

REPORT SUMMARY

REFERENCE NO - 16/500533/FULL		
APPLICATION PROPOSAL Conversion of redundant agricultural barn to residential dwelling, erection of new single bay oak framed car port and landscaping		
ADDRESS Herts Farm Old Loose Hill Loose Kent ME15 0AN		
RECOMMENDATION Approve		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is not in accordance with policies ENV28 and ENV45. However, the fall back position for this application would be permitted development and this scheme would secure a higher standard of materials and, ecological enhancements and landscaping by way of a condition. It is considered to be in a sustainable location and in the absence of planning harm, this is considered sufficient grounds to depart from Local Plan policies in this case.		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> • Called in by Loose Parish Council for the following reasons: impact on landscape, undermines the concept of the anti-coalescence belt, highway safety, traffic, damage to verges • Departure from the Development Plan 		
WARD Loose TBC	PARISH/TOWN COUNCIL Loose	APPLICANT Mr Matthew Stevens AGENT Country House Developments Ltd
DECISION DUE DATE	PUBLICITY EXPIRY DATE 20/5/16	OFFICER SITE VISIT DATE 16/3/16
RELEVANT PLANNING HISTORY: None relevant		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This application relates to a single storey barn building of approximately 75sqm. It is located approximately 75m west from the settlement boundary of Loose and 18m to the garden of the nearest property, Bramleys, a large detached two storey house. Access is obtained along a private track running west from Old Loose Hill and to the south of the site, which is shared with Bramleys.
- 1.2 Public footpath KM62 runs to the south of the site, which also serves as the existing access to the site from Old Loose Hill. This track is partially tarmacked up to the entrance with The Bramleys. Further to the west of the entrance to the Bramleys, the track decreases in width and becomes overgrown with the hedgerow from the Bramleys. The surface become ragstone/earth/grass at this point.
- 1.3 The building itself has timber weatherboard elevations and a corrugated cement fibre roof. It is set within a plot of approximately 485sqm. The eastern boundary is defined by a low level hedge and to the north and west boundaries are

- 1.4 The site is located outside of any defined settlement boundary and therefore is considered to fall within the 'open countryside', which means that saved policy ENV28 of the Maidstone Borough Wide Local Plan 2000 is of relevance. The site also falls within the southern anti-coalescence belt, which seeks to prevent the extension of urban areas. This is covered by Policy ENV32.
- 1.5 It has been confirmed by the applicant's structural engineer that the structure is, with appropriate repair and alteration, suitable for the proposed change of use.

2.0 PROPOSAL

- 2.1 This application seeks the conversion of the existing barn on the site to a two bedroom residential dwelling and the erection of a single car port. There are no extensions or additions proposed to the existing barn building.
- 2.2 In terms of alterations to the existing building, this would involve the insertion of windows to the west, east and north elevations. The building would be reclad in an ebony stained softwood, with matching joinery. A grey zinc roof is proposed to replace the existing roof on the building. A flue is proposed on the east side of the roof.
- 2.3 Additional planting is proposed within the site, including the reinforcement of the existing hedgerow to the south and west. An additional hedgerow would be planted to the north. A wildflower garden would be located to the south east corner of the site. The driveway would be constructed in permeable retained shingle.
- 2.4 The proposal also seeks a car port to the west of the existing building. It would have a ridge height of 4.9m, and eaves height of 2.2m at the front and 1.4m at the rear. The structure would have a brick plinth and ebony stained elevations. The roof would be constructed in slate tiles.
- 2.5 A new foul drainage connection is proposed along the access driveway and to the public sewer. Underground gas and electricity are proposed along the access track. In terms of water storage, a soakaway for storm water overflow from the water butt storage is proposed in the north east of the site. Water butts are proposed to each of the down pipes of the main building.

3.0 PLANNING CONSTRAINTS

Public Right of Way KM62

4.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Development Plan: ENV28; ENV32; ENV45
- Maidstone Local Plan (Submission Version) May 2016: SP17, DM1, DM2, DM3, DM27, DM34, DM35

5.0 LOCAL REPRESENTATIONS

- 5.1 Two local residents have objected for the following reasons:

- Detrimental impact on privacy to Rosemount Close and The Bramleys as a result of the change in land levels;
- Isolated location;
- Overlooking of Loose Valley and Loose Valley Area of Local Landscape Value;
- Proposed landscaping is out of character;
- Detrimental impact on views from footpath;
- Impact on highway safety and additional traffic;
- Insufficient sewerage proposals;
- Damage to hedgerow along boundary to access;
- Damage to copper beech tree;
- Damage to footpath;
- Noise and disturbance
- Overshadowing to Bramleys

5.2.1 *The Loose Parish Council wish to object to this application, and for this to be referred to the MBC Planning Committee for the following reasons:*

The application site falls in the proposed Loose Valley Area of Local Landscape Value as identified in the emerging Local Plan. Policy SP5 allows the re-use of buildings except in isolated locations. Although bounded by an existing dwelling to the east, the shed is surrounded on the other three sides by open countryside. As such we consider it to be isolated particularly as it does not form part of a group of buildings on the same site.

Again in the emerging Local Plan; policy SP5.2.7 states that it is important for settlements to retain their individual identities. This proposal extends dwellings in Loose westwards towards Coxheath from where developments north-eastwards are already threatening to engulf Loose. These proposals undermine the concept of the identified anti-coalescence belt. Concerns were also raised on the poor sight lines for drivers emerging from the junction of the track with Old Loose Hill.

It was strongly felt that this will also raise problematic issues with heavy construction traffic going in and off site, and the fact that there are weight restrictions in the Loose Village. We would not wish to see the same serious unacceptable damage to verges, highways and historical features, as what has already been experienced at the development in Well St. This was caused by large vehicles entering and leaving the development site at land adjacent to Beggars Roost, and travelling up and down the very narrow lane of Well St. In the event of this application being approved, it is strongly recommended that a condition is imposed by MBC to the developers, to stop this kind of harm to the environment and historical value of Loose from happening.

We note that there also appears to be some confusion with the drawings, in relation to the main drainage proposals, and we would insist on a connection to the main drainage system.

5.3 CONSULTATIONS

KCC Archaeology: no comments

KCC Highways: no objection

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

KCC PROW: No objection

Public Rights of Way KM62 footpath runs inside the southern boundary of the site and should not affect the application. I have however, enclosed a copy of the Public Rights of Way network map showing the line of this path for the information of yourself and the applicant. The County Council has a controlling interest in ensuring that the footpath is maintained to a standard suitable for use by pedestrians. Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners. The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

The successful making and confirmation of an order should not be assumed.

MBC Landscaping: No objection

There appear to be no protected trees on, or immediately adjacent to, this site. The proposed landscape scheme is generally acceptable. I therefore raise no objection on arboricultural/ landscape grounds.

MBC Conservation: Objection

This is a very modest building which appears to have been erected between 1908 and 1936. It is of no architectural or historic interest and makes no positive contribution to the character of the surrounding countryside. In my opinion, therefore, there is no justification for a residential use.

6 BACKGROUND PAPERS AND PLANS

502/CP/001/A; 502/CP/002/A; 502/CP/003; 502/CP/004; 502/CP/005/A;
501/CP/006/A; 502/CP/009/B and Bat and Barn Owl Survey dated 13th January 2016

7 APPRAISAL

- 7.1 This site is located within the open countryside, as defined by the Maidstone Borough Wide Local Plan 2000 because it falls outside of a settlement boundary. It also falls within the southern anti-coalescence belt to the south of Maidstone urban area.
- 7.2 The application is for the conversion of an existing agricultural barn.
- 7.3 Saved Policy ENV45 of the Maidstone Borough Wide Local Plan provides guidance regarding when this type of conversion is considered acceptable; when conversion is the only means of retaining buildings that are worthy of retention for their contribution to the character and appearance of the Kent countryside and every reasonable attempt has been made to secure a suitable business use for the building.
- 7.4 I am not convinced that this small agricultural building is of such a quality that requires retention. This has been confirmed by the MBC Conservation Officer who has objected to the proposal in terms of ENV45. However, for reasons set out below, in terms of the permitted development rights for such conversions and the sustainable location and no planning harm, this could provide an exception.
- 7.5 Based on the information submitted, I am satisfied that a conversion from agriculture to residential would be permitted through the Town and Country Planning (General Permitted Development) (England) Order 2015, which would be the applicant's fallback position should planning permission be refused. This would not allow the applicant to include a separate car port, but equally it would not be possible for MBC to attach conditions relating to materials, ecology and landscaping if the application was through the permitted development procedure. A balance must therefore be struck between the harm that an additional car port provides against the mitigation measures that can be attached by way of condition.
- 7.6 In assessing this application, it is necessary to assess the, five year supply of housing, the sustainability of the site, the visual impact of the proposals on the open countryside, the highways implications and the residential amenity of neighbouring and future occupants.

Housing supply

- 7.7 This site falls within the open countryside, which means that ENV28 is of relevance. This seeks the protection of the character and appearance of the open countryside. ENV28 is, however, a restrictive housing policy which can no longer be considered relevant as a result of the National Planning Policy Framework
- 7.8 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'

- 7.9 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 7.10 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.
- 7.11 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 7.12 Given the 5 year supply of housing the proposal would be contrary to ENV28 and SP17 of the emerging Local Plan as it relates to residential development in the countryside and this does weigh against the proposal. Notwithstanding the five year housing land supply it is still necessary to assess the proposal against the National Planning Policy Framework, including the sustainability of the location.

Sustainability

- 7.13 Notwithstanding the five year supply of housing it is still necessary to consider whether the location of this barn is a sustainable location for a new dwelling, as required by the NPPF. The barn is within walking distance of a bus stop along the A229, approximately 140m from the site and this provides links into Maidstone town centre. It is also within walking distance of the settlement of Loose.
- 7.14 Based on the above, I would consider that this site is in a sustainable location and therefore there should be a presumption in favour of its development.

Visual Impact

- 7.15 This site would not be visible from Old Loose Hill as a result of the existing hedgerow and fence along the roadside boundary. To the west and north of the site is an established orchard, which acts as an additional buffer from these directions.
- 7.16 The site would, however, be visible from public footpath KM62, which is immediately to the south of the proposals and uses the same access from Old Loose Hill.

- 7.17 There are no extensions proposed to the existing barn building and therefore the scale of the main structure would remain the same. It is proposed to re clad the elevations with ebony stained weather boarding and a new roof would be constructed in grey standing seam zinc. I would consider these materials to be appropriate in this location and would be no more visually intrusive than the existing from the public footpath. It must be noted that these changes would be possible through the permitted development procedure.
- 7.18 The proposal also seeks a car port to the west of the existing building. It would have a ridge height of 4.9m, and eaves height of 2.2m at the front and 1.4m at the rear. The structure would have a brick plinth and ebony stained elevations. The roof would be constructed in slate tiles.
- 7.19 Whilst the car port would add a modest amount of built development to the site, the additional landscaping proposed would act as a screen from the public footpath to the south and therefore would not result in an unsatisfactory level of visual harm to the site. The materials proposed are considered to be appropriate in this rural location. This landscaping and use of materials could be secured by way of a condition.
- 7.20 The entrance to the site from Old Loose Hill is already used as an access The Bramleys and therefore I would not consider that, from the road, there would be a significant visual impact as a result of one additional dwelling.
- 7.21 Based on the above assessment, therefore, I would consider that the visual impact of the proposals would be considered acceptable and they would not cause significant visual harm to the open countryside in line with ENV28 and ENV32.

Residential Amenity

- 7.22 This proposal would be for a single storey residential dwelling. Whilst I accept that there are modest changes in land level in the immediate vicinity, the application building is 18m from the boundary of The Bramleys, and 29m from the main house. As a result, I would not consider that any windows to the east elevation of the property would result in a loss of privacy, overshadowing or overlooking to any habitable rooms. I acknowledge that this proposal to use the land for residential garden space may result in a change in outlook from the upper storeys of The Bramleys, but I would not consider this to be a reason for refusal. A hedge is already in place to this boundary, which provides a screen to the site and I would therefore not consider that the use of the land for residential garden would have a significant impact on the occupiers of The Bramleys.
- 7.23 In terms of overlooking from Rosemount Close, this is over 75m away and therefore is unlikely to result in harm to the residential amenity in this location.
- 7.24 The number of vehicles travelling along the access to the south of the site would inevitably increase as a result of the proposed development, but I would not consider that this would cause undue harm to the residents of The Bramleys as it would be approximately 20m to the south of the main house.
- 7.25 Based on the above, I would not consider that the proposed development would result in an unacceptable level of harm to nearby residents in terms of residential amenity.

Highways and parking

- 7.26 Based on the scale of the development proposed, this development proposal does not meet the criteria to warrant involvement from the Highway Authority. It does not require any amendments to the access of the site and I would consider this proposal to be acceptable in highway terms.
- 7.27 The proposal will provide one space within the car port and additional space for at least two cars within the site. I would consider this to be acceptable

Landscaping

- 7.28 There appear to be no protected trees on, or immediately adjacent to, this site. According to the MBC Landscape Officer, the proposed landscape scheme is generally acceptable.

Ecology

- 7.29 A Bat and Barn Owl Survey has been carried out, which indicates that no sign of barn owl were found during the survey and no bats or signs of bats were found during the internal/external inspection. Recommendations have been set out to include ecological enhancements within the scheme including the provision of ready-made bird boxes, ready-made bat boxes, log piles, hedgerow planting, climbing plants and a drought-resistant wildflower meadow.
- 7.30 I am satisfied that with the proposed ecological enhancements, which can be secured by way of a condition, then this proposal will be acceptable in ecological terms.

8.0 CONCLUSION

- 8.1 Whilst this proposal is contrary to Policies ENV28 and ENV45, which seek to resist inappropriate development in the countryside, based on the above, I am satisfied that the proposal for a residential dwelling would be in a sustainable location and would not cause significant harm to the open countryside.
- 8.2 The development could be achieved through permitted development rights and this permission would ensure a high quality development in terms of materials, landscaping and ecological enhancements. This is considered to be sufficient grounds to depart from the Local Plan in this instance.

9.0 RECOMMENDATION –Grant permission subject to the following conditions:

CONDITIONS

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 502/CP/001/A; 502/CP/002/A; 502/CP/003; 502/CP/004; 502/CP/005/A; 501/CP/006/A; 502/CP/009/B

Reason: To ensure the quality of the development is maintained and to prevent harm to the open countryside.

3) The development hereby permitted shall be carried out in accordance with the landscape plan 502/CP/004. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surrounding and provides for adequate protection of trees.

4) The development shall not commence until, written details and samples of the materials to be used in the external surfaces of the buildings hereby permitted have been submitted to and approved in writing, by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance of the development.

5) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas have been submitted to and approved, in writing, by the Local Planning Authority. The first 5 metres of the access from the highway should be a bound surface. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

6) The development shall take into account the recommendations set out in the KB Ecology Bat and Barn Owl Survey (dated 13th January 2016). The ecological enhancements as shown on 502/CP/004 shall be completed prior to the first occupation of the building hereby permitted.

Reason: In the interest of ecological enhancement.

7) 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 extensions shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character of the open countryside.

8) No development shall commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

9) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by future occupiers.

10) No external lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority;

Reason: To preserve the character and visual amenity of the countryside and neighbouring amenity

INFORMATIVES

Case Officer: Flora MacLeod

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.