

Snodland **569408 162075** **17 October 2006** **TM/06/01861/FL**
Snodland West

Proposal: Conversion of existing barn to dwelling
Location: Barn Adjacent Coxs Cottages Paddlesworth Road Snodland
 Kent ME6 5DP
Applicant: Berkeley Homes (South East London)

1. Description:

1.1 Detailed planning permission is sought to convert the barn to a 4 bedroom house. Access would be via an existing entrance on a bend in Paddlesworth Road. This is currently shared with the occupants of Coxs Cottage just to the north east of the barn. A structural survey has been submitted with the application. The original drawings showed the construction of a detached garage/log store to be positioned to the east of the barn. This building has now been deleted from the scheme. The submitted information states that the barn has been used for legitimate agricultural purposes.

2. The Site:

2.1 Coxs Barn lies just outside the urban confines of Snodland and within the Green Belt. The site is also designated as recreation area on the Local Plan Proposals map. The barn is situated on a bend in the road with an agricultural field to the west and Coxs Cottage to the north. There is a shared vehicular access from the bend in the road. Access to the garage associated with Coxs Cottage is via this access.

2.2 This application needs to be considered primarily in relation to the following policies:

P6/14 (re-use of existing rural buildings for commercial, industrial, recreation or tourist development.

P6/15 (Conversion of rural buildings to residential use).

P2/16 (Long term protection of the Green Belt).

3. Planning History:

3.1 No planning history.

4. Consultees:

- 4.1 Town Council: No objections in principle. Concerns that the development is sympathetic to the boundary treatment between the existing for the benefit of the residents of the Cottages. Details of access and turning facilities protect the existing occupants.
- 4.2 KCC (Highways): Notes that the shared access is not ideal being close to a sharp bend. However the access has been in use for a number of years and could be used by heavier farm vehicles at any time. Applicant to be advised to liaise with Highway Manager regarding works that are likely to affect the integrity of the public highway. Applicant to be advised that suitable trimming of nearby boundary planting will help maintain optimum visibility. Standard swept path turning circles have been applied to the plans and adequate manoeuvring space seems to be available for vehicles to enter and leave the existing garage/parking area. No objections subject to appropriate safeguarding conditions.
- 4.3 EA: Considers proposal to be a low environmental risk.
- 4.4 Private Reps: 4/0X/4R/0S. Letters received from the tenant of the barn and the tenant of Coxs Cottage and the company using the building for storage purposes. The following points have been raised:
- Increased vehicle movements on a potentially dangerous bend with poor visibility splays.
 - Vehicle parking could make access into and out of Coxs Cottage garage difficult. Turning area is not considered large enough to safely turn a vehicle.
 - Loss of the barn for the storage of vehicles in association with a local funeral directors business.
 - Preferred use of the barn should be for business rather than residential use.
 - Residential use is in conflict with various local and structure plans policies.
 - Building is suitable size to store funeral vehicles. Alternative storage accommodation has been sought but not located.
 - Loss of storage space would threaten viability of funeral business and service to community.
- 4.5 During the determination of this application it was brought to my attention that Notice needed to be served on long term tenants of the barn and adjoining residential property who have a legal interest in the site. This has taken place and has raised queries about the use of the barn and the need to maintain access to Coxs Cottage.

5. Determining Issues:

- 5.1 There are a number of issues that need to be considered in the determination of the application, and these are discussed below.
- 5.2 Green Belt: This application involves development within the Green Belt and must be considered in relation to PPG2 and Local Plan policy 2/16 which seek to give long term protection to the openness of the Green Belt. The site lies at the edge of the Green Belt, close to the confines of the town. Such areas are historically vulnerable to outward expansion of settlements and erosion of the Green Belt. Notwithstanding this the conversion of rural buildings to alternative uses is not inappropriate in the Green Belt, providing there is no conflict with the aim of maintaining openness.
- 5.3 In the case of Coxs Barn a small domestic curtilage and parking area would be created but this should not be harmful to the openness of the MGB or the character of the landscape. The barn, although located on the edge of the settlement, is not isolated from the town. The garage building/log store has been deleted from the scheme. In order to safeguard the Green Belt and rural character it is recommended that permitted development rights for extensions, outbuildings and means of enclosure are removed.
- 5.4 Structural Condition: It is a requirement of both national and local policies that, in order to be considered suitable for conversion, rural buildings should be structurally sound and that the conversion should not entail significant re-building. The submitted survey is based on a visual appraisal and concludes that the barn is of robust construction with few signs of a structural movement or deterioration. The roof cladding and secondary studwork may need replacing. The provision of a first floor is likely to be achievable without significant works to masonry or foundations. The Chief Building Control Officer has been consulted and no concerns raised. Based on the findings of the survey it appears that the barn is capable of conversion without major works.
- 5.5 PPS7 and Local Plan policies: The application must also be considered in relation to PPS7 which covers development in rural areas. PPS7 accepts the re-use of agricultural buildings where appropriate and subject to stringent safeguards. Local Plan policies P6/14 and 6/15 state that proposals for the re-use of existing rural buildings should only take place if the building is capable of conversion without major or complete reconstruction. The information mentioned above seems to indicate that this is the case. Coxs Barn is not a listed building but does possess a distinctive rural character. I consider that the proposed conversion will not have a detrimental effect on the overall fabric and character of this historic farm building. The conversion should conserve its structural integrity and the repair works will involve appropriate materials. The detailed design involves the minimal introduction of new window/door openings, and adopts the existing openings in a sensitive manner.

- 5.6 It is understood that Coxs Barn is currently leased to an agricultural tenant. He has raised objections to the application and made reference to relevant Local Plan policies covering the conversion of rural buildings. PPS7 supports the conversion of rural buildings to business uses where these can operate without undue harm to existing residential amenities e.g. in terms of noise or vehicle activity. Under PPS7 it is however also possible to consider residential conversion as an option for the alternative use of rural buildings, provided certain criteria are met. There is no overriding presumption in favour of business uses or against residential uses and it is not necessary to demonstrate that the building is redundant for agricultural purposes.
- 5.7 The tenant has indicated that the barn is currently used for the storage of vehicles in connection with a local undertakers' business and that this facility would be lost if the conversion were to go ahead. There does not appear to be any formal planning history for the use of Coxs Barn for the storage of vehicles and the loss of the storage facility, whilst some may regard this as regrettable, could not be used as an argument for withholding permission to convert to residential use.
- 5.8 In terms of the relevant Local Plan policy designation of the area as additional playing field space, the barn lies at the edge of this area I do not consider that the proposed use would have a harmful impact on the policy designation for the remainder of the area. Clearly, however, if at a future date this field were to be converted to playing fields by Snodland Town Council then such a use may have an impact on the residential amenities of the occupants of the barn.
- 5.9 KCC (Highways) has stated that 3 parking spaces are required. The plans have been amended to show the garage deleted and open parking provision for 3 cars. The Highways Engineer concludes that there seems to be acceptable manoeuvring/turning provision for the site and nearby garages. Whilst the access is not ideal, no objections are raised but it is recommended that boundary planting is trimmed to help maintain optimum visibility. He concludes that the external spaces would not obstruct the existing access to the garage for Coxs Cottage and raises no objections.
- 5.10 The proposed residential use of Coxs Barn would not be in conflict with the requirements of policies P6/14 & 15 and would not result in an adverse impact on the rural character of the area. As the applicants are not involved in an agricultural business it is unlikely that the conversion would lead to the need for a replacement building. As a result a condition is not necessary covering the removal of agricultural permitted development rights.

6. Recommendation:

6.1 **Grant Planning Permission** as outlined in the following submitted information: Certificates B received 17.10.2006 and 27.09.2006; Structural survey received 02.08.2006; Drawings numbered 3343/002 and 003 received 14.06.2006; Drawing 0622 P01 received 06.11.2006; Drawing 0622 P02 received 02.05.2006, subject to the following conditions:

- 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 All materials used externally shall match those of the existing building.

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

- 3 No development shall take place until details of any joinery to be used have been submitted to and approved in writing 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 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 of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001)

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

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

- 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

- 7 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 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 No building shall be occupied until the area shown on the submitted plan as turning area 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 and 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 turning area for use in connection with both the dwelling hereby approved and the existing neighbouring dwelling at Coxs Cottage.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 10 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. (L003)

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.

- 11 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.

Informatives:

- 1 The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

- 2 With regard to works within the limits of the highway, the applicant is asked to consult The Highways Manager, Kent Highways , Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
- 3 Surface water from the site shall be dealt with on site and not discharged onto the public highway.

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