

## REPORT SUMMARY

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|--|--|---|-------------|
| <b>REFERENCE NO - 15/506851/FULL</b>   |  |   |             |
| <b>APPLICATION PROPOSAL</b><br>Conversion of 3 stables, feed room and hay barn into a 2 bedroom annexe, erection of a shed and demolition of old garage building at 2 Coldharbour Cottages (part retrospective)  |  |   |             |
| <b>ADDRESS</b> 2 Coldharbour Cottages Coldharbour Road Lenham Kent ME17 2EA  |  |   |             |
| <b>RECOMMENDATION - PERMIT</b>   |  |   |             |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>  |  |   |             |
| <ul style="list-style-type: none"> <li>• Residential annexe to main house and so will not create a separate dwelling in the countryside;</li> <li>• Stables have been used for ancillary domestic purposes for over 10 years;</li> <li>• Conversion of an existing building ensures no increase in built form and minimal visual impact on surrounding countryside, SLA and AONB;</li> <li>• Proposal raises no conflict with policies H33, ENV28, ENV33 &amp; ENV34 of the adopted local plan.</li> </ul> |  |   |             |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>Objection from Parish Council.  |  |   |             |
| <b>WARD</b> North Downs  | <b>PARISH/TOWN COUNCIL</b><br>Otterden   | <b>APPLICANT</b> Mrs C McKeough<br><b>AGENT</b> |             |
| <b>DECISION DUE DATE</b><br>02/03/16   | <b>PUBLICITY EXPIRY DATE</b><br>02/03/16   | <b>OFFICER SITE VISIT DATE</b>                  |             |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  |  |   |             |
| <b>App No</b>  | <b>Proposal</b>  | <b>Decision</b>                                 | <b>Date</b> |
| 03/1344  | Single storey conservatory.  | Permit  | 29/08/03    |
| <i>Summarise Reasons:</i> No harm to residential amenity or surrounding countryside.   |  |   |             |
| 98/1778  | Single storey side extension for ground floor bedroom and bathroom for elderly relative. | Permit  | 19/01/98    |
| <i>Summarise Reasons:</i> No harm to residential amenity or surrounding countryside. Provided ground floor bedroom and bathroom with wheelchair access.  |  |   |             |
| 78/0556  | Two storey side extension.   | Permit  | 08/06/78    |
| <i>Summarise Reasons:</i> No harm to residential amenity or surrounding countryside.   |  |   |             |

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 2 Coldharbour Cottage is a semi-detached cottage located within a Special Landscape Area and Area of Outstanding Natural Beauty within the countryside of Otterden, to the north east of Lenham and to the north of the A20 Ashford Road. It is the end property in a row of three dwellings located on the north western side of

Coldharbour Road. It has land that is used for the grazing of horses to the north and east of the stables. The south western side of Coldharbour Road is very open with long distance views across the AONB. There is a small bungalow on the south western side of the road, approximately 35 metres away.

- 1.02 Over the years 2 Coldharbour Cottages has had three extensions, but has retained its rural cottage appearance. It has had a two storey extension, a single storey side extension and a conservatory. The most recent of these was built over 13 years ago.
- 1.03 The stables that are the subject of this application for conversion to an annexe are located to the north of the cottage. They are already mostly converted to an annexe and occupied by the applicant's son. The timber weatherboarding has been retained on much of the building and minimal new openings created for windows in the rear, retaining a rural appearance. There are two openings on the front elevation in the position of the original doors. There is existing timber fencing to the front of the stables, which screens the building from the road. In front of this is the parking and turning area and the vehicular access onto Coldharbour Road. An existing hedgerow runs along the front boundary adjacent to Coldharbour Road.

## **2.0 PROPOSAL**

- 2.01 The proposal relates to the conversion of 3 stables, feed room and hay barn into a 2 bedroom annexe, erection of a shed (adjoining the stables) and demolition of an old garage building (part retrospective). The stables are located to the north of the cottage. They were used in connection with the surrounding fields for the keeping of horses, but were last used for horses approximately 13 years ago when the applicant's daughter left home to get married. The neighbour at 1 Coldharbour Cottage now rents and uses these fields for horse grazing and their horses are kept in stables to the north west of number 1. As a result, the stables at 2 Coldharbour Cottage have been redundant for over 10 years and have only been used for domestic storage purposes, resulting in the stables and their immediate curtilage forming part of the residential curtilage of 2 Coldharbour Cottage rather than having an equestrian use. The conversion of the existing stables for the provision of the annexe prevents the creation of an increase in built form on the site as all of the annexe accommodation is provided within the existing building.
- 2.02 Although the proposal is mostly retrospective, the applicant submitted the application entirely without any intervention from the Council once she realised that an annexe required planning permission when providing facilities such as a kitchen that result in the unit being capable of independent occupation. There was no complaint against the development prompting enforcement action.
- 2.03 The conversion of the stables provides for a two bedroom annexe for the applicant's son and very young grandson. The annexe shares the cesspit that serves the main dwelling house. All services such as electricity gas and water and also supplied via the main dwelling house with all meters located in the main dwelling. The stables do not have any independent bills or post.
- 2.04 It is standard practice for annexes such as this one to have a condition imposed preventing the annexe from becoming an independent dwelling. The applicant has agreed to this restriction. The front of the stables is linked by a footpath from the rear of the main dwellinghouse. To the front it is screened by an existing timber fence and gate, which was originally erected for security reasons when horses were kept on site. This fence has been retained so that from the front of the site there is no

visible change to the appearance of the building or the site. This fence also clearly defines the curtilage of 2 Coldharbour Cottage and the ancillary stable building from the adjacent fields.

- 2.05 There are no new openings on the frontage of the building. One of the existing stable doors has been removed and replaced with a half glazed front door to provide access and light into the hallway. The second stable door has been retained as existing, retaining the existing rural character of the building. The main new windows to serve the living area, bedroom 2 and bathroom are located on the rear of the building overlooking the horse grazing field, which is fenced and bordered by existing trees and hedgerow. They can only be seen from the private land of 2 Coldharbour Cottage and are not widely visible from the wider countryside due to existing trees and topography where the land slopes slightly upward to the north west. The window openings that serve bedroom 1 are existing. All windows frames to the rear are dark brown upvc, to blend in with the weatherboarding. The windows on the barn end of the stables (bedroom 1) are to be wooden, dark stained double glazed windows.
- 2.06 The pitch, height and design of the stable roof will remain unaltered and will be tiled with dark brown concrete tiles. The stables were timber clad and this black stained weatherboarding has been retained externally, but insulated behind.
- 2.07 As part of the conversion of the stables to the annexe, a wooden building was removed that was located in front of the stables, nearer to the road. This served as a shed/storage barn and garage. The location and siting of the building is shown on the location/ plan and is clearly visible on older aerial photographs. It measured 4.5m wide by 7m deep with a pitched roof.
- 2.08 The attached shed to the north east of the stables is a small building measuring 2.9m wide and 7.2m deep. It has a ridge height of just 3.2m due to its narrow width, with a pitched corrugated roof. It is weatherboarded to match the stables and has two doors on its front elevation. It is proposed to be used for storage of equipment to maintain the land, which was previously located in the demolished shed/garage. The existing fencing visibly separates the new shed from the stables. The new shed is clearly located in the field rather than within the natural curtilage of the main house and the stables, marking a clear divide between the two uses. It is far less visible in the landscape than the larger storage building it replaced, being set back further from the road, with a smaller footprint and lower height.
- 2.09 The annexe will share the existing access, parking and turning area that serves the main house. The access has good sight lines and a wide entrance. There is a large area available for parking as previously the area was used for the parking of a horse box. The access into the fields is from the existing parking and turning area, which will remain unaffected by this proposal. There is also another access to the fields via a gate from the fields owned by 1 Coldharbour Cottage.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: Maidstone Borough-Wide Local Plan 2000, Policies ENV28  
Countryside, ENV33 AONB, ENV34 SLA, H33 Extensions to residential dwellings;  
Emerging Maidstone Borough Local Plan (Regulation 19) Feb 2016, Policies SP17  
Countryside, DM34 Design, DM36 Extensions to dwellings in countryside.  
Supplementary Planning Documents:

#### 4.0 LOCAL REPRESENTATIONS

- 4.01 One letter of an objection was received from a resident of the wider area of Otterden. The comments are as follows:

*“Looking at the description of the proposal it seems to suggest that only the original barn structure has been converted. There is no mention of the relatively new addition on the southern end, with the lower roof, which seems to have been incorporated. However, it might be detailed on the plans which I have not seen, but can be clearly seen on Google Earth.*

*Section 14 of the proposal states that the barn was becoming derelict, but in fact was in sufficiently good condition to be used as storage and also I believe a garage. In the materials section it also states that the barn has not been changed externally and in the description states the barn structure remains. Tends to suggest the barn was becoming derelict.*

*I think the above points to be relevant when looking at Local Plan ENV28 and in particular Policy ENV45. I'm afraid I'm no expert on planning policies so hope my understanding is correct.*

*3.143 Conversion of Rural Buildings for Residential Purposes. I would think this application goes against the general restraint on housing in the countryside and in particular in an AONB. The paragraph together with ENV45 A and B seem to suggest that conversion is only allowed if re-use is not possible... which it was having been used for storage and garage.... or that a building is worthy of retention for its character..... which obviously it's not.*

*A final point I would like to make is that if this application is approved it may well set a precedent for other potential conversions in the area. The area having a number of significant equestrian properties with similar barns.”*

- 4.02 The Planning Officer comments on this are that the barn on the lower end of the stables is included within the proposal and comprises bedroom 1. The stable building has indeed been used for storage/garaging purposes associated with the main dwelling house, which is why it is considered that the stable now forms part of the residential curtilage of the dwelling house and no longer has an equine use. As such, the proposal falls to be considered under Policy H33 of the Local Plan, extensions to dwellings in the countryside. The stable is located immediately adjacent to the rear garden of 2 Coldharbour Cottage and is closely linked by a short footpath from the back door of the main house. Therefore, it is considered that the proposal is unlikely to set a precedent as not many stables will have acquired a domestic use or be so closely related to the domestic curtilage of the main dwelling. The curtilage is clearly defined by the existing fence with the adjacent shed attached on the northern end of the stable being in equine use as it is accessed solely via the fields. Even if a domestic use of the buildings had not been established, the stables are so close physically to the main dwelling house that their conversion to a residential annexe would not create a visual intrusion into the countryside and would actually provide a good re-use of an existing rural building, that although in need of repair was not derelict or likely to fall down within the immediate future. The re-use of the building for other purposes would be greatly limited due to its close proximity to the main house.

#### 5.0 CONSULTATIONS

**Scientific Officer, Environmental Health**

- 5.01 The Scientific Officer raises no objection to the proposal. It is stated that traffic noise and air quality will not be a problem on this rural site. Had the development not been largely retrospective, a contamination condition would have been prudent, but there is no indication of any significant chance of high radon concentrations for the site. It is recommended that a condition be imposed to deal with foul drainage as although the application states that the foul sewage is to be dealt with by the existing cess pit also used for the main living accommodation at 2 Coldharbour Cottages, this cesspit may not have sufficient capacity and/or may require repairs. Informatives are also recommended in relation to demolition/construction activities and also asbestos. The relevant conditions and informatives have been attached to the recommendation.

### **Otterden Parish Council**

- 5.02 Otterden Parish Council made the following comments on the proposal:

- *“The property stands with an AONB*
- *Why was planning permission not sought before any conversion works were undertaken*
- *Would the former stables building be of suitable structure to become dwelling, i.e. suitable groundworks/ footings etc.*
- *Has any of the conversion works been inspected by the council inspector with regards to building regulations*
- *If this application was approved, it could set a precedent for other property owners in the parish to convert out buildings into dwellings”.*

- 5.03 The Parish Council concluded that *“therefore it is the view of the committee that the application be turned down and that the building be reverted to its original use as stables”.*

- 5.04 The Planning Officer comments that landscape does take priority in Areas of Outstanding Natural Beauty and Special Landscape Area, but this does not prevent all forms of development. In this instance, the conversion of an existing building has very little visual impact, particularly when the building is so well screened from view. It should be noted that it is not an offence to undertake certain works prior to obtaining planning permission and the applicant contacted the Council for advice as soon as she realised it was required. The building is of a sound, sturdy and permanent construction, but the detailed inspection of the conversion works is the responsibility of building control and is not relevant to the consideration of the planning application. As set out in paragraph 4.02, the proposal is unlikely to create a precedent for conversion of other stables to dwellings. The proposal is for a residential annexe and so it will not be able to be used as an independent dwellinghouse and this will be the subject of a condition. Furthermore, the unique siting of the stables so close the main dwelling, results in it being ideally located for being used in connection with the main house, especially as they are redundant for their original use. Most stables are located much greater distances away from residential dwellings. As a result, even if the redundant stables did not form part of the residential curtilage of 2 Coldharbour Cottage and still had an equine use, it is considered that the conversion to an annexe would still not cause any harm to interests of acknowledged importance due to the close relationship of the redundant stables to the main house.

## **6.0 BACKGROUND PAPERS AND PLANS**

- 6.01 The application comprises the following documents:

- Planning Application Forms;
- 1:100 Scale Plans and Elevations, dated 15 September 2015;
- 1:50 Scale Floor Plans, dated 15 September 2015;
- Drainage details and Sections, dated 15<sup>th</sup> September 2015;
- Site Location and Layout plan, dated 6<sup>th</sup> January 2016.

## **7.0 APPRAISAL**

### **Principle of Development**

- 7.01 The existing stables appear to have been used for storage and other ancillary domestic uses for over ten years. As a result, it is considered that they no longer have an equine use, but are ancillary to the domestic use of the main house. As such, policy H33 of the adopted local plan is the relevant policy which allows extensions to dwellings in the countryside so long as they do not overwhelm or destroy the original form of the house, are poorly designed or unsympathetically related to the existing buildings or would result in a development which individually or cumulatively is visually incongruous in the countryside. Residential annexes are frequently granted under this policy, but a condition is imposed to prevent the annexes from being occupied independently from the main dwelling house (see condition 4).
- 7.02 Besides the domestic use of the stables, the close relationship of the building to the main house makes them ideally located for an annexe and it prevents the need for any new buildings within the curtilage of 2 Coldharbour Cottage. A condition is included within the recommendations that will remove permitted development rights for the property so that no further curtilage buildings can be erected without the consent of the LPA. It also restricts other permitted development rights so as to safeguard the site and the surrounding area from the potential damage of cumulative development (please refer to condition 3). The small storage shed has replaced a much larger and more prominent building and so raises no objections in principle, being used only for storage of equipment to maintain the land.

### **Visual Impact**

- 7.03 As the annexe relates entirely to the conversion of existing buildings, its visual impact is greatly limited. The fields and topography to the south east of the site are very open with the property having long distance views to the south east. However, the stable building is screened by the existing fence and so the minor alterations to the building are not widely visible. To the rear, the creation of new window openings will have no adverse visual impact as they will not be visible beyond the exiting horse paddock due to the trees located around the site boundary.
- 7.04 Clearly the landscape takes priority in the AONB and SLA, but a development as well screened as this will have no adverse visual impact on the wider area. Indeed, the close siting of the stable building to the main house ensures that the single storey building is viewed in the context of the existing house, rather than an isolated development within an open field. Only a small section of the stable building is even visible above the boundary fence that borders the parking area. The new shed is smaller than the building it replaced and so will be less visible being further set back from the road and viewed as part of the stables building. As such, it is considered that the proposal will have no adverse visual impact and will cause no harm to the AONB or the SLA.

### **Residential Amenity**

- 7.05 The annexe is located approximately 30 metres away from the adjacent neighbour at 1 Coldharbour Cottage, approximately 60 metres away from Meadow Bank on the opposite side of Coldharbour Road and 65 metres away from Haven. None of the local residents have raised any objections. A local resident from the wider area commented on the application, but the comments raised related more to the principle of the development rather than any concerns over residential amenity (see paragraphs 4.01 & 4.02 where the comments have been set out and addressed).
- 7.06 The provision of a two bedroom annexe would be unlikely to generate any significant increase in activity and noise disturbance. Furthermore, the distances involved to the nearest dwelling will also prevent any noise impact and also ensure that there could be no loss of privacy or outlook as a result of the annexe. It is single storey, well screened and closely linked to the main dwellinghouse and so causes no overlooking, especially as most of the windows are located on the rear of the stables or on the south western side looking out onto the garden area of the main house.

### **Highways**

- 7.07 There are no highway issues in relation to this proposal as the site has a good access onto the highway and existing parking and turning area that will continue to serve the main house and the annexe. A two bedroom annexe would not create a significant increase in traffic generation and, in this instance, it is serving a close relative and will remain in such use as a result of the close relationship with the main house and suggested condition 4.

### **Landscaping**

- 7.08 The close proximity of the annexe to the garden of the main house results in no new landscaping being necessary as it will enjoy access to the garden of the main house. The curtilage is bounded by an existing fence and shrubs adjacent to the parking area and the small open area to the front of the stables comprises grass. There are existing hedgerows along the field boundary of the site that are of mature, native species and screen the new shed. The garden area of the main house is already mature. There is no curtilage to the rear of the building and this will be left open to the field so as to retain the rural appearance of the rear of the building. The introduction of additional landscaping to the rear would actually domesticate the land that is intended to remain as fields.

### **Other Matters**

- 7.09 The Scientific Officer has requested that a condition be imposed in relation to foul drainage to ensure that the existing cesspit has sufficient capacity to cope with the additional demands placed on it by the annexe. Condition 5 deals with this issue.

## **8.0 CONCLUSION**

- 8.01 The conversion of the stable building to a residential annexe will not create a separate dwellinghouse in the countryside as a condition will be imposed to prevent this. The condition will ensure that the annexe shall permanently remain ancillary to main house and shall only be occupied by family members related to those occupying the main dwelling house. Policy H33 of the adopted Local Plan allows for extensions to dwellinghouses in the countryside (including annexes), so long as they

do not create accommodation that is independent or separate from the main house. Many annexes have been granted in the countryside under this policy and have been suitably controlled via the use of a restrictive condition.

- 8.02 It has been demonstrated that the stables have had an ancillary domestic use for over ten years and that the building lies within the curtilage of the dwelling. Furthermore, the conversion of the existing building to an annexe will prevent the construction of additional curtilage buildings, resulting in minimal visual impact on the surrounding countryside, SLA and AONB. A priority to the protection of the countryside and landscape is required by policies ENV28, ENV33 & ENV 34. A further condition is recommended to restrict permitted development rights on the property to protect residential amenity and the character and appearance of the surrounding area from cumulative development at the site. The stable building and shed is already well screened and is closely linked to the main dwelling in visual terms, location and through shared services and access. As such, it is considered that its conversion to a residential annexe will not cause any harm to residential amenity, highway safety or to the landscape. It is recommended that planning permission be granted, subject to conditions and informatives.

**9.0 RECOMMENDATION – GRANT** Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

1:100 Scale Plans and Elevations, dated 15 September 2015; 1:50 Scale Floor Plans, dated 15 September 2015; Drainage details and Sections, dated 15<sup>th</sup> September 2015; Site Location and Layout plan, dated 6<sup>th</sup> January 2016.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

2. Within three months of the date on the decision notice, details of the design and materials to be used on the two doors on the frontage (south east) elevation of the building and details of the final treatment to the external blockwork wall on all elevations of the building shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved details.

Reason: To ensure the stable door features are retained and to ensure a satisfactory appearance to the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A-E to that Order shall be carried out on the site without the permission of the Local Planning Authority;

Reason: To safeguard the residential amenity of existing and prospective occupiers and to safeguard the character, appearance and functioning of the surrounding area.

4. The annexe accommodation hereby permitted and as shown on the approved plans shall only be used as a residential annexe and shall permanently remain ancillary to main dwelling house known as 2 Coldharbour Cottage. It shall only be occupied by family members related to those occupying the main dwelling house.

## Planning Committee Report

Reason: To prevent the creation of a separate residential dwelling in the countryside in accordance with Policy H33 of the Maidstone Borough-Wide Local Plan 2000.

5. Details on the proposed method of foul sewage treatment must be submitted to and approved by the LPA within three months of the date of the decision. These details should include the size of any individual cesspools and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation). If a method other than a cesspit is to be used, the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Reason: To maintain the quality of the environment and surrounding watercourses.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the shed hereby permitted and as shown on the approved plans shall only be used for the storage of equipment used to maintain the surrounding fields and for no domestic or other purpose.

Reason: To prevent the need for further storage buildings and to safeguard the character, appearance and functioning of the surrounding area.

## INFORMATIVES

As the development involves demolition and/or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Case Officer: Diane Chaplin

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.