

higher levels of income. However because the applicants do not live on the site, they can not develop the farm as they would like to. In essence, the long term outlook for this farm is bleak unless more income can be generated and the farms produce is diversified further. The existing agricultural buildings are also not well suited to the farms activities and are particularly badly suited for the applicant's expansion and diversification plans.

In summary, there are two main barriers to the farm progressing and becoming viable. The first is the lack of a modern farm building to provide cold storage, hygienic and efficient sorting/packing facilities, secure, damp proof storage and the provision of modern lambing pens. The second is the lack of any available on site dwelling for the applicants. These deficiencies prohibit the applicants from being able to modernise and diversify the farm so that it can generate a greater level of profit.

The summary and conclusions of the Supporting Statement state:

'It is submitted that these proposals for an agricultural barn and the conversion of out of date existing farm buildings into more appropriate alternative uses, are acceptable in principle under the provisions of the Development Plan in force for the area and are strongly supported by the advice contained within PPS7. None of the proposed forms of development are considered to represent inappropriate development within the Green Belt when assessed against the criteria of PPG2. By definition therefore the proposals will not harm the openness or functioning of the Green Belt.

It is also submitted that, in terms of their detail, the proposals are acceptable in terms of their impact upon residential amenity, highway safety and the rural visual amenities of the surrounding Conservation Area and nearby Area of Outstanding Natural Beauty. Indeed, it is considered that, on the whole, the appearance of the locality will be greatly enhanced by these developments. The proposals satisfy the directly relevant tests of saved policies P6/14 and P6/15.

Significant weight should also be given to the fact that these three interrelated and interdependent developments will enable the applicants to implement a comprehensive plan that they have devised that is aimed at overhauling the farm's operation and its viability in order that agricultural production at Allens Farm can be maintained. As a result of this plan, the long term future of Allens Farm's increasingly rare and traditional landscape of nut plats and cherry orchards can be retained.

The applicants could look to meet their needs through erecting new lambing sheds and a new modern barn for nut sorting/storage and cold storage under the farms' permitted development rights. They could seek a new agricultural dwellinghouse pursuant to the provisions of PPS7. Whilst, these approaches would be entirely in line with policy, they would demand three new buildings being constructed rather than one. Such an approach would clearly be more harmful to this important landscape than the scheme now before the Council. This demonstrates how the applicants are committed to quality and to limiting

impacts rather than taking the easy route. The applicants have sought to put together a package of proposals that make the least impact upon the locality.

The proposed development are appropriately sustainable and fulfil the aspirations of PPS7 and policies CP1 and CP2 of the Core Strategy. Setting aside the fact that this organic farm provides a clean natural habitat for wildlife/biodiversity, the re-use of existing buildings makes the best use of existing embodied energy. Additionally, the creation of an on-site dwelling reduces the need for the applicants to travel a round trip of 19 miles daily. Finally, the proposals embrace green technology through the use of a heat exchange system, a sustainable drainage system and maximisation of solar gain where possible.

In light of the above considerations, the applicants request that planning permission be granted.'

2. Reason for reporting to Committee:

2.1 Deferred from previous APC for a Members Site Inspection.

3. Determining Issues:

3.1 Further to the last report, which is reproduced as an Annex, Members requested further clarification in respect of the advice given by the Council's agricultural consultant and also further assessment of the supporting case submitted by the Applicant. The applicants' case is set out in Section 1 above. The Council's agricultural consultant's comments are set out below. The policy issues relating to this development can be found in the annexed report.

3.2 *"In summary, assuming the conversions were approved, the farm would effectively have no functional buildings for its operation and in these circumstances the proposed new farm building would be necessary and appropriate in scale, siting and design.*

If, on the other hand, the new building had to be considered in isolation from the other possible proposals I would consider it would not be agriculturally warranted, in terms of size and its location. This is because improved farm storage/sorting facilities could be otherwise arranged by rebuilding a smaller replacement structure where the flat roofed sheds are sited, whilst the other agricultural functions could continue to be provided by the southern barn.

Need for applicants to reside on site:

Although the residential conversion application is not submitted as for an agricultural dwelling it is claimed that there is a distinct functional need for the applicants to live on site and that the option would be open, instead of seeking a conversion, to apply for a new agricultural dwelling.

I would have to advise however that I see that option as having little prospect of success because:

- *There is no indication of any agricultural husbandry activity or process here that essentially requires anyone to be resident at most times, day or night, under the functional test of Annex A of PPS7.*
- *There is already a dwelling (the oast) associated with the premises.*
- *The agricultural activities alone (from the submitted financial data) are not sufficient to meet the Annex A test of financial soundness for the provision of a new dwelling.*

There is a financial case to retain the B1 office use to subsidise the farm although there is only a need convert the southern barn to office use if the conversion of the existing B1 office to residential were to be permitted.”

- 3.3 In terms of the proposed dwelling. It is understood that the applicant(s) have been making the round trip from Stansted since inheriting the farm in 1991. Whilst the Council’s agricultural consultant does not consider that there is a functional need to live close (as there is no livestock to care for), if the applicants now need to live on site, as suggested by the agent, in order to make it more efficient and profitable, it is not clear at this stage why it is not possible to make use of Allens farmhouse. This dwelling is in their ownership/control and is being occupied by a family member.
- 3.4 The supporting case suggests that the applicants could submit an application for an additional new build dwelling in the countryside. This, it is argued, could be supported on agricultural grounds. However, the independent advice from the Council’s retained agricultural consultant indicates that such an agricultural need is very limited as there is no functional requirement for the applicants to be living on site (given that the farm has continued to operate in the past without the applicants living on site). For these reasons it is unlikely that a sufficient case for an agricultural dwelling on the site can be made, based upon the national policy advice in PPS7. Accordingly, the prospect of a new build agricultural dwelling at this site is not considered to have any significant weight as a fallback option to be of significance in this decision. Furthermore members will also note that the applicants’ agent has described the need for financial subsidy of the farm business by the office use etc. But this would indicate that any planning application for a new farm dwelling as suggested by the agent, is unlikely to meet the financial test required by PPS7.
- 3.5 The proposed agricultural building is intended to replace the building being converted into an office. That conversion is, itself, occasioned by the residential conversion. It is worth highlighting that the erection of a new agricultural building is not defined as inappropriate development in PPG2 but

the agricultural need for such a building should be clear and identified. In this particular instance, the need for this new building, and its siting, both seem to arise from the existing facilities being lost due to the combined proposed conversions included in the overall scheme. The Council's agricultural consultant has advised that there is not likely to be a need for this building if the existing buildings were not being lost by conversion. In such circumstances, I consider this new agricultural building in the siting proposed to be an unjustified incursion of built development into the countryside, notwithstanding its intended agricultural use.

- 3.6 The agent mentions that the proposed agricultural building could be erected under Agricultural Permitted Development Rights. However the proposed building is intended to be used for a variety of purposes including lambing sheds/pens and as such will partly serve as a new livestock building. Under Permitted Development Rights any livestock building would need to be sited over 400m from the curtilage of any unrelated dwelling in the vicinity in order for it to be permitted development. The proposed building in this location does not comply with this requirement and therefore could not be erected as permitted development.
- 3.7 Therefore the need for a further dwelling on the site and another agricultural building are questionable and as identified by the agricultural consultant better sorting and storage facilities could be provided by replacing and improving the existing flat roof timber buildings and upgrading the barn. In conclusion therefore there is not a sufficient case of very special circumstances to justify overturning the MGB policies that control inappropriate development. Notwithstanding the fact that the application also fails to comply with the relevant conversion policies P6/14 and P6/15 of the Tonbridge and Malling Borough Local Plan 1998.
- 3.8 Consequently, the application is recommended for refusal as it constitutes inappropriate development in the Green Belt, it adversely affects the openness of the MGB and rural area and the proposal as a whole does not preserve or enhance the character and appearance of the Conservation Area. It is also considered, as discussed above, that no case of "very special circumstances" has been demonstrated to outweigh the objections to this scheme.

4. Recommendation:

- 4.1 **Refuse Planning Permission** as detailed by Letter dated 11.08.2008, Report dated 11.08.2008, Contaminated Land Assessment dated 11.08.2008, Letter KW/22/08 dated 07.07.2008, Design and Access Statement dated 07.07.2008, Survey BAT dated 07.07.2008, Photographs SHEET 1 OF 7 dated 07.07.2008, Photographs SHEET 2 OF 7 dated 07.07.2008, Photographs SHEET 3 OF 7 dated 07.07.2008, Photographs SHEET 4 OF 7

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- 1 The application site is in the Metropolitan Green Belt and lies in the rural area outside designated settlement confines. The proposed re-use of the buildings involves alterations and reuse of agricultural land which leads to conflict with PPG2 (Green Belts), Policies SS2, SS8 and HP5 of the Kent and Medway Structure Plan 2006, Saved Policies P6/14 and P6/15 of the Tonbridge and Malling Borough Local Plan 1998 and Policies CP1, CP3 and CP14 and CP24 of the Tonbridge and Malling Core Strategy 2007 and does not preserve or enhance the Conservation Area.

Contact: Lucinda Green

2. Reason for reporting to Committee:

2.1 Called to Committee by Cllr Sayer and Cllr Evans.

3. The Site:

3.1 The application site is in an isolated and very rural location and situated in the Metropolitan Green Belt and adjacent to an Area of Outstanding Natural Beauty (to the west of the site). The land is part of a larger farm holding. The site is also situated within a Conservation Area, the boundary of which runs around the outside of the existing group of buildings, and also within an Area of Archaeological Potential.

3.2 The site is accessed via a track that runs uphill south-wards from Allens Lane to the buildings and an informal car parking area adjacent to the brick office building. To the south-west of the site are open fields down the hillside and a farm track that continues to the south of the buildings. A public right of way runs past the site and along the access track.

3.3 The two buildings to be converted are part of a group of buildings. This also includes a converted oast building occupied as a dwelling by a family member. The brick barn/office/storage building proposed for residential use is single storey in height, although there is some first floor office accommodation. Part of this building has previously been converted into an office. The other part of the building is used as storage and is of timber construction with a metal roof. This part of the building is not capable of being converted in its current form.

3.4 The timber storage barn in which the B1 office use is proposed is of a traditional design and sited to the south of the other buildings. Part of the barn is up to two storeys in height and it has two open sides/elevations. It is timber boarded and painted black.

4. Planning History:

TM/54/10224/OLD	Grant with Conditions	11 August 1954
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Addition of bathroom and drainage.

TM/68/10913/OLD	Refuse	18 June 1968
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Outline application for 220 detached and semi detached houses with garages or car parking spaces and access roads (D) for Trustees of Mrs. F.E. Burr.

TM/78/10188/OUT	Application Withdrawn	16 June 1978
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Outline application for farm worker.

TM/99/00306/FL Grant With Conditions 2 June 1999

Change of use of redundant farm building to provide office accommodation (Class B1 Business Use) for family business.

TM/07/03946/FL Application Withdrawn 31 January 2008

Agricultural barn.

TM/08/02103/CA Declines To Determine 6 November 2008

Conservation Area Consent: Part demolition of store barn to enable conversion of building to a dwelling.

5. Consultees:

- 5.1 PC: No objection. Please can the officer ensure that Section 106 Town and Country Planning Act 1991 be applied restricting occupancy to those involved in agriculture. Parish Councillors also request that any restrictions available to prevent the future sub-division of the farm be applied.
- 5.2 KCC (Highways): No objections. More than adequate off street parking is to be provided along with on site turning facilities. Also, the access arrangements are suitable.
- 5.3 DHH: General comments in relation to refuse collection and storage and the need for a condition to ensure any contamination found on the site is adequately controlled.
- 5.4 Environment Agency: No comments.
- 5.5 Natural England: Initially, NE raised objection because of concerns over the impact of the proposal on protected species (particularly bats and barn owls) and biodiversity generally, and the lack of adequate survey data.

Following submission of a detailed bat survey, indicative mitigation proposals for bats, and an undertaking to incorporate a barn owl nest box in the scheme, NE has withdrawn its objection, subject to these matters being dealt with through appropriate conditions.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicants should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Failure to do so may result in fines and, potentially, a custodial sentence.

- 5.6 Kent Wildlife Trust: An experienced specialist has carried out the survey and its assessment. The Trust has no reason to question the findings and recommendations contained in his report but would urge the Council to seek their

endorsement by Natural England. The Trust has no objection, in principle, to the development subject to the imposition of conditions to secure the completion of mitigation and compensation measures recommended in the report.

- 5.7 Private Representations: 2/0S/0R/0X/Site and Press Notice - None.

6. Determining Issues:

- 6.1 The main issues in this case are the appropriateness of the development in the Green Belt, its impact on the openness of the Green Belt, and on the character and visual amenities of the countryside and the character and appearance of the Conservation Area. The compliance with policies relating to the conversion of rural buildings also needs to be considered.

- 6.2 PPG2 says that the re-use of existing buildings in the Green Belt is not inappropriate providing:

- It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- Strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with openness;
- The buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- The buildings are in keeping with their surroundings.

PPG2 is applied locally by policy SS2 of the KMSP and policy CP3 of the TMBCS.

- 6.3 PPS7 establishes the acceptability of the re-use of rural buildings for both economically useful and residential uses, provided that this is in a sensitive way and that the design of any works that are acceptable, is appropriate. This latter consideration is of importance especially if the building is of historic or architectural value. The Government guidance embodied in PPS7 post-dates saved policies P6/14 and P6/15 and is therefore more up-to-date.

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- 6.4 In respect of the changes to the brick barn/office, a significant part of the existing building, the open fronted store, is proposed to be demolished and rebuilt to facilitate use as a dwelling. This is at odds with policy P6/15 as the existing building is not capable of conversion without extensive alteration. It is this that gives rise to concern with regard to this part of the scheme. The simplicity of the design of the replacement is a perfectly acceptable design solution provided that the detailing is appropriate – this could be dealt with by conditions. Likewise, the introduction of the sedum roof while being a contemporary design solution is one that, in itself, brings sustainability benefits to the conversion.
- 6.5 The changes proposed to the existing agricultural barn to create the office are fairly modern in design and while some changes respect the major openings in the building, extensive glazing in the west elevation is excessive and could be reduced by use of a design option to take borrowed light from a fully glazed midstrete area.
- 6.6 Therefore the proposed conversions, on the two matters of rebuilding and excessive glazing, do not, in my view, fully comply with the aims behind saved policies P6/14 and P6/15 of the Tonbridge and Malling Local Plan as the proposed changes to the building are too extensive and could not be considered as appropriate alterations in terms of these policies. This clearly implies that the aims of PPG2 and PPS7 are not met in these respects.
- 6.7 The change of use of agricultural land to residential garden and the extended parking and turning areas result in the encroachment of residential use into the open countryside and MGB, which is harmful by reason of its inappropriateness and by harm to the openness and visual amenities of the locality.
- 6.8 The proposed agricultural building is intended to replace the building being converted to an office. That conversion is, itself, occasioned by the residential conversion. It is worth highlighting that the erection of a new agricultural building is not defined as inappropriate development in PPG2 but the agricultural need for such a building should be clear and identified. In this particular instance, the need for this new building, and its siting, both seem to arise from the existing facilities being lost due to the combined proposed conversions included in the overall scheme. The Council's agricultural consultant has advised that there is not likely to be a need for this building if the existing buildings were not being lost by conversion. In such circumstances, I consider this new agricultural building in the siting proposed to be an unjustified incursion of built development into the countryside, notwithstanding its intended agricultural use.

- 6.9 The site is also situated within a Conservation Area. The boundary of the Conservation Area is quite clearly drawn around the existing buildings and the immediate setting of these buildings is an important feature in the high quality rural landscape. Consequently, any alteration to the buildings or to their setting will have an impact on the character and appearance of the Conservation Area. While the design of the external alterations proposed to the buildings is, with the exception of the matters raised above, acceptable in its own right, the associated external works adjacent to the buildings in terms of domestic encroachment and associated paraphernalia will have a detrimental impact on the Conservation Area.
- 6.10 In respect of bats and barn owls that are protected species, Natural England is now satisfied with the information and mitigation matters being provided and have withdrawn their objection. Also in terms of highway issues and contamination of land, these can all be satisfactorily mitigated by the imposition of appropriate conditions.
- 6.11 Finally, the supporting case submitted suggests that the applicants could submit an application for an additional new build dwelling in the countryside. This, it is argued, could be supported on agricultural grounds. However, the independent advice from the Council's retained agricultural consultant clearly outlines that such an agricultural need is very limited as there is no functional requirement for the applicants to be living on site, the farm having continued to operate in the past without the applicants living on site and also because there is already a dwelling on the site that is occupied by a family member. For these reasons it is unlikely that a sufficient case for an agricultural dwelling on the site could be made based upon the national policy advice in PPS7. Accordingly, the prospect of a new build agricultural dwelling at this site is not considered to have any significant weight as a fallback option.
- 6.12 Consequently, the application is recommended for refusal as it constitutes inappropriate development in the Green Belt, it adversely affects the openness of the MGB and rural area and the proposal as a whole does not preserve or enhance the character and appearance of the Conservation Area. It is considered that no case of "very special circumstances" has been demonstrated to outweigh the objections to this scheme.

7. Recommendation:

- 7.1 **Refuse Planning Permission** as detailed by Letter dated 11.08.2008, Report dated 11.08.2008, Contaminated Land Assessment dated 11.08.2008, Letter KW/22/08 dated 07.07.2008, Design and Access Statement dated 07.07.2008, Survey BAT dated 07.07.2008, Photographs SHEET 1 OF 7 dated 07.07.2008, Photographs SHEET 2 OF 7 dated 07.07.2008, Photographs SHEET 3 OF 7 dated 07.07.2008, Photographs SHEET 4 OF 7 dated 07.07.2008, Photographs SHEET 5 OF 7 dated 07.07.2008,

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Contact: Lucinda Green