

APPLICATION: MA/13/1494 Date: 28 August 2013 Received: 30 August 2013

APPLICANT: Mr Alan Bishop

LOCATION: THE BEAST HOUSE, WEST STREET, HUNTON, MAIDSTONE, KENT,
ME15 0SA

PARISH: Hunton

PROPOSAL: Erection of single dwelling and conversion of part of existing building to B1 office use and part domestic storage to create a live/work premises as shown on Code for Sustainable Homes Assessment, Update to Protected Species Survey and drawing nos. 2798/DR/001 Rev A and 12-1064-01D and 02 received 28/08/13 and Flood Risk Assessment, Design & Access Statement, site location plan and drawing no. 760a received 30/08/13.

AGENDA DATE: 12th December 2013

CASE OFFICER: Kathryn Altieri

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

- It is contrary to views expressed by Hunton Parish Council.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV44, ENV45, T13
- Government Policy: National Planning Policy Framework

2. HISTORY

- MA/11/1110 - Change of use and conversion of former agricultural building to live/work unit – Refused (allowed on appeal)
- MA/10/0376 - Change of use and conversion of former agricultural building to live/work unit – Refused
- MA/09/1338 - Change of use and conversion of former agricultural building to live/work unit – Refused
- MA/08/2479 - Change of use and conversion of building to tourist accommodation – Approved/granted with conditions

- MA/90/1559 - Conversion of redundant agricultural building to dwelling – Refused (dismissed at appeal)
- MA/81/0174 - Outline application for conversion of existing building into residential unit – Refused (dismissed at appeal)
- MA/79/1705 - Outline application conversion of beast house to dwelling – Refused

3. BACKGROUND INFORMATION

3.1 Most recently, planning permission MA/11/1110 was for the change of use and conversion of the former agricultural building to a live-work unit. This application was refused by the Council in September 2011 for the following two reasons;

- The residential element of the proposed conversion of the building is considered to represent inappropriate development in an unsustainable location that would result in a harmful form of development removed from basic services.*
- The existing building is not of quality and traditional construction, and is of insufficient architectural or historic merit to constitute a heritage asset or justify its retention or preservation for the proposed use. The principle of the conversion of the building for use as a live/work unit would create a new residential unit in the countryside resulting in a harmful and unjustified development in the countryside.*

3.2 The applicant did appeal this decision and in March 2012, the Planning Inspectorate allowed the proposed conversion subject to conditions (see attached decision). In summary, the Planning Inspector concluded;

"I have found the appeal site is in a reasonably sustainable location and the existing building contributes to the character of the countryside."

3.3 This decision from the Planning Inspectorate is a material planning consideration in the determination of this application.

3.4 Before this appeal decision, a number of applications were refused for residential development on the site and under MA/08/2479 planning permission was granted for the conversion of the existing building into tourist accommodation. This permission was never implemented.

4. CONSULTATIONS

4.1 **Hunton Parish Council:** Wishes to see the application approved and should you arrive at a different recommendation, requests that the application is reported to Planning Committee.

4.2 **KCC Biodiversity Officer:** Raises no objections with recommended enhancements;

4.2.1 *"We have reviewed the ecological survey which has been submitted with the planning application in conjunction with the photos provided by the planning officer. An updated ecological survey has been submitted with the planning application. Ideally a map should have been included within the survey to clearly show where the habitats described within the survey were located. However on this occasion we are satisfied that a map does not need to be provided. The survey has detailed that there is limited potential for protected/notable species to be present within the site and we are satisfied with this assessment.*

4.2.2 *Birds - There is suitable habitat present within the site for breeding birds. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). We recommend that the work is carried out, outside of the breeding bird season (March – August inclusive), If that is not possible an ecologist must examine the site prior to works starting and if any nesting birds are present all work must cease in that area until all the young have fledged.*

4.2.3 *Bats - Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.*

4.2.4 *Enhancements - One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The submitted landscaping plan has provided details of enhancements which may be incorporated in to the site. The aerial photos suggest that the habitat surrounding the site is suitable for reptiles, as such we recommend that refugia for reptiles are incorporated in to the boundary of the site.*

4.3 **Conservation Officer:** Raises no objections on heritage grounds;

4.3.1 *"The Beast House has been accepted as suitable for conversion to residential use. However, what is now proposed is its partial conversion to office use and the erection of a free-standing new dwelling. I have no design objections to the new building and its impact on the setting of the Beast House would be acceptable."*

4.4 **Landscape Officer:** Raises no objections with recommended condition;

4.4.1 *"There are no trees present on or adjacent to the site that are currently protected or merit protection. However, it is noted that the applicant intends to retain the Oak tree adjacent to the driveway. The entrance drive to the site passes within the root protection area of the Oak but the application details do not currently demonstrate that the Oak can be successfully retained. The use of no-dig construction and permeable surfacing should ensure the successful retention of the tree. Therefore, should you be minded to grant consent I would recommend a pre commencement condition requiring such details to be submitted."*

4.5 **KCC Highways Officer:** Raises no objections with recommended conditions;

4.5.1 *"3 parking spaces are provided with space within the site for turning. I confirm that I do not wish to raise objection subject to the following conditions being attached to any permission granted:*

- *Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.*
- *Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.*
- *Use of a bound surface for the first 5m of the access from the edge of the highway."*

4.6 **Environmental Health Officer:** Raises no objections with recommended foul sewage condition and standard informatives;

4.6.1 *"I note that the application form states that foul sewage will be dealt with via a "package treatment plant", but as with previous applications; no details have been provided. Environmental Health will need to see further details, plus the applicant should be advised that they should contact the Environment Agency with regards to the possible need for a discharge consent.*

4.6.2 *Recommended condition - Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.*

4.6.3 *These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).*

4.7 **Environment Agency:** Raises no objections with recommended condition and informatives;

4.7.1 *"Based on the Flood Risk Assessment completed by Bishop Consultancy (reference 778/FRA, August 2013) we have no objection to this at this location but request that prior to commencement condition is included for details of a sustainable surface water drainage scheme for the new house.*

4.8 **KCC Public Rights of Way Officer:** Raises no objections.

5. REPRESENTATIONS

5.1 The occupants of Rose Cottage have raised objections over loss of privacy, light and overlooking; loss of the fruit trees; highway safety; the proposal being a visually intrusive development; and that the proposal is a new dwelling in the countryside.

6. CONSIDERATIONS

6.1 Site description

- 6.1.1 The application site relates to a generally square-shaped plot of agricultural land that is bordered to the south and west by separate parcels of land that are within the ownership of the applicant but not part of this submission. Within the site, there is a single storey building (known as 'The Beast House') situated along the northern boundary, parallel with West Street. The building is functional in appearance and is open to the front elevation (south) with seven bays of equal size. It is constructed of red brick with a tiled roof, and has been substantially reconstructed in the last twenty years following the strong winds of October 1987. The building measures some 27.75m wide and some 5m in depth and from its ridge to ground level, it stands some 3.8m in height. Its eaves height is some 2.2m from ground level. In addition to this structure there is a brick water tank located immediately to the south of the building and there is a five bar gate across the existing vehicular access to the site (to the west of the building).
- 6.1.2 There is a grassed area immediately to the south of the existing building and then further south there is an un-kept orchard separated from the rest of the site by a small earthwall, elevated by an estimated 1.2m from road level. There are a number of trees on the site including this area of orchard; and a mature oak tree to the west of the access, some 6.5m from the west elevation of the existing building. There is native planting along the south and west boundaries of the application site. There is a public footpath (KM91) that runs in a general north-west/south-east direction crossing the field behind the application site.
- 6.1.3 The Beast House is located on the western margins of a group of buildings that include two mid-twentieth century dwellings, a former public house now in residential occupation (known as Gudgeon Farmhouse), a barn that is also in residential occupation, and a converted Oast building.
- 6.1.4 The site is located within the countryside and parish of Hunton and has no specific environmental or economic designations as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP), although West Street does represent the southern boundary of the Low Weald Special Landscape Area in this location. Part of the site is also within in an area classified by the Environment Agency as being within a Flood Zone.

6.3 Proposal

- 6.3.1 This application is for the erection of a single dwelling and for the conversion of part of the existing single storey building (known as 'The Beast House') to B1 office use and part domestic storage to create a live/work premises. The

applicant has confirmed that the new dwelling would achieve Level 4 in terms of the Code for Sustainable Homes.

- 6.3.2 'The Beast House' would have its concrete roof replaced with natural slate; the office accommodation would be at the western end of the building with the remainder of the building given over to be used as a garden store and open log storage.
- 6.3.3 The proposed single storey residential property would be sited some 16m to the south of 'The Beast House', set on the raised area of land to the rear of the site that is currently an orchard. This two bedroom property would be of a general rectangular shape that would have a hipped roof and in part a flat roof element to the rear. The new building would stand some 6m in height from its ridge line to ground level; and it would be constructed of vertical timber cladding with a slate roof. The proposal would also include the laying out of a vehicle parking/turning area and the reinforcement of boundary planting.
- 6.3.4 The residential element (including the two domestic storage areas) would have an internal floor space of approximately 146m²; and the converted office space within 'The Beast House' would have an internal floor space of approximately 39m². This would result in the ratio of employment to residential floor space to be in the region of 21%:79%. Whilst the floor area given over to the 'work' element of the development is on the low side, in the absence of any specific local or national policies relating to this type of development I accept that this proposal is a genuine live/work unit.
- 6.3.5 Please note that under MA/11/1110, the total internal floor space given over to residential accommodation was approximately 74m²; and the total internal floor space given over to employment use was approximately 34m². This split resulted in the ratio of employment to residential floor space to be in the region of 32%:68%.
- 6.3.6 The applicant has submitted this application to overcome a flooding issue, by raising the more vulnerable residential element onto the higher part of the site to reduce the risk of flood.

6.4 Principle of proposed development

- 6.4.1 Please note that since MA/11/1110 was allowed by the Planning Inspectorate, the South East Plan 2009 has been revoked and is no longer part of the Development Plan and the government's Planning Policy Statements/Guidance have been superseded by the NPPF published in March 2012.

National Planning Policy Framework (NPPF)

6.4.2 At the heart of the NPPF is a presumption in favour of sustainable development. In terms of sustainability, the Planning Inspector for MA/11/1110 concluded the site to be in a “*reasonably sustainable location*”, close to the limited facilities in Hunton village (school, church, village hall, village club), with Yalding village a reasonable walking/cycling distance away, and access to public transport deemed adequate. The Planning Inspector also made the point that because the proposal was for a ‘live/work’ unit, the level of car movements would also be less, compared to a solely residential development. With this considered it would be unreasonable to pursue this issue further and therefore raise no objection to this proposal in terms of sustainability.

6.4.3 The NPPF also supports flexible working practices and does seek to promote a strong rural economy. Paragraph 21 of the NPPF does state that local authorities should;

“Facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.”

6.4.4 Notwithstanding this, the NPPF makes it clear that proposed development still needs to respect the intrinsic character and setting of the countryside (paragraph 17); and that permission....“*should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area*” (paragraph 64). In this instance, I take the view that whilst the proposal would re-use a disused building, the residential element of the proposal would not enhance the immediate setting of the surrounding area. The unacceptable visual harm caused by the proposed dwelling will be discussed in more detail later on in the report.

Development Plan

6.4.5 There is no current Development Plan policy that specifically relates to ‘live/work’ units. ‘Live/work’ units result in the creation of both commercial and residential floor space and are considered to be a sui-generis use.

6.4.6 Policy ENV28 of the MBWLP restricts new development in the countryside for which there is no Development Plan policy justification, to prevent harmful sporadic development within the countryside. In this instance, I can see no justification for a new dwelling in this location and consider the proposal to be unacceptable in principle. This proposal is contrary to policy ENV28 and therefore to allow such a development would be a departure from the Development Plan.

6.4.7 The Development Plan does have saved policies relating to the conversion of rural buildings for commercial and/or residential use in policies ENV44 (commercial/tourist use) and ENV45 (residential use) of the MBWLP. These policies are relevant, in part to this proposal, although not relevant to the new build element of the proposal. In general, the criteria for conversion to commercial use is that the building is in keeping with the character of the area; it is of sound construction; any changes reflect the rural character of the building; it will not harm the vitality of existing towns or villages; and it would cause no highway safety issues. The criterion for conversion to residential essentially reflects most of those required for commercial conversion. However key differences is that every attempt must first have been made to secure a commercial reuse of the building before residential use can be contemplated; and that conversion is the only means of providing a suitable reuse of a building of worth that positively contributes to the character of the countryside.

6.4.8 Under MA/11/1110, it was accepted that the applicant had provided sufficient evidence that the Beast House would not be viable to run if converted into either holiday accommodation or solely as a commercial use. Given the relatively short space of time between this accepted view and this current application, I consider it unjustified to request further detail in this respect. In addition, the Planning Inspector (in allowing the 'live/work' unit proposed under MA/11/1110), recognised that "*....the dispersed multi-yard type of farmstead, such as this one, is characteristic of the Weald*", and that "*.....the retention of 'The Beast House' is important in securing the agricultural character of the group of buildings*". In taking the Planning Inspectorate's lead, I am satisfied that the conversion element of this proposal would be in accordance with part (B) of policy ENV45. A further issue could be that the erection of a new dwelling so close to 'The Beast House', could in fact have a detrimental impact on the setting of this building that is considered to have "*historical landscape significance*".

6.4.9 With this considered, I do not consider it reasonable to refuse this application on the grounds that parts (A) and (B) of policy ENV45 of the MBWLP have not been met.

5-year housing land supply

6.4.10 The importance of demonstrating a 5-year housing land supply was highlighted in an appeal decision where the Inspector referred to the NPPF and concluded:

"The Framework says that where the relevant policies in a Local Plan are out-of-date permission should be granted unless any adverse impacts would significantly outweigh the benefits when taken against the policies in the Framework as a whole, or the policies in the Framework indicate it should be restricted. It also confirms that, in accordance with the Government's aim to promote house building, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot

demonstrate a 5-year supply of deliverable housing sites.” (Ref: Valley Drive - APP/U2235/A/12/2174289).

6.4.11 Until such times as a 5-year supply can be demonstrated, planning applications on greenfield sites must be assessed on individual merit; and whilst the issue of the Council’s 5-year land supply is a material consideration in determining this application, it is not the main or singular issue to consider. I am of the view that this proposal would only make a marginal contribution to the borough’s housing land supply position and it is the details of this proposal that, in my view, make this an unsatisfactory development.

Summary

6.4.12 It should be stressed that what is proposed here is not the same type of development as what was allowed at appeal under MA/11/1110. This proposal is introducing a new dwelling into the countryside, for which there is no justification. I therefore consider the principle of this proposal to be unacceptable, because whilst there is a presumption in favour of development in sustainable locations, the site is considered to be in a “*reasonably sustainable location*” only by the Planning Inspector; and the adverse impact of a new (unjustified) dwelling in the countryside would significantly and demonstrably outweigh the benefits of the development when assessed against national and local policy/guidance. I will now go on to discuss the harm caused by this proposal in more detail.

6.5 Design, siting and appearance

6.5.1 The main concern is with the visual impact of the new dwelling, as it is accepted that the proposed works to ‘The Beast House’ are satisfactory.

6.5.2 As it stands, the site is at the western end of a small cluster of residential properties, with no built development to the south or west of the site but agricultural land. The rearmost part of the application site is given over to fruit trees and soft landscaping; and the land here is raised up from West Street by approximately 1.2m. Views of the orchard are available from West Street (particularly through the front garden of ‘Rose Cottage’ and the site’s existing access), and from the public footpath to the rear of the site.

6.5.3 A new dwelling in this location would replace the existing soft landscaping and open feel of the site with a visually dominant building that would stand some 7.2m in height when measured from the land level of West Street. The dominance of the building would be exacerbated as it would stand almost 1.5m taller than the two bungalows immediately to the east of the site. Even with new landscaping, the proposed dwelling would be clearly visible from West Street, eroding the open view through the site; and whilst the public footpath to

the rear of the site is some distance away, the building would noticeably replace what once was an undeveloped parcel of land.

6.5.4 The Conservation Officer is satisfied however that the proposal would not have a detrimental impact on the setting of 'The Beast House'.

6.5.5 I am of the view that the proposal, because of the new dwelling's elevated location and height, would represent an unjustified form of development that would consolidate the existing sporadic development in the area causing unacceptable visual harm to the character and appearance of the countryside hereabouts.

6.6 Residential amenity

6.6.1 'Rose Cottage' is the immediate property to the east of the application site. This bungalow is set close to the shared boundary of the site, but I am satisfied that with appropriate boundary treatment, this single storey proposal would not result in a significant loss of privacy for the occupants of this property. Moreover, the main dwelling proposed would be more than 10m away from the shared boundary with 'Rose Cottage', and this separation distance together with the proposal's low eaves height would ensure that this proposal would not result in a significant loss of light/overshadowing, or outlook for the neighbouring occupants. No other property would be adversely affected by this proposed development.

6.6.2 I am satisfied that the work/office element, by its definition, would not have an adverse impact on the quality of life for the occupants of any neighbouring property; and the proposal would result in adequate living conditions for future occupants, both in terms of internal accommodation (light and privacy) and private outdoor amenity space.

6.6.3 I am therefore of the view that this proposal would not have a significant detrimental impact on the amenity of any neighbour or any future occupant.

6.7 Highway safety implications

6.7.1 The proposal would make use of the existing vehicle access and there would be adequate turning/parking facilities within the site for a development of this nature. I therefore raise no significant objections to this proposal on highway safety grounds. The KCC Highways Officer has also raised no objections.

6.8 Landscaping impact

6.8.1 After consultation with the Council's Landscape Officer, I am satisfied that there are no trees within or adjacent the site that are protected or are worthy of

protection, and so raise no objections in this respect. However, the applicant does intend to retain the Oak tree close to the entrance of the site, and the driveway does pass within the root protection area of this Oak. No details have been submitted to show that this tree could be successfully retained, although it is thought that the use of no-dig construction and permeable surfacing should ensure successful retention. As such, if I were minded to approve this proposal I would request a detailed construction method statement by way of condition.

6.8.2 A 'Landscape Masterplan' has also been submitted by the applicant, showing an indicative landscaping scheme. It shows most of the existing boundary treatments on the site are to be retained (and enhanced) with some additional planting to be introduced within the site. If I were minded to approve this application, I would request a detailed landscaping scheme by way of condition.

6.9 Ecological impact

6.9.1 An ecological survey was submitted under MA/11/1110, and this survey has been updated for this current application. In this instance and on reviewing the updated survey, the KCC Biodiversity Officer is satisfied that there is limited potential for protected/notable species to be present within the site. As such, I do not consider it reasonable to request further information in this respect.

6.9.2 One of the principles of the NPPF is that "...opportunities to incorporate biodiversity in and around developments should be encouraged", and there is reason to believe that the habitat surrounding the site is suitable for reptiles. With this considered and on the recommendation of the KCC Biodiversity Officer, I consider it reasonable to request suitable refugia for reptiles to be incorporated into the boundary planting around the site.

6.9.3 The KCC Biodiversity Officer also gave general advice with regards to birds and bats and the potential impact of any lighting schemes to be used. If I were minded to approve this application this advice would be relayed to the applicant by way of informatives.

6.10 Other matters

6.10.1 The new dwelling would be set up on the existing higher ground and based on the Flood Risk Assessment completed by Bishop Consultancy (reference 778/FRA, received August 2013), the Environment Agency has raised no objection to the proposal subject to a prior to commencement of works condition requiring the submission of a sustainable surface water drainage scheme for the new dwelling. If I were minded to approve this application I would consider this condition reasonable and would duly impose it.

7. CONCLUSION

- 7.1 The objections raised by the one neighbour have been dealt with in the main body of the report.
- 7.2 I consider this proposal to be unjustified development that would consolidate sporadic development in the countryside, causing demonstrable harm to the character and appearance of the countryside hereabouts. It is therefore considered that the proposal is not acceptable with regard to the relevant provisions of the Development Plan and the NPPF and recommend refusal of the application on this basis.

8. RECOMMENDATION

REFUSE for the following reason:

1. The proposed development lies outside a defined settlement and would represent an unjustified form of development that would consolidate the existing sporadic development in the area and cause unacceptable visual harm to the character and appearance of the countryside. The proposal would fail to protect and enhance the countryside for its own sake and to permit the development would be contrary to the aims of policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and paragraphs 17 and 64 of the National Planning Policy Framework 2012.