive aspects arising from the proposal, if approved, but I do not consider that these would outweigh the harm of unsustainable development situated outside the built up area boundary. I therefore recommend that the proposal be refused.

10.0 RECOMMENDATION – REFUSE for the following reason:

REASON

- (1) The conversion of the barn would create a new dwelling situated outside any built-up area boundary in the countryside and in a remote and wholly unsustainable location, and would represent an undesirable encroachment of development in the countryside in a manner harmful to the character and amenities of the area. It would also remove any opportunity for alternative economic uses of the building. Therefore, the proposal would be contrary to

policies ST3, DM3, DM14 and DM24 of Bearing Fruits 2031: The Swale Borough Local Plan 2017; and paragraphs 7 and 55 of the National Planning Policy Framework (NPPF). The Council has considered the potential benefits of the proposal in terms of the setting of the adjacent listed church but the benefits of this, bearing in mind the proposal to erect a new building in this position, do not outweigh the harm arising from the proposed conversion.

Council's approach to the application

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by: Providing a pre-application advice service

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this case, pre-application advice was given on two separate occasions, both stating that such a proposal could not be supported. However, an application was nonetheless submitted. Officers, in recognition of the circumstances of the applicant's position, met with the applicant's agents to discuss the application to ascertain if any mitigating measures could be affected, but none were agreed, and as the proposal was unacceptable in principle, no minor amendments would have rendered it acceptable.

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.

