

<b>REFERENCE NO - 19/503481/FULL</b>		
<b>APPLICATION PROPOSAL</b> Conversion and change of use of agricultural barn to residential dwelling together with first floor extension to lean-to, associated parking and residential garden (resubmission of 18/504895/FULL).		
<b>ADDRESS</b> Agricultural Barn Little Griggs Farm Barns Grigg Lane Headcorn Kent TN27 9LT		
<b>RECOMMENDATION</b> GRANT planning permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<ul style="list-style-type: none"> <li>- The site currently has an agricultural character due to the scale and appearance of the buildings currently occupying the site, nevertheless a number of these buildings are to be demolished while other buildings have permission to be converted to residential use.</li> <li>- Given the wider sites transition from primarily agricultural to residential use and that the building, the subject of this application, is embedded within and clearly forms part of the wider complex, the proposed development will not materially harm the landscape character of the Low Weald and rural character of the area.</li> <li>- The proposed external alterations along with subordinate scale of the proposed extension will conserve the essential agricultural/rural character of the building and heritage setting of which the building forms part.</li> <li>- The proposal is acceptable in its amenity, heritage, highways and wildlife impacts</li> <li>- Will provide the building with a long term viable use capable of maintaining its character and fabric while making a windfall contribution towards the Council's 5 year housing land supply in accordance with policy SS1 of the local plan.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Recommendation contrary to the views of Headcorn Parish Council that are set out in the consultation section below.		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Headcorn	<b>APPLICANT</b> Ms Deborah Brennan <b>AGENT</b> Kember Loudon Williams LLP
<b>TARGET DECISION DATE</b> 02/09/19		<b>PUBLICITY EXPIRY DATE</b> 11/09/19

### Relevant Planning History

The following relates to other nearby buildings in this complex. A plan will be displayed at the meeting showing the location of the following in relation to the building the subject of this application.

16/506831/PNQCLA: Prior notification for the change of use of two agricultural buildings to two dwellings with building operations. Prior Approval granted.

18/502841/PNQCLA: Prior notification for the change of use of building 1 previously approved application 16/506831/PNQCLA for its revised design and external appearance. Prior Approval granted 31.07.18.

18/504895/FULL Conversion and change of use of agricultural barn to residential dwelling together with first floor extension to lean-to, new access, parking and residential garden. Withdrawn by applicant

19/500998/PNQCLA: Prior notification for the change of use of agricultural building to a dwellinghouse. Prior approval granted

19/500997/PNQCLA: Prior notification for the change of use of agricultural building to a dwellinghouse and for associated operational development. Prior approval granted

19/502766/PNQCLA: Prior Notification for the change of use of an agricultural barn to 1no. residential dwelling (Class C3), and for associated operational development. Prior approval granted

## **MAIN REPORT**

### **1. SITE DESCRIPTION**

- 1.1 The application site is occupied by a detached building and located within a complex of former agricultural buildings located on the north side of Grigg Lane. Little Grigg Farm farmhouse, to the east of the application site is a Grade II Listed Building.
- 1.2 The site is approximately 1.5km to the north-east of Headcorn in open countryside. The site forms part of the Low Weald Landscape of Local Value as shown on the Policies Map to the Local Plan.

### **2. PROPOSAL**

- 2.1 The proposal is for the change of use and extension of this building to provide a two bedroom dwelling.
- 2.2 The proposal involves the demolition of the single storey lean-to on the west side of the building and a replacement two storey extension on the same footprint.
- 2.3 Other external alterations involve the installation of additional doors and windows, a rooflight and raised ridge and roof tiles and sections of timber cladding for roosting bats. Also proposed is a rectangular shaped garden area, 2 parking spaces with access using the existing access onto Grigg Lane.
- 2.4 The application is accompanied by bat emergence reports, bat roost and barn owl assessments, heritage, structural and viability assessments.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 SS1, SP17, SP19, DM1, DM3, DM30  
Supplementary Planning Documents; Maidstone Landscape Character Assessment  
Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015

### **4. LOCAL REPRESENTATIONS**

**Local Residents:** None received

### **5. CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

**5.1 Headcorn Parish Council:** Objects on the following grounds:

- Given the approvals of the other residential conversions, a significant proportion of the overall site will be redeveloped to include 4 dwellings and their cumulative rather than individual impact should be assessed.
- Though the site is not in a flood zone, it suffers from poor drainage and quickly becomes water logged in times of heavy rain.
- Low lying nature of the area has considerable effect on neighbouring properties and any development would only exacerbate problems unless appropriate drainage included.
- Reference is made to a package treatment plant but siting is not indicated. As the area is often waterlogged this cannot be considered a suitable method of waste water disposal.
- Given antiquity of many nearby buildings their listing should be considered including The Granary, Pig Feed Store and the Milking Parlour.
- Do not consider the prior approval consents that have been granted secure the preservation of the affected buildings
- The proposal does not meet the criteria for the conversion of rural buildings.
- Site was affected by the 2001 Foot & Mouth epidemic and mass disposal of cattle by burning took place at that time. The site should be subject to a full land contamination assessment.
- If the property is to become a dwelling it should have an Agricultural Occupancy condition applied to it.
- The proposal does not respect the amenities and historic character of the site and neighbouring properties.

**5.2 Kent Highways:** No comment to make on the proposal.

**5.3 KCC Ecology:** No objection subject to conditions relating to a condition on a detailed bat mitigation strategy be submitted along with a condition to secure the proposed ecological enhancements.

**6. APPRAISAL  
Main Issues**

**6.1** These are:

- principle,
- impact on the rural character and setting of the locality,
- design siting and layout,
- amenity,
- heritage
- highways and;
- wildlife considerations.

**Principle**

**6.2** The site lies in open countryside on land forming part of the Low Weald Landscape of Local Value. Policy SP17 of the local plan states, amongst other things, that the distinctive character of the Low Weald will be conserved and enhanced as a landscape of local value.

**6.3** Policy DM30 also includes criteria for acceptable development in the countryside, key being that new buildings should be unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character the area. Account should be had of the Landscape Character Guidelines SPD.

- 6.4 The policy particularly relevant to this proposal is DM31 relating to the conversion of rural buildings. The building lends itself to the rural character of the area and is of sound construction.
- 6.5 Proposals for the re-use and adaptation of existing rural buildings for residential purposes will only be permitted, where, amongst other things, the following criteria are met being:
- (a) Every reasonable attempt has been made to secure a suitable business re-use for the building and;
  - (b) Whether residential conversion is the only means of providing a suitable reuse for an unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed building(s), or other buildings which contribute to landscape character or which exemplify the historical development of the Kentish landscape.
- 6.5 Dealing first with (a), the application has been accompanied by viability assessment (VA) which concludes that use of the building as offices, holiday lets or industrial uses are either unviable or cannot be successfully let. The VA further concludes that residential conversion is the only financially viable option enabling the continued restoration and continued beneficial use of the building.
- 6.6 Subject to the independent assessment of the VA confirming these findings (to be reported) the conversion of the building to residential use is acceptable in principle. An assessment of whether residential conversion of the building satisfies criteria (b) above is carried out below.

**Impact on landscape, rural character and setting.**

- 6.7 The site has an agricultural character due to the scale and appearance of buildings currently occupying the site. However a significant number of these buildings are to be demolished as the site transitions from primarily agricultural to residential use taking into the account the residential conversions permitted under prior approval procedures.
- 6.8 The building, the subject of this application, is embedded within and clearly forms part of the wider complex. Subject therefore to ensuring the agricultural character and appearance of the building to be converted (and extended) is maintained it would be difficult to argue that the proposed development will materially harm the landscape character of the Low Weald and rural character of the area. It would also be difficult to argue in these circumstances that the proposal would be contrary to the provisions of policies SP17 and DM30 of the local plan.

**Design, siting and layout.**

- 6.9 The two storey building to be converted has a strong traditional agricultural character, the 'memory' of which should be retained as part of any residential conversion. This is to avoid the building taking on an overly domestic appearance and therefore appearing out of character in this rural setting.
- 6.10 Revised plans show that the design, siting and detailing of windows and doors are acceptable and respect the existing detailing. Where new openings are proposed these are small and 'randomly' spaced with this approach helping to ensure the proposal is viewed as a conversion which retains the essential rural character of the building.
- 6.11 It is acknowledged that one of the requirements of policy DM31 is that the subject building can be converted without major or complete reconstruction. Part of the

proposal involves demolition of a single storey lean-to and its replacement on the same siting and footprint with a two storey addition. This is not considered major or complete reconstruction.

- 6.12 This proposed addition is subordinate to the main building and enables the provision of a small dwelling of usable space and proportions. The addition is also designed to reflect the character, detailing and proportions of the existing building while replacing an out of character lean to addition. In the circumstances the proposed two storey addition is acceptable in its scale and impact. In order to ensure the appearance of the building and extension is maintained, permitted development rights to extend or alter the building should be withdrawn by condition.
- 6.13 Amenity space of usable size and proportions is shown sited in front and to the side of the building. Subject to use of appropriate boundary treatments and withdrawal of permitted development rights to erect outbuildings in this area, the siting of the amenity area will not harm the rural character and appearance of the site.
- 6.14 No landscaping details have been submitted as part of the application. Nevertheless given the site context and its small area only limited landscaping is required which can be secured by condition.

#### **Amenity considerations**

- 6.15 Regard should be had to the future residents of the proposed dwelling and that of development overlooking and abutting the site. Dealing first with the occupants of the proposed dwelling it is considered that the proposed dwelling provides an acceptable standard of amenity.
- 6.16 In the context of the residential prior approvals that have been permitted, these are sufficiently far away to avoid causing loss of outlook or privacy to the future occupants of the proposed dwelling or be likely to have their own amenity materially affected by the proposed development.
- 6.17 The bulk, siting and profile of the building will not change when viewed from Little Grigg Farm (the proposed addition is on the opposite side of the building and thereby screened from view).
- 6.18 The amended plans show no material change to the appearance of the building and first floor windows serving the bedroom are small not providing much in the way of outlook. In addition they look across onto an open area in front of Little Grigg Farm already exposed to public view.
- 6.19 The proposal will not result in material harm to the outlook or amenity of dwellings already existing (and approved but not implemented) and is in line with Local Plan policy DM1.

#### **Heritage Considerations**

- 6.20 Notwithstanding the amenity assessment carried out above the heritage impact of the proposal needs to be assessed in relation to Little Grigg Farm, the Grade II LB abutting the site to the east.
- 6.21 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. When making a decision concerning a listed building or its setting, the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.22 The current application involves the demolition of an existing single storey lean to element of the application building and the construction of a two storey extension on

the same footprint. Little Grigg Farm farmhouse, is located 11 metres to the east of the application building and is a Grade II Listed Building. With the proposal mainly reusing the existing building and with extra bulk above the existing lean to addition, the impact will be 'less than substantial' and with the proposal providing a new dwelling the benefits of the proposal outweigh any negative impact.

- 6.23 The only material changes are that instead of an access abutting the LB this will be replaced by an amenity area serving the proposed dwelling. It is considered this represents a betterment to the character and setting of the LB in accordance with the provisions of policy DM4.

#### **Highways**

- 6.24 The traffic generated by one small dwelling will be nominal. In addition the access onto Grigg Lane, serving the existing farm complex, has good sight lines in both directions. As such the proposal will not result in material harm to the free flow of traffic or highway safety in Griggs Lane.

#### **Wildlife**

- 6.25 The submitted reports identified the building as supporting a summer day roost for up to five common pipistrelle bats and up to two brown long-eared bats. The dusk emergence survey also identified a single brown long-eared bat and two common pipistrelle bats emerging from the building. No evidence of barn owl occupation was identified but there was evidence of the building being used by nesting birds.
- 6.26 Regarding other protected species, the site consists entirely of hardstanding lacking cover and foraging opportunities. This makes it an unsuitable habitat for badgers, great crested newts or other amphibians or reptiles.
- 6.27 As the roof void is to be lost along with removal of some timber cladding the report identified a need to compensate for this loss of roosting potential.
- 6.28 Likely mitigation measures will be the installation of two bat boxes on nearby retained trees and a sparrow 'terrace' to be placed on the building. Raised timber cladding and soffit boxes with slots to enable access for roosting/hibernating bats along with the provision of bat/wildlife friendly lighting are also proposed.
- 6.29 The above package of measures represent a proportionate and appropriate response in protecting the interests of wildlife in accordance with policy DM3 of the local plan. KCC Ecology have confirmed the acceptability of the proposed measures.

#### **Other matters:**

- 6.30 Many of the concerns raised by the Parish Council have been addressed above however the following represent outstanding matters requiring a response.
- 6.31 The site does not lie within a flood zone. Reference has been made in consultation responses to the site suffering from poor drainage with any runoff from the development affecting adjoining development. With roof areas and areas of hardstanding not changing as part of the proposal it is difficult to envisage how the proposed development could cause additional water runoff.
- 6.32 Reference to the unsuitability of a package waste treatment plant is noted. It is understood this is an enclosed system that would not decant treated water in local watercourses where water levels precluded this.
- 6.33 Regarding whether nearby buildings should be listed including The Granary, Pig Feed Store and the Milking Parlour this is not a matter to be addressed as part of this application. This is a 'stand alone' project which is acceptable in its heritage impacts.

- 6.34 Prior approval consents permit alteration to the exterior of buildings to enable the residential use to take place but require retention of the main building structure. As such they could be seen to secure preservation of the affected buildings.
- 6.35 In the absence of a case being made on agricultural need there is no justification for imposition of an agricultural occupancy condition.

**Environmental Impact Assessment (EIA) Screening:**

- 6.36 The development is not of a scale or impact justifying an EIA. It should be stressed this has no bearing on the consideration of the planning assessment of the development.

**7.0 Conclusions**

- 7.1 Subject to the independent assessor's confirmation that residential use is the only viable way of ensuring the building continues to have a beneficial use the following is concluded:

- The site currently has an agricultural character due to the scale and appearance of buildings currently occupying the site, nevertheless a number of these buildings are to be demolished while other buildings have permission to be converted to residential use.
- Given the wider sites transition from primarily agricultural to residential use and that the building, the subject of this application, is embedded within and forms part of the wider complex, the proposed development will not materially harm the landscape character of the Low Weald and rural character of the area.
- The proposed external alterations along with subordinate scale of the proposed extension will conserve the essential agricultural/rural character of the building and heritage setting of which the building forms part.
- Is acceptable in its amenity, heritage, highways and wildlife impacts
- Will provide the building with a long term viable use capable of maintaining its character and fabric while making a windfall contribution towards Councils 5 year supply of dwelling as part of policy SS1 of the local plan.

- 7.2 It is therefore considered that the balance of issues fall in favour of the proposal and planning permission should be granted as a consequence.

**8. RECOMMENDATION**

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. Prior to any work being carried out to the roof or external cladding details of all external surface materials (including any hard surfacing) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby Listed Building.

- 3) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To safeguard the night time rural environment in the interests of visual amenity and in the interests of wildlife protection.

- 4) Before the installation of any doors and windows, joinery details shall have been submitted to and approved in writing by the Local Planning Authority. The details shall specify materials and finishes and include large scale plans at a scale of 1:20 showing long and cross profiles of the mullions, transoms and cills. Work shall only be carried out in accordance with the approved details and retained for the life of the development.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby Listed Building.

- 5 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) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F, G and H to that Order shall be carried out without the permission of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby Listed Building.

6. If during the implementation of this planning permission evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of pollution prevention and public safety.

7. The development hereby approved shall not be occupied until the parking, turning and access details shown on drawing no: RS17.53.BP01B have first been provided and shall be retained for the life of the development with no impediment to their intended use.

Reason: In the interests of highway safety and the free flow of traffic.

8. Prior to first occupation of the development hereby approved details of landscaping of the site (including provision for its a long term maintenance) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in the first planting season following first occupation of the development hereby permitted. Should within 5 years of implementation of the approved landscaping scheme any part become dead, dying diseased or dangerous it shall be replaced with specimens of the same species size and siting.  
Reason: In the interests of visual amenity and to safeguard the setting of the nearby Listed Building.
9. Prior to the development hereby approved commencing a detailed bat mitigation strategy shall be submitted to and approved writing to the Local Planning Authority. The strategy must be based on the recommendations set out within the bat emergence/Re-entry survey report (PJC consultancy dated June 2019). The strategy must be implemented as detailed within the approved report unless amended as part of a Natural England licence.  
Reason: In the interests of wildlife.
10. Prior to first occupation of the development hereby permitted the ecological enhancements set out within paragraph 4.2.1- 4.2.4 (inc) .of the Preliminary Bat roost Assessment and Barn Owl Assessment carried out by PJC consultancy shall be implemented as specified.  
Reason: In the interests of wildlife.
11. 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) of no fencing or other means of enclosure shall be erected on any part of the site. The fencing (or other means of enclosure) shall only be erected in accordance with the approved details and retained as such for the life of the development.  
Reason: In the interests of visual amenity and to safeguard the setting of the nearby Listed Building.
12. The development hereby approved shall be carried out in accordance with the following plans nos: RS17.53. EX01, BP01B SP03B and RS17.53.PL01F .  
Reason: In the interests of amenity.

## **INFORMATIVES**

- 1) The proposed development is CIL (Community Infrastructure Levy) liable. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries> (<https://bit.ly/2kogNkI>)

- 3) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. The building present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Case Officer: Graham Parkinson