

REFERENCE NO - 21/505360/FULL		
APPLICATION PROPOSAL Change of use of cow shed to 1no. holiday let with widened access for frontage car parking		
ADDRESS The Cow Shed, West Street, Lenham, Kent, ME17 2EP		
RECOMMENDATION - APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The proposals have overcome the recently dismissed appeal for a new dwelling as a tourism use is now proposed, which can be allowed under policy DM31 of the Local Plan and policy TOU1 of the Lenham Neighbourhood Plan, and the proposals comply with all relevant criteria within those policies. • The applicant has agreed to further changes which improve the conversion works making them more sympathetic and the proposals would not cause harm to the countryside or AONB as was concluded by the Planning Inspector. • The proposals would comply with all relevant policies of the Development Plan and permission is therefore recommended. 		
REASON FOR REFERRAL TO COMMITTEE		
Lenham Parish Council recommend the application is refused (for the reasons set out below) and have requested the application is reported to Planning Committee if minded to approve.		
WARD Harrietsham And Lenham	PARISH COUNCIL Lenham	APPLICANT Mr Robert Boyd-Howell AGENT BTF Partnership
TARGET DECISION DATE 02/12/21		PUBLICITY EXPIRY DATE 02/11/21

Relevant Planning History

- 20/501546 Change of use of former agricultural building to a residential dwelling – REFUSED & DISMISSED AT APPEAL
- 01/1642 Change of use of redundant agricultural building to research and development B1(b) and/or light industrial B1(c) – REFUSED
- 88/0080 Change of use of redundant farm building to light industrial use – REFUSED & DISMISSED AT APPEAL

1. DESCRIPTION OF SITE

- 1.01 The application relates to a single storey agricultural building formerly used as a cow shed that was constructed in the 1950's/60's. The Design & Access Statement states that the applicant operates an intensive arable operation and this former livestock buildings is surplus to requirements and not suited for modern day farming. The building is brick built with various openings

mostly blocked up and a corrugated fibre cement pitch roof. The application site also includes land around the building which is currently grassed or overgrown.

- 1.02 The building lies to the north of one pair of semi-detached houses and on the west side of West Street, which is single track country lane with sporadic development including some houses and converted buildings. The site is bounded by an undulating arable field to the west and north and is open in views from West Street from the north. The site sits on the upper plateau of the Kent Downs AONB and is around 2km north of Lenham.

2. PROPOSAL & APPEAL DECISION

- 2.01 Permission is sought to convert the building to a holiday let with a garden area on the south side and two parking spaces to the front. The remainder of the site surrounding the building and garden area would be enhanced for biodiversity with new landscaping including trees.
- 2.02 The building would be converted with no change in the footprint or height. It would be clad in black timber boarding with a brick plinth and plain slate tiles to the roof. New windows and doors would be in similar positions as previous openings that have been blocked up. One rooflight and some PV panels are proposed to the southern roofslope.
- 2.03 The appeal proposal was to convert the building to a new 'dwelling' and was dismissed as it did not comply with policy DM31 on the basis that conversions to dwellings in the countryside are only allowed to listed buildings or high-quality unlisted buildings worthy of retention, which is not the case for this building. Notably, the Planning Inspector did not consider the conversion works, parking, or use of the site as a dwelling would harm the AONB or countryside.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SS1, SP17, DM1, DM2, DM3, DM8, DM21, DM23, DM30, DM31
Lenham Neighbourhood Plan: D1, GS1, CP1, TOU1, AQ1
Kent Minerals and Waste Local Plan
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Kent Downs AONB Management Plan (2021-2026)

4. LOCAL REPRESENTATIONS

4.01 Lenham Parish Council: Raises objections.

"In support of the immediate neighbours comments we continue to object to this application for a holiday let. The same objections that the Parish Council made in respect of the previous application earlier this year still apply."

These objections are summarised as follows:

- Negative visual impact upon the countryside and severe harm in such a sensitive and exposed countryside location.

- Would introduce an unwelcome element which has a fundamentally suburban character to the extreme detriment of the rural amenities of this area of attractive and unspoilt countryside.
- The introduction of an essentially suburban development on the site with its associated areas of hardstanding would reduce the potential of the site to support varied wildlife.
- Reliant on car to reach any services.
- Concern of setting a precedent.

4.02 **Local Residents:** 7 representations received raising the following (summarised) points:

- Unnecessary development in the AONB.
- Highly visible.
- Rebuilding may be necessary.
- Materials proposed are not local.
- Parking will be visible.
- Infrastructure is poor and cannot support another development (electricity, broadband, water pressure).
- Will cause a loss privacy.
- Noise and disturbance from use.
- There are many rooms for a holiday let.
- Question ecological appraisal.
- Increased problems from traffic and vehicle speeds on narrow road.
- Already holiday lets in the vicinity.
- Does not meet the policy criteria under policy DM31.

5. CONSULTATIONS

5.01 **Natural England: No objections.**

5.02 **Environmental Health: No objections** subject to a contaminated land condition.

6. APPRAISAL

Policy DM31 - Conversion of Rural Buildings

6.01 As stated above, the appeal was dismissed as conversions to dwellings in the countryside are only allowed under policy DM31 to listed buildings or high-quality unlisted buildings worthy of retention, which is not the case for the 'Cow Shed'.

6.02 However, the re-use and conversion of rural buildings for tourism use can be allowed in the countryside under policy DM31, where the building's quality is not relevant. Policy TOU1 of the Lenham NHP also allows for sustainable development that improves the quality and diversity of existing tourist accommodation. Any harmful impacts of such uses on the character and appearance of the countryside and AONB can be allowed based on the benefits to the rural economy. Therefore, the principle of conversion to a holiday let is acceptable and the main considerations are those set out under policies DM31 and TOU1. Notably, the Planning Inspector did not consider any harm would be caused to the character and appearance of the

AONB or countryside from the conversion works or from the garden and parking area under the previous application.

- 6.03 The building is brick built with a cement fibre roof and is a relatively common building of its age and so is not incongruous or unduly harmful to the area of itself. It is of sound construction and the structural report concludes that the building is capable of conversion without extensive alteration or rebuilding in accordance with criteria 1(i) and (ii) of DM31.
- 6.04 In terms of the conversion works, the proposed openings are in similar positions to previous openings, however, I have negotiated that the number of windows on the more prominent northeast elevation are reduced and the rooflights have been removed to lessen the impact of the changes and provide a simpler appearance. Originally 'yorkshire boarding' was proposed which is not in keeping with the local area and so the proposals have been amended to provide black timber weatherboarding. These are positive improvements which the applicant has agreed to despite the Planning Inspector finding that the conversion works and materials were acceptable. Windows and doors will be timber and rainwater goods aluminium. On this basis, the works and external materials are acceptable. This in accordance with DM30, criterion 1(iii) of DM31 and criteria 1(1) and (2) of TOU1.
- 6.05 Parking would be to the front which will be visible from West Street. If it were located to the side or rear of the building it would require more hard surfacing to access and would reduce the proposed landscaped area and so is acceptable to the front (as was the Inspector's view). Landscaping is proposed either side to help screen/soften its impact in accordance with criterion 1(iv) and the fine details, (species, size and numbers) can be secured by condition. Post and rail fencing with hedging would contain the garden which is a suitable boundary treatment in accordance with criterion 1(v) provided it is the traditional riven/cleft type which will be secured by condition.
- 6.06 The traffic generated by a single holiday let would not be significant and so would not lead to any harmful erosion of roadside verges, future users would benefit from sufficient amenity, and a condition can be attached to ensure the building is only used for tourism purposes. This is all in accordance with criteria 2(i), (ii), and (iii).

Impact upon the AONB & Countryside

- 6.07 The development would inevitably have some impact upon the character of the AONB here with the conversion works, new garden, parking area and general domestication of the site. However, the Planning Inspector did not consider this would harm the AONB or countryside. The conversion works are sympathetic, and the proposed landscaping will serve to assimilate the development into its setting and mitigate any impact. Lighting details will be secured by condition to ensure they do not result in undue impacts to the local area. On this basis, I consider the impact upon the AONB and countryside is acceptable in accordance with policies SP17, DM1, DM3, DM8, and DM30 of the Local Plan and D1 of the Lenham NHP.

Residential Amenity

- 6.08 The proposed use may generate some noise but this would not typically be any worse than a residential use and on this basis there would not be any harmful impacts upon the adjoining or nearby houses. The building is single storey with no first floor accommodation and so would not result in any overlooking of the neighbouring property. This is in accordance with policy DM1 of the Local Plan and policies D1 and CP1 of the Lenham NHP.

Ecology

- 6.09 An ecological scoping survey, bat survey, and reptile survey have been carried out. No bats or sign of bats were found during the building inspection and none were seen emerging from the building, and no reptiles were found. Therefore, the proposals would not have any impact upon protected species. The proposals include a fairly significant 'wildlife area' to the north and east which will be planted and managed to benefit wildlife which will be secured by condition, and other measures such as hedgehog nesting boxes, bat and bird boxes, bee habitat, and reptile hibernacula will be secured. The 'wildlife area' and these measures are considered a proportionate response to provide net gains for biodiversity in line with the NPPF, policy DM1 of the Local Plan, and policy GS1 of the Lenham NHP.

Other Matters

- 6.10 The Council has received advice from Natural England in respect of an increased level of nitrates and phosphates within the nationally and internationally designated protected sites at Stodmarsh Lakes Nature Reserve, east of Canterbury. A small part of the catchment of the river system of the Stour Valley river, which feeds into the lakes, is in Lenham. Natural England are advising that applications for certain types of development (such as that proposed) within the Stour river catchment and/or which discharge to particular Wastewater Treatment Works (WWTW) within the catchment should be the subject of screening under the Habitat Regulations 2017.
- 6.11 The application site is outside the defined Stour catchment area but within the 'additional catchment' where discharge to the Lenham WWTW may occur. However, the site is not on mains drainage and the applicant has stated that a package treatment plant is proposed so drainage of the effluent would be to ground outside of the catchment and thus not to a WWTW that discharges into the River Stour. Hence there are no implications in terms of pollution of Stodmarsh and no assessment of the foul drainage in terms of the Habitats Regulations 2017 is required. The package treatment plant may require a permit but this is a separate matter that would be dealt by the Environment Agency.
- 6.12 The applicant has agreed to provide an EV charging point to comply with policy AQ1 of the Lenham NHP which is secured by condition. Other matters raised relate to setting a precedent; rebuilding may be necessary; poor infrastructure; excessive number of rooms for a holiday let; and there are already holiday lets in the vicinity. Policy allows for reuse of rural buildings for tourism use and does not set a limit on the number of such uses allowed. Significant rebuilding is not considered necessary and nor did the Planning

Inspector raise this as an issue. The standard of water, electricity or broadband facilities are not grounds to refuse permission. The number of rooms is not a relevant matter and a condition will require that the building is only used as holiday accommodation.

7. CONCLUSION

- 7.01 The proposals have overcome the recently dismissed appeal for a new dwelling as a tourism use is now proposed, which can be allowed under policy DM31 of the Local Plan and policy TOU1 of the Lenham NHP and the proposals comply with all relevant criteria within those policies.
- 7.02 The applicant has agreed to further changes which improve the conversion works making them more sympathetic and the proposals would not cause harm to the countryside or AONB as was concluded by the Planning Inspector.
- 7.03 The proposals would comply with all relevant policies of the Development Plan and permission is therefore recommended.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E, F, and G, and Part 2, Class A to that Order shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character and appearance of the converted building and the surrounding area.

- 3) The conversion works shall not commence until, written details and images of the materials to be used for the external surfaces of the converted building (which shall include black timber weatherboarding and natural slate roof tiles) and any hard surfaces 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 to the development.

- 4) The conversion works shall not commence until a native landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning

authority. The scheme shall include a planting specification, a programme of implementation, and a 5 year management plan and specific long-term management of the 'wildlife area' for the benefit of biodiversity and include the following:

- a) Native tree and shrub planting.
- b) Mixed native hedges along the boundaries of the site and along the boundaries of the garden.
- c) Planting in the area to the north of the parking spaces.

Reason: In the interests of landscape and visual impact, biodiversity, and to ensure a satisfactory appearance to the development.

- 5) The development shall not be occupied until the following details 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 and maintained thereafter.

- a) Details of any external lighting.
- b) Details of all fencing, walling and other boundary treatments.
- c) Details of ecological enhancements which shall include hedgehog nesting boxes, reptile hibernacula, bee habitat, and bat and bird boxes.

Reason: In the interests of landscape and visual impact, biodiversity, and to ensure a satisfactory appearance to the development.

- 6) The area used as a garden/outdoor space for the holiday let shall only be the area on the southwest side of the building labelled as 'garden' and enclosed by traditional post and rail fencing as shown on drawing no. 29572A/200 RevD.

Reason: To protect the 'wildlife area' in the interest of biodiversity.

- 7) All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape and visual impact, biodiversity, and to ensure a satisfactory appearance to the development.

- 8) The development shall be occupied for bona fide holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all future occupants, and this information shall be made available at all reasonable times upon request by the local planning authority. Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the site, who

will keep the register and make it available for inspection, shall also be submitted to the local planning authority prior to the first occupation of the building with the relevant contact details subsequently kept up to date at all times.

Reason: To ensure proper control of the use of the holiday let and to prevent the establishment of permanent residency.

- 9) The development shall not be occupied until a minimum of one electric vehicle charging point at a speed of at least 7.2kW has been installed for the use of future occupants and this shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

- 10) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interest of human health.

- 11) The development hereby permitted shall be carried out in accordance with the following approved plans:

29572/01

Planning Committee Report

20th January 2022

29572A/02 RevA

29572A/200 RevD

29572A/201 RevB

Reason: To clarify which plans have been approved and to ensure a high-quality development.

Case Officer: Richard Timms