















- 6.32 The scheme will provide additional planting with indigenous trees. In addition, it is proposed that new indigenous hedging be provided around the site, separating existing soft boundaries between the adjacent properties. The existing roadside hedging will be retained and where necessary, a new native mature mixed hedgerow will be planted along the boundary between the residential curtilage and field. On the boundaries to the road and field, post and rail fencing will be provided to provide views of the restored barn from the roadside. The car parking area will be screened with a 1.5m high trellis with evergreen planting.
- 6.33 The application advises that different surfacing materials will be utilised to emphasise a change in use and status and porous surfaces will be used where appropriate, and native species will be used in landscaping. Surface materials and landscaping details can be secured by conditions.
- 6.34 Although the proposal does bring the risk of domestication of the plot within a rural location, it is recognised that the private road is characterised by loose residential development in large plots. While this would not in any way justify the addition of new dwelling, it does provide a backdrop for a policy DM31 compliant scheme that would provide a sympathetic conversation and long term reuse of the curtilage listed building.
- 6.35 In addition to this, the context of the site is a significant consideration. The barn is well set back from the road with extensive screening. With control through conditions on landscaping and boundaries, there would be only a limited impact on wider views of the site within the landscape. Aside from the proposed driveway, no development could be built forward of the front building line without further consent.
- 6.36 Subject to conditions requiring further detail about the hard and soft landscaping, and tree protection, the visual, heritage and landscape impact of the proposal would accord with local plan policy and the NPPF.

#### **Amenity impact**

- 6.37 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Local Plan policy DM1 and paragraph 130 of the NPPF emphasise that proposals should provide adequate residential amenities for future occupiers of new development. Development should not result in, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.38 The proposed floorplans submitted accord with the nationally described space standards and as per criteria 3iii of DM31, the plans demonstrate that there is sufficient land around the buildings to provide a reasonable level of outdoor space for occupants. The outdoor space provided is in harmony with the character of its setting.
- 6.39 The building is located a sufficient distance from adjoining occupiers that there would be no loss of privacy, or impact on overlooking, daylight or sunlight.

#### **Highway and parking**

- 6.40 Local Plan policy DM1 states that proposals which create high quality design will be permitted, where they safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access.



- 6.41 Chickenden Lane is a private lane. Given the small scale of the proposal, traffic will be accommodated on the local highway network without significant adverse impact. The access point is appropriate to both the character of the site, and to provide sufficient access to the dwelling.
- 6.42 In terms of parking provision, Local Plan policy DM23 advises that a minimum of two independently accessible parking spaces should be provided for 3 or 4-bedroom houses. This has been sensitively incorporated with parking shown within the curtilage of the barn, on hard surfacing. The site has sufficient space to accommodate policy compliant parking.
- 6.43 Electric vehicle charging points have been shown as located adjacent to the parking area but not attached to the barn. This is appropriate and supported.

### **Biodiversity**

- 6.44 Local Plan policy DM3 states: *"To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species"*.
- 6.45 Given the condition of buildings and land, the number of trees in and around the site and its connectivity with the surrounding countryside, the proposal has the potential to affect protected species. Ecological survey information has been submitted and the Ecology consultee have advised that they are satisfied that this is sufficient to assess the impact of the proposal.
- 6.46 The submitted ecology report has detailed the following:
- Day roost for common pipistrelle and soprano pipistrelle.
  - Day and feeding roost for brown long-eared bat and Natterers bat.
  - 3 species of reptiles.
  - Suitable habitat for breeding birds, dormouse, badgers and hedgehogs.
  - GCN expect to be present in the ponds on site/surrounding the site.
- 6.47 In addition to the survey information, a detailed mitigation strategy and proposed enhancements have been submitted. The ecology consultee is satisfied that these measures are acceptable and that subject to the imposition of conditions, the ecological impact of the proposal can be sufficiently mitigated against. In this regard therefore, the proposal would accord with local plan policy DM3.

### **Flooding**

- 6.48 Policy DM1 of the local plan states that proposals should avoid inappropriate new development within areas at risk from flooding or mitigate any potential impacts of new development within such areas whereby mitigation measures are integral to the design of buildings.
- 6.49 Paragraph 168 of the NPPF states *"Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55"*. NPPF Footnote 55 advises *"A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3"*.
- 6.50 The application involves a change of use of a barn within Flood Zone 2 and a site-specific floor risk assessment has been submitted. Paragraph 167 of the NPPF sets out that development *"...should only be allowed in areas at risk of flooding where..."*

a flood risk assessment demonstrates that several criteria have been met. These criteria are assessed below.

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.

- 6.51 Living accommodation is raised 300mm above the design flood level of 18.64m AODN (i.e. above 18.94 AODN) on the upper floors of the building. Sleeping accommodation 600mm above the flood level (i.e. above 19.24m AODN).

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.

- 6.52 Flood resistance and resilience measures will be retrofitted to the existing ground floor following the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These flood resilience measures will include measures to ensure that the infrastructure highlighted by neighbours (air source heat pump, solar panels and electric charging points) have sufficient resistance to floodwater in terms of their design and siting.

- 6.53 The services to the building will be a mains electric cable and insulated mains water pipe which will rise externally and into the building above the resilient construction. No gas is proposed.

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

- 6.54 All drainage systems will be designed with non-return valves before they enter the onsite foul drain storage vessel. The storage vessel will be emptied from the roadside with a connection pipe running from the tank.

d) any residual risk can be safely managed.

- 6.55 The residents of the dwelling would sign up to the EA's Flood Warning Service and monitor Met Office Weather Warnings.

e) safe access and escape routes are included where appropriate as part of an agreed emergency plan

- 6.56 A new drive of permeable gravel. The finished level of the drive will be the same or lower than the existing ground level with surplus material removed from site and therefore will have no impact on the flood levels which will protect the cart lodge. Furthermore, the pond will be dredged to give the locality more capacity to accept rainwater.

- 6.57 These measures can be integrated into the design of the conversion and as such would mitigate against the risk of flooding. These can be managed through the imposition of conditions on any permission. With regard to flooding impact, the proposal would therefore accord with local plan and NPPF guidance.

### **Other considerations**

- 6.58 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**

6.59 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.

**7.0 CONCLUSION**

7.01 Whilst the proposal would result in harm to the character and appearance of the countryside, the proposal is found to be in accordance with policy DM31 which permits the conversion of countryside buildings to other uses and as a result in accordance with policy SP17.

7.02 The proposal would result in less than substantial harm to the curtilage listed building, and this harm is mitigated by allowing a sustainable long-term use of the building. The residential re-use is the only realistic means of providing a suitable re-use for the listed building.

7.03 The proposal is found to be acceptable in relation to transport impacts, residential amenity, and ecology.

7.04 Taking this into account, along with all other material planning considerations, and subject to the imposition of conditions, it is recommended that planning permission is granted.

**8.0 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) The development shall be carried out in accordance with the following approved plans and documents: 10D, 11B, 110G, 111B, 12B, 14C, 15E, 18A, Financial Viability Assessment, Structural and Building Survey, Tree Survey Schedule, Tree Condition Report, Ecological Assessment, Heritage Statement, Flood Risk Assessment. Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The development hereby approved shall not commence until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record. Reason: To ensure that any evidence of historic significance is appropriately recorded.
- 4) Notwithstanding details on submitted drawings the development hereby approved shall not commence until large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority 1. Reused and new internal joinery 2. Reused and new external joinery. The development shall be carried out in accordance with the approved details Reason: To ensure the appearance and the character of the building are maintained.
- 5) Prior to the commencement of development, tree protection in accordance with the current edition of BS 5837 shall have been installed on site. All trees to be retained

must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 6) No development including site clearance shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 7) Prior to the commencement of development, the ecological mitigation for reptiles, dormouse, hedgehogs, breeding birds and badgers shall have been implemented as detailed within the Ecological Assessment (Bakerwell; April 2023). On completion of the mitigation works a letter must be submitted to the LPA demonstrating it has been completed. The mitigation shall be retained permanently thereafter. Reason: To protect the ecological value of the site.
- 8) Prior to the commencement of development, the ecological mitigation for bats shall have been implemented as detailed within Ecological Assessment (Bakerwell; April 2023) with a letter submitted to the LPA demonstrating it has been completed or evidence submitted to demonstrate that mitigation has been subsequently amended by a Natural England EPS licence. The mitigation shall be retained permanently thereafter. Reason: To protect the ecological value of the site.
- 9) Prior to the commencement of development, the applicant, or their agents or successors in title, shall have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Works shall only proceed in accordance with the approved details. Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 10) Prior to first occupation of the approved dwelling living accommodation must be raised a minimum of 300mm above the design flood level of 18.64m AODN (i.e. above 18.94 AODN). Sleeping accommodation must be raised 600mm above the flood level (i.e. above 19.24m AODN). Reason: To mitigate against flooding impact.
- 11) Prior to first occupation of the approved dwelling flood resistance and resilience measures to the existing ground floor 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. The measures shall follow the advice of DEFRA's document Improving the Flood Performance of New Buildings Flood Resilient Construction. These measures shall be retained permanently thereafter. Reason: To mitigate against flooding impacts.

- 12) Within the first 3 months following first occupation of the approved dwelling evidence shall be submitted to show that residents of the dwelling have signed up to the EA's Flood Warning Service. Reason: To mitigate against flood impact
- 13) Prior to first occupation of the approved dwelling measures taken for the on site enhancement of biodiversity 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. The scheme shall provide for the enhancement of biodiversity including measures integrated into the building structure and on the wider site such as bird boxes, swift bricks bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. All features shall be maintained permanently thereafter. Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development
- 14) Prior to first occupation of the approved dwelling the approved details of the parking/turning areas shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. 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.
- 15) Prior to first occupation of the approved dwelling hard landscape works 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. Plans shall show the finished level of the drive as the same or lower than the existing ground level and show that all hard surfaces are porous or drain onto a porous surface within the site boundaries. All features shall be maintained permanently thereafter Reason: To ensure a satisfactory appearance to the development and ensure the protection of existing trees and mitigate against flood impact.
- 16) At the end of the first planting season (October to February) following first occupation of the approved dwelling landscaping shall be in place that is in accordance with a hard and soft landscape scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscape scheme shall be designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of new on-site planting and include a planting specification (species, spacing, siting, quantities and maturity) implementation details and a [5] year management plan. Reason: In the interests of landscape, visual amenity and to ensure a satisfactory appearance to the development.
- 17) If any of the existing trees or hedges retained on site or trees, hedges or other landscaping in the approved landscape plan within a period of five years from the first occupation of the dwelling are removed, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority. Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 18) 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, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority. Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.
- 19) 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. The submitted details shall be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan (demonstrating they will not impact the bat roost) with beam orientation (All lights downward facing and on motion sensors or timers) and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside, wildlife and in the interests of residential amenity.
- 20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved. Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).
- 21) Prior to the first occupation of the approved dwelling decentralised and renewable or low-carbon sources of energy shall be incorporated into the development to provide at least 10% of total annual energy requirements of the development. The decentralised and renewable or low-carbon sources of energy shall be in accordance with details that have previously been submitted to and approved in writing by the local planning authority and once installed the decentralised and renewable or low-carbon sources of energy shall be retained thereafter. Reason: To ensure an energy efficient form of development.
- 22) 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.

**INFORMATIVES**

- (1) The proposed development is CIL liable.
- (2) Code of practice for construction sites
- (3) Need for Listed Building Consent