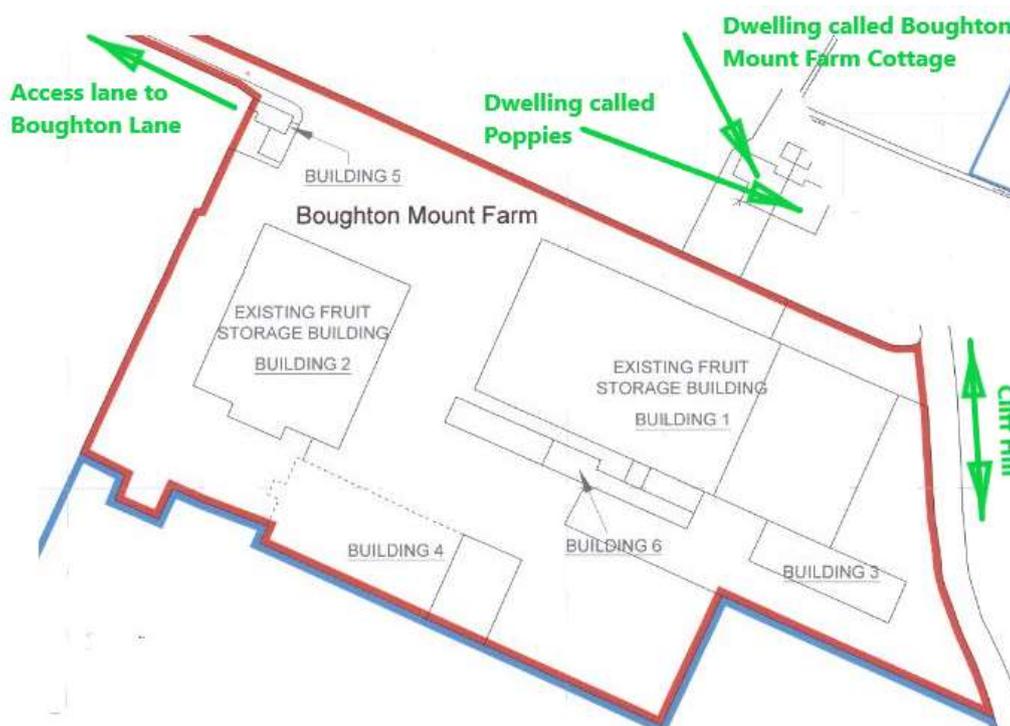


REFERENCE NO - 21/506698/FULL		
APPLICATION PROPOSAL Part demolition and conversion of an existing agricultural building to form 3no. dwellinghouses with associated access, parking and amenity space.		
ADDRESS Boughton Mount Farm, Cliff Hill, Boughton Monchelsea, ME17 4NB		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions, with delegated powers to permit subject to scrutiny by a qualified person of the structural survey and justification for all the changes proposed including the increase in the size of curtilage.		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The proposal is in accordance with Local Plan policies DM1, DM30, DM31 (1ii) to v) and 3iii)), DM33, neighbourhood plan policies RH1 and RH6, the NPPF and the nationally described space standards. Whilst the proposal is contrary to Local Plan policy SP17, DM31 1 i), 3 i) and 3 ii), with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004 there are material considerations present, in the form of the extant prior approval and the opportunity to improve the standard of accommodation that justify this departure. 		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> Request by Parish Council for the reasons set out at paragraph 5.01 Departure from the Local Plan 		
WARD Boughton Monchelsea and Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT AC. Goatham & Son AGENT Bloomfield Chartered Town Planners
TARGET DECISION DATE 03.05.2022		PUBLICITY EXPIRY DATE 13.01.2022

Site Plan showing existing buildings at Boughton Mount Farm



Building 1:

- Permission under 10/0511 for Use Class B1

Building 2:

- Permission under 10/0511 for Use Class B1

Building 3:

- Permission under 10/0511 for Use Class B1
- Extant permission for residential use under 19/502133/PNQCLA and
- Current pending application 21/506652/FULL

Building 4:

- Former packhouse, storage part demolished

Building 5:

- Permission under 10/0511 for Use Class B1
- Extant permission for residential use under 19/501559/PNOCLA
- Current pending application under reference 21/506652/FULL

Building 6:

- Permission under 10/0511 for Use Class B1
- Lawful residential use confirmed, lawful development certificate approved 11/1945

Relevant planning history (with reference to above plan)

Application building (Building 3)

- 19/502133/PNQCLA - Prior notification for change of use of **an agricultural building and land within its curtilage to 3no. dwellinghouses (Class C3)** and for associated operational development. For its prior approval to:
 - Transport and Highways impacts of the development
 - Contamination risks on the site
 - Flooding risks on the site
 - Noise impacts of the development
 - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed
 - Design and external appearance impacts on the building. -Prior Approval Granted

Other nearby buildings

- 21/506652/FULL (Building 5) Conversion of office building to form 1no. dwellinghouse, including erection of single storey front and rear extensions. (Decision pending: separate item on the committee agenda).
- 19/501559/PNOCLA (Building 5) Prior Notification for a proposed change of use of a building from **Office Use (Class B1 (a)) to a dwellinghouse (Class C3)**. For its prior approval to:
 - Transport and Highways impacts of the development
 - Contamination risks on the site
 - Flooding risks on the site
 - Impacts of noise from commercial premises on the intended occupiers of the development.Prior Approval Not Required
- 11/1945 (Building 6) An application for a lawful development certificate for the existing use of property as permanent residential accommodation class C3. Approved 23.12.2011
- 10/0511 (Buildings 1, 2, 3, 5, and 6 but excluding building 4) Change of use of farm buildings to uses within Use Class B1 approved 09.09.2010

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located to the west of Cliff Hill in the countryside and outside any designated settlement boundary. The building comprises a Dutch barn with steel columns and a lattice roof supports and forms part of the agricultural business which is owned and run by AC Goatham & Son.
- 1.02 The building is clad in corrugated tin and has a barrel shaped roof. The building is sited close to larger agricultural buildings in a wider complex which are located to the north and west of the application site. Other residential dwellings are located further to the north. The site levels are relatively even.
- 1.03 The application site is accessed by way of a lane that runs between Boughton Lane to the west and Cliff Hill to the east. The lane currently contains a mixture of commercial and residential uses in close proximity to one another. The residential property called 'Poppies' is located immediately adjacent to the entrance in Cliff Hill with a second residential property called Boughton Mount Farm Cottage sharing boundaries with both 'Poppies' and the access lane. The larger farm site includes an existing mobile home which is located immediately adjacent to an office building that has extant prior approval for residential use. Changes to this office building are the subject of another report on this agenda.
- 1.04 The site lies within the Loose Valley Landscape of Local Value and an area of archaeological importance. The application site is coincident with a safeguarded mineral deposit in the area, that being the Hythe Formation (Ragstone) Limestone.

Photograph of existing building (west elevation)



2. PROPOSAL

- 2.01 The application seeks the conversion of an agricultural building to form 3 two bedroom dwellings. The proposal includes two single level dwellings with the third unit on two levels, ground floor and the roof space of the building.
- 2.02 The current planning application follows an earlier prior notification approval (19/502133/PNQCLA) which was also for the conversion of the existing building to form 3 two bedroom dwellings.
- 2.03 The current proposal seeks to alter the external materials from corrugated cladding to timber boarding. In addition the proposal would provide a larger residential curtilage incorporating an area of adjacent land and scrub to provide amenity space and three parking spaces.
- 2.04 In the submitted Planning Statement the applicant advises "*Full planning permission is being sought for this change of use and the conversion work to allow for slightly larger garden areas than which was approved and is permissible under Class Q for all units...*".(Planning Statement para 2.1) and that the "*... scheme also proposes the use of composite cladding to the external faces of the building, instead of the re-use and replacement, where needed, of the metal sheet cladding. These areas fall outside of the scope of a prior approval application*".(Planning Statement para 2.2)

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017

- SS1 Spatial strategy
- DM1 principles of good design
- DM23 Parking standards
- DM30 Design principles in the countryside
- DM31 Conversion of rural buildings
- DM33 Change of use of agricultural lane to domestic garden land

Boughton Monchelsea Neighbourhood Plan

- PWP1 Ensuring a sustainable and resilient community
- PWP13 Transport Assessments and increased parking provision
- RH1 Location of new residential development
- RH6 Design

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021.

- The Regulation 19 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.
- Policy SP9 of the draft plan has similar goals to policy SP17 stating that: "Development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area". Policy DM31 is to be retained with the "Principle of policy unlikely to change, minor amendments may be justified to reflect NPPF".

Supplementary Planning Documents

- Maidstone Landscape Character Assessment & Supplement (2012 amended 2013)
- Landscape Capacity Survey (2015)

National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG)

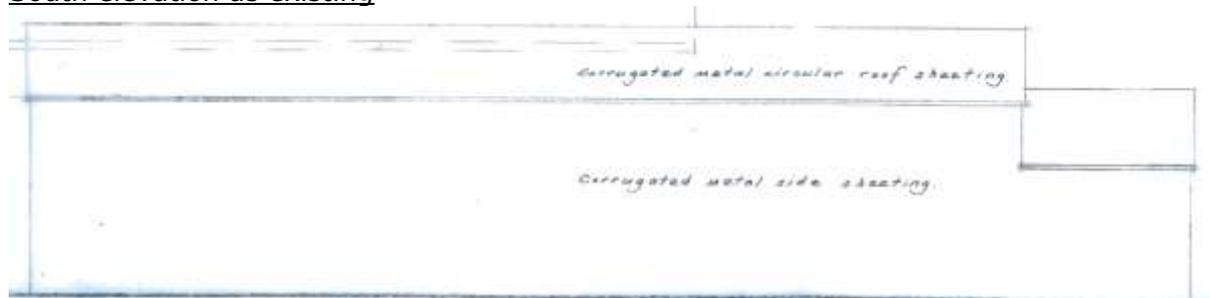
4. LOCAL REPRESENTATIONS

Local Residents:

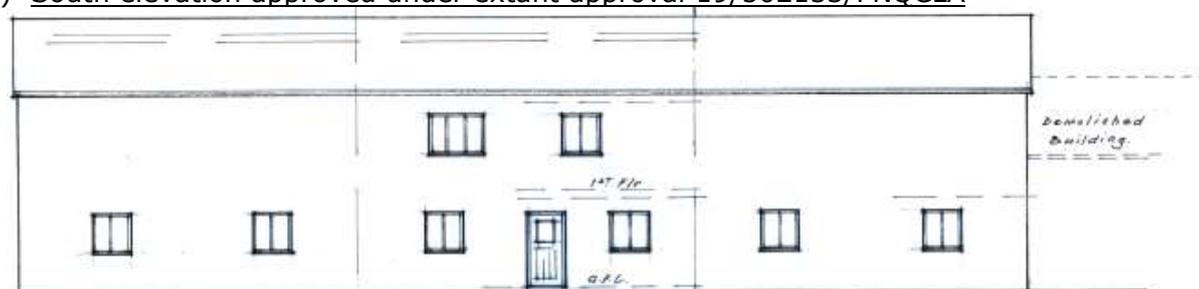
4.01 No letters of representations have been received from local residents

Comparison drawings existing, 19/502133/PNQCLA & current application.

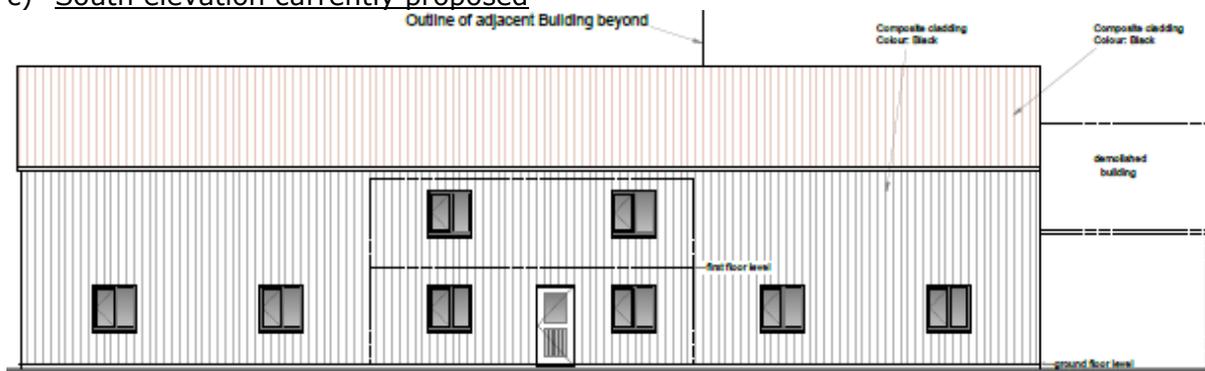
a) South elevation as existing



b) South elevation approved under extant approval 19/502133/PNQCLA



c) South elevation currently proposed



5. CONSULTATIONS (incl press notice for departure from the local plan)

5.01 Boughton Monchelsea Parish Council

Objection on the following grounds:

- The location is in the open countryside and unsustainable
- Contrary to MBC Local Plan policy DM1
- Design is poor, particularly in relation to its overall surroundings.
- Proposed design quality of the conversion cannot meet NPPF standards
- No arrangements have made for disposal of waste and recycling.
- Contrary to Policy RH1 which states applications for new development must demonstrate how they respond positively to the established local character, including rural character and topography.
- Contrary to Policy RH6 which states that all housing development, whether conversions or new build or redevelopment must be of the highest visual quality appropriate to the area both in itself, and how it impacts on the setting.

5.02 **MidKent Environmental Health**

No objection subject to conditions relating to the following

- Hours of Working
- Internal/External Sound Levels
- Lighting Details
- EV Charging Points
- Land Contamination
- Foul Drainage

5.03 **Kent Fire and Rescue Services**

No objection, made reference to Building Regulations

5.04 **Kent County Council Highways**

The development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

5.05 **Kent County Council Minerals and Waste**

No objection. The County Council has no minerals or waste safeguarding objections or further comments to make regarding this proposal. *"I can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8".*

6. APPRAISAL

Main issues

6.01 Local Plan policy SP17 states (inter alia) that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area. The application was found to be a departure from policy SP17 in that the proposed building results in harm and the proposal is not in full accordance with Local Plan policy DM31 3 i) and 3 ii).

6.02 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it needs to be considered whether material considerations are present that suggest that such a departure would be justified.

6.03 The material considerations include the following:

- Character and appearance of the countryside
- Design
- Conversion of a rural building
- Change of use of existing land
- Standard of accommodation
- Neighbouring residential amenity
- Car Parking and Highways
- Ecology and biodiversity.
- Fallback
- Other matters

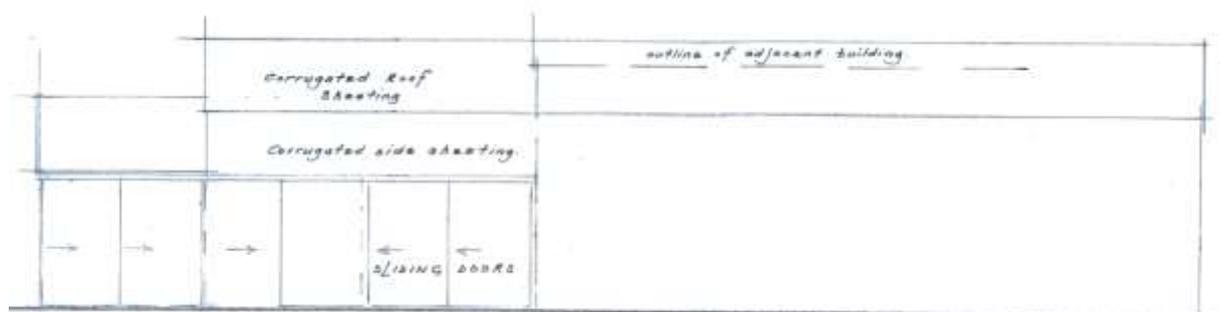
Character and appearance of the countryside

6.04 Local Plan policy SP17 states that development in the countryside will not be permitted unless it accords with other policies in the Local Plan (DM30, DM31 and DM33 are relevant) and does not result in harm to the character and appearance of the area. The distinctive landscape character of the Loose Valley Landscape of Local Value should be conserved and enhanced.

- 6.05 The Maidstone Landscape Character Assessment identifies the application site as falling within the Greensand Fruit Belt (Area 7). The landscape guidelines for this area are to 'IMPROVE' and a summary of actions are as follows:
- Consider the generic guidelines for the Greensand Orchards and Mixed Farmlands
 - Soften views of security fencing with native vegetation
 - Maintain and improve the extent of vegetation cover which restricts views of the urban edge
 - Maintain the mosaic of wildlife habitats at Bridge Nursery
 - Maintain key views of the elevated North Downs
 - Maintain the integrity of the settlements of Barming and Allington, by retaining remaining open space between the two settlements
 - Maintain the linear vegetation belt along the railway line and improve with further native planting to improve ecological connectivity
 - Improve the sense of place by creating positive land uses within unmanaged areas whilst retaining the habitat opportunities for small mammals, invertebrates and birds of prey

Comparison - approval 19/502133/PNQCLA & current application.

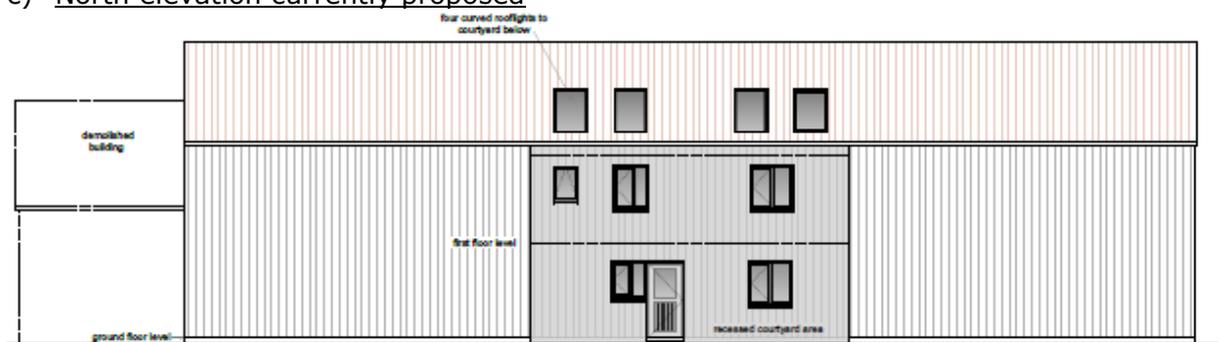
a) North elevation as existing



b) North elevation under extant prior approval 19/502133/PNQCLA



c) North elevation currently proposed



- 6.06 The Landscape Capacity Study (Jan 2015) has the Greensand Fruit Belt as being of 'low' overall landscape sensitivity and 'tolerant of change'.
- 6.07 The application building is located in a complex of existing commercial buildings. The application building is immediately adjacent to a large commercial building located to the north. The application building has an existing circulation and access area to the south and is screened in views from Cliff Hill to the east by mature boundary planting.
- 6.08 The submitted proposal includes the demolition of a section of the existing building at the eastern end (Cliff Hill). The proposal includes the insertion of windows. Whilst there is no change to the overall, height of the building the submitted plans show a lowered eaves height to the retained barrel roof. In the context of the site that has been outlined, its enclosed nature and the limited building changes, the proposal will result in minimal harm to the character and appearance of the area.
- 6.09 One of the principles of the NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* With this considered, a condition is recommended seeking biodiversity enhancements on the site (demonstrating biodiversity net gain). The condition requests enhancements through integrated methods into the design and fabric of the building (i.e. swift bricks; bat tiles/tubes; and bee bricks). With these conditions the submitted proposal is acceptable in relation to ecology.

Design

- 6.10 Policy DM 30 sets out the standards of design in the countryside with a list of criteria that are considered below.
- i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.
- 6.11 Whilst of no architectural or historic significance the proposal retains the character and appearance of the existing building with the demolition of a small part of the building reducing its overall bulk and retention of the barrel roof form. The materials and design of the alterations are in keeping with the appearance of the original building. The site is currently screened from Cliff Hill by existing landscaping and a condition is recommended for additional landscaping to be provided.
- ii. Impacts on the appearance and character of the landscape would be appropriately mitigated.
- 6.12 With the enclosed nature of the site and existing landscape screening, impact on the appearance and character of the landscape would be minimal to zero. Any impact that would be caused will be mitigated by the additional landscaping sought by condition.
- 6.13 As set out below the supporting text to DM33 (paragraph 8.12) advises "*...applicants may seek development that results in the infill of an area between existing clear boundaries to existing built development. Where development constitutes such infilling and is in keeping with the layout of the existing built environment, the impact upon the countryside is likely to be minimised*". Whilst it is accepted that the proposal will result in domestic paraphernalia, the visual impact will be contained and screened from the majority of viewpoints.

iii. Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges.

6.14 The journeys associated with the 3, two bedroom dwellings would be safely accommodated on the local highway network without harm to the character of a rural lane.

6.15 It is highlighted that whilst the site is in an area of archaeological importance, the proposal does not include any 'new' buildings that would break new ground. The proposal does include the demolition of part of the existing building and the provision of garden areas in place of the existing access area.

iv. Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.

6.16 Proposal does not involve new built development. The building to be converted is located adjacent to existing larger buildings, the retained and converted building is unobtrusively located and is well screened by existing vegetation with additional landscaping sought by condition.

v. Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

6.17 There is no building extension proposed and the proposal retains the general shape and form of the original building including the existing barrel roof. The proposed windows are of a simple design and appearance and the overall low quantity of proposed glazing ensures that the altered building does not have an overly domesticated appearance. The design and appearance of the altered building will respect the site context and other nearby buildings.

Conversion of a rural building

6.18 Where proposed through a planning application (as opposed to a prior approval application, where matters to be considered are restricted by legislation) policy DM31 considers the 'conversion' of rural buildings to other uses including residential use. Policy DM31 states "...proposals for the re-use and adaptation of existing rural buildings which meet a number of listed criteria will be permitted. These criteria are considered below.

DM31 1 i) The building is of a form, bulk, scale and design which takes account of and reinforces landscape character

6.19 The application building currently has the functional appearance of a fairly typical agricultural building constructed with corrugated metal cladding and a barrel roof. The building is in a complex of other agricultural buildings that form the backdrop and the building context. The building form, bulk, scale and design is in keeping with the character of the area.

DM31 1 ii). The building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction.

6.20 In support of the prior approval application 19/502133/PNQCLA for the application building a survey of the building structure was carried out in April 2019. The aim of the building survey was to consider the capability of conversion *"...without extension, alteration or rebuilding, without detrimental effect on the building's fabric or character"*.

6.21 The building survey report reported the following:

- Found the existing building *"...to be sound"*(para 9)
- Found *"...no evidence of racking in the frame, settlement or any distortion to the alignment of the building"* (para 9).
- It was found that *"The building offers the opportunity to convert an existing structure without the need to rebuild or add significant structural elements..."*(para 12).
- The report concluded *"...the existing building should be sufficient to take the loading of the upgrading and conversion of the structure"* (para 17). *"There is nothing to indicate from the building inspection that would suggest that the building is not suitable for adaptation and conversion to a residential unit"* (para 18).

6.22 With the evidence provided by the building survey, it is concluded that the proposal is in line with DM31 1 ii) in that the building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction.

DM31 1 iii). Any alterations proposed as part of the conversion are in keeping with the landscape and building character in terms of materials used, design and form

6.23 As set out earlier in this report, there is no building extension proposed and the proposal retains the general shape and form of the original building including the existing barrel roof. The proposed windows are of a simple design and appearance and the overall low quantity of proposed glazing ensures that the altered building does not have an overly domesticated appearance. The design and appearance of the altered building will respect the building character and other nearby buildings.

DM 1 iv) There is sufficient room in the curtilage of the building to park the vehicles of those who will live there without detriment to the visual amenity of the countryside.

6.24 The curtilage shown on the submitted plans is contained (with no encroachment into the 'open' countryside to the south) and is sufficient to provide both car parking and amenity space for future occupiers without detriment to the visual amenity of the countryside. The proposed car parking area is currently used for parking and is screened from the road by existing landscaping.

DM 1 v). No fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it are erected which would harm landscape character.

6.25 With the enclosed and screened nature of the site there is no indication that boundary treatments would harm landscape character. A planning condition is recommended to seek the submission and approval of details of all fencing, walling and other boundary treatments. This condition also seeking gaps at ground level within boundaries to allow the passage of wildlife.

DM31 3 i). Every reasonable attempt has been made to secure a suitable business reuse for the building and DM31 3 ii). Residential conversion is the only means of providing a suitable re-use for a listed building, an unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed building(s), or other

buildings which contribute to landscape character, or which exemplify the historical development of the Kentish landscape.

- 6.26 The applicant has stated that the application building is no longer required for the functioning of the business. Whilst there is no evidence of any attempt to secure a suitable business reuse for the building and the requirements of DM31 3 ii) are not met, the principle of conversion to residential use has been established by the extant prior approval decision 19/502133/PNQCLA. The fallback assessment is considered later in this report.

DM31 3 iii). There is sufficient land around the building to provide a reasonable level of outdoor space for the occupants, and the outdoor space provided is in harmony with the character of its setting.

- 6.27 As set out above, the curtilage shown on the submitted plans is contained (with no encroachment into the 'open' countryside to the south) and is sufficient to provide both car parking and amenity space for future occupiers without detriment to the visual amenity of the countryside. The car parking and amenity space is screened from the road by existing landscaping.

Change of use of existing land to provide car parking and amenity space

- 6.28 LP policy DM 33 permits the change of use of agricultural land to domestic garden land if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land.
- 6.29 The supporting text to DM33 (paragraph 8.12) advises "*...applicants may seek development that results in the infill of an area between existing clear boundaries to existing built development. Where development constitutes such infilling and is in keeping with the layout of the existing built environment, the impact upon the countryside is likely to be minimised*".
- 6.30 The land to be used as domestic curtilage consists of an existing access and circulation area and incidental scrubland located between existing buildings and the road (Cliff Hill).
- 6.31 The land to be used as domestic curtilage is not designated as the best and most versatile agricultural land. The area of land is screened from Cliff Hill by existing mature landscaping. In this context the application would not result in harm to the character and appearance of the countryside and the proposal is in line with policy DM33

Aerial photograph of the site

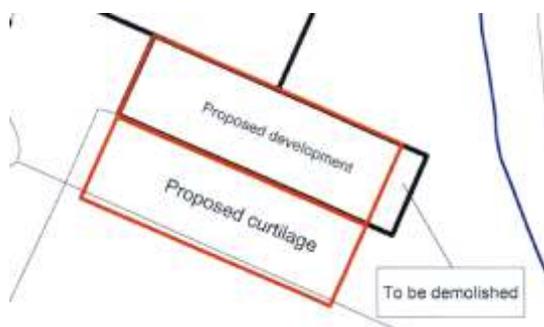


Standard of accommodation

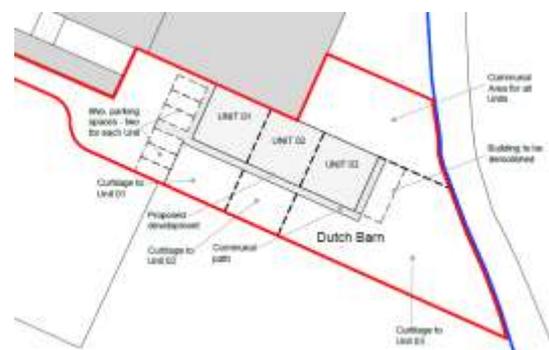
- 6.32 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "...provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise,...air pollution, activity or vehicular movements, overlooking or visual intrusion...".
- 6.33 The submitted application seeks permission for the conversion of the existing agricultural building into 3 two bedroom dwellings. The revised proposal retains the same level of accommodation provided as part of the previous application with each dwelling comprising two good sized double bedrooms.
- 6.34 The guidance set out in the National Space Standards require a minimum internal floor area of 70 m² for a one storey, two bedroom, four person dwelling. The guidance set out in the National Space Standards require a minimum internal floor area of 79 m² for a two storey, two bedroom, four person dwelling.
- 6.35 Units 1 and 3 (one storey) would provide an internal floor space of approx. 75m², (standard is 70m²) whilst unit 2 would be approx. 80m² across two floors (standard is 79m²). As such, the proposed dwellings would meet the requirements of the nationally described space standards for two bedroom dwellings.
- 6.36 The previous prior notification application included a small residential curtilage for each dwelling. The new proposal includes provision of a larger area of private amenity space, particularly unit 3, whilst also providing an area of communal outdoor space. As such, the proposal provides a good and improved standard of accommodation and amenity space when compared to the earlier prior approval.
- 6.37 The proposed location will provide an acceptable level of amenity for future residents with other residential uses nearby and no objection received from the environmental health team. Permission has also been previously granted for use class B1 purposes in neighbouring buildings and by definition these uses were appropriate in residential areas in respect of amenity.
- 6.38 The proposal is in accordance with LP policies DM1, DM30 the NPPF and the nationally described space standards.

Comparison - approval 19/502133/PNQCLA and current application.

a) Prior approval curtilage



b) Currently proposed extended curtilage.



Neighbour amenity

- 6.39 Local Plan policy DM1 states that proposals which would create high quality design and will be permitted where they respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in, or excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking

or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.40 The proposed dwellings would be located approx.135m away from the neighbouring dwellings of 'Boughton Mount Farm Cottage' and 'The Poppies' that are both located to the north of the access on to Cliff Hill. The orientation and location of the proposed dwellings will ensure that the amenity of the occupiers of the converted residential building on this site (Building 6) to the east are protected and the occupiers of Building 5 that has extant permission for residential use.
- 6.41 With the proposed dwellings located within the existing building (with an element of the building demolished) and due to the distance from other development and building orientation, the proposal would be acceptable in relation to residential amenity.

Car parking and highways

- 6.42 The current proposal includes 6 car parking spaces and this provision is considered acceptable for the accommodation that is proposed. The vehicle movements associated with the three units can be safely accommodated on the local road network which will be accessed by way of an existing site access.

Fallback

- 6.43 The fallback position (what could happen if the current planning application was not approved), is a material consideration in the determination of this planning application (see *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*). In determining the materiality of a fallback position as a planning judgement it was found that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice. It was concluded that the clear desire of the landowner to develop, and maximise the value of, the site was sufficient to demonstrate there was a real prospect to the fallback position in this case.
- 6.44 A comparison between the main elevations approved under 19/502133/PNQCLA and those currently proposed are provided in the drawing extracts provided earlier in this report. Legislation requires a prior approval scheme to be 'completed' within 3 years. This differs from a planning application where works need to be 'commenced' within 3 years. The approval under 19/502133/PNQCLA remains implementable up to the 20 June 2022.
- 6.45 In the event that the current prior approval expires, the earlier decision to grant prior approval would be material in the assessment of any resubmitted prior approval application. The consideration of the current application has not raised any reasonable grounds on which the Council could refuse a resubmitted prior approval application in the event that one is submitted.
- 6.46 The residential use of the application building has been established by the earlier prior approval decision and this approval represents a viable fallback position. The changes that are proposed as part of the current planning application (such as additional amenity space) represent an improvement to the proposed standard of accommodation. The change of use of this land to residential garden has been found to be in accordance with policy DM33.

Other matters

- 6.47 The issue of arrangements for the disposal of waste and recycling has been raised. As is with common with other applications a planning condition is recommended seeking details of measures for the disposal of waste and recycling.
- 6.48 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can

only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

- 6.49 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The proposal will result in minimal harm to local character and appearance of due to site context, its enclosed nature, location adjacent to existing larger buildings and existing landscape screening (enhanced by additional landscaping).
- 7.02 Character and appearance of the existing building is retained with the demolition of a small part of the building reducing its overall bulk. The materials and simple design are in keeping with and sensitive to the appearance of the original building.
- 7.03 Sufficient car parking space is provided and vehicle movements can be safely accommodated on the local road network using the existing site access.
- 7.04 With the evidence provided by the building survey, the building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction.
- 7.05 The curtilage shown on the submitted plans is contained (with no encroachment into the 'open' countryside to the south) and is sufficient to provide both car parking and amenity space for future occupiers without detriment to the visual amenity of the countryside.
- 7.06 The land to be used as domestic curtilage is not designated as the best and most versatile agricultural land. The area of land is screened from Cliff Hill by existing mature landscaping. The application would not result in harm to the character and appearance of the countryside and is in line with policy DM33.
- 7.07 The proposed location will provide an acceptable level of amenity for future residents and existing residential occupiers nearby with no objection received from the environmental health team.
- 7.08 The proposal is in accordance with Local Plan policies DM1, DM30, DM31 (1ii) to v) and 3iii)), DM33, neighbourhood plan policies RH1 and RH6, the NPPF and the nationally described space standards.
- 7.09 Whilst the proposal is contrary to Local Plan policy DM31 1 i), 3 i) and 3 ii), with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004 there are material considerations present, in the form of the extant prior approval and the opportunity to improve the standard of accommodation that justify this departure.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers to permit subject to scrutiny by a qualified person of the structural survey and justification for all the changes proposed including the increase in the size of curtilage.

- (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 materials to be used in the development hereby approved shall be as indicated on the approved plans.
Reason: To ensure a satisfactory appearance to the development
- (3) The development hereby approved shall be carried out in accordance with the following approved plans and documents:
Application form for planning permission
Planning Statement
2640/01A
2640/02
2640/03 Rev B
2640/04 Rev B
2640/05 Rev B
2640/06 Rev B
2640/07 Rev A
2640/08 Rev C
2640/09 Rev C
Reason: To ensure a satisfactory visual appearance, and to safeguard the amenity of the area.
- (4) Prior to the first occupation of the dwellings hereby approved, details of a scheme of soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:
 - a) The details shall include the landscaping of the open areas of the site
 - b) Details of a planting schedule (including location, planting species and size)
 - c) Retention of boundary trees/hedges as shown on submitted plans.Only non-plastic guards shall be used for new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and longterm management plan shall include long term design objectives, management responsibilities and a maintenance schedule for the landscaped areas. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.
Reason: To safeguard the character and appearance of the countryside that falls within a landscape of local value.
- (5) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the 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.
Reason: To ensure a satisfactory appearance to the development, and in the interests of residential amenity and biodiversity enhancement.
- (6) Prior to occupation of individual approved dwellings a bin storage enclosures and cycle storage shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority with the approved bin enclosure retained for the lifetime of the development.

Reason: To safeguard the appearance of the development and the visual amenities of the area

- (7) Prior to occupation of individual approved dwellings a minimum of one electric vehicle charging point shall be installed and operational for the each of the dwellings and 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.
- (8) Prior to occupation of the development hereby approved measures to encourage sustainable travel choices by future occupiers shall have been submitted to and approved in writing by the Local Planning Authority, the measures shall be in place prior to occupation and maintained for the lifetime of the development.
Reason: In the interests of sustainable travel and pollution prevention.
- (9) Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (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 and E; and Schedule 2, Part 2, Class A, to that Order shall be carried out.
Reason: To ensure a satisfactory appearance to the development.
- (10) Prior to occupation of individual approved dwellings crime prevention measures shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures retained for the lifetime of the development.
Reason: In the interests of amenity.
- (11) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and set out how the lighting meets the Bat Conservation Trust guidelines. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.
Reason: In the interest of amenity and wildlife.
- (12) Prior to occupation of individual approved dwellings details of all fencing, walling and other boundary treatments shall have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife and the development shall be carried out in accordance with the approved details before the first occupation of the relevant dwellings and maintained thereafter.
Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.
- (13) Prior to the end of the first planting season following occupation of the individual approved dwellings ecological enhancements shall be in place (including installation of bat boxes on the elevations of the converted building and integral where possible that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the measures retained for the lifetime of the development
Reason: In the interest of ecology and biodiversity.
- (14) Prior to first occupation of any of the individual dwellings hereby approved foul sewage and surface water disposal measures shall be in place that are in accordance with details that have previously been submitted to and approved in

21 April 2022

writing by the local planning authority. All measures shall be maintained permanently thereafter.

Reason: To ensure adequate foul sewage and surface water disposal arrangements.

INFORMATIVES

- (1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Douglas Wright