

**Application No:** 22/1595/FH

**Location of Site:** Mount Hill Cottage, Chapel Lane, Rhodes Minnis, Canterbury, CT4 6YB

**Development:** Erection of an agricultural barn and construction of associated hardstanding

**Applicant:** Mr & Mrs D Woodbridge

**Agent:** Mr T Coombes

**Officer Contact:** Robert Allan

## SUMMARY

The report considers whether planning permission should be granted for the erection of an agricultural barn. The report assesses the principle of the development in this location, the visual impact upon the designated landscape, the amenity of neighbouring residents, and other constraints, finding that the proposal is acceptable and in accordance with adopted policy.

## RECOMMENDATION:

**That planning permission be granted subject to the conditions set out at the end of the report.**

## 1. INTRODUCTION

1.1. The application is reported to Committee due to the views of Elham Parish Council.

## 2. SITE AND SURROUNDINGS

2.1. Mount Hill Cottage is a two-storey detached dwelling located to the northwest side of Chapel Lane, northeast of Rhodes Minnis and outside of the defined settlement boundary. There is a landscaped garden to the side and rear of the main dwelling, with a tennis court further to the north. Further northeast of the house is given over to grass paddocks, with a stable block outbuilding to the north and a detached garage to the south east of the tennis court. There is an area of hardstanding to the front of the garage with vehicular access on to Chapel Lane. The application site is at the far north eastern corner of the field, adjacent to Chapel Lane, where there is an existing gated access. The site lies within the designated Kent Downs Area of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA).

2.2. The application site is within an area of archaeological potential for 1-9 new dwellings, or major applications or equivalent only.

2.3. A site location plan is attached to this report as **Appendix 1**.

## 3. PROPOSAL

3.1 The proposed development is for the erection of an agricultural barn for storage purposes, both of machinery for the cultivation and maintenance of the wider site, transport machinery, and hay. The barn sides would be finished in vertical timber cladding, with a profile metal roof, coloured dark green. The barn would have one large open bay and two smaller, shuttered bays with a floor area of 15m x 6m, a maximum eaves height of 3.6m and a maximum ridge height of 5.1m. An area of hard standing is shown to the front of the barn, connecting it to the field access, which would be formed of a permeable, compacted material. The existing hedgerow to Chapel Lane is to be retained and augmented.

3.2 The proposed front elevation, rear elevation, street scene and floor plan can be seen in images 1, 2, 3 & 4 below.

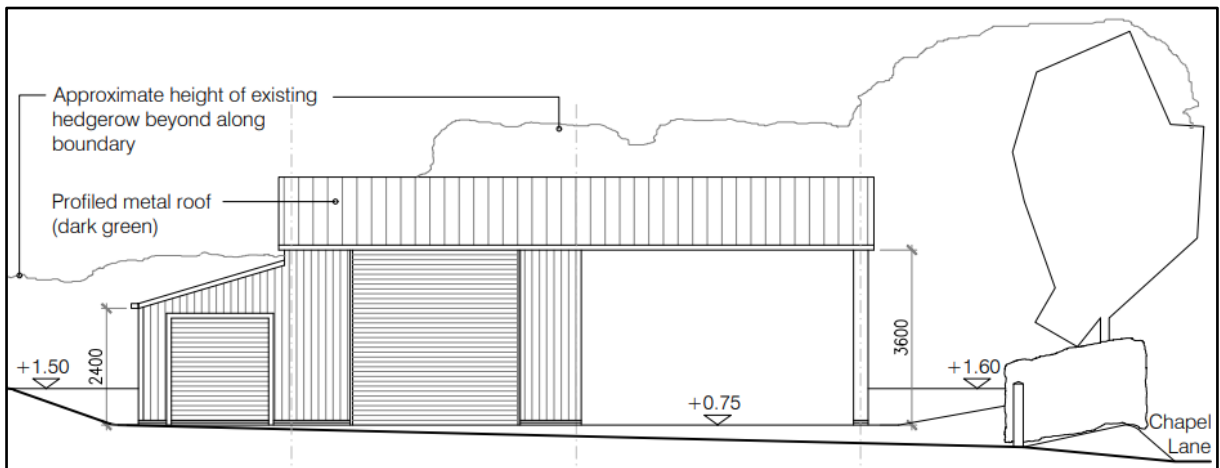


Image 1: Proposed front (south west) elevation

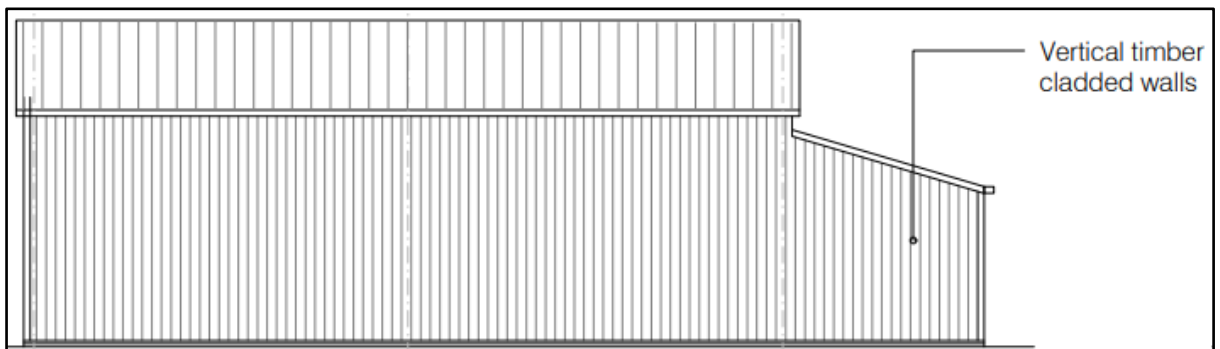


Image 2: Proposed rear (north east) elevation



Image 3: Proposed street scene (Chapel Lane)

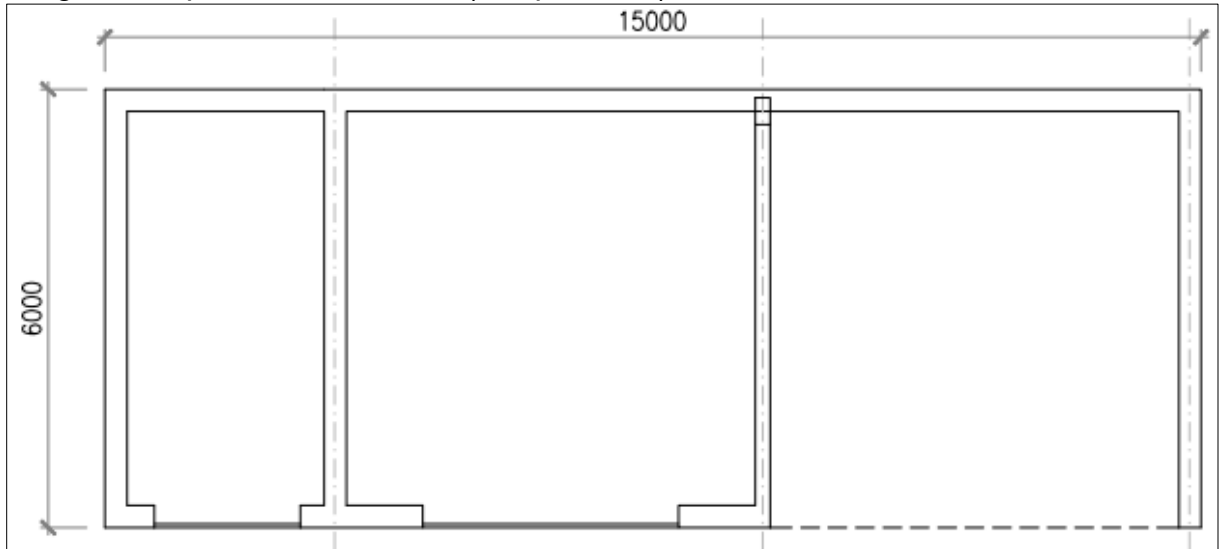


Image 4: Proposed floor plan

3.3 The proposed site location can be seen in image 5, below.

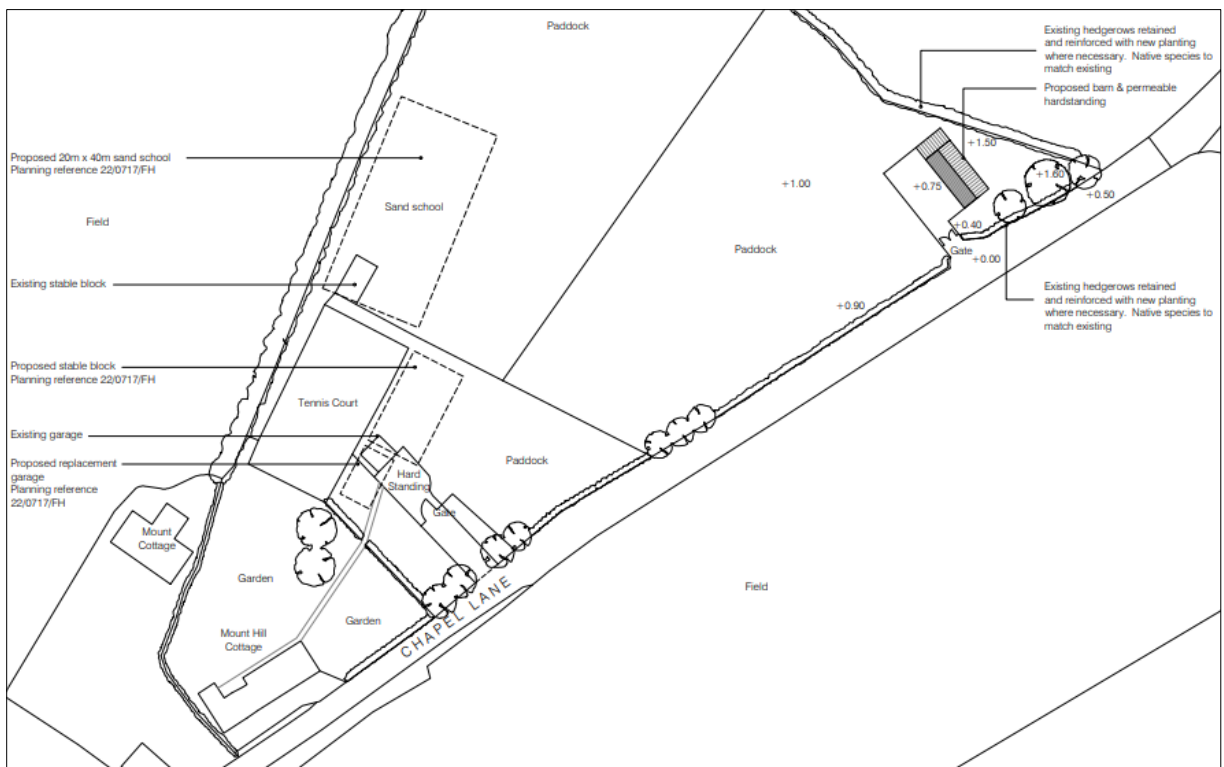


Image 5: Proposed site location plan

- 3.4 In addition to the drawings and application form, the following documents were submitted by the applicant in support of the proposal:

## Planning Statement

This document describes the site and surrounding area, looks at the planning history for the site, sets out the background for the development, provides a policy context, discusses the proposal in relation to matters of visual impact, parking/access, ecology, trees and lighting and concludes that the proposal would be consistent with policy requirements of the development plan and the national planning policy framework, with no detrimental impacts on the designated landscapes.

## Preliminary Ecological Appraisal

This document describes the site and surroundings, outlines the surveys that were undertaken and the methodology followed, the results of these and makes recommendations for birds, as well as more general biodiversity enhancements.

## **4. RELEVANT PLANNING HISTORY**

- 4.1 The relevant planning history for the site is as follows:

22/1110/FH	Erection of rear side extensions with front porch and side elevation walk out balcony, together with internal alterations	Approved with conditions
22/0717/FH	Creation of a horse menage & replacement stables and detached garage.	Approved
97/0708/SH	Erection of front and rear extensions.	Approved with conditions
88/1349/SH	Double garage and stabling (as amended by drawing accompanying letter dated 28th October 1988)	Approved with conditions
89/0023/SH	Erection of extension and conversion of garage to provide additional accommodation	Approved

- 4.2 The more recent recorded planning history (22/0717/FH) relates to a site closer to the 'parent' property of Mount Hill Cottage, as can be seen in the site location plan, image 6, below.

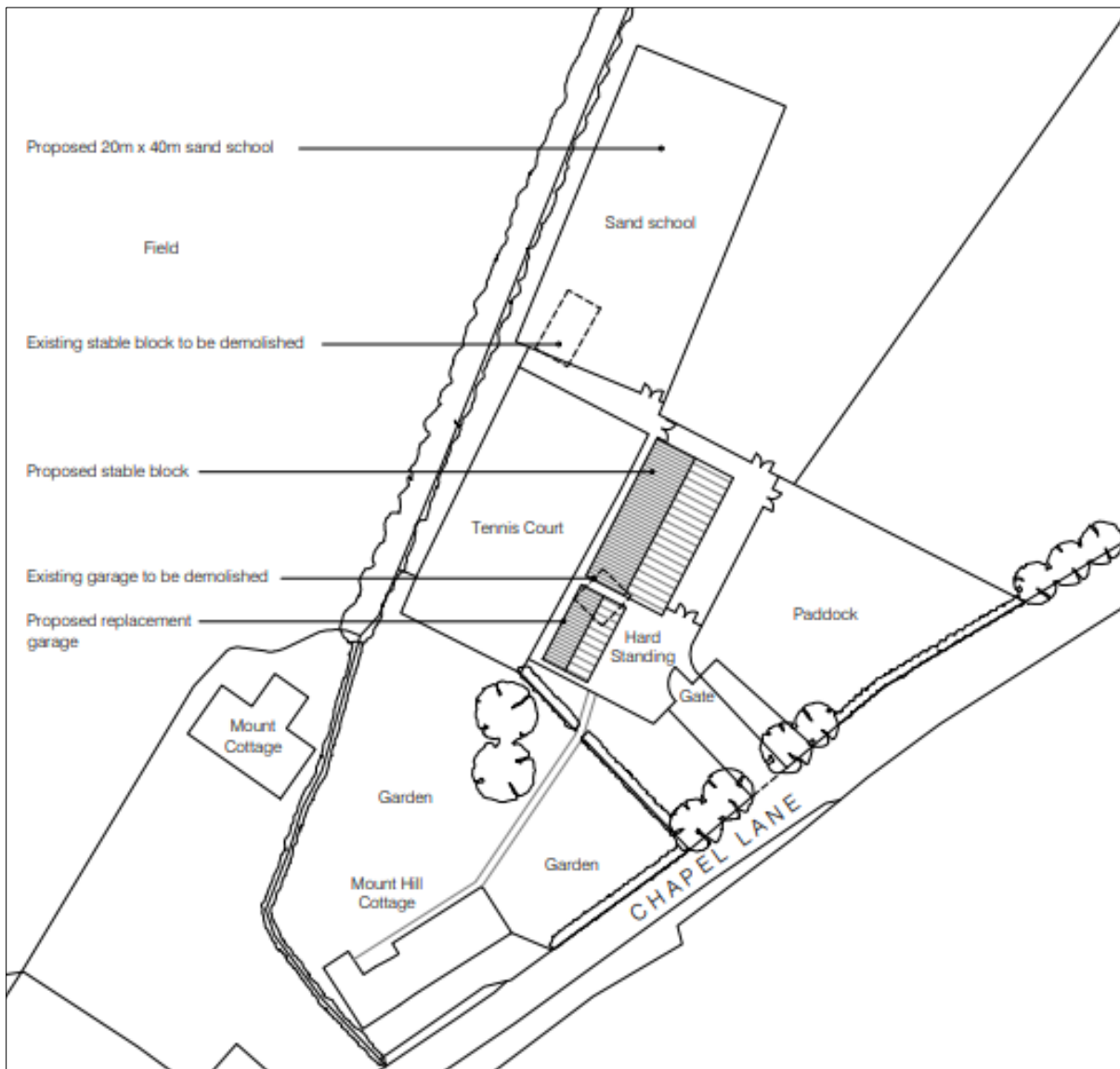


Image 6: Location of 22/0717/FH

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

**Elham Parish Council:** Object – proposed barn is excessive in size and there are concerns regarding its proximity to the road.

**KCC Ecological Advice Service:** No objection subject to conditions.

**KCC Highways & Transportation:** Outside of consultation protocol.

**KCC Archaeology:** No objection, subject to condition.

**Kent Downs AONB Unit:** No comments made.

## Local Residents Comments

- 5.2 Thirty neighbours have been notified of the proposed development. No representations have been received.
- 5.3 Responses are available in full on the planning file on the Council's website:

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

## **6. RELEVANT PLANNING POLICY**

- 6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022. The Folkestone & Hythe District Core Strategy Review was adopted by Council on 30 March 2022.
- 6.2 The relevant development plan policies are as follows:-

### Places and Policies Local Plan 2020

HB1	Quality Places Through Design
NE2	Biodiversity
NE3	Protecting the District's Landscape & Countryside
NE5	Light Pollution and External Illumination
HE2	Archaeology

### Core Strategy Review 2022

SS1	District Spatial Strategy
SS3	Place-shaping and sustainable settlements strategy
CSD3	Rural and Tourism Development
CSD4	Green Infrastructure of Natural Networks, Open Spaces and Recreation

- 6.3 The following are also material considerations to the determination of this application.

## **Government Advice**

### National Planning Policy Framework (NPPF) 2021

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF 2021 are relevant to this application: -

11	Presumption in favour of sustainable development
47	Applications for planning permission be determined in accordance with the development plan

130	Achieving well-designed places
174-176	Conserving and enhancing the natural environment
180	Habitats and biodiversity
185	Ground conditions and pollution

## 7. APPRAISAL

7.1 The main issues for consideration are:

- a) Principle
- b) Visual impact
- c) Ecology
- d) Other issues

### a) Principle

7.2 It has been accepted previously, through the granting of planning permission for equestrian related activities and development, that the wider site is used for the keeping of horses, with associated buildings, structures and equine paraphernalia such as stables, horse jumps and fencing dividing the paddock area, as well as both historic and recent planning applications relating to the erection of stables and a manege. The application site is part of an open field, which at the time of visiting, was devoid of any equine paraphernalia. There is no evidence of a commercial equine use within the wider site, with the permission reference 22/0717/FH restricted to personal use by condition.

7.3 Core Strategy Review policy CSD3 set outs that development for agriculture, forestry or equine purposes will be acceptable in principle, but subject to all other material considerations.

7.4 The proposal is for the erection of an agricultural barn for storage purposes, both of machinery for the cultivation and maintenance of the wider site, transport machinery, and storage of hay. The definition of agriculture within section 336 of the Town and Country Planning Act 1990 includes meadow land, which itself is defined as land for the cultivation of hay. Consequently, the use of the land is agricultural and as such, there is no associated change of use taking place, in this instance. Subject to all other material planning considerations, the broad principle of the development is acceptable.

### b) Visual Impact

7.5 Within the Places and Policies Local Plan, policy HB1 requires, amongst other matters, a development proposal to make a positive contribution to its location and surroundings, whilst policy NE3 seeks to protect the district's landscapes and countryside, including the AONB and SLA. Within the Core Strategy Review, policy CSD4 requires planning decisions to have close regard to the need for conservation

and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations.

- 7.6 The application site is currently undeveloped, but evidence has been submitted showing that, historically, there had been structures present at this location, although they have since been removed. The site is accessed from an existing opening off a narrow rural lane, characterised by established hedgerows and open fields. The established hedgerows to all field boundaries preclude short and long-distance views of the site when travelling along the highway network.
- 7.7 The form of the structure is considered typical of an agricultural building that would be found in the open countryside and would not appear incongruous in appearance. The height of the structure is above a single storey but is considered reasonable to allow for the storage of hay and to move agricultural machinery in and out of the structure, and to allow vehicles to be stored out of sight.
- 7.8 Views would primarily be possible from near the application site entrance. However, the proposed vertical timber cladding to the walls would soften the appearance and weather over time to give a muted, recessive appearance to the structure, which together with the dark green roof, would mitigate the presence of the proposed structure by allowing it to blend in with surroundings. These are also acceptable materials within the context of the Kent Downs AONB and final detail can be secured via condition. The augmentation of the existing hedgerow and landscaping would further mitigate the impact, as well as the applicant's proposal to set the structure partially into the land. These details can reasonably be secured via condition.
- 7.9 The compacted stone proposed for the hard standing to serve the structure would not be obvious in views from outside the site and using a local sourced natural component such as a crushed stone or hoggin, would be sympathetic to the rural character.
- 7.10 Overall, the proposal is considered acceptable regarding the visual character of the designated AONB and SLA.

## **c) Amenity**

- 7.11 Places and Policies Local Plan policy HB1 states that planning permission will be granted where the proposal does not lead to an adverse impact on the amenity of neighbours, or the surrounding area.
- 7.12 The nearest residential property is some 170 metres away from the proposed structure, and any noise and disturbance associated with the proposed barn would be unlikely to have any detrimental impact. Usage will be predominantly seasonal and focussed on the harvesting and storage of hay. Overall, the proposed barn is not considered likely to result in any detrimental impact from additional noise and disturbance, safeguarding the amenities of neighbouring occupants in accordance with policy HB1.

## **d) Other issues**

### *Highways*

- 7.13 The access is an existing one that could already be used for agricultural machinery. It is unlikely that there will be any significant increase in the level of use associated with



the barn that would result in an unacceptable impact on highway safety. It is not proposed to be widened.

## *Archaeology*

- 7.14 The site is within an area of archaeological potential and KCC Archaeology have advised that the proposed works might impact below-ground archaeological remains associated with a historic farmstead. Consequently, should permission be granted, a condition relating to an archaeological watching brief should be imposed.

## *Ecology*

- 7.15 The proposal has been reviewed by KCC Ecological Advice Service who note that the footprint of the proposed barn is largely short/mown grassland and as the gate to the site is existing, there will be no loss of hedgerow to create access. No additional visibility splays are to be sought, so there is no requirement for a precautionary ecological mitigation strategy to be submitted. It is highlighted that any lighting should be controlled via condition, but none is proposed, and that recommendations to enhance the site for biodiversity are secured via suitably worded condition.

## **Environmental Impact Assessment**

- 7.16 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**

- 7.17 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.
- 7.18 In accordance with policy SS5 of the 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. This proposal is CIL liable.

## **Human Rights**

- 7.19 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

7.20 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.

## Working with the applicant

7.21 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## 8. CONCLUSION

8.1 The proposal would result in the creation of an agricultural barn in a rural location. The visual character of the designated landscape is considered likely to be preserved, with no impact upon amenity for existing uses. There are no perceived constraints relating to highways, archaeology or ecology.

8.2 Overall, it is considered that the proposal would result in a sustainable development, in line with adopted policy and is recommended for approval.

## 9. BACKGROUND DOCUMENTS

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

## 10. RECOMMENDATIONS

**That planning permission is approved subject to the following conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

2229/02 Rev B Proposed Site Block Plan

2229/03 Rev B Floor Plans & Elevation

2229/04 Proposed street scene elevation along Chapel Lane

**Reason:** For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

3. Prior to construction of any external surfaces, details of the external finishing materials to be used on the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

**Reason:** In the interest of visual amenity.

4. No development beyond the construction of foundations shall take place until details of how the development will enhance biodiversity have been submitted to, and approved in writing by, the local planning authority. The approved details will be implemented and thereafter retained.

**Reason:** In the interest of enhancing ecology and biodiversity.

5. No external lighting shall be installed on the development hereby permitted other than in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To safeguard ecology and biodiversity.

6. a) Prior to any development works the applicant (or their agents or successors in title) shall secure an archaeological watching brief so that excavations and other development works are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological watching brief, recording, post excavation assessment, analysis and reporting shall be carried out in accordance with the agreed specification and timetable.

c) Within 6 months of the completion of the watching brief a Report shall be submitted to and approved in writing by the local planning authority.

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**Reason:** To ensure that features of archaeological interest are properly examined and recorded

7. Prior to commencement of development, full details of existing and proposed ground levels and finished slab levels together with full details of the roof ridge line and eaves levels shall be submitted to and approved in writing by the Local Planning Authority and the work shall be undertaken in accordance with the approved details.

**Reason:** To ensure control over the height of the structure when constructed in the interests of visual amenity.

8. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

**Reason:** In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

**Reason:** In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

10. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

**Reason:** In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

**DCL/23/24**

