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<b>Ightham</b> Ightham	<b>558585 156393</b>	<b>12 March 2008</b>	<b>TM/08/00873/FL</b>
Proposal:	Conversion of existing rural building to a residential dwelling utilising existing access		
Location:	Land Adjoining Upper Spring Lane Ightham Sevenoaks Kent		
Applicant:	Peter Astbury		

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**1. Description:**

- 1.1 It is proposed to re-use the existing timber building as an independent dwelling house. It would contain an open plan kitchen/living/dining room, one bedroom, bathroom and a study.
- 1.2 Whilst the building is located within the middle of an established nut plat, the proposed residential curtilage is shown to be limited to a small cleared area immediately next to the building. Access to the site is shown from both Spring Lane and Upper Spring Lane. Due to the topography of the site, vehicular access is more likely to take place from Upper Spring Lane. Indeed a small hard standing exists just within the southern boundary of the site adjacent to Upper Spring Lane that is of a size that could accommodate a private motor car.

**2. Reason for reporting to Committee:**

- 2.1 The application has received a large amount of objection letters from local residents and is, therefore controversial.

**3. The Site:**

- 3.1 The site is located outside the settlement confines of Ightham, within the Metropolitan Green Belt, an Area of Outstanding Natural Beauty (AONB) and a Conservation Area (CA).
- 3.2 In addition to the nut trees within the site, mature trees are located around the periphery of the site.

**4. Planning History:**

- 4.1 None.

**5. Consultees:**

- 5.1 PC: No objection.
- 5.2 KCC (Highways): No objection.

5.3 DHH:

Environmental Protection: No comments.

Contaminated Land: The Risk Assessment is fit for purpose for determining the application. The risk assessed in the report is considered as low or negligible. However, to safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development suitable conditions should be used.

5.4 Private Reps: 18.04.2008: 16 letters of objection have been received stating the following:

- Object to the principle of the development.
- The buildings will be visible from Upper Spring Lane whereas the view is of green trees and undeveloped land.
- Oldbury is a Conservation Area and AONB.
- This proposal would lead to other land in the area being developed.
- How much traffic would be generated by this development?
- We are concerned with flooding if new driveways or more development were allowed.
- The development would overlook neighbouring properties.
- The traffic generated by this development would be intolerable.
- An increase in light and noise pollution will occur to the local residents.
- Upper Spring Lane is a private road financed and maintained by the residents of Spring Lane and Upper Spring Lane.
- The existing orchard does not need a resident owner to tend to the cobnut trees.

5.5 Others: Public Notices: 24.04.2008: See comments submitted by Neighbours above.

**6. Determining Issues:**

6.1 Whilst the site is located within the Green Belt, an AONB and a CA, the principle of converting this rural building to a residential use accords with Government guidance contained within PPG 2 (Green Belts). Advice contained within PPS 7 (Sustainable Development within Rural Areas) states that it is Government policy

to support the re-use of appropriately located and suitable constructed existing buildings in the countryside. It also states that the Planning Authorities should set out in Local Development Documents the policy criteria for permitting the conversion and re-use of buildings in the countryside.

- 6.2 Policy CP 14 of the Tonbridge and Malling Core Strategy 2007 states that the re-use of rural buildings is acceptable in principle. Saved policies P6/14 and P6/15 of the Tonbridge and Malling Borough Local Plan 1998 specify a number of requirements that proposals to convert rural buildings to residential use have to meet in order to be acceptable.
- 6.3 A structural survey has been submitted with the application which finds the building to be in good condition and does not recommend that total or substantial reconstruction is required to enable the building to be used as a dwelling house. The roof structure, external timber panels and plinth wall are all deemed to be in good condition with only some localised damage to small sections of the building. The most major alteration recommended in the survey is the replacement of the existing asbestos sheet roof cladding with modern sheeting or light weight roof tiles. The report also suggest that the load of the roof be transferred to new columns or an internal brick wall, although this is not stated as being essential to the project. The submitted drawings show that new walls would be constructed inside the existing external walls of the building and new insulated profiled metal sheeting would be used to clad the roof of the converted barn. We have asked colleagues to evaluate the survey and it has been assessed as demonstrating that the building is sound.
- 6.4 I do not consider that the works proposed in the application amount to major or complete reconstruction and the internal alterations could be carried out without needing the Council's planning approval.
- 6.5 The proposed package of alterations to the exterior of the building would not, in my opinion, harm the intrinsic character of this rural building. The existing window and door openings would be utilised rather than creating any new ones. The form and proportions of the proposed replacement windows are very similar to those of the existing windows and would not detract from the appearance of this building. New roof vents are proposed and whilst they are of a different form to the existing ones, I consider that they are in keeping with the rural character of this building. The use of profiled metal cladding in place of the existing asbestos cement sheets is also beneficial in retaining the agricultural character of this building. I am, therefore, satisfied that the proposal would not detract from the natural beauty of the AONB or the character and appearance of the Conservation Area.
- 6.6 I note the concerns of the local residents regarding the issue of loss of privacy. However, in light of the distance between the building and the neighbouring dwellings (40 m to the nearest dwelling), I am satisfied that the proposal would not cause an unacceptable loss of privacy to the neighbouring residential properties.

- 6.7 Much concern has been expressed regarding the impact of the development upon highway safety and indeed whether the applicant has a right to access the site via Upper Spring Lane. Kent County Council (the local highway authority) considers that Upper Spring Lane is a private street. The Lane is not registered land and, as such, its ownership is unknown. However, I understand that each of the properties in Spring Lane and Upper Spring Lane that use it for access pay a contribution towards its upkeep. A hard standing located within the site but adjacent to its boundary with Upper Spring Lane indicates that it has historically been used as a vehicular access to the application site. No information has been submitted that indicates that the applicant does not have a right to use Upper Spring Lane as a means of access to the site.
- 6.8 In terms of the highway safety issues, the local highway authority has not objected to the proposal.
- 6.9 The proposed development is shown to be well contained within the site. In addition to the conversion of the building itself, the proposed residential curtilage is shown to be limited to a small cleared area within the orchard, immediately adjacent to the building. I consider this small curtilage to be acceptable as it would not, in my opinion, have a detrimental impact upon the natural beauty of the AONB, the openness of the Green Belt or the character and appearance of the CA. However, it is normally expected to include the parking areas within the curtilage of a dwelling house. As such I would recommend that if permission is granted, a condition be used to require revised details of the proposed residential curtilage to be provided.
- 6.10 The site has not been actively farmed for a number of years and as such the proposal would not create, therefore a non-viable agricultural unit.
- 6.11 Turning to some of the other issues raised by local residents, much concern has been expressed regarding what this development could lead to if permitted. That this would open the door to other development within this site and other rural sites in the locality. However, this application has to be determined on its individual merits in accordance with adopted development plan policies and any other material considerations. A permission for a policy compliant conversion sets no precedent for proposals which are not policy compliant.
- 6.12 I note the comments regarding flooding. However, the site is not located within an area of flood risk and the proposal is not seeking permission to erect new buildings or hard surface on the application site. The proposal to re-use the existing building should not have any negative impact upon how surface water is discharged across the site. Indeed, the application specifies that surface water will be dealt with by the use of new soakaways located within the site. Due to this surface water drainage should improve under this proposal.

- 6.13 The development does not need to be justified by an agricultural need to be on site as the principle of the development is policy compliant.
- 6.14 With regard to the issue of light and noise pollution, external lighting within this site can be controlled by the use of a condition, if considered necessary. Given the sensitive rural nature of this site, I consider that should permission be granted, external lighting within the site should be controlled. In terms of noise pollution, the use of the site as shown on the submitted drawing as a residential property is unlikely to cause significant detriment to the amenity of neighbouring properties.
- 6.15 In summary, the development is considered to comply with the relevant development planning policies and Government guidance concerning this type of development in this sensitive rural location. The external alterations to the building would be sympathetic to the character of this building and no additional hardstanding or outbuildings would be created under this proposal. The proposed development would, therefore, have a minimal impact upon the character of the site and the wider locality. The nature of the proposed use is also such that it would not cause undue detriment to the residential amenity of adjacent properties. In light of this, I recommend that planning permission be granted.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Certificate A dated 12.03.2008, Design and Access Statement dated 12.03.2008, Proposed Plans and Elevations 2420 3 dated 12.03.2008, Existing Plans and Elevations 2420 1 dated 12.03.2008, Letter dated 01.05.2008, Structural Survey 21558 dated 12.03.2008, Contaminated Land Assessment DS 2295 dated 21.07.2008, subject to:

### **Conditions / Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. No development shall take place until details of the residential curtilage to be associated with the approved dwelling have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. The proposed residential curtilage shall include an area set aside for car parking associated with the approved dwelling.

Reason: To ensure that the development does not harm the visual amenity of the locality.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A,B,C,D,E, G and H of Part 1; Class A of Part 2 or Classes A, B,E and F of Part 40 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to control any such future development in the interest of the character and appearance of the existing building and the visual amenities of the locality.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

6. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

- (b) No fires shall be lit within the spread of the branches of the trees.

- (c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

7. No external lighting shall be erected within the site without first being agreed in writing by the Local Planning Authority:

Reason: In the interest of the visual amenities of the locality.

8. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

9. If, whilst carrying out the development the subject of this planning permission, significant deposits of made up ground or indicators of potential contamination are discovered, the work shall cease immediately and an investigation/remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. Any scheme so approved shall be implemented prior to the re-commencement of works approved under this planning permission.

Reason: In the interests of amenity and public safety

10. Any soil brought onsite shall be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the permitted use as a residential property.

Reason: In the interests of amenity and public safety.

11. Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on site from

alternative energy sources and the potential for recycling water. The approved scheme shall be implemented prior to the first occupation of any of the units hereby approved and maintained for the lifetime of the building.

Reason: In accordance with Core Strategy policy CP 1 of the Tonbridge and Malling Local Development Framework.

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