

2.3 REFERENCE NO - 19/501417/FULL		
APPLICATION PROPOSAL Conversion and extension of former hoppers huts to create 4 holiday lets and 1 laundry room.		
ADDRESS Hoppers Huts South Street Boughton Under Blean Kent ME13 9NB		
RECOMMENDATION – Approve SUBJECT to SAMMS mitigation payment		
REASON FOR REFERRAL TO COMMITTEE Request from Cllr Tim Valentine		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Boughton Under Blean	APPLICANT Mr & Mrs J Berry AGENT Anthony Swaine Architecture Ltd
DECISION DUE DATE 24/05/19		PUBLICITY EXPIRY DATE 03/06/19

Planning History

17/500664/FULL

The erection of a polytunnel structure for production of food, wood storage, plant production, propagation and rearing animals, as amended by drawing received 31st May 2017
Approved Decision Date: 07.06.2017 (not implemented)

1. DESCRIPTION OF SITE

- 1.1 This site lies in a rural location comprising a field which has been fallow grassland for some years, and which rises up from the road. At the rear of the field, some 120m from the road is a line of 15 single storey former hop pickers' huts arranged in two rows, each of which faces down the field with rising ground behind. Historic maps suggest the timber framed huts are the last two remaining blocks of hop pickers' huts from a larger now mostly demolished complex of huts which provided accommodation for seasonal workers at the farm from the late C19. It appears that these few remaining huts became redundant in (and have been unused since) the 1960s when hop picking became fully mechanised and the requirement for seasonal workers diminished.
- 1.2 Although unlisted, the huts are considered to be worthy of preservation as non-designated heritage assets given their significance to the local hop industry. Whilst there appear to have been huts on the site from the late C19, in all probability, the remaining huts date from the mid C20. They are structurally sound, but otherwise in a fairly poor state of repair. There is an existing line of mature trees and vegetation to the rear of the huts.
- 1.3 The site is situated in a location which is now within the Boughton Church conservation area, following the decision to extend that conservation area which was taken at the Planning Committee meeting held on 27th June 2019.
- 1.4 The site is located outside any established built-up area boundary although there are nine domestic properties situated at the bottom of the incline, on the opposite side of the road, all set over one hundred metres from the huts themselves. Two of these properties are listed buildings.
- 1.5 There is an existing drainage ditch running along the bottom of the field, as that area of the field is in a Flood Zone, although the part of the site in which the huts are located is not. There is also a single track access bridging the ditch, which leads from the road to the top of the field adjacent to the huts.

- 1.6 In 2017, planning permission was granted for the erection of a polytunnel at the bottom end of the field for agricultural purposes (17/500664/FULL). This permission has not been implemented, and I understand that there are no plans to do so. The application was approved in June 2017, giving a temporary permission of three years only. Two of these three years have passed already, so it seems unlikely that the permission would be enacted now.

2. PROPOSAL

- 2.1 The proposal is to convert the huts for use as four holiday lets. This would require an element of restoration to the huts as they are in a state of some disrepair. The submitted drawings also show that there would be five small extensions at the rear of the two blocks, to provide kitchen and bathroom facilities; with the main body of the huts being used as bedroom and living accommodation. These extensions would be of a similar design and finish to the existing structures. The northernmost block would provide two 1 bedroom holiday lets and a laundry room, whilst the southernmost (and larger) would provide two 2 bedroom holiday lets.
- 2.2 Each holiday let would have one or two bedrooms, a bathroom, a kitchen, a living room and a dining room. Each would also have at least one small private amenity space to the rear.
- 2.3 Vehicular access to the site is shown via the existing access over the drainage ditch. This would be a surface matted access, leading to a surface matted car parking area, immediately to the south west of the huts. The drawings note the addition of screen planting to the parking area, but no further details of this are shown.
- 2.4 The application is accompanied by a Supporting Statement; a Design and Access & Heritage Statement; an Ecological Appraisal; a Sustainability Considerations Report; and a Bat Survey. The Supporting Statement contains the following:

'Still standing, but with retention under threat due to the cost of repair and maintenance are two accommodation blocks created entirely for the hop pickers (The Hopper Huts) on an expanse of picturesque land on South Street. South facing and with fantastic views, we believe that the loss of these huts would be regrettable, given their history and significance to the farming industry and local community. In order to conserve the heritage asset of The Hopper Huts we propose to have them converted into holiday lets, thus diversifying the business by creating a sustainable form of rural tourism which promotes its agricultural heritage. We believe that tourists would delight in staying on a working farm, which still dries hops in a fascinating 6 kiln Oast House, set just to the left of The Hopper Huts. There are plenty of walking opportunities within the area whilst also being a close enough drive or train journey to surrounding areas such as Faversham, Canterbury and Whitstable, with the train station just 10 minutes walk away. There are also bus routes a short distance away in Boughton. Each of the holiday lets will benefit from and enjoy the beautiful south facing view which will be relatively unchanged from its existing outlook. They will have their own private courtyard garden at the back where tables, chairs BBQ's etc can be stored, consequently protecting the opposite view. We intend for the holiday lets to look fairly similar to the way they do now; keen to keep them looking authentic, with just a small extension to the rear. They will boast under floor heating, log burners, bedrooms with en-suite bathrooms and country style kitchens with washing facilities. Parking

will be available and concealed from view using screened fencing. Having already met informally and receiving positive feedback with Boughton- Under-Blean Planning Committee and David Curtis-Brignell of Visit Swale, we believe that we can provide a luxurious holiday let experience with a difference that will generate return business and bring tourism to the local area, serving other local businesses.'

3. SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.45	0.45	-
No. of Storeys	1	1	-
Parking Spaces	0	Up to 8	+8

4. PLANNING CONSTRAINTS

- 4.1 Outside established built up area boundary
Conservation Area Boughton Church, Boughton

5. POLICY AND CONSIDERATIONS

- 5.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017 – Policies CP4 (requiring good design), CP8 (conserving and enhancing the historic environment); DM3 (the rural economy); DM7 (vehicle parking); DM14 (general development criteria); DM16 (alterations and extensions); DM33 (conservation areas).

6. LOCAL REPRESENTATIONS

- 6.1 Three letters and emails of objection have been received from nearby residents. The comments therein may be summarised as follows:

- Flooding occurs at the bottom of the hill after heavy rain
- Building holiday lets where the occupants have no interest in the area will be detrimental to the peace and beauty of the area
- Increased vehicular traffic will be detrimental to the area
- Missing documentation, eg. Heritage statement, Design and Access Statement (NOTE: These documents were submitted, but were initially not logged onto the public access system. As soon as the error was noticed, it was remedied.)
- The accommodation is unlikely to achieve building regulations approval and will need to be re-designed
- These will be commercial premises fronting a residential street, not meeting any need in the area
- Domestic paraphernalia from holiday lets would spoil their setting
- Overlooking and loss of privacy to existing residents
- Holiday lets would not be properly screened, but hedging would spoil the character and appearance of the properties
- Harm to the conservation area
- 'Gradual creep' of development
- Holiday makers unlikely to use rear amenity areas as they will be shaded by existing trees, and will instead spill onto the field in front to enjoy late evening sun

- 6.2 Two emails from the same resident, neither objecting to nor supporting the application, have also been received, and these raise concern over a number of points noted above.

7. CONSULTATIONS

- 7.1 Boughton-under-Blean Parish Council supports the application, noting *‘that it would improve the visual amenity of the area and improve the local landscape in close proximity (now inside) a conservation area.’*
- 7.2 Kent Police have suggested that there should be adequate external lighting to the parking area and that the proposed windows should meet certification levels for security.
- 7.3 The Environment Agency raises no objection, stating that they would prefer that all foul drainage be connected to the mains.
- 7.4 KCC Flood and Water Management raises no objection.
- 7.5 The Council’s Economy and Community Services Manager supports the application, saying;

“In the Visitor Economy Framework 2018-2023, the Council talks about the need to provide new offers and meet new visitor demands and this proposal would support this challenge The Council talks too about improving visitor experiences drawing upon the unique qualities and distinctiveness of the three geographic areas within the Borough. Additionally this proposal will improve the infrastructure available to visitors whilst supporting the development of the cultural offer too. This distinctive accommodation product should be able to attract a niche sector willing to pay a higher premium for a local and unique product set within outstanding landscape of our countryside. I look forward to working with the applicant in the future to promote the offer via Visit Swale through our partnership working with Visit Kent. I am happy to support the application.”

8. APPRAISAL

- 8.1 The main issues to consider in this case are the principle of development; the effect upon the hoppers’ huts and the conservation area; access, and residential amenity of neighbours. For the sake of regularity, I shall consider each of these in turn.
Principle of Development:
- 8.2 The site is situated outside of any established built-up area boundary, where policies of rural restraint apply. However, the proposal is to create holiday let accommodation, rather than permanent residential development. Policy DM3 (The rural economy) of the Local Plan suggests that planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area, with a preference for the re-use of existing buildings, including for tourism. As such, I am of the opinion that the proposal is acceptable in principle and in accordance with Local Plan principles.
Effect upon the huts and the conservation area:
- 8.3 I note that the conservation area has just been extended to include this site. I am of the opinion that this extension to the conservation area favours the present proposal as it seeks to conserve the existing character of the conservation area. The huts are in a poor condition, and their restoration will make a positive contribution to the appearance of the conservation area. The physical changes to the front of the huts would have little effect on their traditional appearance, merely introducing glazed door with commensurate timber shutter in existing doorways, with just one additional front door being created.

The majority of the changes would be at the rear of the huts, but these will not be visible from the road and would be fairly low-key in scale and design. As such, I do not believe that the proposal, if approved, would have a detrimental effect on the conservation area; on the contrary, I would contend that it would make an improvement to the conservation area, in accordance with policy DM33, which states that:

'Development (including changes of use and the demolition of unlisted building or other structures) within. Affecting the setting of, or views into and out of a conservation area, will preserve or enhance all features that contribute positively to the area's special character or appearance. The Borough Council expects development proposals to:

1. *Respond positively to its conservation appraisals where these have been prepared;*
2. *Retain the layout, form of streets, spaces, means of enclosure and buildings, and pay special attention to the use of detail and materials, landform, vegetation and land use;*
3. *Remove features that detract from the character of the area and reinstate those that would enhance it; and*
4. *Retain unlisted buildings or other structures that make, or could make, a positive contribution to the character and appearance of the area.'*

I would contend that the proposal is in accordance with these requirements.

- 8.4 This matter is further supported by the conclusion reached in the report recommending the extension of the conservation area, which states that;

'The review of the three conservation areas has highlighted that they remain areas of special architectural or historic interest which merit protection through conservation area status. Appreciation, particularly of traditional agricultural scenes (formed in large part from surviving groupings of agricultural buildings) has grown in the 40 plus years since the latest of the three conservation areas was originally designated in 1976, and for that reason, some changes to the boundaries might be considered almost inevitable.'

Clearly, this is the case here, and note must be made of the reference to '*surviving groupings of agricultural buildings*' noted above.

- 8.5 As such, I would contend that the restoration and new use of the huts would make a positive contribution towards the preservation of the character and appearance of the conservation area.

Access:

- 8.6 As noted, the proposed access would be via the existing small overbridge across the drainage ditch. Details of the access and parking area are limited, so I propose the inclusion of a condition to ensure that these details are submitted to and approved by the Council to ensure that they have a minimal impact on the character and setting of the site and the conservation area.

Residential amenity:

- 8.7 I note the concerns raised by local residents with regard to possible issues adversely affecting residential amenity. There is concern suggesting that people staying in the holiday lets would not have a long term interest in the area and would not therefore

behave in an appropriate manner. In a recent enforcement appeal at Hole Street Farm, Kingsdown, where four holiday lets were enforced against as they were being used as permanent residences (and directly adjacent to existing residences), the same allegation was made. In his report, the Inspector replied as follows:

'I note the concern that the use of the barns as holiday lets would result in noise disturbance to the occupiers of nearby properties, but have been provided with no evidence to support that view. Moreover, in granting planning permission for the use as holiday lets, the impact on the amenities of adjoining occupiers is a matter that the Council would have taken into account, and evidently found that any impact on adjoining residential properties would not be so significant as to justify the refusal of planning permission. In the absence of evidence to the contrary, I see no reason to take a different view.'

I also fail to see why people renting holiday lets are likely to behave in an antisocial manner, just because they are away from home. I would also note that the huts are approximately one hundred metres from the nearest established dwelling.

- 8.8 I note the comments made regarding overlooking and that the proposal, if approved, would create a commercial business facing onto a residential street. However, these would be holiday lets, over one hundred metres away from the existing residential dwellings.

9. CONCLUSION

- 9.1 I acknowledge the concerns of local residents, but I am of the opinion that the proposal, if approved, would restore these structures, which are of historical interest, and would thus benefit the appearance of the conservation area. I therefore recommend that the application be approved, subject to strict accordance with the conditions given below.
Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For

similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others.

- 10. RECOMMENDATION** - GRANT Subject to the following conditions and collection of SAMMS mitigation payments.

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) No new roof cladding shall have been installed unless a sample of the proposed material has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with these approved details.

Reason: In the interests of visual amenity.

- (3) No alteration to the roofs of the existing huts shall be carried out unless a 1:1 or 1:2 vertical construction section drawing of the treatment of the exposed leading

edge at the highest point of the rear facing monopitch roof over the existing huts has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with these approved details.

Reason: In the interests of visual amenity.

- (4) No work in connection with the erection of the extensions to the huts hereby approved shall be commenced unless a 1:1 or 1:2 part vertical construction section drawing of the glazed link roof structure and its junctions with the new build room form and re-modelled existing roof form, has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with these approved details.

Reason: In the interests of visual amenity.

- (5) No new retaining walls to be used up against the earth bank to help enclose and secure the courtyard/ terrace spaces shall be constructed unless a 1:10 vertical construction section drawing of the retaining wall structure(s) has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with these approved details.

Reason: In the interests of visual amenity.

- (6) No vents or flues to be used for the kitchens, shower rooms/bathrooms and laundry facility shall be installed unless in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- (7) No work in connection with the erection of the extensions to the huts hereby approved shall be commenced unless details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the entire development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the approved details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

- (8) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the holiday accommodation hereby permitted shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (9) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been

submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate.
- The type, number, mounting height and alignment of any lighting units.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

- (10) No occupation of the holiday accommodation shall be commenced unless full details of both hard and soft landscape works for the site and for the car parking, turning and access areas have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (11) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (12) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (13) All external boarding to the existing huts shall be timber featheredged weatherboarding and this shall be stained black within three months of its installation.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

- (14) No occupation of the holiday accommodation hereby permitted shall commence unless an interpretation panel concerning the historic use of the buildings has been installed at the site in accordance with details which shall have been first submitted and approved in writing by the Local Planning Authority. These details shall include the position of the panel and its dimensions.

Reason: In the interests of amenity.

- (15) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity

- (16) No further development, whether permitted by Classes A, C or D of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area.

- (17) The holiday accommodation hereby permitted shall be used solely for the purpose of holiday accommodation; shall not be used by any person or persons as their sole or main residence and shall not be occupied by any person or group of persons for more than four weeks in any calendar year.

Reason: As the site lies outside any area intended for new permanent residential development and as the permission is only granted in recognition of the applicant's intention and the Local Planning Authority's wish to encourage suitable provision of holiday accommodation in this attractive rural area.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.

