

Application No: Y18/1193/FH

Location of Site: The Barnfield, Brabourne Lane, Stowting Common, Ashford, Kent, TN25 6BQ

Development: Change of use and conversion of barn to holiday let accommodation

Applicant: Mr James Short

Agent: N/A

Date Valid: 08.10.2018

Expiry Date: 03.12.2018

PEA Date: N/A

Date of Committee: 11.06.19

Officer Contact: Alexander Kalorkoti

SUMMARY

This application seeks planning permission for the conversion of a barn to a single unit of holiday let accommodation. It is considered to be unacceptable due to the isolated location of the site which gives rise to concerns regarding the sustainability of the development outside of the identified settlement boundaries and the insufficient evidence submitted to demonstrate that the proposed holiday let represents the optimum reuse of the building to minimise intrusion into the historic fabric of the barn and preserve its long term future. As a result of the above, the application is recommended for refusal.

RECOMMENDATION: That planning permission be refused for the reason set out at the end of the report.

1.0 THE PROPOSAL

- 1.1 The proposal comprises the conversion of a barn to a single unit of holiday let accommodation. Internally, the proposal includes the creation of a new mezzanine floor with existing mezzanine floor area to be removed. Externally, the proposal includes the insertion of a single window to the north elevation, patio doors and a window to the west and east elevations, and three windows to the south elevation.
- 1.2 The proposal would create a three-bedroom holiday let with open-plan living room/kitchen, utility room, wet room and two bedrooms at ground floor level, with a bedroom and en-suite at first floor. In terms of materials, the proposed window and door units would be timber finished in black to match the weatherboarding of the building, with the parking area formed in gravel and demarked by the re-siting of the existing chestnut boundary fence. The

proposal also includes renewing the thatched roof of the barn with matching material.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Outside of the settlement boundary
- Special Landscape Area
- Kent Downs Area of Outstanding Natural Beauty
- Area of Archaeological Potential

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The barn which is subject to this application is located between the main house of The Barnfield and the lane. The main barn is of timber frame construction comprising three and a half bays on a low brick plinth has a pitched and barn-hipped thatched roof with walls finished in overlap timber weatherboarding with corrugated iron in parts. There is a long subservient element to the side of this which has a tiled roof and ragstone walls.

3.2 To the side/west of the barn is a ragstone stable block with pitched roof. The land between the barn/stable block and the lane is currently used for the keeping of horses. The main house of The Barnfield, located to the north of the barn and stable block is a two storey dwellinghouse with hipped tiled roof, finished with timber window units, facing brickwork at ground floor and horizontal timber cladding at first floor.

3.2 The barn is identified as a non-designated heritage asset which contributes to the local distinctiveness and rural character of the district, and is believed to date from the 18th century. The neighbouring dwelling, Park Farm is a Grade II listed building and the barn historically formed part of its farmstead. The barn is no longer within the ownership or physical curtilage of Park Farm but this does not preclude it from being curtilage listed.

4.0 RELEVANT PLANNING HISTORY

4.1 There is no relevant planning history in relation to this proposal.

5.0 CONSULTATION RESPONSES

5.1 Consultation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Stowting Parish Council

Voted in support of the proposal, however concerns were raised with regard to neighbouring amenity balanced against the desire to securing investment to preserve the character and appearance of the barn.

5.3 KCC Archaeology

Heritage Statement provides little information on the fabric of the barn, its significance or how the proposed works affect that its significance. Raised the balance of generating revenue to ensure the upkeep of the building against the impact of the conversion on the historic fabric of the building. Advised that if planning permission is granted then a condition should be applied requiring a programme of building recording.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 05.11.18

7.0 REPRESENTATIONS

7.1 Representation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

7.2 4 representations were received objecting to the proposal. The main points raised are summarised below

- Impact of the conversion on the character and appearance of the building
- Impact on neighbouring amenity
- Increased traffic, parking and highway safety concerns

7.3 1 representation was received in support of the proposal. The main points raised are summarised below

- Support as the conversion will ensure the preservation of the building.

8.0 RELEVANT POLICY GUIDANCE

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE5, CO1, CO4, CO19, SD1, HO1, TR11, TR12

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, CSD3

8.4 The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March

2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

The following policies of the Places and Policies Local Plan (PPLP) Submission Draft apply: HB1, HE1, HE2, E3, E7.

- 8.5 The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

The following policies of the Core Strategy Review Submission Draft 2019 apply: SS1, SS3, CSD3.

- 8.6 The following Supplementary Planning Documents apply:
Kent Design Guide: Interim Guidance Note 3
- 8.7 The following paragraphs of the National Planning Policy Framework 2019 apply in particular:
8 & 10 – Achieving sustainable development.
189, 190, 192, 197 – 199 – Heritage Assets

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The main considerations in the determination of this application are the principle of the proposed use, the impact of the conversion on the historic significance of the non-designated heritage asset, design and visual appearance, neighbouring amenity, parking and highways and ecology.

Principle of Development

- 9.2 Paragraph 83 of the NPPF supports “the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”. Although the application is within a rural area, this proposal is for a new business and is not part of an existing rural tourism business.

- 9.3 Policy CSD3 of the Core Strategy states that tourist, recreation and rural economic uses will be allowed within defined settlements in the Settlement Hierarchy. Where sites are unavailable within these settlements such uses may be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and Primary Villages. Paragraph 4.62 of the Core Strategy states that the Settlement Hierarchy provides a framework for the planning system to concentrate development in selected locations across the district, and can maximise the efficient use of existing infrastructure and support business and community facilities. The application site is outside any settlement boundary and the barn is not located within a rural centre or primary or secondary village. The Settlement Hierarchy seeks to maintain the character and integrity of the countryside, and protect small rural places with the extent of settlements defined through boundaries separating settlements from open countryside. Focusing attention on these existing places underpins not only the protection of the district's open countryside, but also seeks the achievement of sustainable places. Therefore, this unsustainable location for holiday let/tourist accommodation is not supported by local policy as there are other sites in more sustainable locations which could accommodate this type of tourist accommodation.
- 9.4 The sequential approach for locating such tourism facilities is further echoed in the emerging policy E3 in the Places and Policies Local Plan Submission Draft which states that planning permission will be granted in or on the edge of centres in the settlement hierarchy for proposals to provide new tourism development including hotels, guest houses, bed and breakfast, self-catering accommodation and new visitor attractions where the location is well related to the highway network and is accessible by a range of means of transport, including walking and cycling and by public transport. The policy further states that new tourist accommodation in the countryside will only be permitted in exceptional circumstances where it can be demonstrated that available sites within or on the edge of settlements are not suitable and an open countryside location is needed. This application is for new guest accommodation in an isolated rural location and it has not been demonstrated within the application why the accommodation cannot be located within or on the edge of a settlement. The only justification provided with the application is that the tourist income will enable the preservation of the barn. This needs to be balanced against the impact of the unsustainable location and the impact of the conversion works and use on the historic fabric and appearance of the building, which will be discussed later in the report.
- 9.5 Core Strategy policy CSD3 states that proposals for new development outside of the Settlement Hierarchy may be allowed where a rural location is essential. As such, a strong justification would be required as to why a rural location is required for the single holiday let unit. The holiday let use would only contribute in a small way to the wider rural economy and this in itself would not outweigh the sustainability concern regarding the new holiday let and associated parking in the open countryside. The application includes a

business plan which seeks to demonstrate that the proposed holiday let use would be viable and would not therefore result in unnecessary development in the countryside.

- 9.6 The submitted business plan sets out that the estimated cost of conversion works, including timber frame repairs and a new thatched roof would cost in the region of £300,000 and the operation of the holiday let unit would have an annual income of approximately £25-30k. The business plan also includes reference to an East Kent Rural Development Leader grant which has been secured subject to planning permission being granted. The business plan includes a letter of support from the AONB unit, a letter from Sykes Holiday Cottages, which identifies a strong market demand for the proposed holiday let unit and a letter from Mulberry Cottages, which provides an estimated income for the holiday let unit. On the basis of the submitted business plan, it is accepted that there would likely be demand for the holiday let which would generate a revenue stream which could support the restoration and conversion works to the barn. As such, the benefit of preserving the character and appearance of the non-designated heritage asset is central to the acceptability of the principle of the development, weighed against the sustainability issue set out above.
- 9.7 In terms of the condition of the existing barn, site photos taken in 2016 by the planning officer for application Y16/0569/SH, show the thatched roof in what appears to be very good condition and it appears that the roof has not been sufficiently maintained since this time. NPPF Paragraph 191 states that 'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'. It appears that the barn has been allowed to deteriorate over recent years, and as such the need for work to repair it should not be a material consideration in assessing the acceptability of the proposed scheme. Furthermore, no evidence has been provided as to how the £300,000 figure for the works to the barn has been arrived at and, as this figure also includes the works to convert the building to a holiday let, how much carrying out works necessary to retain the barn in its current form would be, or what those works are. It is not considered that it has been sufficiently demonstrated that the proposed use is the only way of preserving the barn and therefore that there is insufficient justification for allowing this holiday use in an unsustainable location.
- 9.8 Saved policy CO19 of the Local Plan Review and policy E7 of the PPLP Submission Draft set out criteria for the re use of the buildings in the countryside where the development contributes to the rural economy or tourist industry (including visitor accommodation. These are addressed below:
- The barn appears to be of permanent and substantial construction; it is in keeping with its surroundings; and a structural report submitted with the application concludes that it is suitable for conversion, although it does require extensive works, including underpinning.
 - Overall it is considered that the conversion is sympathetic to the building's character, appearance and setting. Internal partitions are retained and the existing barn door openings used. Additional windows are proposed but

these are considered acceptable subject to joinery details, as set out later in the report.

- The change of use will not prejudice a farm unit
- Adequate provision is available for access, servicing and parking
- There is not considered to be an Impact on residential amenity and this is covered later in this report
- There is not considered to be any detrimental impact on protected species or nature conservation interests and this is covered later in the report
- The proposal is for visitor accommodation which is a rural tourism use.

9.9 Therefore, in respect of the policies concerning the reuse of rural buildings the proposal is considered acceptable. However, notwithstanding this, it is considered that the proposed holiday let use in this location constitutes unsustainable development in the countryside and as such would be contrary to Core Strategy and Core Strategy Review policies SS1, SS3 and CSD3 and it has not been satisfactorily demonstrated that this use is the only means of safeguarding the building. As a result, the principle of the proposal is considered to be unacceptable.

Design & Visual Appearance

9.10 As referenced above, externally, the proposal includes the insertion of a single window to the north elevation, patio doors and a window to the west and east elevations, and three windows to the south elevation, with parking to be provided on a patio area to the front of the barn. It is acknowledged that the proposed alterations, particularly the large glazed areas to the west and east elevations of the barn would create a domestic appearance to the barn. However these use existing openings and given that the proposal would retain the frame, thatched roofed appearance with timber weather-boarded walls, in conjunction with the built profile and form of the barn which would be retained unaltered, it is considered that the proposed alterations to the barn would not result a significantly detrimental visual impact on the character or appearance of the barn or the wider site within the open countryside.

9.11 It is acknowledged that the associated hard surfacing to the front of the barn would further add to the domestic paraphernalia associated with a residential/holiday let use, which would be generated by the proposal. Notwithstanding this, it is considered that the use of a gravel surfaced and the reuse and continuation of the existing chestnut fencing would be relatively visually unobtrusive and it is considered that the proposed holiday let use would not generate a level of frontage parking so as to substantially urbanise the site in views from the public realm.

9.12 In light of the above, the proposal is considered to be acceptable with regard to design and visual impact on the character and appearance of the barn and the street scene, and would preserve the natural beauty of the Special Landscape Area and Kent Downs Area of Outstanding Natural Beauty.

Amenities of Neighbouring Occupiers

- 9.13 With regard to overlooking, it is considered that this would be of principal concern to the occupiers of the neighbouring properties, Park Farm and the existing main house of The Barnfield. The only new window proposed to the north elevation of the barn, which faces towards The Barnfield, would serve a utility room at ground floor. Therefore, it is considered that the proposal would not result in undue loss of privacy for the neighbouring occupiers, with any additional overlooking falling to the front of the house which is not considered to constitute principal private amenity space.
- 9.14 Turning to the proposal's impact on the amenity enjoyed by the occupiers of Park Farm, it is noted that the proposed east elevation facing towards the neighbouring plot includes four full height glazing panels serving the living area and a window which would serve the dining room/kitchen. As all of these openings would be at ground floor level only, and given the relative location and staggered alignment of the barn and the neighbouring house within their respective plots, it is considered that any additional overlooking would likely fall to the common boundary, which in this area of the site demarks the front garden area, which is not considered to constitute private amenity space.
- 9.15 The proposal includes a first floor bedroom window to the south elevation. However it is considered that additional overlooking from this window would fall directly towards the public street scene of Brabourne Lane. It is considered that the new openings proposed to the south and west elevations would overlook the application site and would not result in any discernible overlooking impact on neighbouring plots. In light of the above, the proposal is considered to be in accordance with saved policy BE8(e) and is acceptable with regard to overlooking.
- 9.16 In light of the above, the proposal is considered to be acceptable with regard to impact on the amenities of neighbouring occupiers.

Parking & Highways

- 9.17 The access would be via a shared farm track, which currently serves the main house of The Barnfield, where a marginal increase in activity would occur but with no detriment to highway safety. Although the submitted layout plan shows space for one car, it is considered that the proposed gravel surface to the front of the barn would be more than sufficient to allow for two cars to park safely clear of the highway and egress in a forward gear. This would meet the parking standard recommended within the Kent Design Guide: Interim Guidance Note 3 to serve the three-bedroom unit.
- 9.18 As such, it is considered that sufficient parking is proposed within the site and the proposal is acceptable in transport terms in accordance with saved policies TR5, TR11 and TR12 and emerging PPLP policy T2. As adequate provision would be made to meet access, servicing and parking requirements without detriment to the visual or other amenities in the locality, as set out above, it is considered that the proposal is also in accordance with saved policy CO19(d).

9.19 In light of the above, the proposal is considered to be acceptable in terms of parking and highways matters.

Ecology

9.20 The application includes a preliminary ecological appraisal which identifies protected species under relevant wildlife legislation and policy and makes recommendations particularly in relation to mitigating light disturbance to bats and the timing of works on suitable habitat for breeding birds, located on the site. Subject to the works being carried out in accordance with the Bat Conservation Trust's recommendations and outside of the bird nesting season (March - August), it is considered that the proposal's impact on protected species can be considered to be acceptable subject to appropriately worded conditions to ensure the recommendations contained within the preliminary ecological appraisal are adhered to.

9.21 As the fabric of the barn building would be substantially retained in certain areas, ecological impact is considered to be particularly pertinent to the proposed renewing of the thatched roof. In addition, the ecological appraisal states that enhancements should where possible be incorporated into the proposed development to contribute towards the objectives of the NPPF to incorporate biodiversity enhancements into new developments. In this regard the ecological appraisal indicates that bird boxes, provision of bat roosting spaces, barn owl boxes, owl boxes in trees, climbing plants and wildflower planting could form part of the biodiversity enhancements delivered by the scheme. It is considered that these matters can be satisfactorily handled by appropriately wording planning conditions requiring the approval of full details and the implementation of the agreed biodiversity enhancements. In light of the above, the proposal is considered to be acceptable with regard to ecological impact subject to conditions.

Other Issues

9.22 An area of existing bin storage in close proximity to the barn is shown on the submitted plans which currently serves the main house of The Barnfield. It is considered that this storage area could be enlarged as required to accommodate the refuse/recycling storage from the proposed holiday let unit without existing collection arrangements being altered. It is considered that this matter could be satisfactorily handled through an appropriately worded planning condition. As such, the proposal is considered to be acceptable with regard to bin storage.

9.23 The site is located within an area of archaeological potential. KCC Archaeology raised the balance of generating revenue to ensure the upkeep of the building against the impact of the conversion on the historic fabric of the building. KCC Archaeology advised that if planning permission is granted then a condition should be applied requiring a programme of building recording. Subject to an appropriately worded condition being applied, as recommended by KCC Archaeology, it is considered that the proposal can be considered to be acceptable with regard to archaeology.

Environmental Impact Assessment

9.24 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

9.25 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

9.26 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £136.75 per square metre for new residential floor space.

9.27 New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

9.28 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

9.29 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

9.30 This application is reported to Committee at the request of Cllr Hollingsbee due to the sustainability issues raised by the application.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be refused for the following reason:

The proposed development, due to being outside any defined settlement boundary and not within a rural centre or primary village, as set out in the Settlement Hierarchy of the Core Strategy and Core Strategy Review Submission Draft, would result in an unsustainable tourism facility with poor access to services contrary to Core Strategy and Core Strategy Review Submission Draft policies SS1, SS3 and CSD3 and policy E3 of the Places and Policies Local Plan Submission Draft and paragraphs 83 and 84 of the National Planning Policy Framework, which seek to protect the countryside by requiring new tourism accommodation to be located in sustainable places which are well related to the highway network and are accessible by a range of means of transport, including walking and cycling and by public transport. It has not been satisfactorily demonstrated that this use is the only means of safeguarding the building and as such the application does not provide sufficient justification for overriding the policy objection on sustainability grounds of a holiday let use in this isolated location unsustainable location.

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