

2.3 REFERENCE NO - 21/506797/FULL		
APPLICATION PROPOSAL Change of use of land to residential garden and one bay of the tractor shed for use as a domestic garage (part retrospective).		
ADDRESS Hartlip Barn Sweepstakes Farm Lower Hartlip Road Hartlip Kent ME9 7SU		
RECOMMENDATION Grant subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Hartlip	APPLICANT Mr Ray Shepherd AGENT Jane Elizabeth Architects
DECISION DUE DATE 01/03/22		PUBLICITY EXPIRY DATE 10/02/22

Planning History

22/500809/SUB

Submission of details pursuant to conditions 3 (details of fencing or means of enclosure) and 9 (storage/disposal of animal waste) of application 21/503629/FULL.

Approved Decision Date: 24.03.2022

21/503629/FULL

Change of use of land from agricultural field to three horse paddocks. Erection of stable building of two loose boxes and hay store.

Approved Decision Date: 14.01.2022

21/504997/FULL

Erection of 2no. single storey rear extensions.

Approved Decision Date: 14.01.2022

20/501977/FULL

Erection of a tractor shed to accommodate tractor, mower and hay storage to facilitate upkeep of agricultural land associated with residential dwelling. (Works started)

Approved Decision Date: 31.07.2020

18/505746/FULL

Minor Material Amendment to Condition 2 of appeal decision for application 17/501327/FULL (Conversion of detached building into a three bedroom dwelling with provision of a single storey attached garage and change of use of associated land for residential garden) to allow the garage to be extended from 3m in width to 5m, and to change the approved lean-to roof to a gable end roof.

Approved Decision Date: 07.01.2019

17/501327/FULL

Conversion of detached building into a three bedroom dwelling with provision of a single storey attached garage and change of use of associated land for residential garden

Refused Decision Date: 30.06.2017

Allowed at appeal.

1. DESCRIPTION OF SITE

- 1.1 The application site consists of a residential property, Hartlip Barn, and surrounding land that also falls within the ownership of the property. Hartlip Barn is a two-storey converted barn which was granted planning permission for use as a residential dwellinghouse at appeal in April 2018 under reference 17/501327/FULL. A building to the south of the dwelling and outside of the residential curtilage was permitted under reference 20/501977/FULL as tractor shed, mower storage and hay storage area. However part of this building has been converted to a gym. Land to the south west which is also within the applicant's control was granted consent at committee for equestrian use, including the provision of stables and paddocks under application 21/503629/FULL.
- 1.2 The site lies within the Hartlip Conservation Area and in the open countryside. It is bounded on two sides by Lower Hartlip Road and Mount Road, with established hedging on this boundary. Further to the northeast of Hartlip Barn are a group of listed stables and barns immediately adjacent to the northeast and include the Grade II listed Sweepstakes Farmhouse.

2. PROPOSAL

- 2.1 This application seeks partial retrospective planning permission for the change of use of part of the approved tractor shed to a domestic garage and the change of agricultural land to residential garden.
- 2.2 The external appearance of the tractor shed differs from the plans approved under application 20/501977/FULL as it has two roller shutter doors on the front elevation and a set of bi fold doors already in situ.
- 2.3 The residential garden will extend to the northwest of the site and measures roughly 13m by 33m.
- 2.4 Initially the entire tractor shed was proposed to be converted to 2 domestic garage bays and a private gym however amended plans were received over the course of the application, showing two bays of the tractor shed to be retained in agricultural use with just one bay being used as a domestic garage with the private gym being removed.

3. PLANNING CONSTRAINTS

- 3.1 Conservation Area Hartlip
- 3.2 Environment Agency Flood Zone 2 & 3
- 3.3 Grade 2 Agricultural Land

4. POLICY AND CONSIDERATIONS

- 4.1 Development Plan – Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies: CP4 (Good design) DM13 (Extending the garden of a dwelling in a rural area) DM14 (General development criteria) DM24 (Conserving and enhancing valued landscapes) DM31 (Agricultural Land) DM32 (Listed Buildings) DM33 (Conservation Areas)

4.2 Policy DM13 in particular relates to extending the garden of dwellings in the countryside, and states that *“planning permission for proposals to extend the garden of a dwelling in the rural area, or to use such land as amenity land, will be permitted where it can be demonstrated that:*

1. The proposal would not result in significant harm to the landscape, biodiversity or form of a settlement...; and

2. A scheme of landscaping is provided and implemented that will, as required, conserve, create, or restore the character of the landscape concerned.”

4.3 Supplementary Planning Guidance: ‘Conservation Areas’.

5. LOCAL REPRESENTATIONS

5.1 Hartlip Parish Council object to the change of use of the tractor shed and change to residential curtilage. The basis for the objections are summarised below:

- To the change of use, without permission and contrary to rules which other residents have readily abided by, from farmland to residential garden.
- This situation should not have happened and to ‘regularise’ it by retrospective planning application is wholly unacceptable.
- This land must be reinstated to its former state – this is the only form of ‘regularisation’ which should, if the law and regulations count for anything, be considered.
- A domestic landscape for personal benefit, would be damaging to an ancient landscape and flies in the face of the concept of ‘protecting and enhancing’ a Conservation Area and land adjacent to an Article 4 Area.

5.2 No other local representations have been received.

6. CONSULTATIONS

6.1 None.

7. BACKGROUND PAPERS AND PLANS

7.1 Background papers and plans for application 21/506797/FULL.

8. APPRAISAL

Principle of Development

8.1 The application site lies outside of any defined built-up area boundary, where national and local policy guidance generally seeks to restrict development in the interests of protecting the wider character and amenity value of the countryside. 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.

8.2 The building subject to this application is already in situ, approved under application 20/501977/FULL and therefore the key considerations will be how the proposed use of

one of the bays as a domestic parking as opposed to an agricultural use would impact the wider area.

- 8.3 Policy DM13 addresses extensions to the gardens of dwellings in the countryside and sets out that in principle extensions can be acceptable subject to the proposal not resulting in significant harm to the landscape, biodiversity or form of a settlement and a scheme of landscaping being provided and implemented that will conserve, create, or restore the character of the landscape concerned.

Heritage and Visual Impact

- 8.4 The site is located outside of the built-up area boundary and within the Hartlip Conservation Area. S72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. The Hartlip Conservation Area appraisal (1999) identifies the key characteristics which centre around the village but extend to nearby farms, including Sweepstakes Farm and surrounding parkland. It is noted that the remnants of parkland are to the north of Sweepstakes Farm and that the wider site owned by the applicant (at least since 1999) has been an open field.
- 8.5 The proposal would result in the residential curtilage of the dwelling being extended roughly 13m to the northwest of the property. The existing residential garden to the property is of moderate size, and I do not consider the extension to the garden to be excessive for the size of the residential property, or unnaturally large to cause harm to the rural character of the area. Importantly, I note that the extended garden would follow a similar line to the garden permitted for the adjacent property at Sweepstakes Barn to the northeast of the site under application 15/508567/FULL, and thus would not be out of keeping with neighbouring properties. Although it would encroach onto the existing agricultural land next to the dwelling, this would be a small incursion and the essential characteristic of the retained land as a large open field would be retained. The conservation officer raises no objection to the garden extension on heritage grounds, and I agree that the proposal would not cause harm to any of the special qualities of the conservation area.
- 8.6 A landscaping scheme has been submitted as part of this application which shows that the area of residential garden will be separated from the agricultural land by planting with no hard means of enclosure. I consider this would be an appropriate form of boundary treatment to maintain the rural characteristics of the area, and in accordance with Policy DM13. I would recommend that permitted development rights be removed for the erection of buildings and hard surfaces to ensure this character is not eroded, as is recommended under Policy DM13.
- 8.7 The building proposed to be used in part as a domestic garage is already in situ and was granted permission for use as a 3 bay tractor shed under application 20/501977/FULL. This building was permitted as it was considered necessary, at the time of the application, for agricultural purposes which in this instance was for the storage of hay and associated tractor and equipment to maintain the agricultural land to the rear of the site. Part of the building has subsequently been converted into a gym.

- 8.8 This application was originally submitted with the tractor shed fully within the red line subject to this application for a change of use. The applicant had submitted that they did not require much of the building for agricultural purposes as maintenance of the land was outsourced to a contractor (Members should note that the current applicant was not the same as the applicant who received permission for the tractor shed). My officers subsequently raised concern about the suggested lack of need for the building, taking into account its very recent construction, and the fact that a future need could arise again (if the applicant chose not to hire a contractor). However, it is recognised that the more recent permission for stables on the land also includes a hay storage area within the stable, and that the use of part of the tractor shed building for hay storage is perhaps now redundant.
- 8.9 On this basis, it is my view that the use of one of the bays within the building for domestic garaging (retaining the two bays for agricultural storage) is acceptable. The building is existing and this would have no greater physical impact on the surrounding area. The application has been amended to the effect that only one bay would be used for residential garaging.
- 8.10 Minor amendments to the north west elevation of the tractor shed are proposed, including a second roller shutter door to serve the garage. I do not consider these minor external alterations to be harmful to the surrounding Conservation Area due to the small scale of the alterations and that the openings are northwest facing and cannot be seen from public viewpoints or neighbouring land. Further to this the distance separating the building and Sweepstakes Farmhouse means that the setting of the listed property would not be compromised by the alterations.
- 8.11 The impact of the built form of the building on the surrounding countryside and Hartlip Conservation Area has already been assessed under application 20/501977/FULL. I am therefore of the view that the harm caused as a result of this change of use would not be significant.
- 8.12 Overall, I am satisfied that the key characteristics of the conservation area would be preserved, as well as the setting of the listed building at Sweepstakes Farm. The Conservation officer raises no objection to the application, and I consider that the changes are acceptable from a heritage and visual impact.

Residential Amenity

- 8.13 The tractor shed building is already in situ and is located a sufficient distance from neighbouring properties. There is unlikely to be any significant increase in noise and disturbance as a result of a change of use of part of the building to parking.
- 8.14 The extension to the residential garden would not create harmful impacts on neighbouring properties and I note that the removal of permitted development rights allows the council control over any future structure that the applicant may wish to erect within this area.

Highways

- 8.15 The building would be used as parking for domestic one vehicle with the other two bays remaining in agricultural use. There is also sufficient hardstanding for the parking of cars and I do not consider that this application would result in an increased parking demand at the site. I consider it appropriate to condition the domestic garage bay to be retained for parking and have recommended this below.

Flooding

- 8.16 The building subject to this application lies outside of flood zone 2 & 3 but the extension to the residential garden would be sited within the flood zones 2 & 3. Given the garden extension consists primarily of soft landscaping I have no concerns regarding flood risk.

9. CONCLUSION

- 9.1 Overall, I consider that due to the relatively modest size of the land in question, especially when viewed in the context of the surrounding landscape, that the change of use would have a limited impact upon the existing rural landscape and conservation area, subject to the conditions recommended. I consider the development would accord with Policies DM13 and DM33 of the Local Plan and I recommend planning permission is granted for the extension to the residential garden.

- 9.2 In respect of the tractor shed building, given that domestic garaging would be limited to one bay and that two bays for agricultural use would be retained and the minimal external alterations to the building itself I consider there would be no adverse impacts on the character and appearance of the surrounding countryside and Hartlip Conservation Area.

10. RECOMMENDATION

I recommend that planning permission is GRANTED subject to the following conditions:

CONDITIONS to include

- (1) The development hereby permitted shall be carried in accordance with the following approved plan: Proposed Site Location Plan 71.21.02B; Proposed Block Plan 71.21.07C; Proposed Elevations and Floorplans 71.21.04B; 71.21.10 Proposed Landscaping Sections.

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

- (2) No buildings, enclosures or hardstandings, whether permitted by Classes E or F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order) or not, shall be constructed within the extended garden area as shown on the approved plans without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of the amenities of the area

- (3) Notwithstanding the submitted details, works to commence the extended garden area shall not take place until full details of soft landscape works to the new rear garden boundary 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, and an implementation programme.

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

- (4) All hard and soft landscape works shall be carried out in accordance with the approved scheme. The works shall be carried out 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.

- (5) 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

- (6) The use of the single bay within the existing tractor shed shall be restricted to the parking of vehicles only and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.

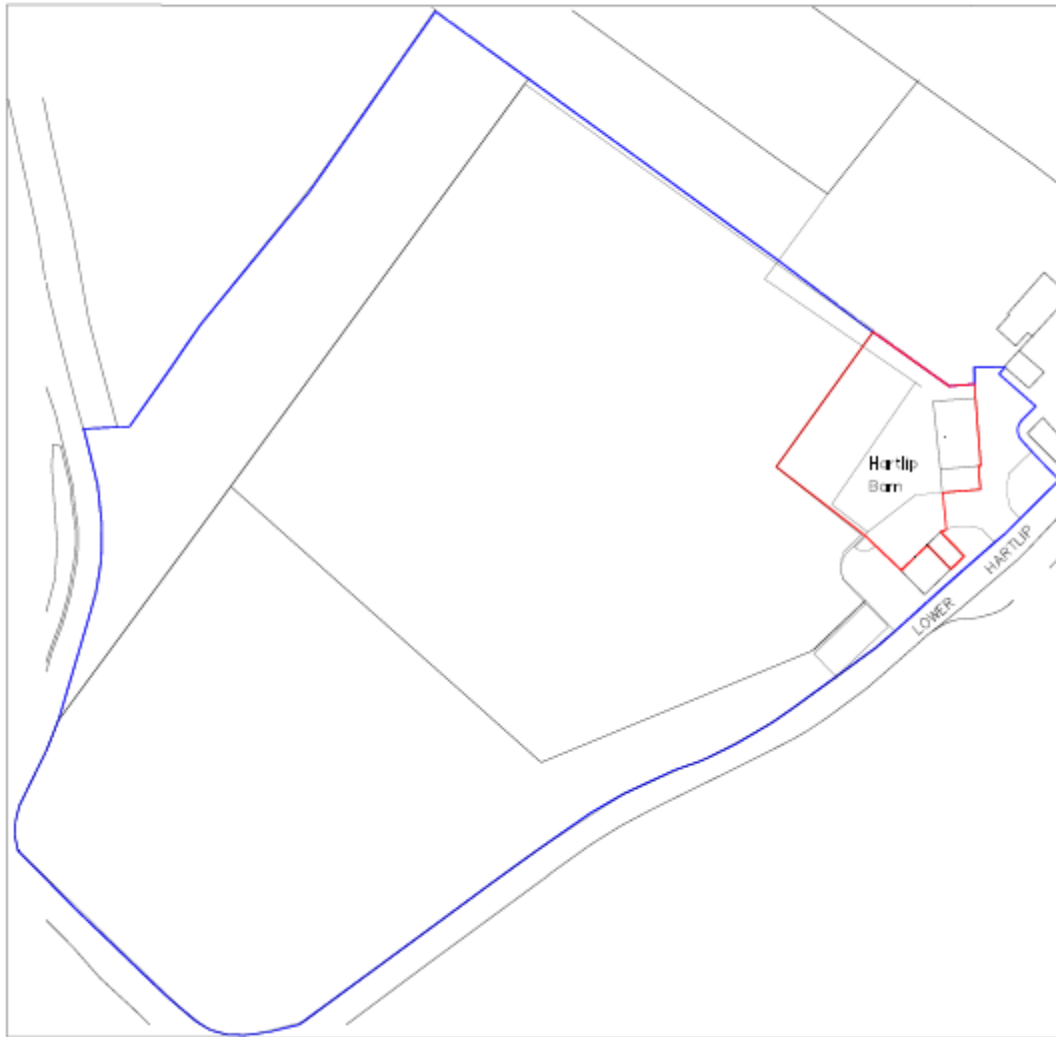
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.



Proposed Site location plan - 1:1250