

## REPORT SUMMARY

<b>REFERENCE NO:</b> 21/503457/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of 3no. existing single storey commercial units/structures and replacement with a two-storey commercial building comprising of 10 units, provision of a new internal road layout including additional entrance from the private access road serving the development, revisions to on-site vehicle parking, construction of a detached refuse bin store, and associated landscaping.		
<b>ADDRESS:</b> Fox Pitt Farm Commercial Estate, Shingle Barn Lane, West Farleigh		
<b>RECOMMENDATION:</b> Grant permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposals: <ul style="list-style-type: none"> <li>• accord with the principles of supporting the rural economy;</li> <li>• provide good quality employment floorspace for small businesses;</li> <li>• significantly improve the energy efficiency of available accommodation;</li> <li>• provide biodiversity enhancement;</li> <li>• improve the character and appearance of the site;</li> <li>• are designed to mitigate adverse landscape impacts;</li> <li>• do not affect the amenity of any nearby residential properties; and</li> <li>• do not raise any access or highway concerns.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Treated as a departure as no permissive policy relating to expansion of managed rural employment sites.		
<b>WARD:</b> Marden & Yalding	<b>PARISH COUNCIL:</b> Yalding	<b>APPLICANT/AGENT:</b> CF Thurlow Planning
<b>CASE OFFICER:</b> Austin Mackie	<b>VALIDATION DATE:</b> 30 June 2021	<b>DECISION DUE DATE:</b> 22 April 2022
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

## RELEVANT PLANNING HISTORY

- 86/0424 Conversion of redundant farm building to five small rural workshops.
- 86/1587 Conversion of piggeries to workshops.
- 86/0711 Conversion of cowsheds to workshops
- 89/1982 Change of use from redundant agricultural building to small rural workshop.
- 95/0071 Use of the site as a base for the servicing of automatic vending machines and the supply of food and drink materials associated with such machines and the associated storage of food and drink materials.
- 19/505636/AGRIC Prior approval for barn (adjacent site with shared access)

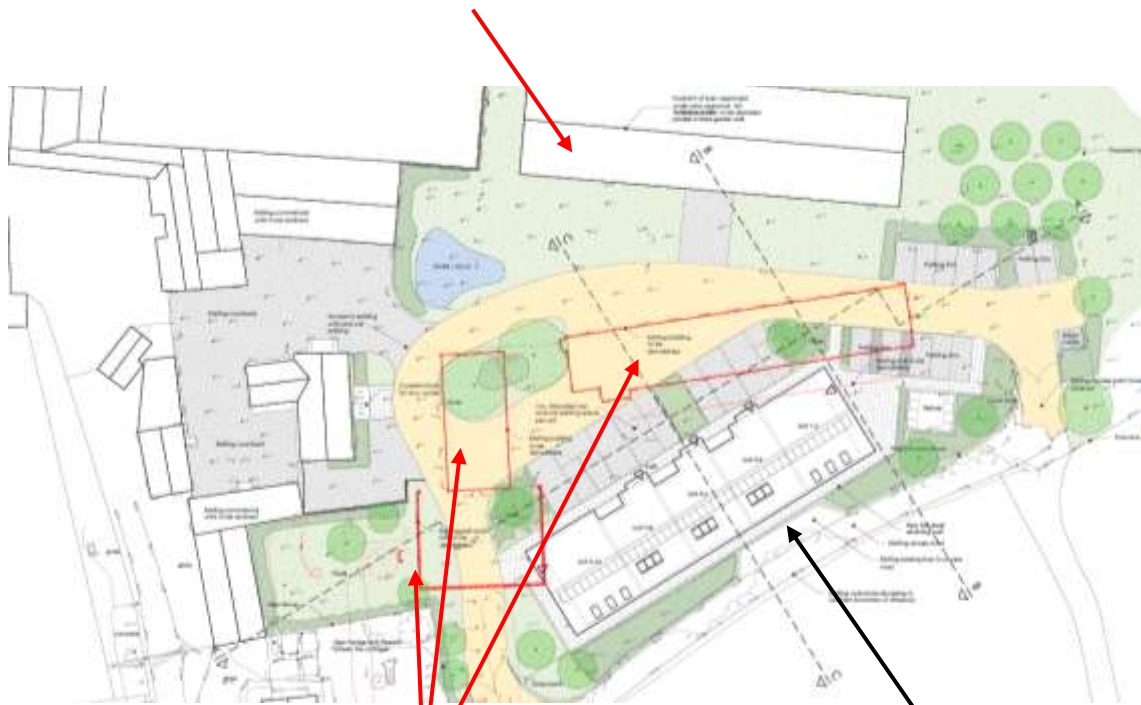
## **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is located in the countryside, some 1.5 miles to the west of Coxheath. It is part of a long-established small business site comprising a series of existing commercial buildings / structures of varying quality and appearance, a number of which are generally low grade. It is understood that 11 small businesses are located on the wider site providing 34 jobs.
- 1.02 The existing buildings to be demolished consist of former agricultural buildings, including a cowshed and piggery that were converted in the mid 1980's to offices and workshops.
- 1.03 Within the wider site 4 No. existing buildings which are divided into 6 units are to be retained, but will benefit from the improvements to the access, parking and landscaping.
- 1.04 The buildings to be demolished do not offer a standard of accommodation that small businesses now require, for example, are poorly insulated and thus have poor energy efficiency and are relatively costly to heat / cool.
- 1.05 The site is accessed via a private drive that leads off Shingle Barn Lane, shared with the adjacent site, Fox Pitt Farm; which itself includes the GII listed Fox Pitt House, a walled garden, a series of agricultural buildings and three cottages.
- 1.06 PRoW KM31 runs along the access drive adjacent to the southern boundary of the site, to the south of which is a further cluster of industrial / agricultural buildings.

## **2.0 THE PROPOSALS**

- 2.01 The proposals seek to demolish two existing single storey buildings, which are divided into 6 small business units, together with a partly covered storage area; and replace them with a new two storey building, again for occupation by small business as offices or workshops.
- 2.02 Ten small business units will be provided within the new building – a net gain across the whole complex of 4 units (from 12 No. to 16). The Applicant advises that up to 5 of the existing businesses (with 21 employees) will be relocated into the new building.
- 2.03 The proposed block plan below also shows the position of an adjacent agricultural building approved under 19/505636/AGRIC, which has shared access over the application site and which would be constructed at the same time as the new commercial building. This barn has a similar footprint to the proposed replacement commercial building and would rise to 7.6m at ridge.

19/505636/AGRIC



The buildings / structures to be removed are shown below. Proposed replacement.



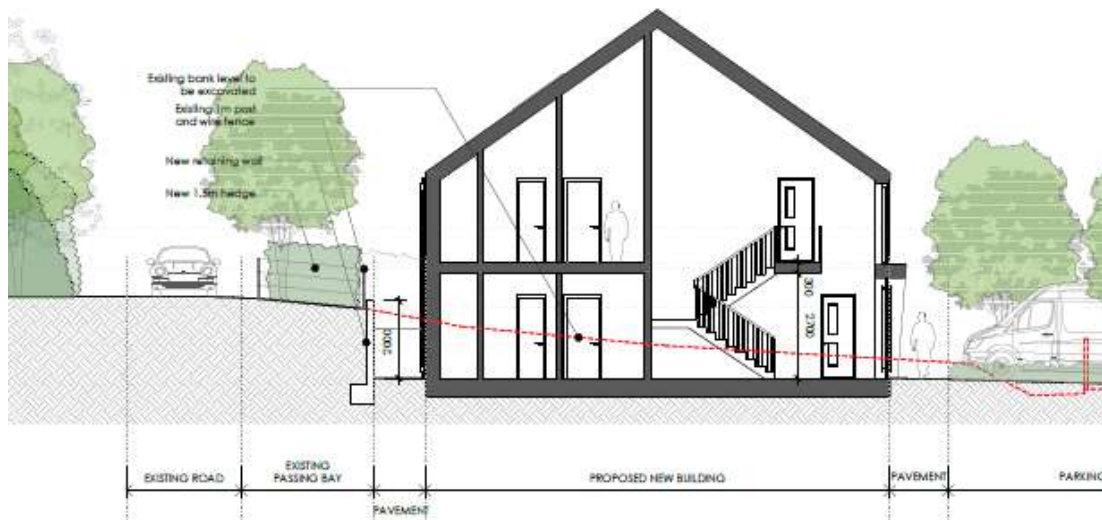
2.04 In summary there will be a net reduction in footprint of -35 sq.m, whilst the net changes for the for the site as a whole are:

	Ex'	Pr'
GIA	1,038 sq.m	1,341 sq.m

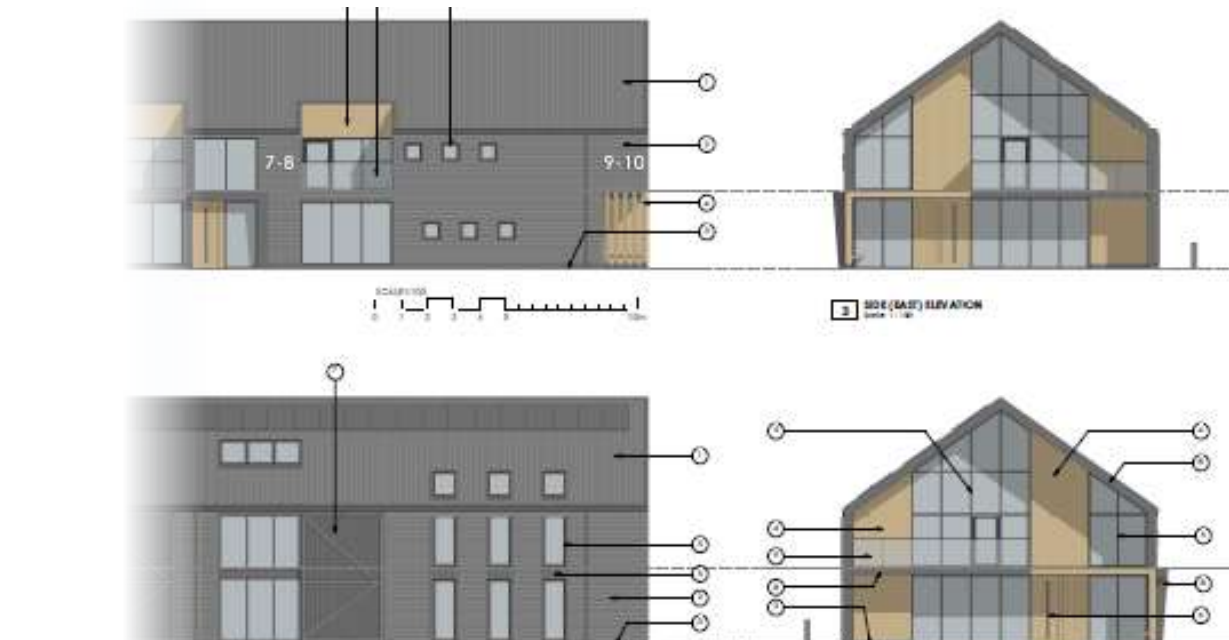
This represents an uplift of 29%.

2.05 The new building footprint will measure 43m x 12m (a reduction of 35sq.m compared to existing) and would be 5.5m high at eaves, rising to 9.4m high at its roof apex (due to the traditional steep pitch barn roof). Its overall

height will be mitigated by setting the building into the slope, together with new landscaping, so that when viewed from the adjacent PRow, the height and scale of the building will appear similar to the new barn to be built opposite.



2.06 The replacement building will be constructed in a contemporary interpretation of a traditional rural building typology, with materials including timber and black weatherboard cladding, complimented with modern materials such as black engineering bricks and glazed balustrades.



2.07 The existing constrained access arrangements will be modified and improved car, motorcycle and bicycle parking provided, including disabled bays.

2.08 A new landscaping and biodiversity scheme includes new tree, hedgerow and shrub planting, together with wildflower and pond areas. New habitat will be created not only on the new building, but across the wider site.

2.09 The overall planting schedule includes a wide range of native habitat planting:

- Native hedge, Orchard hedge, Native shrubs, Native trees
- Marginal aquatics, Herbaceous planting, Wildflower meadow, Butterfly meadow
- Wetland meadow, Wetland wildflowers

2.10 In addition to natural habitat, the scheme will also incorporate the following:

- Barn owl box x1
- Bat boxes x4
- Bird Boxes x2
- Insect tower x5
- Log piles x7

### **3.0 POLICY AND OTHER CONSIDERATIONS**

3.01 MBLP17 - SS1 Spatial Strategy, SP17 The Countryside, SP18 / DM4 Heritage, SP21 Economic Development, DM1 Design, DM3 Natural Environment, DM21 Transport Impacts, DM30 Rural Design, DM37 Rural Business Sites

3.02 NPPF - 8 & 81 Building a strong economy, 84 Building a prosperous rural economy, 85 Meeting local rural needs, 174 protecting and enhancing natural landscapes

3.03 Wider MBC strategies - Strategic Plan, Economic Development Strategy

### **4.0 LOCAL REPRESENTATIONS**

4.01 No representations have been received from neighbouring residential properties, agricultural holdings or other commercial operations.

4.02 Three letters of support have been received from companies based on site, making the following (summarised) points:

1. *We have been a tenant at Fox Pitt Estate for 4 years during which we have expanded from 1 to 2 units to expand our offering and we are looking to maintain and grow that in the near future. The new building will assist.*

*The location of Fox Pitt estate suits our business as it is close for our employees, which enables consistency of staff, stability of the business and more reliability for our customers.*

*The application will help secure the future of the business.*

2. *We are a business start-up which sprung out of an existing business on the site, the juxtaposition with which offered support in the early stages. We aspire to expand our business, not only here but to support another business in Maidstone town centre.  
We also seek to maintain our staff here and potentially increase them when we can.  
The new unit will provide better space and an up-to-date facility for us to work from.*
3. *We are a long-standing tenant of this site. We prefer to be in a quiet and rural location.  
We have 2-4 people in the building on a daily basis. A new building would refresh our working environment and would enable us to be sure of staying here for as long as we are in business, we would have no need or wish to relocate anywhere else. I should also mention the resulting huge improvement from an energy-usage perspective.*

## **5.0 CONSULTATIONS**

5.1. **Yalding PC** raise 'no objection'.

5.2. **MBC Economic Development**

Ensuring Key employment sites are delivered, and that local commercial and inward investment is increased are strategic priorities for the Council as set out in the councils adopted Strategic Plan

The Councils Economic Development Strategy 2021, includes the following priorities:

- To create a positive and entrepreneurial environment in which businesses can grow and thrive.
- Realising the potential of our rural assets.
- An inclusive approach to growth to ensure that all communities can benefit from economic success and prosperity.

In terms of commercial property demand, The Borough remains attractive for inward investment enquiries but is hampered to a certain extent by the supply of available modern fit for purpose commercial units and employment sites.

Both MBC and Locate in Kent recorded inquiries for business space include smaller units (such as those proposed). The proposed redevelopment at 'Foxpitt Farm' could assist in accommodating smaller sized rural enquiries.

5.3. **KCC Highways** - No objection. Consider the Transport Statement to be robust and accept no adverse highway impacts. Improved access arrangements are welcomed subject to confirmation of the location for the

new passing bay. Parking levels are acceptable, although 10% EV charging bays are advised.

- 5.4. **Mid Kent Environmental Protection** - No objection. Recommend a condition regarding external plant (see below).
- 5.5. **Kent Police** – No objection. Make various recommendations regarding security etc (to which the Applicant has responded).
- 5.6. The following also confirm no objection: KCC LLFA, Environment Agency, Southern Water, Natural England.

## **6.0 APPRAISAL**

6.1. The main planning consideration are:

- Principle of development
- Landscape impacts
- Building design, landscaping and ecology considerations
- Heritage impacts
- Transport and parking
- Amenity considerations

### **Principle of Development**

- 6.2. The site lies within the open countryside, the character and appearance of which the Local Plan seeks to protect. This is assessed below. Policy SP17 states that development will not be permitted unless it accords with other policies of the Plan and does not harm the character and appearance of the area.
- 6.3. Policy SS1/8 states that as part of the overall spatial strategy, small scale employment opportunities will be permitted at appropriate locations to support the rural economy. As an existing employment site and with a modest net increase in floorspace proposed, this is considered to be an 'appropriate location' under SS1/8, subject to the wider considerations below.
- 6.4. Policy SP21 emphasises that the Council is committed to supporting / improving the local economy through, inter alia, (vii) supporting proposals for the expansion of existing economic development proposals in the countryside. The policy goes on to state "... provided the scale and impact of the development is appropriate for its countryside location in accordance with DM37". It is important to note that this reference to DM 37 is only in relation to the scale and impact test.
- 6.5. The site is brownfield land in active employment use. However, policy DM5 does not apply as it focusses on the 'alternative' residential or leisure use

of rural employment sites, rather than their expansion or enhancement for continued commercial uses. (It is, however, relevant to note that were the Council to reject the proposed improvements to the site's employment capacity / quality; the site could arguably be converted under PN rights or via DM5 to alternative uses such as residential.)

6.6. Policy DM37 states that the growth and expansion of existing rural business will be permitted where:

- The buildings are small in scale and can be incorporated into the landscape
- Any increase in floorspace will not result in traffic issues
- There will be no loss of amenity
- There will be no adverse impact upon views from public roads

6.7. The title of Policy DM37 refers specifically to "existing businesses", whereas the text within the policy itself states that "Planning permission will be granted for the sustainable growth and expansion of rural businesses". The question arises as to whether DM37 only allows for occupier-led growth and therefore doesn't allow a landlord to deliver growth on their behalf.

6.8. However, in the majority of cases, smaller rural businesses and start-ups tend to be lessees of space provided / managed by landlords, as is the case at Fox Pitt Farm. However, that should not serve to detract from the need to provide accommodation that will enable the growth of rural micro businesses and the improvement in the quality and efficiency of their accommodation.

6.9. It is considered that Policy DM37 should apply to landlord-led schemes, but even if it were considered that it did not, then both policies SS1/8 and SP21 provide support for the principle of development. In such an instance, the proposal is not contrary to DM37, it simply isn't specifically supported by it, but SS1/8 and SP21 still apply. Notably the text supporting SP21 states at 1.144:

*Within the countryside economic development will be permitted for the conversion and extension of existing suitable buildings and established sites, farm diversification and tourism where this can be achieved in a manner consistent with local rural and landscape character in order that a balance is struck between supporting the rural economy and the protection of the countryside for its own sake.*

6.10. It is therefore clear that the Local Plan allows for the extension of sites and is not solely focussed upon occupier-led proposals.

6.11. This is a long-established employment site which forms part of a wider cluster of commercial, residential and agricultural uses. The existing buildings to be demolished are of a low grade appearance and do not have a positive impact upon the character and appearance of the area. The proposals result in a net reduction in built footprint, but an increase in floorspace and height due to the new building incorporating a first floor.



However, across wider commercial site, the overall net increase in floorspace is relatively modest.

6.12. In addition to the Local Plan Policy support, further policy / strategy support is provided by:

NPPF

- Paragraph 84 of the NPPF states that *"Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings....."*
- Paragraph 85 continues..... *"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. ...."*

MBC Economic Development Strategy

- The recently adopted Economic Development Strategy promotes, inter alia, *'a successful and thriving rural economy, provision of start-up and grow-on business space, support for rural diversification*

Strategic Plan

- The Council's overarching 'Strategic Plan' seeks a *"prosperous, urban and rural community at the heart of Kent where everyone can realise their potential"*

6.13. To summarise, there is clear policy support for the principle of economic development within the countryside, including the expansion of existing sites. The Applicant has identified that five existing local companies will be provided with enhanced accommodation as a result of the scheme, with the remaining units available to other micro businesses or start-ups.

6.14. The provision of new and enhanced employment accommodation is a significant material consideration and having regard to the number of rural commercial sites that have and continue to be lost to residential through PD rights and Policy DM5, it is one that carries significant weight. As an example, at a similar site at Church Farm Ulcombe, there are up to 25 commercially rated business units that have permission / rights to convert to residential.

6.15. Therefore, subject to the considerations below, the principle of the rationalisation and improvement of the site accords with policies SS1/8, SP21 and DM37.

6.16. The question does arise as to whether, being a rural site, considerations of sustainability should be addressed. As identified above, NPPF 84 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas. Para 105 of the NPPF acknowledges that the concept of sustainability varies between rural and urban areas.

6.17. There are bus stops at the location where the private site access drive meets Shingle Barn Lane, although these are a 580m walk from the new unit.

6.18. The net uplift in floorspace is circa 300 sq.m. Employment densities for small business units vary, subject to the nature of the use, but can typically be between 15 and 25-30 sq.m per employee. This could result in say 10-15 additional employees within the (net) 4 new business units. It is not considered that this represents a significant uplift in unsustainable movements.

6.19. It must also be recognised that small businesses seek rural locations for a number of reasons, for example:|

- A marketplace / catchment that is rural / village based – not centred upon say the town centre / main urban area of Maidstone
- The limited availability of appropriate business space within small villages - such as Yalding
- Proximity to local workforce – where travel to work distances can be relatively short
- Co-location with other complimentary businesses
- History of rural location

For these reasons it is not considered that a modest increase in an established rural business centre will result in an unsustainable pattern of land use.

### **Landscape Impacts**

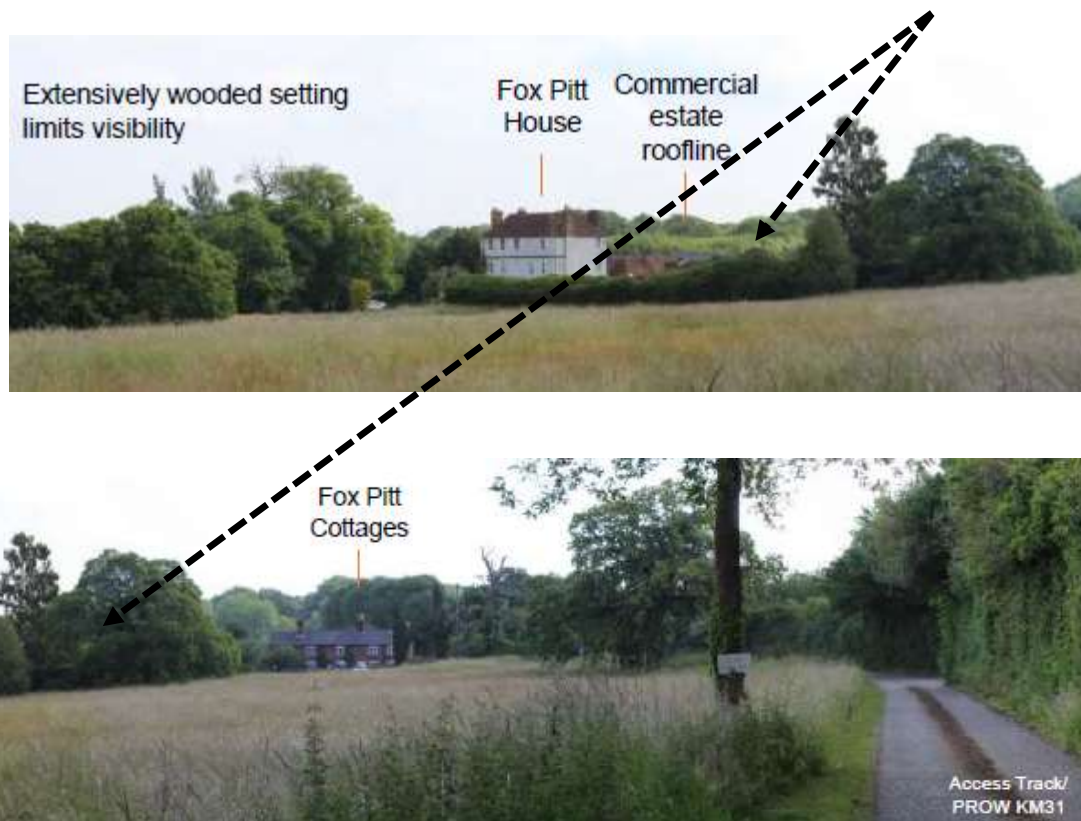
6.20. The principal policy tests identified above are that the development does not harm the character and appearance of the site and surrounding countryside. For example, Policies SP17 and SP21 state that, inter alia, development in the countryside should not result in harm to the character and appearance of the area. Policy DM3 states that relevant proposals should be subject to landscape assessment and seeks to protect designated landscapes – the site is not within an LLV. DM37/1(i) requires new development to be integrated into the landscape.

6.21. The application is supported by a 'Visual and Landscape Character Analysis' which identifies a number of existing broad characteristics:

- Whilst the wider landscape slopes northwards towards the river, the site itself is generally flat
- Whilst there are currently long-distance views across the site from PRow KM31 to the north, these will be blocked by the barn permitted under 19/505636/AGRIC

- To the south the ridge rises a further 20m, so reverse views up to the ridge would not be affected
  - A mature tree'd hedgerow to the south of the footpath visually encloses the site
  - The site forms part of a cluster of buildings
- 6.22. In terms of the character of the wider area, the 'Maidstone Landscape Character Assessment' identifies that the site lies within the dip slope of the Greensand Ridge and within the Farleigh Greensand Fruit-Belt local character area, that has a high sensitivity to change, within which actions include:
- The potential for minor development within scattered properties and farmsteads
  - Conserving the setting of heritage buildings
  - Encouraging the planting of isolated trees
  - Promoting the use of local materials.
- 6.23. The Applicant identifies that scheme design responses include:
- Keeping the building within the limits of the existing built complex
  - Cutting the building into the bank to reduce height by circa 2 metres
  - A massing and scale in keeping and subservient to the dominant listed Fox Pitt Farmhouse
  - Enhancing the landscape content of the wider site, including the introduction of native planting and 'select' trees
  - The removal of non-native dominant cypress trees
  - Muted materials that respect local vernacular
  - Dark-sky sensitive lighting
- 6.24. The site visit demonstrated that long distance views currently exist from the PRow to the north, towards tree lined ridges. This principally results from the low height of existing buildings, although regard needs to be had to the fact that that this view is undergoing change due to the new barn to be implemented under 19/505636/AGRIC, which is 7.6m high and will interrupt these views. The proposed replacement commercial building sits in alignment with the new barn, such that it will not extend the interruption in views from the PRow, which to the E and W will be unaffected.
- 6.25. In terms of the approach to the site from the West along the PRow, the new building is set behind mature planting and will not impact on views of the wooded ridge beyond (see below). It is not considered that the character or appearance of the site will change when viewed from this approach.

6.26.



6.27. In more immediate views of the site, the proposed building will inevitably change the context of the site, but relevant considerations include:

The building line is moved to the west opening views over the walled garden and the valley beyond.

When built, the approved barn would interrupt longer distance views



The new building will be cut into the bank, with the ground floor level circa 2m below the footpath.

- 6.28. For users of the PRow, the experience is already one of a commercial business use. The appearance of the site will change as a result of the replacement of existing buildings, but the character, that of a complex of small business units will not. The new building is high quality. The landscaping is also of a high quality and extensive hard surfaces areas will be converted to naturalised habitat.
- 6.29. To conclude, having regard to the following factors, it is considered that the development adequately mitigates its potential landscape impacts and will not adversely affect the character and appearance of the site and its countryside setting:
- The site is visually contained by existing landscaping and does not impact upon longer-distance views towards the site.
  - Existing buildings of a low-grade appearance will be removed.
  - The proposed building is sited within the existing PDL area in accordance with LCA guidelines and the footprint of buildings will be reduced.
  - The building is cut into the land to reduce its prominence and its design (see below) is high quality.
  - From the PRow impacts will be limited to immediately adjacent to the building and the wider landscape setting of the site is limited.
  - The proposed native landscape scheme (see below) responds to LCA objectives and will improve the overall landscape character of the site, within both close and longer distance views.
- 6.30. To conclude it is considered that the proposals does not cause unacceptable harm to the policies identified above.

### **Design, Landscaping and Ecology**

- 6.31. Policy DM1 encourages high quality design in built and landscape forms. DM30 requires, inter alia, materials mass and design to reflect local distinctiveness, proposals to be supported by LVIA and evidence that existing building are not available as alternatives. Policy DM3 requires, inter alia, an assessment of existing ecological potential and proposals to enhance wildlife habitat.
- 6.32. An inspection of the existing buildings shows that they are of a low-grade construction with, for example, poor energy efficiency and inflexible layouts. They are not suited to adaptation or extension and would leave owners / occupiers with higher running costs. In addition, they do not have a positive impact upon the character of the area.
- 6.33. The principle of their replacement with modern accommodation better suited to the needs of modern small businesses with greater flexibility and improved levels of energy performance is supported, subject to their quality.
- 6.34. The proposed building adopts a traditional rural barn form, but in a contemporary, but nevertheless high-quality manner, with good quality materials and detailing. Traditional features such as sliding barn doors will

sit alongside modern interventions such as glass balustrades and gables. Cedar cladding will provide accents to the doors, inset balconies and gable walls.

- 6.35. It will be clear to users of the PRow, that the building is new, but it's contextual rural form will clearly be identifiable. The level of detailing and the combination of both traditional and quality modern materials will add to its interest, without jarring.
- 6.36. For the access and parking areas, a low key, permeable material will be used.
- 6.37. The setting of both the existing-retained employment buildings and the new buildings will be enhanced by the introduction of a new native landscape and biodiversity strategy, which includes the replacement of mown grass and hard surfaced areas with:
- New native tree and shrub planting to reflect LCA guidelines
  - A small 'orchard' area'
  - New pond habitat
  - Meadow wildflower beds
  - Log piles, bee 'hotels', bat and bird boxes
  - (see wider schedule of native planting at 2.10 above)
- 6.38. The application was accompanied by an ecological impact assessment which identified no on-site sensitivities. However, KCC did request further information regarding reptile and bat emergence surveys, which were provided. No further comments were received from KCC and therefore Officers are satisfied that the submitted ecological assessment confirms no adverse impacts; although the bat survey sets out monitoring measures that will be secured by condition.
- 6.39. In summary the proposals respond positively to the expectation of high-quality contextual design, native landscaping an ecological enhancement, including a number of enhancement measures promoted for this LCA, namely:
- The use of local detail and materials - in a modern high-quality interpretation of traditional built form
  - Conserving the setting and scale of existing groups of buildings
  - Conserving the rural setting of historic buildings
  - Securing an increased ecological habitat
  - New native tree planting to respect parkland character
  - Use of local materials in boundary treatments and access points / gates

- 6.40. Having regard to the above it is considered that the proposals respond positively to the requirements of policies DM1, DM3 and DM30.

### **Heritage Impacts**

- 6.41. Local Plan Policy DM4 is consistent with guidance in the NPPF in requiring that development should conserve and where possible enhance the significance and setting of heritage assets and be informed by an appropriate level of assessment and understanding. The application is accompanied by a heritage assessment.
- 6.42. None of the buildings to be demolished possess any heritage interest. However, the adjacent C18th Fox Pitt (farmhouse) is grade II listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to have special regard to the desirability of preserving the setting of a listed building.
- 6.43. Historic mapping does not show the buildings to be demolished as forming part of the original cluster comprising farmhouse, walled garden and associated outbuildings. They only appear on historic images by 1960, sited on what appears to have been until then an orchard that is set beyond the historic building cluster.
- 6.44. Whilst it appears that the application site has formed part of the wider estate associated with Fox Pitts and thus there will have been some past visual and or functional relationship to its setting; over time the cluster has become separated into a number of functionally separate units; for example, the conversion of agricultural buildings to commercial use and their subdivision and the separation of the former worker cottages to untied dwellings. As such, the assessment of its setting is principally related to its visual setting.
- 6.45. When viewed from the PRow approach from the west (also the main western approach to the house) the listed house sits in relative isolation, with only glimpses of the adjacent cluster, with the subject buildings being set behind a substantial screen of foreground trees and hedgerow.
- 6.46. The application buildings and the listed house are visible together when viewed from the PRow as it passes to the immediate south east of the proposed site of the new building. However, they appear functionally separate and in this existing view the buildings to be demolished detract from the wider setting of the listed building. Their removal and the partial re-landscaping of this area will enhance the direct setting of what was the rear of the listed house.
- 6.47. The proposed new building will be set back from the house's eastward aspect and with retained existing commercial buildings between, it is not considered to affect its setting. Although taller than the existing building, this is not a primary view of the house and with the new building set down into the bank, the house will remain the visually principal structure.

Further, the barn typology of the new building will replicate an ancillary structure and function.

- 6.48. It is therefore considered that there will be a neutral impact upon the setting of Fox Pitt and in accordance with the NPPF and Policy DM4, there is no requirement to demonstrate public benefits.

### **Transport and Parking**

- 6.49. The existing site access involves a single entry/exit point with a tight turn off the private lane. Parking across the site is currently informal, with no allocated parking, cycle areas or dedicated disabled parking.
- 6.50. The proposal will deliver an enhanced access egress arrangement, formalised parking spaces, cycle / motorcycle parking and designated disabled bays. This represents a significant improvement that will be a benefit to both existing and new commercial units.
- 6.51. KCC are satisfied that there are no adverse traffic impacts and consider the parking and access layout to be acceptable, subject to the installation of EV parking to two bays, which can be addressed by condition.
- 6.52. Whilst KCC query the details of the passing bay to be provided on the access drive, it should be noted that the new layout allows for separate entry/exit points, ie, a one-way route on the access lane, so the passing bay is only for exceptional circumstances, not daily needs and therefore further examination is not considered to be necessary.
- 6.53. It is therefore considered that the application accords with Policy DM21.

### **Amenity**

- 6.54. Policy DM1 requires proposal to avoid or mitigate potential impacts upon the amenity of existing residents.
- 6.55. Fox Pitt Farmhouse is separated from the building by existing commercial uses and is not affected by the proposals. However, the three cottages are located adjacent to the site and have the potential to be affected by (i) the replacement building being pulled closer to their rear outlook and (ii) the creation of the new egress adjacent to their rear boundary.
- 6.56. A noise report is submitted which demonstrates no adverse impact upon the neighbours in terms of commercial activity or traffic. The number of vehicle movements are limited and for very small business units such as this tend to be restricted to principal daytime hours, so would not impact evenings and weekends. Whilst the EHO requests details of an acoustic boundary fence, this is not considered to be necessary as the main access route is unchanged and an enhanced landscaped buffer is proposed to the new egress.



- 6.57. The boundary to the rear of the cottages will be subject to enhanced native planting, as will the 'facing' elevation of the new building and there is a significant separation between the two, sufficient to avoid overlooking. In addition, the area immediately to the north of the cottages will be converted to a new meadow, which will enhance their setting.
- 6.58. The new building is set sufficiently away from the cottages not to be overbearing. There are windows and a balcony on the gable elevation facing towards the cottages, but this will be in excess of 30m from existing windows and will preserve privacy. In addition, existing non-native hedgerow will be replaced with a new native hedge and trees that will improve natural lighting to the gardens, but also assist to diffuse views.
- 6.59. There are no operating hours restrictions attached to the existing site and it is not considered that the application justifies such for the replacement building.
- 6.60. There have been no objections from occupiers of adjacent dwellings, but notwithstanding this, Officers consider that there is no adverse impact upon amenity and therefore the scheme complies with Policy DM1.

### **Other Matters**

- 6.61. The proposals follow positive pre-application written advice given by Officers and in accordance with the NPPF the Applicant has responded to the advice offered in relation to, for example, contextual design, landscape mitigation and biodiversity/ecology.
- 6.62. The Applicant advises that in terms of the buildings to be demolished the EPC ratings are as follows; 1 unit has a C rating; 3 units have a D rating and 2 units have an E rating. In a non-technical manner these ratings are middling to poor at best. Due to their original piggery function, these buildings are not capable of further improvement, so in terms of energy load and cost would remain poor and represent a burden on occupiers and be environmentally inefficient.
- 6.63. The Applicant confirms that the new building will be heated / cooled by air source heat pumps and will incorporate efficient insulation, air tightness and ventilation to minimise energy demands throughout the year.
- 6.64. Dark sky sensitive lighting is proposed, which will ensure that, for example, during wintertime, when operational the site will not adversely impact upon the character of the area or the wider setting of the countryside.
- 6.65. There are no objections in relation to flood risk or minerals

### **Public Sector Equality Duty**

- 6.66. 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.

CIL

- 6.67. The proposed development is not CIL liable as the charge for employment uses is zero.

EIA Screening

- 6.68. The proposals fall well below the screening thresholds for EIA development

## **7.0 CONCLUSIONS**

- 7.1. The proposals were subject to positive pre-application advice and have responded to that advice.
- 7.2. There have been no objections from neighbours, the Parish Council or consultees.
- 7.3. The proposal would result in an increased level of floorspace and building mass, which will result in a change to the appearance of the site. The increased massing will interrupt views north across from the open countryside as users of the footpath pass by the building. However, this represents a relatively short section of the PRow and in any respect, the proposed new barn under would have a similar impact, thus reducing the net level of harm.
- 7.4. Whilst there is an increase in height for the replacement building when compared to the existing, this is mitigated by cutting the building into the slope, which significantly reduces its apparent height.
- 7.5. The removal of low grade buildings and the significant landscaping and ecological enhancement of the site are also afforded significant weight.
- 7.6. I have given considerable weight to policies at both national and local level which support the principles of supporting the rural economy. The proposals will assist in meeting the increasing demands for rural employment opportunities for micro businesses, in-part driven by the significant loss of other rural employment sites to residential.
- 7.7. The proposal replaces low grade employment floorspace with high quality accommodation with modern energy efficient standards and the use of renewable heating / cooling.
- 7.8. Whilst the existing buildings are not uncommon in a rural location, they are of a low grade appearance and do nothing to enhance the appearance of the site as a whole or the setting of the listed building.
- 7.9. The modern interpretation of a traditional rural typology and the use of good quality design detail and materials is afforded weight.
- 7.10. The removal of non-native planting and replacement with a native-led scheme with extensive new habitat to provide biodiversity enhancement is again afforded weight.

- 7.11. The potential impacts upon the amenity of nearby residential properties is mitigated through siting and landscaping.
- 7.12. There are no objections from the Highway Authority to access or highway impacts and the proposals will deliver significantly improved access and parking arrangements, with, for example, improved disabled parking and also EV charging bays, motorcycle and bicycle parking to encourage more sustainable modes of travel.
- 7.13. Having regard to policy and other material considerations, it is considered that on-balance the proposal accords with national and local policy and will deliver economic and environmental benefits with no adverse environmental or other impacts.

## **8.0 RECOMMENDATION –**

**GRANT PLANNING PERMISSION subject to the following conditions** with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

### Time Limit

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.

### Plans

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

KEN 2509 01 Rev B	Landscape Strategy
KEN 2509 02 Rev A	Detailed Planting Proposals
6771-PD-02 Rev D	Proposed Site Layout
6771-PD-03 Rev A	Proposed Floor and Roof Plans
6771-PD-04 Rev A	Proposed Elevations
6771-PD-05 Rev B	Proposed Site Sections
6771-PD-06	Proposed Bin Store

Reason: To clarify which plans have been approved.

### Material Samples

The development hereby approved shall not commence above slab level until, written details and appropriate virtual samples of the materials to

be used in the construction of the external surfaces of the building 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 to the development and to protect the amenity of neighbouring occupiers.

#### Hard Landscaping

The development hereby approved shall not commence above slab level until, details of hard landscape works 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;

Reason: To ensure a satisfactory appearance to the development.

#### Soft Landscape Scheme

The development hereby approved shall be carried out in accordance with the approved 'Landscape Strategy' Plan KEN2059-01-B and Detailed Planting Plan KEN2509-02 Rev A.

All such landscaping shall be carried out no later than the first planting season (October to February) following the completion / first occupation of the development. Any 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, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

#### No External Plant

No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the local planning authority;

Reason: To safeguard the external appearance and character of the building and the amenity of neighbouring residents.

#### Demolition of Existing Buildings

The existing buildings as shown to be demolished on the approved plans shall be demolished and the resulting materials and debris removed from the site to the satisfaction of the local planning prior to the first occupation of the building hereby permitted;

Reason: To prevent an overdevelopment of the site and to safeguard the character and appearance of the surrounding area.

#### Parking/Turning Implementation

The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

#### Bat Mitigation

Works shall be carried out in accordance with the recommendations and methodology set out in Section 9 of the 'Bat Survey & Mitigation Report' JFA Ref: KEN 2059 dated August 2021.

#### Electric charging points

The accommodation shall not be occupied until a minimum of two electric vehicle charging points have been installed which 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.