

APPLICATION: MA/11/1110 Date: 4<sup>th</sup> July 2011 Received: 29<sup>th</sup> June 2011

APPLICANT: Mr & Mrs A. Bishop

LOCATION: THE BEAST HOUSE, WEST STREET, HUNTON, KENT, ME15 0SA

PROPOSAL: Change of use and conversion of former agricultural building to a live-work unit as shown on site location plan, drawing nos. 778/LA, 778(897)-1 & 2A, Design & Access statement, Viability Assessment, Viability Report, historic report, Flood Risk Assessment and Protected Species Survey received 04/07/11.

AGENDA DATE: 22<sup>nd</sup> September 2011

CASE OFFICER: Kathryn Altieri

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

- It is contrary to views expressed by Hunton Parish Council

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV44, ENV45, T13
- South East Plan 2009: CC1, CC4, CC6, RE3, C4, BE6, T4, NRM4
- Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS4 - Planning for Sustainable Economic Development, PPS5 - Planning for the Historic Environment, PPS7 - Sustainable Development in Rural Areas, PPS9 - Biodiversity and Geological Conservation, PPS25 - Development and Flood Risk, PPG13 - Transport

## **2. HISTORY**

- MA/10/0376 - Change of use and conversion of former agricultural building to a live/work unit - refused
- MA/09/1338 - Change of use and conversion of former agricultural building to a live/work unit - refused
- MA/08/2479 - Change of use and conversion of building to tourist accommodation - approved/granted with conditions
- MA/90/1559 - Conversion of redundant agricultural building to a dwelling - refused (dismissed at appeal)

- MA/90/0080 - Conversion of redundant agricultural building to a dwelling – WITHDRAWN
- MA/81/0174 - Outline application for conversion of existing beast house into three bedroom residential unit – refused (dismissed at appeal)
- MA/79/1705 - Outline application conversion of beast house to three bedroom dwelling – refused

### 3. **CONSULTATIONS**

- Hunton Parish Council;

#### **Comments received on the 13<sup>th</sup> August 2011:**

*"Hunton Parish Council wishes to see this application approved, **but do not request** the application is reported to Planning Committee. The Parish Council supports the application and abides by previous comments made, as follows:*

*As a Parish Council we are keen to see this building put to a sustainable and viable use. The Beast House is a building of local character and very prominent along the road. It forms part of the village group known as Gudgeon Farm and is in an accessible location on a bus route and no more than 300 metres from the village school.*

*National planning policy supports sustainable economic development including in rural areas. The Beast House is in an accessible location. It appears to be in very good structural condition. We as the Parish Council consider a mixed use of a building as an office with use as a residential space tied to the office use by condition to be entirely sustainable in this location.*

*We feel it is essential to the economic and social well being of a rural village such as Hunton, that sensible economic development of suitable scale should take place. This is a suitable small scale development of an existing, sound building.*

*There is no known local objection to this proposal. On the contrary, local opinion is of the view that this proposal makes common sense, meets a number of important objectives and should be allowed. The Borough Council should encourage this form of enterprise which will add to, rather than detract from, the character of the area."*

#### **Comments received on 26<sup>th</sup> August 2011:**

*"On a point of clarification, Hunton Parish Council strongly support this application for the reasons set out in our e-mail of 13 August to the case officer. We do not wish to see this application refused, and **did not** request the application be reported to Planning Committee, because we consider it should be approved without the need to report again. However, we urgently request that it is reported to Planning Committee if refusal at officer level is being contemplated. I look forward to hearing from you."*

- Maidstone Borough Council's Conservation Officer: Wishes to see the application refused;

*"The proposal does not overcome grounds 2 and 3 of the previous refusal and my comments remain unchanged from those expressed in relation to that application (MA/10/0376) in respect of the building's historic and architectural interest.*

Recommendation

- on heritage/design\* grounds **OBJECTION IS RAISED** on the grounds that the building is of insufficient architectural or historic merit to justify its change of use given its rural and unsustainable location.

Previous comments for MA/10/0376:

*This is a finely balanced case. Although the applicant has shown that the building appears to have been originally erected in the first half of the 19th Century, it does seem to have been almost completely rebuilt after storm damage in recent years, albeit using the original bricks. Whilst it is prominent in the local landscape because of its proximity to the road and has some local interest, I am not convinced that it is of sufficient quality to satisfy the very high standard needed to justify departure from normal planning policy to resist residential development in the countryside, nor do I consider it to rank as an undesignated heritage asset. Especially given previous refusals at appeal for similar development of this building I therefore remain of the opinion that residential conversion is not justified. It is, therefore, recommended that on heritage/design grounds the application should be **REFUSED**."*

- Maidstone Borough Council's Corporate Property Manager:

*"Having considered the Viability Assessments provided by Lambert and Foster and Sibley Pares I can confirm that although consideration could be given to an enhanced rental value for the unit as a holiday letting and a slightly different method applied to the letting season, these amendments would not materially effect the end result, and such a proposal would still remain negative.*

*I have also considered conversion to B1 office for the entirety of the building and again the resultant value falls short of profit.*

*The live/work proposal is marginal and appears to only just break even."*

- Maidstone Borough Council's Landscape Officer:

*"Following our discussion on the above application, I confirm that having previously visited the site, there are no trees present on or adjacent to the site that merit protection. However, I note that the applicant intends to retain the Oak tree adjacent to the driveway. The entrance drive to the site passes within the root protection area of the Oak and I do not consider that the application details currently demonstrate that the Oak can be successfully retained. The use of no-dig construction and permeable surfacing should ensure the successful retention of the tree and I therefore recommend a*

*condition requiring details of this to be submitted, should you be minded to grant consent."*

- Maidstone Borough Council's Environmental Health Officer: Raises no objections subject to recommended condition and informatives;

*"Further to my original comments relating to MA/08/2479 which was granted in relation to converting the building for use as tourist accommodation, I note that two subsequent applications MA/09/1338 and MA/10/0376, for conversion of the building for use as a live-work unit have been refused.*

*The site is in a relatively quiet semi-rural area and traffic noise is not a problem. Any demolition or construction activities will definitely have an impact on local residents. The site was historically used as an abattoir, but other than that there is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases. I do not consider that a contaminated land condition is warranted in this particular case.*

*As previously, the application form states that foul sewage will be dealt with via a "package treatment plant", but no details have been provided, (although the Design & Access statement does state that a "sewage treatment plant" and surface water storage unit will be installed). Environmental Health will need to see further details, plus the applicant should be advised that they should contact the Environment Agency with regards to the possible need for a discharge consent.*

#### **Condition regarding foul sewage**

*Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.*

*These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus 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.*

#### **Recommended informatives**

*Hp02*

*Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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 EHM regarding noise control requirements.*

*Hp03*

*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 EHM.*

*Hp05*

*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.*

*Hp06*

*Vehicles may only arrive, depart, be loaded or unloaded within the general site between 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.*

*Hp07*

*Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.*

*Storage of waste and recyclable materials;*

*Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager."*

- **Kent Highway Services: Raises no objections subject to conditions;**
1. *The proposed new post and rail guard at the access, as shown on drawing number 778(897).2A, should not be higher than 600mm in order to prevent visibility from the access being obscured.*
  2. *As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.*
  3. *The area shown on the submitted layout as vehicle parking space or garages shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.*
  4. *The area shown on the approved plan as vehicle loading, off-loading and turning space, shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order*

1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.

5. Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5m from the carriageway edge.

- KCC Biodiversity Officer: Raises no objections;

*"We are satisfied that the Protected Species Survey report has adequately considered the potential for impacts on bats and barn owls as a result of the proposed development; the report concluded that there was minimal potential for either species to be present within the site. The photos highlighted that there is rubble stored within the building which can provide suitable habitat for reptiles or amphibians. From the aerial photos there appears to be minimal connectivity to the barn reducing the potential for any species to be utilising the rubble piles. In order to minimise the low potential of any species being injured or killed by the propose works the rubble must be removed by hand. If any species are found all work must cease and an ecologist must be contacted for further advice. If planning permission is granted this must be included as an informative.*

### **Bats**

Bats have been recorded within the surrounding area - lighting can be detrimental to roosting, foraging and commuting bats. The following recommendations (from the Bat Conservation Trust) should be considered (where applicable) when designing any lighting scheme:

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury **OR** metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds

## **Enhancements**

*The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. The landscaping plan details that the proposed development will enhance the site for biodiversity through the planting of a native species hedgerow. These proposed enhancements are welcome however other enhancements can be included in the development – consideration should be given to including bat or bird boxes within the proposed development.”*

- Environment Agency: Raises no objection;

*“We have no objection to the application but would like to offer the following advice;*

### **Flood risk**

*The site lies within flood zone 3 and the existing agricultural building is classified as ‘less vulnerable’ and is appropriate for this area according to table D2 of PPS 25. The proposal is to convert this to a work-live unit, which will change the Buildings classification to ‘more vulnerable’.*

*Paragraph D15 of PPS 25 states “Applications for minor development and changes of use should not be subjected to the Sequential and Exception tests, but will still have to meet the requirements for FRA’s and flood risk reduction set out in table D1”.*

*We are satisfied that the FRA demonstrates the proposal will incorporate flood resilience techniques within the design as detailed on page 4 of the submitted FRA. However we would advise that, if feasible, floor levels are raised as high as possible and consideration be given to a mezzanine level for the sleeping accommodation, to help reduce the risk.*

*The LPA should be satisfied that safe access and egress is achievable should rescue operation need to be undertaken.*

### **Watercourses**

*The applicant should be aware that the watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by the Environment Agency. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Any culvert, diversion, dam weir or like obstruction to the flow of the watercourse requires consent from ourselves, under the Land Drainage Act 1991. For nature conservation reasons, we seek to avoid culverting and will not normally consent such works except for access. Applications for consent should be made to the Development and Flood Risk team at [dfrkent@environment-agency.gov.uk](mailto:dfrkent@environment-agency.gov.uk).”*

- Southern Water: Raises no objections;

*“The applicant is advised to consult the Environment Agency directly regarding the use of the package treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).*

*Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.*

*Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:*

- *Specify the responsibilities of each party for the implementation of the SUDS scheme*
- *Specify a timetable for implementation*
- *Provide a management and maintenance plan for the lifetime of the development*

*This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council's Building Control officers or Environment Agency should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development."*

#### **4. REPRESENTATIONS**

- No neighbour representations

#### **5. CONSIDERATIONS**

##### **5.1 Site description**

5.1.1 The application site relates to a generally square-shaped plot of agricultural land that is bordered to the south and west by separate parcels of land that are within the ownership of the applicants but not part of this submission. Within the site, there is a single storey building (known as 'The Beast House') situated along the northern boundary, parallel with West Street. The building is functional in appearance and is open to the front elevation (south) with seven bays of equal size. It is constructed of red brick with a tiled roof, and has been substantially reconstructed in the last twenty years following the strong winds of October 1987. The building measures some 27.75m wide and some 5m in depth and from its ridge to ground level, it stands some 3.8m in height. Its eaves height is some 2.2m from ground level. In addition to this structure there is a brick water tank located immediately to the south of the building and there is a five bar gate across the existing vehicular access to the site (to the west of the building).

5.1.2 There is a maintained grassed area immediately to the south of the existing building and then further south there is an un-kept orchard separated from the



rest of the site by a small earthwall, elevated by an estimated 1m from road level. There are a number of trees on the site including this area of orchard; and a mature oak tree to the west of the access, some 6.5m from the west elevation of the existing building. The south and west boundaries of the application site are hedgerows of native species.

- 5.1.3 The Beast House is located on the western margins of a group of buildings that include two mid-twentieth century dwellings, a former public house now in residential occupation (known as Gudgeon Farmhouse), a barn that is also in residential occupation, and the roundel of a former oast. The latter was granted planning permission at appeal for conversion to a B1 unit in 2008 (MA/08/0026) which has not been implemented, and was recently the subject of a planning application for a change of use to residential (MA/10/1021) which was approved subject to conditions.
- 5.1.4 The site is located within the open countryside and parish of Hunton and has no specific environmental or economic designations as shown by the Maidstone Borough-Wide Local Plan 2000, although West Street does represent the southern boundary of the Low Weald Special Landscape Area in this location. The site is also within in an area classified by the Environment Agency as being within Flood Zone 2/3.

## **5.2 The Proposal**

- 5.2.1 This application is a re-submission of a previously refused scheme MA/10/0376 for the conversion of the building to a "live/work unit". The proposed change of use would use the shell of the existing building and would include operational development comprising the enclosure of the south elevation and the division of the building into two units.
- 5.2.2 The eastern unit, comprising approximately two thirds of the total internal space (some 74.4m<sup>2</sup>), would provide residential accommodation comprising of a living area with kitchen space, two bedrooms and a bathroom. The western unit, comprising approximately a third of the total internal space (some 33.6m<sup>2</sup>), would form a single office space and toilet facilities. The proposal would also include the laying out of a vehicle parking/turning area (grassed surface with mesh reinforcement), the replacement of the roof with slates, the installation of a drainage system and low level post and rail fencing to the site's northern boundary with West Street. The land to the south of the building, including the orchard which is to be retained, would be utilised as garden land.
- 5.2.3 The application does include a unilateral undertaking to secure its use as a live/work unit and prevent the use of the building as a dwellinghouse, which is contrary to policy, as indicated by the previous refusals of planning permission.

5.2.4 This proposal is the same as the previously refused scheme (MA/10/0376), with the main difference being the addition of a marketing/viability report relating to the property being used as tourist/office accommodation.

### **5.3 Relevant planning history**

5.3.1 Two applications (MA/10/0376 & MA/09/1338) have been refused for a live/work unit at this site. The most recent refusal, MA/10/0376, was refused for the following reasons;

1. *An existing planning permission for the conversion of the building to tourist accommodation (holiday lets) has not been implemented. Whilst the applicant has submitted figures indicating that a business or tourism use would not be viable on this site, the level of detail of this is not considered to be convincing or demonstrate an attempt has been made to secure a suitable commercial re-use for the building. A key measure of such an assessment would be a marketing exercise, which has not been carried out. For these reasons it is not considered that every reasonable attempt has been made to secure an alternative use for the building, and that the proposal is contrary to policy ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.*
2. *The existing building is not of quality and traditional construction, and is of insufficient architectural or historic merit to constitute a heritage asset or justify its retention or preservation for the proposed use. The principle of the conversion of the building for use as a live/work unit would therefore be contrary to policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, Policy EC12 of PPS4 Planning for Sustainable Economic Growth and central government guidance in PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.*
3. *The residential element of the proposed conversion of the building is considered to represent inappropriate development in an unsustainable location contrary to policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, and EC2 of PPS4 Planning for Sustainable Economic Development, and guidance in PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.*

5.3.2 Furthermore, previous applications for the conversion of the Beast House to a residential unit only have been unsuccessful, most recently under MA/09/1338. This application was refused on the grounds that an alternative business use for the premises had not been explored and because the building was of insufficient quality to justify conversion to residential use. This application was considered to represent inappropriate development in the open countryside.

5.3.3 The Beast House does have an extant permission for its change of use to tourist accommodation (MA/08/2479) which has never been implemented.

## **5.4 Planning Issues**

### Relevant policy and principle of proposal

- 5.4.1 This application is for the change of use to a 'live/work' unit. A 'Live/work' unit is a form of accommodation providing combined living and working space that is normally the product of the conversion of an existing building.
- 5.4.2 With no adopted Development Plan policy defining exactly what a 'live/work' unit is, as opposed to a new dwellinghouse used for home working, a number of dismissed appeal decisions do largely point towards the ratio of employment to residential floor space to be between 40%:60% and 25%:75%. This proposal would fall within the remit of this established 'live/work' unit, in the absence of any adopted local standards.
- 5.4.3 As mentioned, there is no Development Plan policy relating to 'live/work' units in either rural or urban locations, although Central Government guidance and policy does encourage development that enables flexible working practices and reduces the need to travel, subject to assessment of the sustainability of harm caused by said development.
- 5.4.4 National planning document PPS4 seeks to attain the objectives of promoting sustainable economic growth whilst delivering sustainable patterns of development and protecting the open countryside. Whilst policy EC2 of PPS4 requires Local Planning Authorities to produce Development Plans that facilitate new working practices, including 'live/work', to date Maidstone Borough Council has not adopted any.
- 5.4.5 The key national policies applying to this application are EC6 and EC12 of PPS4.
- 5.4.6 Policy EC6 relates to planning for economic development in rural areas and states that the countryside should be protected for its intrinsic value. It also states that the conversion of "appropriately located" and "suitably constructed buildings", particularly those adjacent to or closely related to towns or villages, may be acceptable.
- 5.4.7 Policy EC12 relates to the re-use of buildings in the countryside for economic development purposes. Within this policy Local Planning Authorities should approve planning applications for the conversion and re-use of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm caused by what would otherwise be an unacceptable use.
- 5.4.8 In addition, policy EC11 requires Local Planning Authorities to weigh market and economic information alongside environmental and social information; take

account of longer term benefits and costs; and consider if proposals help to meet the wide objectives of the Development Plan.

- 5.4.9 'Live/work' units result in the creation of both commercial and residential floor space and are considered to be a 'sui-generis' use. The Development Plan does have saved policies relating to the conversion of rural buildings for commercial and/or residential use and so in the absence of any specific local policies relating to 'live/work' units, this proposal should also be assessed in terms of the criteria set out under Policies ENV44 (commercial/tourist use) and ENV45 (residential use).
- 5.4.10 The Beast House is not within a village envelope or built up area, but lies within the defined open countryside as designated by the Maidstone Borough-Wide Local Plan 2000 and so this proposal should also be assessed against Local Plan policy ENV28 (development in the open countryside). This policy restricts new development in the open countryside for which there is no Development Plan policy justification, to protect the countryside's intrinsic value, which is supported in national planning policy statements.
- 5.4.11 As already mentioned, there is an extant planning permission for the conversion of the Beast House to tourist accommodation (MA/08/2479). However, it should also be noted that the criteria for policies ENV44 (commercial/tourist use) and ENV45 (residential use) of the Development Plan are different. Indeed, under policy ENV45, every reasonable attempt has to have been made to secure a suitable business use for the building; and residential use should be the only means of providing a suitable reuse of a building of quality and traditional construction that contributes towards the character of the countryside or the historical development of the Kentish countryside. Under policy ENV44, a building of lesser quality may be considered acceptable for a commercial/tourist use, for the greater wider economic benefits of such a use.
- 5.4.12 The Core Strategy has not been adopted by the Council and so carries little weight in the determination of this application; and whilst the Draft National Planning Policy Framework (July 2011) encourages authorities to facilitate new working practices such as 'live/work' units, this too is a consultative paper only and carries little weight in the determination of this application.
- 5.4.13 Whilst there is no specific Development Plan policy or national policy relating to 'live/work' units, there are relevant policies (both locally and nationally) that I will consider this proposal against.
- 5.4.14 The principle of this development is unacceptable because it would create a new dwelling in the open countryside, contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and PPS7, which in its self causes harm to the countryside.

### Assessment of alternative uses

5.4.15 The building has been the subject of a successful planning application for the change of use of the building to a holiday let (MA/08/2479), which has not been implemented and an application has never been submitted for the Beast House to be a solely commercial use, such as a B1 (business) use.

5.4.16 The applicant has submitted a viability assessment, a marketing report and a covering letter from 'Freedom Holiday Homes', who are purported to be agents with the most listings of holiday cottages in Kent and Sussex.

- *Summary of viability assessment/report undertaken by Lambert & Foster LLP -*

5.4.17 In response to the comments made by the Council's Corporate Property Manager for MA/10/0376, the omission of land value from the calculations is intentional and therefore assesses a simple return on the capital investment to bring about the conversion. The report also justifies that current market conditions should be considered and that it is inappropriate for a viability assessment to make judgement on potential future improvement of the economy.

5.4.18 For tourism conversion of the unit, the development would generate an £18,000 annual loss, assessed by outgoings being capitalised and set against income on an annualised basis.

5.4.19 For commercial (B1) use, this conversion would generate a loss in excess of £7,200 per annum between the net rental income and the capitalised outgoings of the Beast House. This would adopt a lower build cost of £120/ft<sup>2</sup>.

5.4.20 The report goes on to state that V.A.T would only exacerbate the projected direct losses by adding approximately £20,000 to the capital costs; and that the *Retail Price Index* has risen six points since October 2011, so in real terms this loss is greater than indicated (R.P.I being the measure of inflation published monthly by the 'Office for National Statistics').

5.4.21 The Beast House was also marketed on Lambert & Foster's commercial and residential website pages for nearly three months as a 'self-catering tourist accommodation development opportunity', with no interest.

5.4.22 The assessment concludes that;

*"The proposed conversion utilising comparable evidence of potential rental income reflected in the terms of a net present value, the proposed conversion to holiday let or business is not financially viable."*

- *Summary of letter from 'Freedom Holiday Homes' -*

*"Neither the immediate roadside location nor the outward appearance of the property are conducive to a successful holiday let. The drawbacks would necessitate marketing the property at significantly reduced rates to try to attract bookings. This would devalue our portfolio and I would not be happy to take the property onto our books. Annual income would not be profitable for either party, with running costs taken into consideration."*

5.4.23 Whilst an active marketing exercise of less than three months is usually not considered to be extensive enough (12-18 months is often requested), on balance, I consider the applicant has provided sufficient evidence that the Beast House would not be viable to run if converted into either holiday accommodation or solely as a commercial use. Therefore, after consultation with the Council's Corporate Property Manager, it is my opinion that the previous reason for refusal under MA/10/0376, on the grounds that insufficient evidence was submitted to demonstrate that the building could not secure a suitable tourism/commercial re-use of the building, has now been sufficiently shown. I no longer consider it justified to refuse this proposal on the grounds of part (A) of policy ENV45 of the Maidstone Borough-Wide Local Plan 2000.

#### Historic/architectural value of the Beast House

5.4.24 The submitted report of the history of the Beast House shows evidence of there being a building of some description on the site since 1743. The report assesses the value and significance of the building and concludes that although the building lost its roof and had to be "substantially repaired" following the hurricane of 1987, the building is an "excellent example of a former cow house" and that its loss would therefore be regrettable.

5.4.25 The Council's Conservation Officer is in agreement with this report, in that the storm of 1987 significantly damaged the building to the point that it had to be largely rebuilt. No further evidence has been submitted under this application, to suggest that this building is worthy of retention and the Conservation Officer continues to recommend refusal on the grounds that "*the building is of insufficient architectural or historic merit to justify its change of use given its rural and unsustainable location*".

5.4.26 Indeed, the Conservation Officer reiterates his previous comments made under MA/10/0376 and considers that "*whilst it is prominent in the local landscape because of its proximity to the road*", the Beast House is of limited architectural and historic interest and does not constitute a heritage asset in the terms of PPS5 (annex 2); and it is not of "*sufficient quality*" to justify a use for which there would be no other policy support.

5.4.27 The submitted report also makes much of the grouping of buildings on the south of West Street in this location and the importance of the Beast House in this context. The Council's records show that the main "farmhouse" was historically a public house and has only come into residential use in recent years following the grant of MA/04/0349. Whilst there is a barn and the remains of an oast to the east of the proposal site, these buildings and the former public house are separated from the Beast House by a pair of detached mid-twentieth century dwellinghouses of limited historical or architectural value (approved under 59/0003/MK3 and 59/0003A/MK3). These modern properties clearly separate the Beast House from the previously mentioned buildings of interest, diminishing the relationship between the application site and what remains of the purported farmstead.

5.4.28 This position is supported by the Planning Inspector who dealt with the unsuccessful appeal against the refusal of MA/90/1559 (conversion of redundant agricultural building (the Beast House) to a dwelling), who referred to "*insufficient historical background to justify retention of the building*"; and the "*absence of other agricultural buildings...and a lack of association with the remainder of the group*". The Planning Inspector went on to describe the Beast House as "*an agricultural type commonly found scattered throughout the countryside*", and concluded that it was of limited, if any historic or architectural interest; and furthermore that the loss of the building would not cause harm to the character of the countryside.

5.4.29 For these reasons the conversion of the building would not represent development necessary to conserve a heritage asset, and therefore would not represent a "benefit" in these terms. The proposal is therefore considered to be contrary to policy ENV45 of the Maidstone Borough-Wide Local Plan 2000 and PPS4 policy EC12.

#### Sustainability of proposal

5.4.30 I consider the application site to be unsustainable, as it does not offer a good choice of means of transport and is therefore likely to be accessed by private vehicles; and moreover, there are no local amenities (such as a convenience store or post office) within the village of Hunton. Whilst the village of Yalding is nearby, the location of the application site is such that a dwelling located here is likely to be dependant on travel by car.

5.4.31 The introduction of a 'live/work' unit at this site would remove the need for the owner of the business to travel to work. However, the journey to work is only one element of the travel demand generated by a typical household and there would be other frequent journeys for shopping, healthcare, leisure, and social purposes. At this point it should also be noted that there is only one GP surgery within two miles of the site and only one dentist within three miles of the site.

Consequently, the potential reduction in work-related trips is likely to be outweighed by additional trips for other reasons and I consider this to be a strong material planning consideration.

5.4.32 Furthermore, whilst policy EC2 of PPS4 is relevant, it is a plan making policy and it is down to individual Development Plans to apply it in a local context. At present Maidstone Borough Council does not have a Development Plan policy for 'live/work' units, so given this position, I consider the general support for 'live/work' units should not outweigh the specific guidance on occupational dwellings in the countryside contained in PPS7. It should also be noted that whilst there is national policy support for 'live/work' units in the open countryside, this could be achieved in other ways. For example, the conversion of an existing dwelling with a lawful residential use would avoid the establishment of a new residential unit for which there is no Development Plan policy justification.

5.4.33 In the case of nearby Gudgeon Oast (MA/08/0026 - conversion and adaptation of oast house to form a B1 office unit), the potential benefits of retaining the historically important building outweighed the possible harm caused by reliance on the car. This is not the case with the Beast House.

5.4.34 Overall, I consider the application site to be in an unsustainable location, where the occupants and any visitors would be over reliant on using private motor vehicles. Therefore, in my view, the remoteness of the site from shops, services and other facilities would outweigh any advantage from the retention and reuse of the building, and would be contrary to the advice in PPS7. I consider 'live/work' units should either be located within urban areas, or in, or adjacent to rural service centres or larger settlements where employment, housing, services and other facilities can be provided close to together as outlined under policy EC6 of PPS4.

#### Landscaping

5.4.35 Landscaping is shown on drawing number 778/LA, which shows most of the existing trees and boundary treatments on the site to be retained with some additional planting to be introduced to separate the parking area from the garden land. The most important specimen is the mature Oak tree located in the far north west of the site immediately adjacent to the existing access and proposed parking and turning area.

5.4.36 The entrance drive to the site passes within the root protection area of this Oak tree and it is the Landscape Officer's opinion that the details given do not currently demonstrate that it can be successfully retained. He also comments that the use of no-dig construction and permeable surfacing should ensure the



successful retention of the tree and that if this application was minded for approval, a condition should be imposed requiring details of this to be submitted.

5.4.37 I consider it reasonable that these concerns could be adequately dealt with by condition, and that they do not represent a ground for the refusal of the application.

#### Visual Impact

5.4.38 The proposal would have a limited visual impact as the frontage to West Street would remain unchanged apart from the erection of low level post and rail fencing, which is considered to be in keeping with the rural character of the surrounding area.

#### Residential Amenity

5.4.39 It is not considered that the proposal would result in any significant detrimental harm to the residential amenity of the occupiers of neighbouring dwellings; and nor would it provide unacceptable living conditions for future occupiers of The Beast House.

#### Highway implications

5.4.40 There is an existing vehicular access to the site and the KCC Highway Officer has raised no objection to the proposal subject to conditions.

#### Ecology

5.4.41 The Kent County Council Biodiversity Officer is satisfied that the protected species survey submitted as part of this application has adequately considered the potential for impact on bats and barn owls as a result of the proposed development, concluding that there was minimal potential for either species to be present within the site.

5.4.42 However, the Biodiversity Officer did raise concerns with regards to the rubble stored within the building that could provide a suitable habitat for reptiles or amphibians and recommended that this should be removed by hand. The applicant is also reminded that if any species are found, all work must cease and an ecologist must be contacted for further advice.

5.4.43 The Biodiversity Officer also goes on to give general advice with regards to bats and any lighting schemes to be used; and that consideration should also be given to the use of bat or bird boxes within the development. However, given my recommendation of refusal, I do not consider it necessary at this stage to go into more detail in terms of ecological enhancement and mitigation measures.

### Flood risk

5.4.44 The site is located in an area recognised as being within Flood Zone (2/3) and the proposal is considered to be "more vulnerable" on the grounds that the accommodation proposed includes permanent residential accommodation at ground floor level. However, a flood risk assessment has been submitted in support of the application which is considered to be adequate and the Environment Agency and Southern Water have raised no objection to the proposal.

5.4.45 Both the Environment Agency and Southern Water both did recommend certain procedures with regards to watercourses and the installation of a proposed SUDS scheme. However, given my recommendation of refusal, I do not consider it necessary at this stage to highlight these issues to the applicant any further.

### Other considerations

5.4.46 In addition to the considerations set out above, the two units share a party wall and a curtilage, and whilst the applicant has shown there to be no direct link as such between the dwelling unit and the office unit such as a door, it is likely that at some point in the future the two units would be connected internally, and the division between the two become lost, resulting in the establishment of a single unit in residential occupation. It is unlikely that this could be prevented through condition as it would be extremely difficult to enforce against, and therefore contrary to the requirements for conditions as set out in Circular 11/95. Such a change of use would be contrary to local and national planning policy and guidance.

5.4.47 To address this issue, the applicant has submitted a draft unilateral undertaking obligation to secure the live/work unit in perpetuity. In summary, the obligation would secure the following;

- *The residential accommodation shall only be occupied for residential purposes associated with the commercial use of the work accommodation.*
- *No persons other than the occupier of the work accommodation and their dependants shall occupy the residential accommodation of the associated unit.*
- *The work and residential accommodation of each unit shall be retained in one ownership and in one overall occupation and in one possession at all times.*
- *The work and residential accommodation of each unit shall be disposed of together and not separately.*
- *The work accommodation shall only be used for B1 use only.*

- *The work accommodation shall remain as such in perpetuity and shall not be converted to residential accommodation.*

5.4.48 Having assessed the agreement and based on legal advice, there would need to be a number of changes to the wording of the document. However, whilst it is acknowledged that this would be difficult to enforce, overall I consider that the obligation would secure the live/work use as far as is reasonably possible.

5.4.49 However, I still consider that the building is not worthy of retention for residential purposes and in an unsustainable location. This agreement would not override these issues.

## **6. CONCLUSION**

6.1 I have considered the other referred to planning applications, including near-by Gudgeon Oast (MA/08/0026 & MA/10/1021) and Tutsham Hall (MA/10/0839), and the information submitted by the applicant in support of this application, but this does not lead me to an alternative conclusion. Indeed each application must be considered on its own merits and in the case of Gudgeon Oast, the main difference between that site and the Beast House, is that Gudgeon Oast was recognised as a heritage asset.

6.2 It is therefore considered overall that the proposal has not overcome all of the previous reasons for planning refusal under MA/10/0376. Indeed, I acknowledge the applicant has explored other uses for the building including office and holiday let uses through planning application MA/08/2479 and the recent viability report. However, I still consider the Beast House to be of no historical merit and so unworthy of retention for residential purposes; and the site is still unsuitably located for this 'live/work' development, as future occupants and visitors would be reliant upon private vehicles. The proposal would not secure a sustainable pattern of development. Therefore, on balance, any benefits for retaining the building for economic purposes are considered to be outweighed by these issues.

6.3 I therefore recommend refusal of the application on this basis.

## **7. RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reasons:

1. The existing building is not of quality and traditional construction, and is of insufficient architectural or historic merit to constitute a heritage asset or justify its retention or preservation for the proposed use. The principle of the conversion of the building for use as a live/work unit would create a new residential unit in the countryside resulting in a harmful and unjustified development in the countryside contrary to policies ENV28 and ENV45 of the

Maidstone Borough-Wide Local Plan 2000, policy BE6 of the South East Plan 2009, policy EC12 of PPS4 - Planning for Sustainable Economic Growth and central Government guidance in PPS1 - Delivering Sustainable Development, PPS5 - Planning for the Historic Environment and PPS7 - Sustainable Development in Rural Areas.

2. The residential element of the proposed conversion of the building is considered to represent inappropriate development in an unsustainable location that would result in a harmful form of development removed from basic services. This would be contrary to policies ENV28 and ENV45 of the Maidstone Borough-Wide Local Plan 2000, policy CC1 of the South East Plan 2009, policy EC2 of PPS4 - Planning for Sustainable Economic Development and guidance in PPS1 - Delivering Sustainable Development and PPS7 - Sustainable Development in Rural Areas.