

3.2 REFERENCE NO - 21/500690/FULL		
APPLICATION PROPOSAL Change of use of land to residential garden, erection of garage/tractor shed including alterations to gated entrance.		
ADDRESS Orchard Barn Twinney Lane Upchurch Kent ME9 7FS		
RECOMMENDATION - Refuse		
SUMMARY OF REASONS FOR REFUSAL The proposal will cause unacceptable harm to the rural character and appearance of the surrounding countryside, by virtue of its inappropriate design.		
REASON FOR REFERRAL TO COMMITTEE Parish Council support		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr Gary Richards AGENT Wyndham Jordan Architects
DECISION DUE DATE 12/04/21	PUBLICITY EXPIRY DATE 17/03/21	

Planning History

18/502858/FULL

Redevelopment of the existing barn into a 4 bedroom family home with associated access and parking.

Approved

Decision Date: 26.07.2018

18/501722/PNQCLA

Prior Notification for proposed change of use of agricultural building to a dwellinghouse and for associated operational development. For it's prior approval to: - Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building.

Prior Approval Not Required

Decision Date: 22.05.2018

18/500632/PNQCLA

Prior Notification for proposed change of use of agricultural building to a dwellinghouse and for associated operational development. For it's prior approval to: - Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building.

Prior Approval Refused

Decision Date: 20.03.2018

15/508792/PNQCLA

Prior notification for the change of use of an agricultural building to a dwellinghouse.

For its prior approval to: Transport and highways impacts of the development, Contamination risks on the site, Flooding risks on the site, Noise impacts of the development, Whether the location or siting of the building makes it otherwise impractical undesirable for the use of the building to change as proposed.

Prior Approval Not Required

Decision Date: 08.12.2015

1. DESCRIPTION OF SITE

- 1.1 Orchard Barn is a two storey dwelling that was converted from an agricultural barn under application 18/502858/FULL. A curtilage is provided around the property, including two parking spaces and access is via a gravel access track from Twinney Lane. The dwelling is set back from the road by a considerable distance and is set within a large agricultural field which is also within the applicant's ownership. The site is surrounded by agricultural fields.
- 1.2 The site lies in open countryside between Lower Halstow and Upchurch, approximately 0.6km from the centre of Upchurch. Twinney Lane is designated as a 'rural lane' under the adopted Local Plan, and the site is also located within the Strategic Gap between the Medway Towns and Sittingbourne. The wider area is rural in character and generally retains an open appearance.

2. PROPOSAL

- 2.1 This application seeks planning permission for the change of use of land to residential garden, for the erection of a garage/tractor shed, and for alterations to the gated entrance to the site.
- 2.2 The proposed change of use of agricultural land to residential garden will allow for a larger driveway to be created to the front of the dwelling, where the new garage would be built.
- 2.3 The proposed garage will measure 6m deep x 12.5m wide and will have a pitched roof with an eaves height of 2.7m and a ridge height of 3.5m. It will be constructed of weatherboarding and tiles that match the dwelling. Internally, drawings show the garage will provide parking for two cars and a tractor and will also provide hay storage and storage for a mower. The garage will be located to north west of the dwelling, close to the northern boundary of the site.
- 2.4 The existing metal gates at the site entrance will be replaced with brick walls forming a deep gateway with new aluminium gates. The walls will be between 1m - 1.8m in height, whilst the gates will have a maximum height of 1.8m.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies ST1, CP4, DM7, DM11, DM13, DM14, DM25, DM26, and DM31 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

- 4.3 Supplementary Planning Guidance (SPG): ‘Designing an Extension: A Guide for Householders’
- 4.4 Policy CP4 requires (**my emphasis in bold**) all developments to “be of a high quality design that is **appropriate to its surroundings**” and requires them to “2. Enrich the qualities of the existing environment by promoting and **reinforcing local distinctiveness** and strengthening sense of place...5. Retain and enhance features which contribute to local character and distinctiveness...6. Conserve and enhance landscape, biodiversity and local environments by a. **assessing and responding to landscape character**, condition, sensitivity and any limitations arising from its overall capacity for change together with the guidelines set out within the Landscape Character & Biodiversity Assessment and Guidelines” and “8. **Be appropriate to the context in respect of materials, scale, height, and massing.**”
- 4.5 Criterion 5 of policy DM14 requires development proposals to “reflect the positive characteristics and features of the site and locality,” and point 7 requires developments to “be both well sited and of a scale, design, appearance, and detail that is sympathetic and appropriate to the location.” Further to this, point 8 requires that developments shouldn’t cause significant harm to amenity.
- 4.6 The site lies within the Upchurch & Lower Halstow Fruit Belt character area, as set out by the adopted Swale Landscape Character and Biodiversity Appraisal (Jacobs, 2011). This document comments (**my emphasis in bold**):

“There is a complex mixture of truly rural landscapes and more transitional or fringe landscapes associated with the rural settlements. Land use includes mature and newly planted orchards, pasture and arable production, as well as the grazing marshes west of Ham Green. Closer to Medway there is equine and golf course development.

The historic nucleated villages of Upchurch and Lower Halstow have been overwhelmed by late 20th century urban sprawl, which has greatly increased their size and reduced their aesthetic qualities and the sense of remoteness that would once have dominated the area. Outside the villages the rural landscape contains many traditional farms and scattered cottages.

...

The fragmented hedgerows and windbreaks add to the landscape structure, although in places shelterbelts of inappropriate evergreen species have been planted (e.g. Cupressocyparis leylandii).

*A number of historic buildings are in good condition both within villages and the surrounding areas. However, the influence of urbanisation, including equine and golf course development, has altered the quality of the natural landscape at the urban fringe and the historic character of the settlements. **At the outskirts of settlements fields are frequently subdivided, often by a variety of fencing types, to accommodate horse pastures, allotments and other urban related land uses. This has reduced the coherent rural character of these fringe landscapes.***

- 4.7 The document concludes by stating the aim within this character area should be to “*conserve and create*”.

Condition	good	REINFORCE	CONSERVE & REINFORCE	CONSERVE
	moderate	CREATE & REINFORCE	CONSERVE & CREATE	CONSERVE & RESTORE
	poor	CREATE	RESTORE & CREATE	RESTORE
		low	moderate	high
		Sensitivity		

5. LOCAL REPRESENTATIONS

- 5.1 None

6. CONSULTATIONS

- 6.1 Upchurch Parish Council supports the scheme, providing the following comments:

“On this occasion they feel that this application will not cause harmful visual impact given the neighbouring Barn Conversion with garage/workshop building, equally the granted G&Ts residences within close proximity. Councillors can understand the applicants submission of this application, requiring a need for a garage/workshop for tractor storage providing security given the rate of rural crime. Councillors feel the site and amenity space are substantial enough to accommodate a building of purpose and of this nature. Each application should be considered on its own merit and Councillors feel this will not set a precedent in the future.”

- 6.2 Natural England – No comments.

- 6.3 HM Explosives Directorate – No comments provided the development is not a vulnerable building. The property does not meet the criteria to be classed as a vulnerable building.

- 6.4 Kent Highways – The proposal doesn’t meet the criteria to warrant involvement from the Highways Authority.

- 6.5 KCC Archaeology – No archaeological measures required.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to application 21/500690/FULL.

8. APPRAISAL

- 8.1 The application site lies outside of any defined built up area boundary, where national and local policy guidance seeks to restrict development in the interests of protecting the wider character and amenity value of the countryside.
- 8.2 As set out above, the adopted Local Plan policies place an emphasis on ensuring that development is appropriate to its context and contributes positively to the character and appearance of an area. Further to this, the adopted Swale Landscape Character and Biodiversity Appraisal advises that, in this particular area, the Council should be looking to conserve existing landscape features and create/develop the existing landscape structure.
- 8.3 In my opinion the character of the site and Twinney Lane is very much derived from its largely undeveloped nature and roadside planting. Front boundary treatments along this road tend to be low and less formal and there is little sense of formal enclosure when driving along the road.
- 8.4 In this regard the proposed changes to the existing access to the site will be very intrusive within the landscape. The walls and gates are overly large for purpose and in my opinion will dominate views when passing the site, their prominence increased by the contrast between the surrounding frontages and the harsh, urban appearance of the walls. As such, I consider the proposed entrance walls and gates will draw attention to the occupation of the site and be harmful to the character and appearance of the rural lane and wider countryside.
- 8.5 The proposed garage is large in scale, and no justification has been provided for its size. Due to the flat, open character of the surrounding landscape, the garage will be clearly visible in the surrounding countryside, and in my view will cause significant harm to the largely agricultural character and appearance of the area. Similarly I am also concerned about the proposed change of use of some of the land to residential garden, which will further domesticate the appearance of the site. Policy DM13 of the Local Plan makes a specific exception for garden extensions where there would be no significant harm and where a landscaping scheme is proposed. This aspect of the proposal will result in additional hardstanding at the front of the dwelling and no landscaping is proposed, although this could of course be required by condition. However, the purpose of landscaping is to soften development and not mask otherwise harmful development from view. When taken into account with the garage, the proposed change of use will, in my view, cumulatively result in significant harm to the rural area.
- 8.6 Due to the isolated location of the site, I do not envisage the proposal will have any unacceptable impacts to residential amenity. The garage is slightly undersized in terms of length when compared to the adopted SBC Parking Standards SPD (it measures 6m in depth and the SPD sets out the depth should be 7m), however I still consider the garage is capable of being used for parking and as such have no concerns from this regard. In any case it is not the only parking facility available to the property.

9. CONCLUSION

9.1 I therefore consider the proposal to be harmful to the character and appearance of the rural lane and wider countryside; contrary to the aims of policies CP4, DM14 and DM26, as set out above; and contrary to the guidance of the adopted Swale Landscape Character and Biodiversity Appraisal. I recommend planning permission be refused.

10. RECOMMENDATION - REFUSE for the following reasons:

- (1) The proposed entrance walls and gates, by virtue of their scale, design, and siting, would be an intrusive and visually dominant urban form of development that is harmful to the rural character and appearance of the area in a manner contrary to the aims of policies CP4, DM14 and DM26 of the adopted Swale Borough Local Plan 2017, and contrary to the guidance of the adopted Swale Landscape Character and Biodiversity Appraisal.
- (2) The proposed garage, by virtue of its scale, design, and siting, would be an intrusive and dominant structure that is harmful to the rural character and appearance of the site and wider area. Coupled with the proposed change of use of land to enlarge the residential curtilage, which will further domesticate the appearance of the site, the development is contrary to the aims of policies CP4 and DM14 of the adopted Swale Borough Local Plan 2017, and contrary to the guidance of the adopted Swale Landscape Character and Biodiversity Appraisal.

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.

