

APPLICATION: MA/10/0966 Date: 3 June 2010 Received: 13 August 2010

APPLICANT: Mr P Carter

LOCATION: LANGLEY PARK FARM, SUTTON ROAD, LANGLEY, MAIDSTONE,  
KENT, ME17 3NQ

PARISH: Langley

PROPOSAL: Change of use of outbuilding to a single dwellinghouse and  
associated alterations

AGENDA DATE: 4th November 2010

CASE OFFICER: Louise Welsford

The recommendation for this application is being reported to Committee for decision because:

- it is a departure from the Development Plan and has been advertised accordingly.

## **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28.

Government Policy: PPS1, PPS3, PPS5, PPS7, PPG13, PPS23.

## **1 HISTORY**

1.1 The following applications apply to the complex:

- MA/86/0079 Two stables and part of a cow shed to be converted to 3 residential units - APPROVED
- MA/85/1399 Conversion of farm building into residential accommodation - APPROVED
- MA/85/0128 Change of use of farm buildings to light industrial/craft workshops - WITHDRAWN

## **2 CONSULTATIONS**

2.1 Langley Parish Council: Do not wish to comment.

2.2 Conservation Officer: Initially requested a Heritage Statement and had concerns regarding fenestration. Changes to window and door openings

were originally shown to be of inappropriate scale and design and the drawings showed changes to other parts of the complex which are not proposed. Subsequent to the submission of a Heritage Statement and revised plans, no objection is raised. "The revised plans now submitted overcome our previous reservations and are acceptable in terms of the alterations now proposed. No objection to the principle of change of use, given that other parts of this farmyard are already in residential use and the site is within an established residential enclave. In the circumstances, residential use is the most appropriate way of ensuring the future wellbeing of the building".

- 2.3 Environmental Health Manager: No objections. Recommends a condition regarding contamination.

### **3 REPRESENTATIONS**

- 3.1 None received to date.

### **4 CONSIDERATIONS**

#### SITE AND SITUATION

- 4.1 This application relates to part of a range of former agricultural buildings. Originally stables and cattle sheds, the building is shaped like a letter 'u' and faces onto a planned courtyard. To the south are other former agricultural buildings, including barn, granary and oast. Langley Park House (Grade II Listed) the former farmhouse, lies to the east of the site.
- 4.2 The site is part of a residential planning unit which comprises Langley Park House (dwelling) and part of the former cattle sheds building, which is in residential use for domestic storage, garaging and workshops, associated with Langley Park House.
- 4.3 The subject building was constructed circa 1850, as part of a planned courtyard. It is Grade II Listed, and the list description advises that it is a relatively uncommon survival in Kent. This application relates to the cattle shed section of the building. This is constructed of ragstone to the north elevation, with stained featheredge weatherboarding upon brick plinths between ragstone plinth blocks to the south elevation, facing the courtyard. Three sets of garage doors face the courtyard. The roof is covered with plain tiles.

- 4.4 The site forms part of the northern leg of the building. The eastern leg of the building is in use for domestic storage, garaging and workshop use associated with Langley Park House. The western leg of the range and the western part of the northern leg are in use as three separate residential dwellings.
- 4.5 The barn, granary and oast house, all originally associated with the farm have all been converted to residential use as dwellings.
- 4.6 The site lies in the open countryside in the parish of Langley. It also falls within the Southern Anti-Coalescence Belt.
- 4.7 Although designated as open countryside in the Local Plan, to my mind, the immediate surroundings are not of particularly rural character. Indeed, it is not an isolated or open area, but instead, the building is seen as part of a group of residential properties, comprising the farm house, other converted farm buildings and a number of cottages to the west of the site.
- 4.8 As the crow flies, the site is located less than 500m from the boundary of the urban area of Maidstone. Between the Langley Park area and the urban boundary lies a golf driving range. The access track leading to the site from Sutton Road is located almost immediately adjacent to the urban boundary.

## **5 PROPOSAL**

- 5.1 Planning permission is sought for the conversion of an existing residential storage and workshop area to a separate residential dwelling. The existing and proposed uses are residential and the proposal seeks in essence to create a separate planning unit, to be used as a dwelling.
- 5.2 The relevant section of the northern leg of the range has a floor area of approximately 60m<sup>2</sup> and would comprise living room, kitchenette, bathroom, bedroom and small hall.
- 5.3 No extensions to the building are proposed. Alterations involve the addition of internal partitions (which do not require planning permission) and changes to fenestration. To the north elevation, two windows and a stable door would be added, whilst to the south, two sets of existing garage doors would be removed, with the third set being retained as shutters, with glazing being inserted behind the doors in the opening. A single new door would also be added and weatherboarding would be used to infill the openings which would be closed.
- 5.4 As the proposal would close off the existing access to the remaining workshop area, new garage doors would be added to that area, further eastwards along the elevation.

## **6 PLANNING CONSIDERATIONS**

### PRINCIPLE

- 6.1 The most relevant policy of the Local Plan in this case is ENV28. This policy advocates the protection of the countryside and importantly it states:  
"IN THE COUNTRYSIDE PLANNING PERMISSION WILL NOT BE GIVEN FOR DEVELOPMENT WHICH HARMS THE CHARACTER AND APPEARANCE OF THE AREA OR THE AMENITIES OF SURROUNDING OCCUPIERS..."
- 6.2 In my opinion, this is the key section of the policy, because it states its purpose – to protect the visual appearance of the countryside and the amenity of neighbouring occupiers.
- 6.3 I therefore consider that it is important to assess whether any material harm would result from the development. The key issues to be considered in this regard are visual impact upon the countryside, impact upon the listed building, residential amenity and sustainability. These issues are discussed in detail below.
- 6.4 Policy ENV28 also gives a number of types of development to which development in the countryside will be confined. This includes (amongst other things) agriculture and recreation and also "such other exceptions as indicated by policies elsewhere in this plan". None of the exceptions apply to this proposal.
- 6.5 Consequently, the proposal does not strictly accord with the Local Plan, because it is not the type of development which the Local Plan states can be carried out in the countryside.
- 6.6 However, whilst the proposal does not in principle accord with the Development Plan, as stated, it is important to assess whether any material harm would result from the development and also, whether there are any other material considerations which would indicate a decision contrary to the Development Plan.
- 6.7 It is also to be noted that the existing use of the building is Class C3 (residential) use. Whilst use as a separate dwelling would result in an intensified use of a level which would require planning permission, other residential uses – for example, a low key tourism use for a short period of occupancy – are unlikely to require planning permission.
- 6.8 As this building is already in residential use (and the proposal essentially seeks to sever it from Langley Park House to create an independent dwelling), Policy ENV45 of the Local Plan is not directly relevant, because

this is generally concerned with the conversion of non-residential buildings to residential use.

## **7 Visual Impact upon the Countryside**

- 7.1 The proposal has been sensitively developed, in consultation with the Planning Officer and Conservation Officer, to produce a scheme which would preserve the rural character and appearance of this former agricultural building and the positive contribution which the building makes to the visual amenity of the countryside.
- 7.2 The simple form of the building would be maintained, as no extensions are proposed, and changes to fenestration are generally sympathetic (more detail upon the impact upon the listed building is given below).
- 7.3 Parking would not cause visual harm to the countryside, because this would take place within the existing gravelled courtyard, which is already used for this purpose.
- 7.4 A patio area already exists to the north of the building and this is shielded on two sides by existing hedging. Further hedging could be planted to the third side to separate the site from the gardens of Langley Park House.
- 7.5 Therefore, no urbanisation, through the addition of hardstanding or fencing, would occur.
- 7.6 The proposed use as a dwelling would be more intense than the existing use for domestic storage. However, this would only be a single small unit, and the patio area is already surrounded by gardens to Unit 3 and Langley Park House. In my opinion, therefore, the visual impact of domestic paraphernalia associated with the more intense use would not cause significant harm to the character or appearance of the countryside.
- 7.7 Most importantly, the existing character of the countryside in this location must be considered. This site is not a typical open, rural site, in an isolated location. Indeed, in my view, it already appears as part of a small residential community. (There are already more than 10 residential properties within the road). It is located only a short distance to the east of a golf driving range and also Parkwood Industrial Estate, further to the west, lies in fairly close proximity to the site.
- 7.8 I conclude that this proposal would result in no material harm to the character, appearance or openness of the countryside.

## **8 Impact upon the Listed Building**

- 8.1 This building, which is Grade II Listed, maintains much historical and agricultural character.
- 8.2 The simple form of the building and also its roof structure would be maintained, as no extensions or roof-lights are proposed. These are key elements of its historical interest in my view.
- 8.3 Some of the garage doors to the south elevation would be lost. However, the appearance and former use of the building as cattle sheds indicate that the south elevation was likely to have originally been open, perhaps with wooden posts sited on top of the ragstone plinth blocks, supporting the roof. These ragstone blocks, which are interesting historical features, would be retained and respected by the position of new doors. New doors would be of simple, vertically boarded design, appropriate to the traditional building and overall the extent of door openings would be less than currently exists.
- 8.4 Both myself and the Conservation Officer are satisfied that the proposed changes to the south elevation would preserve the historical integrity and character of the building.
- 8.5 To the north elevation, two windows and a door are proposed. The door would be of a simple, stable door design and windows would not be of an excessive scale. Although there are currently no openings in this section of the north elevation, despite the different uses of the building, I still consider that the elevation is seen as one building and that this section of wall cannot reasonably be considered in isolation. This elevation of the building is already somewhat domestic in appearance and has a number of existing window and door openings. The proposed windows would be of a design to match some of those existing and the new openings would not be of an excessive scale or number. In my view, the new fenestration would not significantly alter the character of the elevation and this view is shared by the Conservation Officer.
- 8.6 Also, an important material consideration with regards to listed buildings is their viability.
- 8.7 One of the objectives of PPS5 is that "wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation."
- 8.8 This proposal clearly meets that objective, as it would result in no material harm to the character, appearance or historical integrity of the building and it would secure a suitable long term use, which would ensure its maintenance.

- 8.9 Whilst the building is currently in use for domestic storage purposes, there are currently over 200m<sup>2</sup> of garaging, workshops and storage for Langley Park House and more than 150m<sup>2</sup> would remain. The existing amount of space may therefore become surplus to requirements in the future.
- 8.10 In my view, this proposal would preserve the character and appearance of the Grade II Listed Building and it accords with the advice given in PPS5, which indicates that permission should be granted.

## **9 Residential Amenity**

- 9.1 No extensions are proposed which would affect the light to, or outlook of, neighbouring properties.
- 9.2 In terms of privacy, the site would be separated from the properties to the south by the existing, generous courtyard and a hedgerow.
- 9.3 The openings to the south (courtyard) elevation would face the courtyard and any views to units 1 and 2, to the west, would only be oblique.
- 9.4 To the north, fenestration would face a patio which is surrounded on two sides by existing hedging and hedging to the third side could be added to provide separation from Langley Park House and an acceptable living environment for both properties.
- 9.5 There is a small gap in the hedging immediately adjacent to the building, but this only gives limited views over unit 3 and would not, therefore, cause a significant loss of amenity. A suitably designed gate could, subject to the necessary consents, be added at a later date if required by either occupier.
- 9.6 Significant noise and disturbance would not result from traffic movements, due to the fact that only one small unit is proposed.

## **10 Sustainability**

- 10.1 The key issue in this case is sustainability. The site is within a residential planning unit and is an existing building. It is located only a short distance from the urban boundary (less than 500m as the crow flies).
- 10.2 It is accessed via a track leading to the A274 (Sutton Road) which is a main arterial route, well served by public transport. There are bus stops located within several hundred metres of the access upon the Sutton Road, at Parkwood Industrial Estate and Birchalls. The service running past the access track to the site is an hourly service, with the Parkwood service, around 1 mile from the site, running at 10 minute intervals.

- 10.3 The site is close to a number of facilities in the Parkwood area, including employment opportunities at Parkwood Industrial Estate, and Morrisons Supermarket, which is only around 1.5 miles away. There are also schools within 1.5 miles from the site along, or close to, Sutton Road. Three doctor's surgeries are located within approximately 1 mile and a further six within approximately 2 miles. There is a dentist's surgery within approximately 1 mile and six within approximately 3 miles.
- 10.4 Moreover, the site lies within a residential enclave. It is part of a group of more than 10 existing dwellings. It is in an area where residential use as a dwelling has previously been accepted.
- 10.5 It is concluded that the site is well located with regards to access to facilities and, since only one small unit is proposed, this application would not result in a form of development which would be significantly unsustainable.

## **11 Other Issues**

- 11.1 The proposal would not be contrary to the aim of the Southern Anti-Coalescence Belt, because it would not consolidate built development. No additional buildings or extensions are proposed.
- 11.2 There are no significant ecological issues, due to the nature of the proposal. The building is currently in a reasonable state of repair and is in residential use, so is unlikely to be used to any significant degree by protected species.
- 11.3 Sufficient parking space is available within the existing gravelled courtyard area and the access is an existing access.
- 11.4 With the exception of some additional hedging to the north (as discussed above, to provide a satisfactory living environment), no additional landscaping is necessary or appropriate, due to the layout and appearance of the site.
- 11.5 The proposal includes a small patio area, which would give sufficient outdoor space for the small unit, in order to provide a satisfactory living environment.
- 11.6 As the site has been in domestic use for a considerable period of time, the risk of contamination from spillages is considered to be low. However, as part of the site has been used for garaging, it is considered appropriate to attach a condition to deal with contamination issues, in the event that contamination is found.



## **12 CONCLUSION**

- 12.1 The proposal does not fully accord with the Development Plan. However, it complies with PPS5, which seeks to secure viable long term uses for listed buildings, and this is material consideration.
- 12.2 The development would result in no material harm to the visual amenity of the countryside, to the residential amenity of neighbouring properties, or to the character or appearance of the Grade II Listed Building. It would be well accessed in sustainability terms.
- 12.3 Considering all of the above, it is therefore my view that in this particular case, a departure from the Development Plan is justified.
- 12.4 I recommend approval.

## **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 not commence until full details of new external and internal joinery, in the form of large scale drawings, 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.

Reason: To preserve the setting, character and appearance of the Grade II Listed building, in accordance with PPS5.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no development within Schedule 2, Part 1 Classes A-H shall be carried out without the permission of the local planning authority.

Reason: To safeguard the character and appearance of the countryside and the amenity of neighbouring occupiers, in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS7.

4. The development shall not commence until full details of landscaping in the form of hedging to the eastern boundary of the rear amenity space has 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;

Reason: To ensure a satisfactory setting and external appearance to the development, and to provide a satisfactory living environment in accordance with Policies ENV6 and ENV28 of the Maidstone Borough Wide Local Plan 2000 and PPS1.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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, unless the local planning authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development, and to provide a satisfactory living environment in accordance with Policies ENV6 and ENV28 of the Maidstone Borough Wide Local Plan 2000 and PPS1.

6. If during the works contamination is encountered, works shall cease and it shall be fully assessed. Works shall not re-commence until an appropriate remediation scheme has 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.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To prevent harm to human health in accordance with PPS23.

7. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 663/LOC Rev A received on 08/10/10 and 663/P/01 Rev C received on 29/09/10;

Reason: To ensure the quality of the development is maintained and to prevent harm to the character and appearance of the countryside and the Grade II Listed Building in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, PPS1, PPS5 and PPS7.

### **Informatives set out below**

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard Code of Practice BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

If any asbestos-containing materials are found, adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

The proposed development, subject to the conditions stated, is not considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000), but there is an overriding material consideration to indicate an approval of planning consent being the benefits to the viability of the Grade II Listed Building.