

Application No: Y17/1310/SH

Location of Site: Home Farm Longage Hill Rhodes Minnis Canterbury

Development: Change of use and conversion of barn to a residential dwelling, including the demolition of existing derelict farm buildings & erection of new garage and store building.

Applicant: Mr Francesco Conte

Agent: Mr James Govier
The JTS Partnership LLP
1st Floor
44 St Peter's Street
Canterbury
CT1 2BG

Date Valid: 20.11.17

Expiry Date: 15.01.18

Extension of time: 26.02.18

Date of Committee: 20.02.18

Officer Contact: Julian Ling

SUMMARY

This report considers whether planning permission should be granted for the change of use and conversion of a curtilage listed barn to residential together with the demolition of existing derelict farm buildings and the erection of a new garage and store building. This application is a resubmission of a previously refused application. The report recommends that planning permission be granted subject to conditions as it is considered that the previous grounds of refusal have been satisfactorily overcome and the change of use and conversion to residential would make the most optimal viable use that would safeguard the heritage asset, would be acceptable in highway terms, would safeguard existing and future occupant's amenities and all other material planning issues are acceptable and can be controlled via planning condition. Altogether, it is considered that these material considerations would, in this instance, override countryside conservation and sustainability policies.

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

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use and conversion of an agricultural barn to a residential dwelling, including its partial rebuilding, and the demolition of existing derelict farm buildings and

the erection of a new garage and storage building in its place. The site area is proposed at 0.42 hectares.

- 1.2 The barn would be converted to habitable living accommodation over two and a half levels, being the ground, first and mezzanine floors, with the single storey front projecting addition also incorporated into the conversion and main habitable area. The main building would have a proposed footprint of approximately 214 sqm.
- 1.3 The principle access to the building would be to the northwest elevation with an entrance lobby and a full-height glazed vaulted hallway. At ground floor level a glazed link is proposed to the front elevation connecting the existing single storey addition (where the proposed bedrooms would be) to the main building.
- 1.4 Externally the building would have a new pitched tiled roof (with heritage tiles) that would be fully hipped to the west roof slope. The building would have an overall height of approximately 8.7 metres and an eaves level of 4.8 metres tall. External materials are proposed to be flint, stone, brick and timber weatherboard and windows would be low profile powder coated aluminium. To the front (northwest) elevation the existing single storey addition would be renovated and converted with a new slightly higher pitched gable slate tiled roof at a height of 4.5 metres, timber black stained weatherboard elevations and low profile powder coated glazing. To the front outside the building a hardstanding courtyard area is proposed and to the south (rear) a landscaped garden is proposed. The site is proposed to be enclosed via a 1.8 - 2.0 metre close boarded fence, wall and gates.
- 1.5 Included as part of the application is the construction of a separate detached building for garage parking for two cars as well as a store and office/store room and wc above at first floor. This would be sited immediately adjacent to the southwest of the barn and require the removal of an existing Atcost barn. This would have a footprint of approximately 60 sqm and have a height of 5.4 metres and an eaves level of 2.4 metres and constructed of a timber frame with a slate tiled barn gable roof with full hip to the west roof slope, conservation roof lights and timber doors.
- 1.6 Vehicular and pedestrian access to the site would be along the existing shared access track to the east off Longage Hill highway. Parking spaces and a turning area are proposed at the front courtyard area.
- 1.7 The application is accompanied by a heritage assessment, structural survey, costing and financial appraisal and a tourism report.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:

- Grade II curtilage listed building
- Outside the settlement boundary and within the open countryside

- AONB and Special Landscape Area
- Environment Agency Ground Water Protection Zone 3

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is located within the rural hamlet of Rhodes Minnis. Rhodes Minnis has no settlement boundary and is located within the open countryside of the Area of Outstanding Natural Beauty and Special Landscape Area. The site is located at the end of a shared private access track off Longage Hill where agricultural land surrounds the site, together with some residential properties sporadically located nearby.
- 3.2 The immediate site comprises a large two storey agricultural barn located within the historical farmstead of Home Farm, which is a Grade II listed farm house with ancillary out buildings. The building the subject of this application is a traditional Kentish local vernacular barn constructed of brick, ragstone and flint with a corrugated sheet roof and has a single storey addition to the front. It is positioned upon the southern boundary sited opposite the listed farmhouse and is currently used for agricultural purposes. To the southwest, immediately adjacent to the structure is an Atcost barn and opposite the barn are historic remains of an old oast house and stables. The site is relatively flat with a slight rise in an east to west direction.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site was the subject of a previous planning application, Y15/1264/SH, for the change of use and conversion of the barn to residential together with the demolition of existing derelict farm buildings and the erection of a detached garage and annex building. This was refused on three grounds relating to residential use in an unsustainable countryside location, design and impact upon the heritage asset and saved Local Plan policy CO19 where the development failed to consider alternative business uses first.

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 Lyminge Parish Council

Objects on the basis of being a barn conversion which is in the open countryside that would be out of place in the AONB and grounds of a Grade II listed building where there is no justification.

- 5.3 KCC Ecology
No objection subject to mitigation and enhancement conditions.
- 5.4 Environmental Health Manager
No objection subject to standard ground contamination condition. b
- 5.5 Southern Water
No objection
- 5.6 Conservation Consultant
Recommend approval subject to conditions requiring details of construction, fenestration, materials and rainwater goods

6.0 REPRESENTATIONS

- 6.1 Representation responses are available in full on the planning file on the Council's website:

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

- 6.2 No representations received.

7.0 RELEVANT POLICY GUIDANCE

- 7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 7.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE5, BE8, BE16, CO1, CO4, CO11, CO19, U1, U4, U10a, TR5, TR11, TR12, and HO1.
- 7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, CSD3, CSD4.
- 7.4 The following supplementary planning documents apply:
Kent Downs AONB Design Handbook.
- 7.5 The following paragraphs of the National Planning Policy Framework are of relevance to this application:

- | | | |
|----|---|--|
| 7 | – | Achieving sustainable development |
| 14 | – | Presumption in favour of sustainable development |

- 17 – Core planning principles
- 49 – Delivering a wide choice of high quality homes
- 56, 58 and 64 – Requiring good design
- 109, 111 and 115 – Conserving and enhancing the natural environment
- 131, 132, 140 – Conserving and enhancing the historic environment

8.0 APPRAISAL

Relevant Material Planning Considerations

- 8.1 Following the previous refusal the applicant has amended the design and carried out a viability assessment of alternative uses. The relevant issues for consideration in the determination of this application are whether the previous grounds of refusal have been satisfactorily overcome in terms of planning policy. The main considerations are the impact upon the heritage asset; sustainable development in the countryside and consideration of alternative non-residential uses, amenities of neighbouring residents, highways issues, drainage and the protection of ground water and contamination.

Impact upon heritage asset

- 8.2 As a Grade II curtilage listed building, of key importance in the determination of this application is the impact upon the historic building and its appearance within the wider setting of the farmstead.
- 8.3 The scheme has been revised compared to the previously refused application where it is now considered to propose an acceptable design which retains the main features and appearance of the barn. Externally the conversion retains the main scale, form and layout, whilst internally the two storey open hall retains the central space and internal height and proposes acceptable high quality materials. Improvements have been made by virtue of reducing the number of roof lights and the gable window has been reduced in size to be more proportionate. The front extension proposes a more traditional appearance and roof pitch more akin to the original and the contemporary glazed link separating it from the barn has been set at a lower level with the barn so as to appear as a subservient link. With regard to the garage, a hipped roof to the west roof slope has been proposed that would create a better visual relationship with the main barn and it has also been reduced in scale to single storey making it appear as an ancillary out building.
- 8.4 Overall, the development is an improvement on the previously refused design in that it proposes a sensitive conversion of the existing barn with a simplified site layout and low key treatment of the farm yard areas. The new garage and store outbuilding is also considered to be visually acceptable and in keeping with the historic character. The Conservation Consultant supports the development. It is considered that in accordance with saved Local Plan policy BE5 and the NPPF, the development is a sensitive conversion that protects the existing scale, form, and general appearance

and therefore the historic setting but also proposes a development that would preserve the heritage asset in the long term for future generations.

Development In the countryside

- 8.5 The previous application was refused on grounds of being unsustainable residential development within the countryside. Paragraph 55 of the NPPF seeks to prevent isolated new homes in the countryside. This is reflected in policy SS3 of the Shepway Core Strategy Local Plan 2013 which directs development toward existing sustainable settlements. Rhodes Minnis is not identified as a sustainable settlement in the preamble to this policy.
- 8.6 Future occupiers of the new dwelling would be isolated from main public services such as shops, hospitals, community facilities and a local public house and be reliant upon the private motor car, with the village of Lyminge approximately 2 km away where the route is not flat, with no public footpaths or street lighting, therefore deterring people from walking or cycling. It is noted that there is a limited bus service running six times a day through Rhodes Minnis with a bus stop close to the site on Longage Hill. Whilst the bus service provides some public transport and is beneficial to local people this is limited and does not in itself make the site sustainable and it remains a consideration that the site is, in policy terms, unsustainable for a residential use.
- 8.7 Whilst strategic countryside policies generally seek to resist new residential development in the countryside, this can be balanced against other material considerations. Paragraph 55 of the NPPF identifies one such consideration as being where “development would represent the optimal viable use of a heritage asset” with paragraph 131 requiring local planning authorities to “take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”. This is also the aim of Shepway District Local Plan Review saved policy BE5. As set out above the application proposes an acceptable design that is now considered to preserve the historic character of the building and heritage asset.
- 8.8 In terms of the visual impact upon the wider countryside, the development is also considered to be acceptable. The development would retain the existing form, scale and siting of the existing barn and the garage building would not be unduly tall, being single storey. Neither building would appear overly tall or bulky in the landscape and generally would be screened from long range views owing to the surrounding buildings and existing landscaping. The design and materials are acceptable within the context of the AONB character and the proposed residential curtilage has been reduced compared to the previously refused application so the visual domestication of the site would be less. Additional landscaping would also be incorporated into the development that would enhance the site and rural setting. Therefore in accordance with the NPPF and Local Plan policies CO1 and CO4 the impact upon the countryside is considered acceptable.

Alternative non – residential uses

- 8.9 Policy CO19 of the saved Local Plan Review seeks to support the re-use or adaptation of rural buildings to alternative sustainable uses where it meets the policy criteria. Application Y15/1264/SH was refused on the ground that alternative non-residential uses were not considered.
- 8.10 This application has now considered alternative non-residential uses in the form of commercial office, storage and workshop uses as well as a tourism holiday let use, which could all be appropriate rural uses. The appraisals of each use have identified the minimum amount of work required to create a business unit that would be attractive to the relevant market place, applied typical costing and financial factors including the initial cost of the land. Costings have been referenced against the RICS Building Cost Information Service and the SPONS Architects and Builders Price book. The analysis has also taken into account comparable properties on the market.
- 8.11 For a commercial workshop use it is estimated that following an initial purchase and conversion costs of £410,000 (£110,000 for the conversion works) and with a standard three year lease on the property using a competitive rent fee, the annual return compared to the initial investment would be minimal at an estimated 1.8% which would represent a poor investment and unattractive to future investors. Concerning an office use, the estimated conversion cost and initial purchase would equate to approximately £680,000 and similarly on the basis of a three year lease with a competitive rent, would result in a return of approximately 3.7% which is also considered to be a poor return that would be unattractive to investors. Lastly when considering a holiday let use this would have the same costings as a residential use (renovated to living standards) which would be clearly the most expensive option from the list of alternative uses. This is estimated to cost approximately £780,000 and together with the purchase price would be an initial investment of £1,080,000. Based on a five year business plan, using competitive rental prices and taking into account furnishings and running costs, it is estimated that a holiday let would provide a financial return of 2% which again is not an attractive prospective investment. On this basis these alternative uses are not considered to be financially viable and unlikely to attract an investor.
- 8.12 It is therefore considered that appropriate alternative uses have now been adequately assessed and demonstrated to not be financially viable uses in accordance with criterion e) of saved Local Plan policy CO19, where it is now considered that residential is the most optimum viable use of the building. The development is considered to pass the remaining criteria of policy CO19 requiring the building to be of a permanent and substantial construction; the proposed conversion to be sympathetic to the building's intrinsic character and appearance; the development would not prejudice the agricultural working of a farm or viability of a nearby village; and adequate provision can be made to meet access, serving and parking arrangements. As such the application has satisfactorily addressed the third ground of refusal of Y15/1264/SH.

Residential Amenities

- 8.13 The closest property to the site is Home Farm to the northeast. In this regard it is considered that the occupiers of Home Farm Cottage are far enough away to not be affected. Given the separation distance of approximately 30 metres, it is considered that there would be no loss of privacy or an overbearing impact to the occupiers. The residential use is considered compatible and would not give rise to significant noise or disturbance and the marginal increase in the use of the access with additional cars is not considered likely to be of significant detriment to residential amenities. As such the development is considered to safeguard residential amenities in accordance with saved policy SD1.

Highways and Transportation

- 8.14 In terms of access and parking, the development is considered acceptable. The access would be via a shared farm track where a marginal increase in activity would occur, but with no detriment to highway safety and sufficient parking proposed within the front courtyard area. The development is considered acceptable in transport terms in accordance with saved Local Plan Review policies TR5, TR11 and TR12.

Drainage

- 8.15 The site is located within an Environment Agency Ground Water protection zone, where policy seeks to protect the ground water resource. In this rural location there is no public drainage system so the development would have to use an alternative private system such as a waste water treatment works or a septic tank for foul drainage and soakaways for surface water disposal. The development is not large scale and these systems are considered to be generally acceptable, with details reasonably sought by condition, should permission be granted. It is considered that the development is acceptable in drainage terms in accordance with saved Local Plan Review policies U1 and U4.

Contamination

- 8.16 As previously developed land, last used for agriculture, there is a reasonable possibility that the land is contaminated. It is therefore recommended that the standard contamination condition be applied should consent be granted, which will require detailed investigation and if required mitigation measures.

Environmental Impact Assessment Regulations 2017

- 8.17 In accordance with the EIA Regulations the site falls within a sensitive area and within Schedule 2 10(b) urban development projects. A screening opinion has been carried out and it has been concluded that the development is not EIA development and as such an Environmental Statement is not required. A copy of the screening opinion is available on the planning file.

Local Finance Considerations

- 8.19 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.

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. A CIL self-build exemption form has been submitted to the Council and as such there will be an exemption from the CIL levy.

The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes. Initially this was for a period covering the first 6 years, but has been reduced to 4 years for new additions as a result of the Government's response to the recent consultation on the New Homes Bonus scheme (Dec 2016) As such only a 4 year value for the New Homes Bonus has been calculated. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £2,103.00 for one year and £8,412.00 for four years and calculated on the basis of council tax bands B and G average dwellings. The consultation response also changed the methodology for assessing further New Homes Bonus monies for authorities. In summary, the basic calculation has remained the same, but a 0.4% threshold has been introduced, meaning that if an authority records an overall increase in new homes in any one year, but this increase is below the threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. This is a significant change, and amongst other things, it means that estimated New Homes Bonus payments for any specific future development is not guaranteed funding. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

- 8.20 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.
- 8.21 This application is reported to Committee due to the views of Lyminge Parish Council.

9.0 BACKGROUND DOCUMENTS

- 9.1 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.

RECOMMENDATION – That planning permission be granted subject to the following conditions:

1. Standard time condition
2. Approved plan numbers
3. Materials
4. Construction details
5. Door/window details
6. Roof light details
7. Rainwater goods
8. Landscaping
9. Boundary treatment
10. Parking
11. Cycle parking
12. Contamination
13. Drainage (foul and surface water)
14. Removal of PD Rights (classes A, B, C, D, E & F).
15. Garage building first floor to be used for ancillary purposes only.
16. Ecology
17. Water efficiency

Y17/1310/SH
Home Farm
Longage Hill
Rhodes Minnis

