

**PLANNING COMMITTEE – 13 APRIL 2023****PART 3**

Report of the Head of Planning

**PART 3**Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 22/504165/FULL</b>		
<b>APPLICATION PROPOSAL</b> Conversion of agricultural building into a single dwellinghouse, including insertion of rear dormer, alterations to fenestration, and raising and altering the roof height to allow for a second storey (change of use previously approved under 20/504753/PNQCLA).		
<b>ADDRESS</b> Forge Farm Hernhill Kent ME13 9FW		
<b>RECOMMENDATION</b> - that planning permission is REFUSED		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council Support		
<b>WARD</b> Boughton and Courtenay	<b>PARISH/TOWN COUNCIL</b> Hernhill	<b>APPLICANT</b> Dr Sam Gilbert <b>AGENT</b> Studio Ben Allen
<b>DECISION DUE DATE</b> 21/10/22	<b>PUBLICITY EXPIRY DATE</b> 17/10/22	

**Planning History**

23/501202/FULL - Conversion of an agricultural building into a single one bedroom dwellinghouse including alterations to fenestration and replacing the existing roof with red clay tiles with associated parking and landscaping.  
Pending Consideration

## 20/504753/PNQCLA

Prior notification for the change of use of building and land within its curtilage to 1 no. dwellinghouse and associated operation development.

Prior Approval Not Required Decision Date: 08.01.2021

## 17/503400/PNQCLA

Prior notification for the change of use of building and land within its curtilage from an agricultural use to a use falling within Class C3 (one dwelling) (as clarified by email dated 22/08/2017)

Prior Approval Not Required Decision Date: 30.08.2017

## 17/505345/PNQCLA

Prior notification for the change of use of a building and land within its curtilage from an agricultural use to a use falling within Class C3 (dwelling-house) and building operations reasonably necessary to convert the building

Prior Approval Not Required Decision Date: 07.12.2017

## 1. DESCRIPTION OF SITE

- 1.1 The building in question is a traditionally designed agricultural building (approximately 6m x 5m and overall height of 5.4m), likely dating from the Victorian period. It is built of brick and with a concrete tile roof that was replaced in approximately the 1970's. The internal ground floor area measures 26.25 square metres. The building has a gross external area of 30 square metres. The building is accessed from Staple Street by an existing gravelled access.
- 1.2 The building lies in the countryside, in the Swale Level Area of High Landscape Value (AHLV) approximately 24m to the north. The Staplestreet Conservation Area is approx. 28m to the west with an established orchard to the rear. The Grade II listed Forge Farmhouse lies approximately 50m to the East.

## 2. PROPOSAL

- 2.1 The application seeks planning permission for the conversion of the building to a single dwelling, the raising and alteration of the roof to allow for a second storey via a mezzanine level adding approximately 11.5m<sup>2</sup> of floorspace, changes to fenestration and the insertion of a dormer window.
- 2.2 The most significant external alterations are to the roof. It is proposed to raise the ridge height from 5.4m to 6.8m with a cat-slide roof to the southern elevation to allow for a second storey, finished in clay tiles. A rooflight is proposed within the flat roof apex to allow for further natural light into the second storey. To the rear, a hipped dormer is proposed. The existing brick walls are to be retained with the addition of timber weatherboarding to the gables.
- 2.3 With regards to window arrangement the southern elevation would see 2no. windows and an entrance door inserted into existing openings, it is proposed to insert a new window within a former opening on the northern elevation and to insert 1no. new window opening to the eastern elevation and 2no. new window openings to the western elevation. The new windows are proposed to be metal – coloured anthracite.
- 2.4 Access to the building would be via an existing access point on Staplestreet and parking for 1no. vehicle would be provided to the front of the proposed dwelling.

## 3. PLANNING CONSTRAINTS

- Within the setting of Staplestreet Conservation Area;
- Within the setting of Grade II listed Forge Farmhouse;
- Area of High Landscape Value (Swale Level).

## 4. POLICY AND CONSIDERATIONS

### **Bearing Fruits 2031: The Swale Borough Local Plan 2017**

**ST1** (Delivering sustainable development in Swale)

**ST3** (Swale settlement strategy)

**CP4** (Design)

**CP7** (Conserving and enhancing the natural environment)

**DM3** (The rural economy)

- DM7** (Vehicle Parking)
- DM14** (General development criteria)
- DM16** (Alterations and extensions)
- DM19** (Sustainable design and construction)
- DM21** ((Water, flooding and drainage)
- DM24** (Conserving and enhancing valued landscapes)
- DM26** (Rural lanes)
- DM32** (Development involving listed buildings)
- DM33** (Conservation Areas)

### **Supplementary Planning Guidance (SPGs)**

The Conservation of Traditional Farm Buildings’, ‘Designing an Extension – A Guide for Householders’ and ‘Conservation Areas’.

Parking Standards 2020 (which has been adopted since the Local Plan was published and supersede the County standards referred to in policy DM14).

### **National Planning Policy Framework**

Paragraphs 8 and 11 (sustainable development)

## **5. LOCAL REPRESENTATIONS**

- 5.1 Letters were sent to neighbouring occupiers, a notice was published in the press and a site notice placed in the vicinity.
- 5.2 Three letters of objection were received from one local address and can be summarised as follows:
  - By raising the roof height and altering the profile, the proposed design does not conserve the style, character and local distinctiveness of the historic agricultural building;
  - The application does not consider the impact to the 19th century cottages immediately opposite and within the conservation area;
  - The hedge to the southern boundary should be recorded and plotted as parts of this are of regenerating elm, an important habitat for rare invertebrate species and distinctive to this part of Staplestreet;
  - Altering the shape and height of the barn has not paid attention to the architecture of surrounding buildings or the relationship of the roof with others that lie within the Conservation Area opposite;
  - The application does not comply with policy DM16 or DM33 of the Local Plan.
- 5.3 **Hernhill Parish Council** support the application on the basis they believe that it is an improvement on the previous Class Q design permission. They do, however, acknowledge that the front elevation of the roof design is somewhat unusual and not in keeping with local catslide vernacular.

## 6. CONSULTATIONS

- 6.1 **KCC Highways & Transportation:** No objection to the proposal.
- 6.2 **KCC Ecology:** No objection subject to conditions relating to the requirements for a lighting condition and biodiversity enhancements.
- 6.3 **SBC Conservation Officer:** Objects to the application because the proposal would not be representative of a Kentish barn and the historical function of the building would be difficult to discern. The essential character and appearance of building would be lost due to alterations, particularly to the roof. Furthermore, the proposal does not comply with the conservation of traditional farm buildings SPG.

## 7. BACKGROUND PAPERS AND PLANS

- 7.1 All documents relating to 22/504165/FULL.

## 8. APPRAISAL

- 8.1 The main matters for consideration as part of this application are: -

- Principle of development
- Character and appearance
- Living Conditions
- Parking
- Ecology

### Principle of development

- 8.2 The site lies outside of any defined built-up area boundary suitable for new residential development as identified by policy ST3 of the Local Plan and as such the site is in the countryside where residential development is normally held to be unacceptable under countryside protection policies. Policy DM3 of the Local Plan does allow for certain developments that support the rural economy, which includes the potential re-use of existing buildings for appropriate economic or tourist uses. The policy itself and supporting text makes clear that proposals for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless it can be demonstrated that there is no demand for such purposes or that the site is unsuitable.
- 8.3 However, the former agricultural building also benefits from an extant prior approval which allows for its conversion to a dwelling under permitted development rights. This process under the permitted development regime can only be considered against a very limited range of matters. The works that can be carried out under prior approval are also limited to the conversion of existing buildings only and does not allow any enlargement of the building. Given that the current application proposes alterations to extend the size of the building, it falls outside of these parameters and as such planning permission is required.
- 8.4 The applicant has indicated that the scheme as permitted under the prior approval process will not meet their needs and as such have applied to increase the floorspace of the building

with the inclusion of a mezzanine level. The residential unit approved under the prior approval process is limited to an internal floor area of just 26.25 metres. Whilst this would fall well below the internal standards normally applied for residential units, it was the case that until recently, this could not be taken into account under the prior approval process. It was only in 2022 that changes were made to the permitted development legislation which required minimum space standards to be applied to this process. Whilst there remains a theoretical fallback position that the prior approval application granted in 2021 can still be implemented, I am of the opinion that this may not in reality be a wholly realistic or viable proposition, given the very small internal space that would be provided as living accommodation. As such, I would only give this limited weight as a fallback. Members will be aware that under the permitted development regime, the matters that can be considered in assessing a proposal are extremely limited. However, when determining a planning application, then the proposal must be considered against all relevant policies in the development plan.

- 8.5 Given the policy position under Policy DM3 of the Local Plan that residential development should not be permitted unless it is evidenced that a site/building is not suitable or has no demand for economic uses, the proposed residential use would clearly be in conflict with this policy.
- 8.6 The site lies approximately 0.5km from the built-up area boundary of Boughton Under Blean which includes a limited range of services and facilities. However, both Staple Street, where the application site is located, and Bull Lane, which combined would provide the most direct route to Boughton, are both unlit and have no pavements. They are predominately narrow rural lanes which I do not believe would encourage future occupants to travel upon via sustainable modes of transport. I am of the view that a private car would be required to access services and facilities needed for day to day living, and this counts significantly against the scheme. Whilst I note that a housing development has taken place to the west of the site, this was a local needs rural housing scheme permitted in the best available location and which recognised (in the committee report for the scheme) that it was as sustainable as it reasonably could be, in the context of other potential site options. As it provided local needs affordable housing, I consider the neighbouring development was accepted in this location as an exception to established rural housing policies and does not set a precedent.
- 8.7 On this basis the application is not acceptable in principle and contrary to policies ST3 and DM3 of the Local Plan 2017 and to the aims of the NPPF in lowering carbon emissions.

#### **Character and appearance**

- 8.8 The application property, dating from the early Victorian period, is not listed or locally listed. The building is not treated as a curtilage listed building in spite of its historic functional relationship with the nearby grade II listed Forge Farmhouse. The reason for this is due to the fact the listed farmhouse and garden are enclosed within a walled area physically separating it from the former associated farm building, in addition to potentially being in separate ownership at the time of listing. However, as correctly identified in the submitted heritage statement, the redundant agricultural building (historically used in association with Forge Farm) is treated as a non-designated heritage asset.
- 8.9 The redundant building lies outside the boundary of the Staplestreet Conservation Area but is clearly visible at the western entrance to and exit from the conservation area, and as also

correctly identified in the heritage statement, it contributes to the setting of the conservation area in its present form but has the potential to contribute more significantly given sensitive alteration and associated repairs and appropriately designed external works.

- 8.10 However, in this case, the net effect of the changes is that the historic agricultural function of the application building would be difficult to appreciate/discern, and the essential character and appearance of the former agricultural building would be materially altered and lost to a significant degree. This in turn would result in harm to the setting of the conservation area and the historically associated Grade II listed Forge Farmhouse to the east on the junction with Church Hill contrary to policies DM32 and DM33 of the Local Plan.
- 8.11 The general approach to the re-use of rural buildings is that such buildings are capable of conversion without substantial changes – minimising the impact on the countryside. In this instance, the roof alterations are significant and I consider that the resultant height and bulk of the roof would be at odds with the small-scale rural form and character of the existing building. It should also be noted that the proposed curtilage is much larger than as approved under the Class Q permission and disproportionate to the very small footprint of the building. I am concerned that residential use would change the functioning and appearance of this land and with the likely siting of domestic paraphernalia within this enlarged curtilage, this would, in turn, lead to a further erosion of rural character and appearance within this countryside location. As such, I consider that the development would be harmful to the intrinsic value, setting, tranquillity and beauty of the countryside and its buildings, contrary to Policy ST3 of the Local Plan.

### **Living Conditions**

- 8.12 The Local Plan aims to secure a good standard of amenity for all existing and future occupants of land and buildings.

#### Existing neighbours

- 8.13 In light of the separation distance any impact of the proposal upon the living conditions of nearby dwellings is acceptable and as such in accordance with policy DM14 of the Local Plan 2017.

#### Future occupiers

- 8.14 The Local Plan seeks to secure suitable living standards for future occupiers of development.
- 8.15 The submitted Planning Statement states that the proposal would comprise a 1-bedroom 2-person unit over the ground floor and mezzanine level, however, given the limited floorspace of 38sqm the living space appears to be cramped, offering future occupiers a poor standard of accommodation and as such the proposal is contrary to policy DM14 of the Local Plan 2017. Whilst it is acknowledged that the applicant benefits from an extant prior approval, as specified above this could not (at the time) take into account the small internal size of the building.

### **Highways & Parking**

- 8.16 The dwelling will utilise an existing access point. Considering the limited number of vehicle movements that will be associated with the residential use the access design is suitable.

Moreover, given the limited number of vehicle movements that will be associated with the proposal on the wider highway network any impact is considered to be acceptable.

- 8.17 With regards to car parking, the application proposes one vehicle space which complies with the Council's SPD for a dwelling of this size.
- 8.18 Taking this into account the proposal is considered to accord with policies DM7 and DM14 of the Local Plan 2017.

### **Ecology**

- 8.19 The Local Plan states that development should achieve a net gain of biodiversity where possible.
- 8.20 The Preliminary Ecological Appraisal submitted detailed three species of bats were present on site. KCC Ecology have been consulted and are satisfied that the survey that has been undertaken as part of the Preliminary Ecological Appraisal is satisfactory. As such no objection is raised subject to the imposition of conditions relating to lighting and a plan providing details of native species planting and ecological enhancement features to be incorporated on to the site.
- 8.21 Taking this into account the proposal is considered to accord with policy CP7 of the Local Plan 2017.

## **9. CONCLUSION**

- 9.1 The alterations to the roof would cause harm to the views in to and out of the Staplestreet conservation area and would detract from the relationship with and the setting of the historically associated Grade II listed Farmhouse, providing a design that is not in keeping with the local vernacular.
- 9.2 I am also of the view that the principle of residential development is not accepted here on the basis that the proposal requires planning permission and that the site lies outside the built-up area boundary and is in an unsustainable location. Nor does it comply with the Council approach under Policy DM3 regarding the re-use of rural buildings. I do recognise that the Council is unable to demonstrate a 5-year supply of housing land and in cases such as these, paragraph 11 d) of the NPPF sets out that:

*“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 9.3 Footnote 7 includes heritage assets, which in the case of this application is comprised of the setting of the conservation area and the nearby listed building. On the basis that harm has been identified to these designated heritage assets, this in my view provides a clear reason for refusing the application. The benefits of 1 additional dwelling would be limited

and therefore the proposal cannot be considered sustainable development for which the Framework presumes in favour.

- 9.4 In addition to the above, I have identified harm to the living conditions of the future occupants by virtue of the restricted floor area of the proposed dwelling, and to the character and appearance of the countryside through the extensions and large residential garden proposed.
- 9.5 In conclusion I am of the view that the proposal is contrary to policies ST3, DM3 DM14, DM16, DM32 and DM33 of the Local Plan and SPG for the 'Conservation of Traditional Farm buildings'.

## 10. RECOMMENDATION

REFUSE for the following reason:

- (1) The proposed method of conversion of this building with extensive roof alterations and enlarged curtilage will seriously and adversely affect its traditional agricultural appearance in a manner harmful to the character of the countryside, views into and out of the Staplestreet conservation area, and relationship with and setting of the historically associated listed farmhouse, contrary to policies ST3, DM14, DM16, DM32 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and to the Council's Supplementary Planning Guidance (SPG) entitled "The Conservation of Traditional Farm Buildings".
- (2) The proposed dwelling would not represent sustainable development as this location is outside any established built-up area boundary where few amenities exist and occupants would be dependent on private transport for all daily needs. This would be contrary to the environmental objective of the National Planning Policy Framework (as set out in paragraph 8) which requires the planning system to facilitate the delivery of sustainable development and moving to a low carbon economy. There has also been no supporting evidence submitted with the application that the building is unsuitable for any other uses such as commercial or tourist uses. This harm would significantly and demonstrably outweigh any benefits of the scheme (including its very limited contribution to the overall supply of housing in the Borough). The application is therefore contrary to policies ST1, ST3, DM3 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan and paragraphs 8 and 11 of the National Planning Policy Framework.
- (3) The floor area of the proposed dwelling would lead to cramped living conditions for future occupiers, giving rise to harm to residential amenity contrary to policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

### **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.



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.

