

APPLICATION: MA/09/1943 Date: 21 October 2009 Received: 16 November 2009

APPLICANT: Mr K. Hollingsworth

LOCATION: LADDS COURT BARN, CHART HILL ROAD, CHART SUTTON, MAIDSTONE, KENT, ME17 3EZ

PARISH: Chart Sutton

PROPOSAL: Application to reconstruct an existing timber framed barn on the original footprint to be used as a habitable dwelling as shown on drawing numbers 1345.201/A, 1345.202/A, 1345.203 & 1345.204 received on 27/10/09 and the site location plan received on 16/11/09, and described in the planning statement, photographic record, structural appraisal, structural statement and Design and Access Statement all received on 27/10/09.

AGENDA DATE: 25th February 2010

CASE OFFICER: Angela Welsford

The recommendation for this application is being reported to Committee for decision because:

- it is a departure from the Development Plan

1.0 POLICIES

- 1.1 Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34.
- 1.2 The South East Plan RSS 2009: CC1, CC2, CC3, CC4, NRM1, NRM2, NRM5, C4, BE6, H5.
- 1.3 Government Policy: PPS1, PPS7, PPS9, PPG15 & PPS23.

2.0 HISTORY

- 2.1 09/0915 Retrospective application for the creation of access – WITHDRAWN
- 2.2 08/0992 Conversion of agricultural barn to single residential dwelling (amendment to MA/02/0883) – AWAITING DECISION
- 2.3 05/1120 Amendments to planning permission MA/02/0883 comprising alterations to garage building – APPROVED

- 2.4 02/1666 Change of use of land to increase existing residential curtilage – REFUSED
- 2.5 02/0883 Conversion of two barns to two residential dwellings and erection of detached garage – APPROVED
- 2.6 01/1263 Conversion of two barns to two residential dwellings and erection of detached garage building (resubmission of MA/00/0986) – APPROVED
- 2.7 00/0986 Conversion of two barns to two residential dwellings, erection of detached double garage and conversion of storage area to car port – REFUSED
- 2.8 88/2166 Conversion of existing barns – WITHDRAWN

3.0 CONSULTATIONS

3.1 CHART SUTTON PARISH COUNCIL – Wishes to see the application approved.

3.2 MBC CONSERVATION OFFICER

- 3.2.1 "The barn was situated directly opposite to Ladds Court, an important 16th Century timber-framed building, which from its continuously-jettied design, featuring copious use of close-studding appears to have been a building of high status. It is fronted to the road by a ragstone retaining wall which is echoed on the other side of the road by a similar wall from which the barn subject to this application rose directly.
- 3.2.2 This barn and the larger one set at right angles to it (and already converted to residential use) form a complete farmyard group, probably dating from the mid 18th Century. The use of large, squared ragstone blocks for the lower parts of the barn's structure suggests that it was a building built with some pride and not erected as cheaply as possible – perhaps not surprising when it would have been prominent in views from the front of Ladds Court. The farmyard, although separated from the house by the road, thus removing the agricultural operations from the immediate domestic environment, was, however, directly under visual supervision from the farmhouse. A large, possibly later (late 18th/early 19th Century?) brick farm building situated to the north of Ladds Court and on the same side of the road probably indicates an expansion of the farm group.
- 3.2.3 The barn subject to this application represents a rare example in Kent of a bank barn, a building type more often associated with highland regions of Britain (e.g. Cumbria, Yorkshire and Cornwall). This is a barn built into the slope of the land which can be entered at both ground floor and first floor level. In this case, the barn appears to have been used as a threshing barn at first floor level, entered from the uphill side to the north; the use of the ground floor is unclear, but its single personal door suggests that it may have been something like a tool store.

3.2.4 The re-building of the barn is essential to the character of the farmyard group which is highly important to the setting of the listed farmhouse opposite and to the character of the attractive larger group of listed and unlisted historic buildings around the road junction. Failure to rebuild would seriously weaken the visual and historic character of this setting. The rarity of the building type is another reason for seeking its rebuild.

3.2.5 It is, therefore, recommended that, on heritage grounds, permission be granted subject to the following conditions samples of materials, joinery details, removal of all permitted development rights, landscaping scheme, strict accordance with submitted plans and re-use of existing salvaged materials.”

3.3 MBC ENVIRONMENTAL HEALTH MANAGER – No objections. Recommends informatives. Land contamination was dealt with via MA/02/0883 and therefore does not need to be addressed now.

3.4 MBC BUILDING CONTROL – No response received to date.

3.5 ENVIRONMENT AGENCY – No objection. Previous agricultural use may have left contamination which should be assessed and investigated as appropriate. The site is on a principal aquifer, which generates particular requirements regarding surface water drainage.

3.6 AGRICULTURAL ADVISOR – Consent has previously been granted for conversion of the barn to residential use, so no agricultural considerations arise.

3.7 NATURAL ENGLAND – There is little point in updating bat surveys now that the barn has been dismantled. However, I would recommend that the original surveys are reviewed and if they indicated the presence of bats it would be appropriate for provision of bat roosts to be conditioned as part of any permission. Additionally thought should be given to any external lighting proposals to ensure that light spillage is minimised. Even if bats were not present it would be good practice to encourage bats.

3.8 KENT WILDLIFE TRUST – No response received to date.

3.9 KCC HIGHWAYS ENGINEER – No response received to date. (OFFICER COMMENT – It is considered that no response is necessary in this respect as there are no changes to previously-approved access/parking arrangements, see paragraph 5.7.1).

4.0 CONSIDERATIONS

4.1 The Site

- 4.1.1 The application site is located in open countryside in the parish of Chart Sutton. The majority of it falls within The Greensand Ridge Special Landscape Area.
- 4.1.2 The site is a roughly rectangular piece of land situated on the western side of the steep slope of Chart Hill Road. It currently contains a partially reconstructed ragstone/timber-framed barn ("East Barn"), which stands immediately adjacent to, and at right angles to, the road.
- 4.1.3 This barn, in its former state, was of considerable age, with some elements apparently dating back to the 16th century. It was a two storey structure, rectangular in plan, with a small single storey wing projecting on the southern side, and was partially built into the slope of Chart Hill such that, on the northern side, the first floor was at ground level. In terms of materials, the ground floor was predominantly constructed from Kentish ragstone with some historic brickwork infills/repairs, whilst the first floor was timber-framed and clad in dark stained weatherboarding, and the roof Kent peg tiled.
- 4.1.4 To the west of the application site, is a converted barn ("West Barn") which is the applicants dwelling. This stands in a courtyard arrangement with the application building and a recently-constructed, four-bay garage block (to the south of the shared access). Directly opposite, on the eastern side of Chart Hill Road, stands the Grade II listed "Ladds Court".

4.2 Relevant Planning History

- 4.2.1 Planning Permission was first granted for the conversion of the two barns ("East Barn" – the application building – and "West Barn" – the applicant's residence) to two separate dwellings and the erection of a detached garage block in September 2001 under reference MA/01/1263.
- 4.2.2 An amended scheme (in relation to "West Barn" and the garage block) was subsequently granted permission under reference MA/02/0883 in June 2002. That planning permission was then implemented through the conversion of "West Barn". "East Barn" remained unconverted but with a live permission to do so.
- 4.2.3 An amendment in relation to the garage block was granted in July 2005 (MA/05/1120). That has now been constructed.
- 4.2.4 In June 2008 an application was submitted for amendments to implemented planning permission, MA/02/0883 in respect of the conversion of "East Barn". The application (reference MA/08/0992) was found to be invalid by virtue of the time lapse since June 2002 and the subsequent publication of PPS9, an up-to-date bat survey was required before the application could be determined, but could not be carried out straight away because of the time of year.

- 4.2.5 The supporting statement submitted with the current application explains that, following a spell of bad weather in February/March 2009, signs of structural movement in the building were noted by the applicant who commissioned a structural appraisal (visual inspection) on the basis of which the decision was taken to proceed with the conversion as approved under planning permission MA/02/0883 in order to allow maintenance and prevent further deterioration. Two large additional cracks were subsequently discovered and a specialist building contractor was instructed to make the building safe, which initially involved removal of the roofing covering to reduce the load on the front elevation. As works progressed, further cracks, rotted timbers and lack of foundations were discovered until it was decided to dismantle the building on health and safety grounds and store it on site ready for reconstruction.
- 4.2.6 It is understood that the applicant then proceeded with the reconstruction in the belief that this would be covered by planning permission MA/02/0883, and by July 2009 the foundations and part of the ragstone ground floor had been rebuilt. At that point, works ceased when he was advised by Planning Enforcement that the development then being carried out was actually, in planning terms, the erection of a building to be used as a dwelling rather than the conversion of an existing barn to a dwelling as approved under reference MA/02/0883. Consequently, a fresh planning application was required.

4.3 The Proposal

- 4.3.1 The current application therefore seeks planning permission to reconstruct the barn on its original footprint, but for use as a residential dwelling instead of a barn. The accommodation provided would be an entrance hall and three bedrooms/bathrooms on the ground floor, and an open-plan lounge/diner/kitchen on the first floor. (MA/02/0883 had permitted similar accommodation, but with one more bedroom). The fenestration pattern now proposed would be different to that approved under the conversion scheme, but overall would not provide a significantly greater number of openings. It is proposed to re-use the ragstone, roof tiles and all sound timbers, all of which were labelled when the original building was dismantled and are currently stored in the adjoining field.

5.0 PLANNING CONSIDERATIONS

5.1 Principle of the Development

- 5.1.1 As the building that was granted consent for conversion under reference MA/02/0883 was demolished, the part of that planning permission that relates to "East Barn" can now no longer be implemented.
- 5.1.2 In effect, therefore, the proposal now under consideration by Members is for the erection of a new dwelling in the countryside. Local Plan Policy ENV45 no longer

applies as the proposal is not a conversion. The dwelling is not intended to be for an agricultural or forestry worker. It would therefore be contrary to both Central Government and Development Plan Policy, which seek to limit new development in rural areas in the interest of countryside conservation.

5.1.3 The main issue, therefore, for consideration by Members, is whether, in this particular instance, there is an overriding justification to permit the proposal as a departure from the Development Plan.

5.2 Setting of Listed Buildings

5.2.1 Although not a listed building, the original barn (now demolished) was considered worthy of preservation and was thus granted planning permission for conversion to a dwelling in 2002. Part of that worth was its group value together with "West Barn" and the important contribution that the buildings made to the setting of the listed farmhouse, "Ladds Court". If "East Barn" is not rebuilt, the character of the farmyard group will be eroded, and the setting of "Ladds Court" harmed.

5.2.2 As it stands, this argument could be repeated all too often and lead to the reconstruction of many dilapidated/derelict rural buildings for residential purposes, which would be detrimental to the character and appearance of the countryside.

5.2.3 In this particular instance, however, a lawful conversion was underway and the unfortunate set of circumstances that led to the barn being dismantled have already been summarised (in the previous section describing the planning history). These are set out in greater detail in the application documents and supported by the structural appraisal carried out in April 2009. Furthermore, the building has been carefully dismantled and the individual pieces labelled and stored, as evidenced by the submitted survey drawing of the timber-frame members and the photographic survey and seen during my site visit.

5.2.4 Moreover, the Conservation Officer has stated that the re-building of the barn is essential to the character of the farmyard group which is highly important to the setting of the listed farmhouse opposite and to the character of the attractive larger group of listed and unlisted historic buildings around the road junction. The historic development of the farmyard group, the functional ties of the building with "Ladds Court", and its rarity of form, being a bank barn, are set out in greater detail in the Conservation Officer's comments in the Consultations section of this report. Consequently, given that a substantial amount of the original material remains and is apparently re-useable, and that the design of the building as a dwelling would nevertheless be sympathetic to the simple rural character of the original barn and broadly similar to that of the previously approved conversion scheme, I consider that in view of all of the foregoing points, in this particular instance, the reconstruction of the building for use as a

dwelling is of overriding importance in order to preserve the setting of the Grade II listed "Ladds Court".

5.3 Impact on the Countryside

5.3.1 Furthermore, I do not consider that the proposal would cause any harm to the scenic quality or distinctive character of The Greensand Ridge Special Landscape Area, provided that the original materials are reused, given the similarities to the previously approved conversion scheme that would have been carried out but for an unfortunate set of circumstances. Indeed, in my view, the former barn was an attractive visual incident at the side of Chart Hill Road, which, together with "West Barn" and "Ladds Court" farmhouse formed a group that contribute to the rural character of the area.

5.4 Amenity

5.4.1 "West Barn" (currently the applicant's dwelling) is located approximately 15.5m from the proposed reconstructed "East Barn" and stands at right angles to it, but does not have any windows in a position to be significantly affected by the two proposed lounge windows (first floor level, west elevation). Due to the degree of separation, there would not be any adverse impact in terms of loss of light or overbearing impact.

5.4.2 No other dwellings are in a position to be adversely affected in terms of daylight, sunlight, privacy or overbearing impact – "Ivy Cottage", to the south, would be shielded by the existing garage block, and "Ladds Court" stands on elevated ground on the opposite side of Chart Hill Road.

5.5 Ecology

5.5.1 As the building has now been dismantled, Natural England has advised that there is no requirement to update the bat survey. However, provision of bat boxes should be conditioned to enhance habitat and roosting opportunities in the area, in accordance with the aims of PPS7. External lighting should also be controlled to ensure that light spillage is minimised.

5.6 Contamination

5.6.1 Although previous agricultural use of the site may have left contamination, this matter was dealt with by way of condition 12 of MA/02/0883, which has been discharged.

5.7 Highways

5.7.1 There is no change to the shared access onto the classified Chart Hill Road, and adequate parking provision exists in the previously approved garage block.

5.8 Drainage

5.8.1 Foul drainage would be to the mains, which is acceptable.

5.8.2 The site is located on a principal aquifer, and subsequently, although the Environment Agency does not object to the use of soakaways in general at this site, it has set out particular requirements as to depth etc. I therefore consider that a condition requiring submission of surface water drainage details would be appropriate.

5.9 Code for Sustainable Homes

5.9.1 Ordinarily Policies CC4 and H5 of The South East Plan RSS 2009 require sustainable construction techniques to be employed in all schemes for new dwellings, and the Council requires a minimum of Level 3 of the Code for Sustainable Homes to be met. However, in this particular instance it is not certain that this could be achieved due to the requirements to re-use historic materials and employ traditional construction techniques which are paramount to the justification for permitting the reconstruction of the building. Consequently, in this particular instance I consider it acceptable not to attach a Code for Sustainable Homes condition.

5.10 Conclusion

5.10.1 Although the erection of new dwellings in the countryside is generally unacceptable in principle, in this particular instance, in view of the specific planning history and circumstances that led to the barn being dismantled, the substantial amount of original material that has been labelled and stored for re-use, and the desirability of preserving the setting of the listed building, "Ladds Court", I consider that an exception can be made as, in my view, these considerations, in combination, outweigh any harm that may arise.

5.10.2 As the development is a departure from the Development Plan, the application has been advertised accordingly. The resultant time-limit on the statutory site notice and newspaper advertisement has not yet expired. Consequently, I recommend that Members give delegated powers to grant planning permission subject to conditions as set out below.

6.0 RECOMMENDATION

SUBJECT TO any new representations received as a result of outstanding statutory advertisements I BE DELEGATED POWER TO GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country

Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be constructed re-using salvaged materials from the demolished barn in so far as is practicable and no further development shall take place until written details and samples of any new materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using salvaged materials and the new materials so approved;

Reason: To ensure that the development is the reconstruction of the former historic barn and not simply the erection of a new building in the countryside, and to preserve the setting of the Grade II listed Ladds Court in accordance with Policies ENV28 & ENV34 of the Maidstone Borough Wide Local Plan 2000, Policies C4 & BE6 of The South East Plan RSS 2009 and the Central Government advice contained in PPG15 - Planning & the Historic Environment.

3. No further development shall take place until full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-
 - a) New external joinery in the form of large scale drawings.The development shall be carried out in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development and preserve the setting of the Grade II listed Ladds Court in accordance with Policies ENV28 & ENV34 of the Maidstone Borough Wide Local Plan 2000, Policies C4 & BE6 of The South East Plan RSS 2009 and the Central Government advice contained in PPG15 - Planning & the Historic Environment.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A to H inclusive and Schedule 2, Part 2, Classes A or C to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the building and surrounding area and preserve the setting of the Grade II listed Ladds Court in accordance with Policies ENV28 & ENV34 of the Maidstone Borough Wide Local Plan 2000, Policies C4 & BE6 of The South East Plan RSS 2009 and the Central Government advice contained in PPG15 - Planning & the Historic Environment.

5. No further development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using

indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in order to provide a satisfactory appearance to the development in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

7. No further development shall take place until written details of the method of surface water drainage have been submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the first occupation of the building;

Reason: To prevent pollution of the water environment in accordance with Policies NRM1 & NRM2 of The South East Plan RSS 2009.

8. No further development shall take place until full details of any proposed external lighting have been submitted to and approved in writing by the Local Planning Authority, and any such lighting shall only be installed in accordance with the approved details or the Local Planning Authority's written consent;

Reason: In the interests of the visual amenity of the Greensand Ridge Special Landscape Area and to ensure an acceptable impact on bats, some of which species are light-averse, in accordance with Policies BE6, NRM5 & C4 of The South East Plan RSS 2009 and Policies ENV28, ENV34 & ENV49 of the Maidstone Borough-Wide Local Plan 2000.

9. All services to the premises shall be underground, and no meter boxes shall be located externally;

Reason: To safeguard the character and appearance of the building and surrounding area and preserve the setting of the Grade II listed Ladds Court in accordance with Policies ENV28 & ENV34 of the Maidstone Borough Wide Local Plan 2000, Policies C4 & BE6 of The South East Plan RSS 2009 and the Central Government advice contained in PPG15 - Planning & the Historic Environment.

10. There shall be no deviation from the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a high quality of development and to preserve the setting of the Grade II listed Ladds Court in accordance with Policies ENV28 & ENV34 of the Maidstone Borough Wide Local Plan 2000, Policies C4 & BE6 of The South East Plan RSS 2009 and the Central Government advice contained in PPG15 - Planning & the Historic Environment.

11. No further development shall take place until details of provision for bats to roost within the development have been submitted to and approved in writing and the approved details shall be implemented prior to the first occupation of the building and thereafter maintained;

Reason: To provide additional wildlife habitat within the development area in accordance with Policy NRM5 of The South East Plan RSS 2009 and the Central Government policy contained in PPS9.

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site outside the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises. Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

With regard to condition 7, you are advised that the Environment Agency does not object to the use of soakaways at this site, providing they are as shallow as possible, and no deeper than three metres below ground level. Only clean, uncontaminated surface water drainage will be permitted to discharge to soakaways. Roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used. There must be no discharge into land impacted by contamination or land previously identified as being contaminated. There must be no discharge to made ground. If any of these aspects can not be achieved, then alternative methods for the disposal of surface water drainage must be provided.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.