

<b>2.2 REFERENCE NO - 19/506053/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of existing garage block to holiday let, including demolition of existing log store and insertion of a side dormer, as clarified by drawing 711-06 which defines the curtilage of the building for the purposes of this application.		
<b>ADDRESS</b> Broadoak Farm Broadoak Road Milstead Sittingbourne Kent ME9 0RS		
<b>RECOMMENDATION</b> Grant SUBJECT TO collection of a SAMMS mitigation payment.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection		
<b>WARD</b> West Downs	<b>PARISH/TOWN COUNCIL</b> Milstead	<b>APPLICANT</b> Mr Matt Brown <b>AGENT</b> Nicholas Hobbs Associates
<b>DECISION DUE DATE</b> 31/01/20		<b>PUBLICITY EXPIRY DATE</b> 01/01/20

**Planning History**

19/502722/FULL

Erection of a two storey side extension with glazed 'link' and new basement cinema room.

Approved Decision Date: 16.08.2019

18/505773/FULL

Proposed replacement driveway to farmhouse through adjoining paddock, including change of use of land to residential use.

Refused Decision Date: 14.01.2019

Appeal Allowed Decision Date: 22.05.2019

SW/97/0270

Garage workshop/store, lobby extension to kitchen and internal alterations

Approved Decision Date: 13.06.1997

SW/84/1109

Erection of double garage

Approved Decision Date: 10.12.1984

**1. DESCRIPTION OF SITE**

- 1.1 Broadoak Farm is a traditionally designed detached property located on a sizeable plot within the designated countryside. The house and detached garage building are set well back from the highway and located north of the M2, so it is not within the Kent Downs Area of Outstanding Natural Beauty. The host property was recently delisted following consultation with the Canterbury Archaeological Trust; and a planning appeal was recently allowed last year (retrospectively) for the construction of a new driveway across the field to the front. The area to the front of the property is to be planted with over 200 fruit trees which will be taking place in March 2020. Even more recently an application

was approved by the Planning Committee for a two storey side extension to the house; this extension is now currently under construction.

- 1.2 In addition to these works the applicant is erecting a very large outbuilding at the rear of the house that the Council has not approved, but which he considers falls within Permitted Development limits.
- 1.3 The garage building which is the subject of the current application is a relatively modern addition to the property that originated as a simply designed pitched roof detached double garage approved under application SW/84/1109. This was then extended with a far larger (twice as big) garage/workshop extension with a parallel ridgeline under application SW/97/0270. The overall L shaped building (12m x 12m) as it now stands is of simple design but has no particular architectural merit, being built of yellow brick under two parallel tiled and ridged roofs, with a number of doors and windows.

## **2. PROPOSAL**

- 2.1 This application seeks planning permission for alterations and conversion of the existing garage building to a three bedroom holiday let. The roof to the larger part of the building will be increased in height by 0.75m to allow for two bedrooms in the roof space, whilst the smaller (older) section of the building will be reduced in height by just over a metre and will be re-orientated at a right angle to the ridge of the larger part to provide a T shape roof form.
- 2.2 It is also proposed that the external appearance of the building will be changed by altering the roof form to hipped and half hipped roofs, the introduction of a "loading door" feature window, and over-cladding some of the brickwork to provide a more rural appearance. Materials include the existing yellow stock bricks with the introduction of cedar cladding as used on the approved extension to the house, natural slate roof tiles and grey upvc windows and doors.
- 2.3 An amended red edged site plan has recently been received and the agent has also confirmed by email the areas of the proposed parking and outdoor spaces for users of the proposed holiday let.

## **3. PLANNING CONSTRAINTS**

- 3.1 None

## **4. POLICY AND CONSIDERATIONS**

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

CP4 (Design)

DM3 (The rural economy)

DM14 (General development criteria)

DM16 (Alterations and extensions)

Policy DM3 in particular supports rural business development, including tourism and leisure, with an emphasis on the appropriate re-use of existing buildings or previously developed land, and when new buildings are sympathetic to the rural location and appropriate in their context.

## **5. LOCAL REPRESENTATIONS**

5.1 None

## **6. CONSULTATIONS**

6.1 Milstead Parish Council objects to the application and has made the following comments:

*"Milstead Parish Council unanimously oppose this application. Since the current owner occupied the premises the property has been exposed to, in our opinion, a massive and inappropriate expansion.*

*We believe that this application is not in keeping with a property that is outside a built up area and will cause severe detrimental and irreversible harm to the surrounding area.*

*We would ask for consideration be given to Housing in the Countryside paragraph 55 of the NPPF which states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the rural communities, e.g. where there are groups of smaller settlements, developments 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".*

*Anecdotally, local residents and Milstead Parish Council are at their wits end with this ongoing urban -like sprawl. We have been approached by a local resident who strongly wishes to remain anonymous and therefore will not post on the planning portal. They state the following : "I totally object to this application, the whole site is becoming a joke and has quite frankly had a real impact on the neighbourhood--the double driveway now explains why they planned to keep it!. How much more can the Council let them get away with--this was a well-respected listed building--now its just a nightmare light polluting eyesore.*

*The Parish Council feel that this site has already been developed beyond what is reasonable. We do wonder if the alterations already completed on this property exceed permitted development entitlement".*

6.2 Natural England state that the application will result in a net increase of further residential development which can be mitigated by a SAMMS contribution.

6.3 Kent Highways and Transportation state that the proposal does not warrant involvement from the Highway Authority.

## **7. BACKGROUND PAPERS AND PLANS**

7.1 All plans and documents relating to 19/506053/FULL.

## **8. APPRAISAL**

8.1 The key issues to consider in this application are the principle of use of the building as a holiday let and the affect on the surrounding area.

- 8.2 In terms of principle, whilst I see no justification for the development of new free-standing holiday homes in the rural area, I am content that the re-use of existing rural buildings is acceptable in principle and complies with policy DM3 of the Local Plan. Whilst I note the objection from the Parish Council with regards to an 'urban sprawl' this would be the re-use of a substantial existing building with works all taking place within the existing footprint.
- 8.3 Whilst the overall height of part of the building will be increased slightly it would not have a significant impact upon visual or residential amenity. The smaller part of the building will be reduced in height to compensate and in my view the overall impact is to be welcomed. The alterations have been designed so the building appears more as a barn style structure with cedar cladding to match the extension on the host property and suit the rural surroundings. The current garage building is of no historic or architectural merit and the alterations in my opinion would be an improvement that would sit well within the surroundings.

The proposal will breathe new life into this existing building and create a valuable unit of holiday accommodation in line with policies for enhancing the rural economy. Whilst the existing building will be altered it is not a new building, and the alterations will be attractive and appropriate as required by adopted Local Plan policies. I do not share the parish Council's concerns about the creation of an isolated house in the countryside not least because the relevant paragraph of the NPPF (now paragraph 79) explicitly says that the restriction on isolated houses does not apply where "*the development would re-use redundant or disused buildings and enhance its immediate setting*". I believe that this application accords with the spirit of this advice and will enhance the local environment and rural economy.

#### **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 sites 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 instance.

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.

The agent has confirmed that the applicant would be willing to pay the SAMMS contribution as the site is located within 6km of the SPA.

## **9. CONCLUSION**

- 9.1 Overall the proposed development would improve the appearance of the existing building whilst contributing to the Borough's provision of holiday accommodation.

## **10. RECOMMENDATION**

GRANT Subject to the following conditions and a contribution to Strategic Access and Mitigation Measures:

### **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) The development hereby approved shall be carried out in accordance with the following approved drawings:

711/03, 711/04, 711/05A and 711-06.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to their application to the building details of all external finishing materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- (4) Prior to their application to the building manufacturer's details of all new windows and doors to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- (5) No occupation of the accommodation hereby permitted for holiday use shall commence until 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 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, energy efficiency, and sustainable drainage principles. Upon approval, the details shall be incorporated into the development as approved.

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

- (6) 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 shall not be occupied unless the notice for that dwelling 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

- (7) 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 applicants intention and the Local Planning Authority's wish to encourage suitable provision of holiday accommodation in this attractive rural area.

- (8) No further development permitted by Classes A, B, 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), shall be carried out.

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

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

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.

