

APPLICATION: MA/10/2062 Date: 23 November 2010 Received: 31 December 2010

APPLICANT: Messrs. P & H Easton

LOCATION: BOY COURT FARM HOUSE, BOY COURT LANE, ULCOMBE, ASHFORD, KENT, TN27 9LA

PARISH: Ulcombe

PROPOSAL: Conversion of barn to dwellinghouse as shown on a site location plan, drawing nos. plan 1, 1a, 2, 3, 4, 5, 6 and supported by a Design and Access Statement received on 23 November 2010 and a block plan received on 31 December 2010.

AGENDA DATE: 21st July 2011

CASE OFFICER: Janice Tan

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

- it is contrary to views expressed by the Ulcombe Parish Council

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, ENV45, T13
- South East Plan 2009: CC1, CC6, NRM4, C4, T4
- Village Design Statement: N/A
- Government Policy: PPS1, PPS7,

2. **HISTORY**

MA/05/2254	Extension to existing garage and store to provide a dry workshop and store (mainly for timber and wood products)	Approved with conditions
MA/88/0873	Details of conversion of C18 barn to dwelling.	Withdrawn
MA/88/0872	Details of conversion of C18 barn to dwelling.	Approved with conditions

3. **CONSULTATIONS**

3.1 **Ulcombe Parish Council** wish to see the application approved due to the applicant's circumstances as explained in his statement.

- 3.2 **Maidstone Borough Council Conservation Officer** recommended that the application be refused on heritage grounds. He has stated that although the building to be converted is attractive and traditional in appearance, it is only about 5 years old. There is therefore no historic building justification for the conversion of this rural building to residential use.
- 3.3 **Headcorn Aerodrome** advises that the site is close to the Aerodrome and within the area covered by the safeguarding map. They do not wish to inhibit the development unnecessarily provided that both planning committee and the applicants themselves believe that the development will not be in any way inconsistent with the existing and well established use of and activity at Headcorn Aerodrome.

4. REPRESENTATIONS

- 4.1 Three representations were received, one objection, one in support and one remaining neutral but highlighted the concerns for the protection of bats and owls. Their comments are as follows:
- The submitted documents do not demonstrate that consideration has been given to environmental matters such as disruption to bats and owls.
 - The new barn was erected with the idea of converting it to a house. A third dwelling within the farmstead would constitute an over development of the site which would have a detrimental effect on the character of the area and would make it a high density of housing on the corner of the lane.
 - The principle of Mr Easton being able to continue to conveniently live in a place that has been his cherished home would be acceptable.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The site is within a farmstead located on the north side of Boy Court Lane within the open countryside designated as a Special Landscape Area. It is approximately 1.9km to the northeast of Headcorn village
- 5.1.2 The farmstead comprises a former barn (known as Boy Court Farm House) that has been converted to two residential units, a four bay pitched roof oak framed open fronted garage (built in 1994) space with a newly built extension at its southwest end (some 18m to the southeast of the farmhouse), and four agricultural buildings that lie in excess of 35m to the northeast of the farmhouse.
- 5.1.3 The application site encompasses an area of 0.06 hectares. It relates to the newly constructed workshop extension (approved under application reference MA/05/2254) at the southwest end of the four-bay open fronted garage with

associated garden to the southwest and stretching between the southeast side of the building and Boy Court Lane.

- 5.1.4 There are two vehicular accesses from Boy Court Lane serving the site: One is 25m to the southwest and the other is 20m to the east of the site. These vehicular accesses serve the existing open fronted garage building, its workshop extension and the hard standing area in front (adjacent to the north side of the garage block).
- 5.1.5 Public footpaths KH336A and KH335 lie some 60m to the northwest and 35m to the southwest of the site respectively.
- 5.1.6 The site is partially screened by hedgerows and mature trees from the public highways but is clearly visible from the southwest vehicular access gap into the site when viewed from Boy Court Lane.

5.2 Background

- 5.2.1 When planning permission was granted on 19 January 2005, under MA/05/2254, to extend the four-bay garage/store to provide accommodation for a workshop/store, it was established that there was no proven need for this extension in terms of the agriculture enterprise of the farm. In view of this, planning permission was granted for the workshop/store on the basis that the extension is to a domestic outbuilding used by the occupiers of the Boy Court Farm House.
- 5.2.2 The extension was completed in 2010 and is currently used mainly as a domestic/workshop store.

5.3 Proposal

- 5.3.1 The application proposes to change the use of the newly constructed garage extension granted under MA/05/2254 into a self-contained one-bedroom dwelling to be occupied by the applicant and his wife. The applicant is a retired disabled farmer, currently living in Boy Court Farm House. The intention is that he would move into this new dwelling allowing his son and family to occupy the main house. This would allow his son to take over the running of the farm encompassing approximately 140 acres of agricultural land that is currently let out to other farmers as grazing land.
- 5.3.2 The application site comprises the southwest extension to the large outbuilding east of the farmhouse and the associated garden area to the southwest stretching between the southeast side of the outbuilding and Boy Court Lane including the shrubbery area at the northeast end of the outbuilding.
- 5.3.3 There would be a car parking space allocated for the new dwelling on the eastern side of the extension to be converted and within the existing forecourt of the farmstead.

- 5.3.4 The application proposes to insert six panel glazed folding patio doors behind the existing oak frame and a glazed triangular window on the south facing roof gablet. Three narrow windows would be inserted in the east elevation facing the hedgerow site boundary with the Boy Court Lane. A pair of windows would be inserted in the west flank facing the vehicular entrance and maintained garden area associated with the main house. Another pair of windows would be inserted beside the existing doorway of the extension.
- 5.3.5 The existing grassed area surrounding the southwest and southeast and the shrubbery area at the northeast side of the outbuilding would be the garden area associated with the new dwelling. The existing boundary hedgerow adjacent to the highway would be retained and would form the southeast residential curtilage of the new dwelling. There is no indication shown on the submitted drawings of proposed boundary fences on the western boundaries of the application site.

5.4 Principle of Development

- 5.4.1 New development in the countryside, particularly new housing is tightly restricted under the terms of Development Plan Policy and Central Government Guidance.
- 5.4.2 Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7) emphasises that "the focus for most additional housing in rural areas should be on existing towns and identified service centres"
- 5.4.3 PPS7 makes exceptions amongst other criteria for agricultural workers dwellings that have special justification. However, PPS7 requires the Local Planning Authority to strictly control such developments by assessing them against the 'functional need test' to establish whether it is essential for a full-time worker to live close to the agricultural enterprise for its proper functioning and the 'financial test' to establish whether the current farming enterprise is economically viable.
- 5.4.4 At the local level, policy ENV45 of the Maidstone Borough-Wide Local Plan 2000 makes an exception to the re-use of rural buildings for residential use provided that it is the only means of providing a suitable re-use for a listed building, an unlisted building of quality and traditional construction 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 towards the character of the countryside or which exemplify the historical development of the Kentish countryside.
- 5.4.5 Given that the applicant currently rents out his agricultural land to other farmers for grazing and as a retired farmer he would not be actively involved in the essential care of farming activities that are needed to be on hand day and night,

the proposed development would fail the functional test as set out in PPS7 as explained in item 5.3.4 of this report. In any event there is an existing satisfactory dwelling within the farmstead to fulfil this function.

- 5.4.6 The applicant does not claim that the conversion of the existing extension to a new dwelling is for an agricultural worker, but merely as a dwelling for his retirement from agriculture. In view of this, it would not be necessary for the applicant to submit a financial supporting statement to demonstrate that the current farming enterprise is economically viable because the proposal is essentially for a new dwelling in the countryside unrelated to the running of the agricultural business.
- 5.4.7 Whilst I note that the occupier of the proposed dwelling is for a retired farmer, PPS7, Annex A, paragraph 6 explains that retirement homes for farmers cannot be used to justify "the provision of isolated new dwellings as retirement homes for farmers".
- 5.4.8 The workshop/store extension is a new extension to an unlisted outbuilding that was built in 1994 and is ancillary to the main farm house. It is of no historic or architectural value to justify its conversion to residential use. The extension is currently considered as ancillary to the residential use of the house. However, to convert it into a separate self-contained dwelling independent from the farmhouse would create an unjustified additional dwelling in the countryside contrary to policy ENV45 of the Maidstone Borough-Wide Local Plan 2000 and advice given in PPS7.
- 5.4.9 Taking the above into consideration, the principle of the development is therefore not acceptable.

5.5 Visual Impact

- 5.5.1 The height and form of the existing extension would not be altered. The proposed alteration to the elevations which includes the installation of a glazed screen behind the oak framed structure and insertion of windows in the external dark stained timber weatherboarding would result in a development that would be domestic in appearance and would destroy the simple character of the rural building and the neighbouring buildings within the farmstead.
- 5.5.2 I note that that the garden area associated with the proposed dwelling is currently maintained as part of the garden of Boy Court Farm House and there is no indication in the submission that there would be proposed boundary treatments to separate the application site from the garden of Boy Court Farm House. However, Boy Court Farm House has an extensive garden area compared with the confined garden area associated with the proposed dwelling. In view of this, the intensified use of the application site together with its associated domestic paraphernalia would visually be harmful to the open character of the farmstead and the surrounding countryside.

5.6 Residential Amenity

5.6.1 The proposed dwelling is some 35m away from the nearest dwelling which is Boy Court Farm House and therefore the development would not harm the residential amenities of neighbouring dwellings in terms of loss of daylight, sunlight, outlook and privacy.

5.7 Highways

5.7.1 There is ample provision for off- road parking within the farmstead and therefore the development would not harm highway safety.

5.7.2 The applicant has stated that surface water drainage would be disposed by a sustainable drainage system. Whilst this method of disposal may be acceptable, no details have been submitted with the application. A condition would be required for the submission of such details if permission were granted.

5.8 Ecology

5.8.1 The existing landscaped area surrounding the open fronted garage and its extension is currently a maintained lawn with boundary hedgerows and shrubbery. The proposed development would not affect the ecology that exists in the retained hedgerow and lawn areas surrounding the building.

5.8.2 Concerns have been raised in relation to bats and owls that may currently use the extension. However, given that the extension was completed last year it is unlikely that the proposed conversion of the extension would impact on bats and owls in the area.

5.9 Landscaping

5.9.1 The proposed development would not significantly alter the existing landscape of the plot.

5.9.2 The application site concerns the conversion of the southwest extension of the open-fronted garage which includes an associated garden surrounding the garage block and its extension.

5.9.3 For the reasons given in section 5.5.2 of this report, the proposed dwelling would intensify the use of the application site and together with its associated domestic paraphernalia would visually be harmful, especially when seen from Boy Court Lane and the public footpath KH335 (35m south of the site) through the vehicular access and hedgerow gaps along side Boy Court Lane.

5.9.4 The intensified use of the associated garden would have limited impact on the ecology of the site. I do not consider a landscaping scheme to screen the new dwelling and its garden from view would overcome the unacceptability in

principle of a new dwelling in the countryside as previously explained in section 5.4 of this report.

5.10 Other Matters

5.10.1 The applicant has explained that the conversion is for his occupation and not for commercial purposes and has suggested that a personal condition attached to him could be imposed to overcome the unacceptability of a new dwelling in the countryside.

5.10.2 Paragraph 14-42 of the Annex to Circular 11/95 requires conditions should only be imposed where they are necessary, reasonable, enforceable, precise and relevant both to planning and to the development. Circular 11/95 advises that conditions should not be imposed if the principle of the development is unacceptable on policy grounds.

5.10.3 Circular 11/95 explains that planning permission runs with the land. However, on occasions where there is an exceptional circumstance to grant permission for the use of a building or land which would otherwise not normally be allowed at a site because there are strong compassionate or other personal grounds for doing so, the permission should normally be made subject to a condition that would ensure that the named person would only benefit from the permission. However, Circular 11/95 states that this personal condition would scarcely ever be justified in the case of permission for a permanent building.

5.10.4 Whilst I sympathise with the applicant circumstances, I consider that a personal condition applied to this case would not be appropriate for the following reasons:

- a. Given the permanent nature of the extension, it would be difficult and unreasonable to enforce the removal of a residential unit that has been allowed to establish itself only to be removed at a later stage when the applicant no longer occupies the dwelling.
- a. The personal condition is also not necessary because it would not justify the unacceptability in principle of a new dwelling in an unsustainable location within the countryside away from community facilities and public transport and would fail to overcome the strong policy objection.

5.10.5 In this respect a personal condition would not be acceptable as it merely caters for the personal preferences and circumstance of an individual and is not essential for the functional need of the agricultural enterprise.

6. CONCLUSION

6.1 Whilst I recognise that it is the intention of the applicant to hand over the management of the farm to his son who is intending to move into the farm house, the proposed new dwelling does not meet the "functional need test" or

the "financial test" of PPS7as explained in section 5.4 of this report and therefore does not justify a new dwelling in the countryside.

- 6.2 The proposed development would therefore promote an unsustainable pattern of development away from community facilities and reliant on the private car as a mode of transport and would consolidate the existing pattern of sporadic residential development in the countryside and with its associated domestic paraphernalia would result in an unjustified development that would be detrimental to the open character of the countryside. In view of this, the proposed development would be contrary to the policies of the Development Plan and PPS7.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposal would result in the creation of a new dwelling in the countryside, for which no acceptable justification has been provided. To permit the development which is also in an unsustainable location, away from local services, and thus likely to be reliant on the private car as a mode of transport, would be contrary to policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 and policies CC1, CC6 and C4 of The South East Plan 2009 and advice given in PPS1, PPS3 and PPS7.
2. The proposed dwelling would consolidate the existing pattern of scattered residential development in the rural area and together with its associated domestic paraphernalia would result in an unjustified development that would be detrimental to the open character and appearance of the farmstead and the surrounding countryside, contrary to policies CC1, CC6 and C4 of The South East Plan 2009 and policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and advice given in PPS1, PPS3 and PPS7.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.