

APPLICATION: MA/13/1147 Date: 21 June 2013 Received: 24 June 2013

APPLICANT: Mr Andy Larkin

LOCATION: LITTLE SHEEPHURST FARM, SHEEPHURST LANE, MARDEN,
TONBRIDGE, KENT, TN12 9NZ

PARISH: Collier Street

PROPOSAL: Conversion and change of use of workshop and office building (B1 use) to form a dwelling and demolition of existing industrial barn (resubmission of MA/13/0411) as shown on drawing nos. P01 0015, P02 0015 RevA, P03 0015, P04 0015, P05 0015 RevA, and P06 0015 received on 24th June 2013.

AGENDA DATE: 19th September 2013

CASE OFFICER: Richard Timms

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

- Councillor Annabelle Blackmore has requested it be reported for the reasons set out in the report

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV45
- Government Policy: National Planning Policy Framework 2012 (NPPF)

2. HISTORY

MA/13/0411- Conversion and change of use of workshop and office building (B1 use) to form a dwelling and demolition of existing industrial barn – WITHDRAWN

MA/06/0739 - Conversion of existing workshop/office to form a single storey residential dwelling and replacement of the existing pole barn with a timber framed detached garage – REFUSED & DISMISSED

MA/05/1682 - Retrospective application for the rebuilding of former log store to existing workshop including pitched roof and alterations to openings – APPROVED WITH CONDITIONS

MA/04/1410 - Demolition of 2No. barns; conversion of existing stables to dwelling including erection of 2 no. extensions (one retrospective) and erection of detached timber framed garage – REFUSED

MA/00/2045 - Change of use of redundant stables and wagon lodge to commercial workshop with ancillary office – APPROVED WITH CONDITIONS

MA/97/0675 - Conversion of redundant stable and cart lodge to a single dwelling – REFUSED (DISMISSED)

MA/96/1685 - Conversion of brick built barn and cart lodge to residential use – REFUSED

3. CONSULTATIONS

3.1 **Collier Street Parish Council** does not wish to comment.

3.2 **Councillor Blackmore:** *"If you are mindful to refuse this application I would be grateful if it could be called to the Planning Committee for the following reasons:*

There would be an improvement to the streetscene by the demolition of the agricultural building on site which requires some maintenance and is a bulky structure.

The agricultural building is not listed and does not have any architectural significance. A series of property agents have tried unsuccessfully to let or sell the property between June 2005 to December 2012. Some maintenance has been carried out to the building. According to the NPPF the only alternative appears to be controlled demolition rather than leaving the building to deteriorate to a dangerous state."

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

3.4 **KCC Ecological Advice Service:** No objections subject to the recommendations in the reports being carried out (relating to demolition and development process/precautions and bat encounter).

4. REPRESENTATIONS

4.1 Local Residents: 4 representations have been received raising the following (summarised) points:

- Building is not worthy for dwelling status and is out of character within a working farmyard.
- Approval would make a joke of planning regulations.
- Support application.

5. CONSIDERATIONS

5.1 Introduction

5.1.1 This is an application for the conversion and change of use of a workshop and office building (B1 use) to form a dwelling with demolition of an existing industrial barn at Little Sheephurst Farm, Sheephurst Lane, Marden.

5.2 Site Description

5.2.1 The site is on the south side of Sheephurst Lane found some 1.8km southwest of Marden village but falls within Collier Street parish. The site is within open countryside for the purposes of the Development Plan.

5.2.2 The application specifically relates to a single storey building with a T-shaped footprint with a lawful B1 use originally granted in 2000 with subsequent enlargement approved under in 2005. This building is set back from the road behind a larger corrugated/timber barn which was granted retrospective permission for B1 use, also in 2005. To the rear, south is a single storey building recently approved for B8 use. None of these buildings are currently in use.

5.2.3 The red outline of the application site includes land to the north, east and south of the building and covers 0.35ha. There is a gravel access track along the east side of the site but otherwise the land is grassed with hawthorn hedge boundaries and a pond in the northwest corner. Further south and east are orchards with farm buildings to the west within the Little Sheephurst Farm complex, which is in different ownership. There are dwellings fronting Sheephurst Lane to the northwest.

5.3 Proposal

5.3.1 Permission is sought to change the use of the T-shaped B1 use building to a 3 bedroom dwelling. External works involve a new bathroom window on the south elevation, and a new bathroom window on the north elevation.

5.3.2 It is proposed to demolish the corrugated barn to the north and use the building to the south as an ancillary outbuilding for the dwelling. Access would be via the gravel track along the east of the site. The whole red outline area on the site plan would become the garden for the dwelling.

5.4 History

5.4.1 Application MA/06/0739 was refused to change the building to a dwelling and the appeal was dismissed in 2007. Citing policy ENV45 of the Local Plan (Re-use and

adaptation of buildings for residential use), the Inspector was not persuaded that a market for the workshop/office use did not exist (as conversion works were not completed), considered that the building was not worthy of retention for residential use, that the site was not a sustainable location for housing, that domestic paraphernalia would have an urbanising effect on the area, and that harm to the appearance of the countryside would be caused.

5.4.2 Application MA/13/0411 was withdrawn earlier this year and was an identical proposal to this application but was withdrawn in order to carry out further work in respect of ecology.

5.5 Principle of Development

5.5.1 Policy ENV45 of the Local Plan concerns proposals to convert rural buildings for residential purposes outlines that this will not be permitted unless:

(A) *"Every reasonable attempt has been made to secure a suitable business re-use for the building; and*

(B) *Residential conversion is the only means of providing a suitable reuse for a listed building, an unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed building(s) or, other buildings which contribute towards the character of the countryside or which exemplify the historical development of the Kentish countryside."*

5.6 Attempts to secure a suitable business re-use for the building

5.6.1 Two sets of marketing reviews have been provided from local chartered surveyors (Bracketts & Sibley Pares) dated December 2012 and January 2013.

5.6.2 In summary, the building has been marketed on and off since 2007 both as part of the larger site including the buildings to the north and south (within the red outline) and also just with the smaller storage building to the rear. The building has been made wind and watertight, and also cladding of the rear store building to make them more attractive since the 2007 appeal. The price has been reduced by over £100k to £210k for the application building and separate rear storage building in November 2012, with the buildings made available for sale or to let.

5.6.3 'Sibley Pares' advise that (2013),

"the properties in this location only have a limited market due to its location in a rural setting. The marketing has been hindered by the shell finish of the units

whereby they all require fitting out internally and also the roadway is unfinished so it does not give a great first impression. This is considered to be offset as the general property market is poor and a commercial decision was made not to spend money to complete the units as there is such a limited market and by finishing them off does not guarantee that a suitable purchaser could be found (the sale being the primary objective).

In summary, the properties have been well marketed but due to poor market conditions and the nature and location of the properties there is very limited interest for commercial use. This combined with the lack of commercial finance available is hindering the sale of the properties and unless the units were 'completed' with internal fit out, services in place and the access roadway in place it is unlikely that the properties would let at this time."

- 5.6.4 The advice is that the building has been well marketed but it is a combination of poor market conditions and location which limits interest. Whilst it is advised that if the units were completed with internal fit out, services in place and the access roadway completed, there is an improved possibility they could be let, it is advised that there would still be very limited interest. I note permission has not been sought for alternative uses such as holiday lets, which might be more suited to the rural location, however on balance, I consider a reasonable attempt has been made to secure a suitable business re-use for the building.

5.7 Whether building is worthy of residential conversion

- 5.7.1 The lack of aesthetic quality to the building or any positive contribution towards the character of the countryside was a ground for refusal under application MA/06/0739 and an objection of the Inspector at the appeal. I do not consider anything has changed to warrant a different opinion and as such, the proposals are contrary to policy ENV45.

5.8 NPPF – Paragraph 55

- 5.8.1 What has changed since that decision is the introduction of the NPPF and the agent points to paragraph 55 which states –
- 5.8.2 *"Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as... where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting"*
- 5.8.3 The domestication of the site including a large garden with inevitable domestic paraphernalia, ornamental planting etc. would urbanise the area, as considered by the Inspector, and result in harm to the character and appearance of the

countryside here contrary to policy ENV28 of the Local Plan. This impact would be clearly visible from Sheephurst Lane and would not enhance the setting. The corrugated barn proposed to be demolished is a relatively large building, but it is a building one expects to see in the rural scene and it is within a larger group of built development including other large farm buildings so is not incongruous here. For these reason, I do not consider the removal of this building would result in any significant noticeable difference in the wider landscaper or an enhancement of the immediate setting of the building sufficient to outweigh the harm otherwise caused by domestication.

5.8.4 The site is at a remote location where future residents would be reliant on vehicles for local services. So in this respect the proposals are not environmentally sustainable, a key objective of the NPPF. I acknowledge that the business uses may generate more vehicle movements but this is a negative factor generally accepted for commercial uses in the countryside because of the benefits to the rural economy, a key aim of the NPPF. There would be no significant economic benefits associated with a single dwelling. The proposals would not lead to an enhancement of the site's setting and consequently there is no justification for a new isolated and unsustainably located dwelling, which would be contrary to the environmental objectives of the NPPF.

5.9 Ecology

5.9.1 An Extended Phase 1 Habitat Survey and Great Crested Newt Survey report has been submitted. In summary, with regard to bats, an oak tree towards the front of the site has roosting potential but the building to be demolished has low potential with no evidence of bats, following inspection, and a precautionary approach is recommended. With regard to great crested newts (GCN), the pond on site to the north of the large barn was found to be of 'average' suitability for GCN. The pond is not directly affected by the development and as such a precautionary approach is recommended to prevent any impact upon the pond and surrounding land during works.

5.9.2 KCC Ecological advice is that the precautionary approach is acceptable and measures are proposed to ensure that any potential for harm as a result of the proposal is minimised, relating to demolition and development process/precautions and bat encounter. On this basis, I consider there would not be any harm to biodiversity interests.

5.10 Other Matters

5.10.1 I do not consider there would be any harmful impacts upon neighbouring amenity from the residential use. Whilst close to a working farm, I consider a suitable level of amenity could be enjoyed by the proposed dwelling.

6. CONCLUSION

- 6.1 The proposal would result in a new dwelling in the countryside contrary to policy ENV45 of the Local Plan. The residential domestication of the site would result in harm to the character and appearance of the countryside contrary to policy ENV28 of the Local Plan. The demolition of the barn is not considered to result in sufficient enhancement to the setting of the building to outweigh this harm. In the absence of such enhancement, there is no justification for a new isolated and unsustainably located dwelling, which would be contrary to the environmental objectives of the NPPF. I therefore recommend refusal for the following reasons.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The building is of insufficient architectural and/or historic merit to justify retention for residential use contrary to policy ENV45 of the Maidstone Borough-Wide Local Plan 2000, and the proposal, through residential domestication of the site, would result in visible harm to the character and appearance of the countryside contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. The demolition of the barn is not considered to result in sufficient enhancement of the immediate setting of the building to outweigh this harm and in the absence of such enhancement, there is no justification for a new isolated and unsustainably located dwelling, which would be contrary to the environmental objectives of the NPPF.

Note to applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered to be contrary to the provisions of the

Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.