



*time with no buildings on site at present suitable for this function. The applicant's agricultural advisors state that the proposal has no impact on the tenant farmers intention to enter into a Higher Level Stewardship scheme for the land at Holly Hill, subject to the consent of the landowner. The works indicated in the submission do not restrict access to or the functioning of the surrounding agricultural land or compromise the adjacent public footpath.*

- 1.7 *The farmyard was, at the time of the application, overgrown and unsuitable for any agricultural use due to storage of rubble and debris around the site and insecure site boundaries, which could all give rise to livestock issues. Any livestock enterprise started up at Holly Hill would be best based at Paddlesworth Farm, where the main farming enterprise is based and where any stockman would leave from.*
- 1.8 *None of the 135 acres of rough pasture land at Holly Hill forms part of the planning application. The conversion to residential of these buildings would therefore not have an impact on the vitality and viability of the surrounding agricultural holding. The landowner has provided at Paddlesworth Farm a modern grain store in the late 1990's and has been supportive of the commercial letting enterprise undertaken there. The unproductive nature of the rough grazing land at Holly Hill has been taken into consideration when setting the rent for this area significantly lower than other parts of the holding.*
- 1.9 *The scheme accords with the requirements of PPS4 as it conserves the built asset of the barns. A commercial use would not be viable in this location compared with a residential use.*

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

- 2.1 Request by Cllr Moloney due to level of public interest.

## **3. The Site:**

- 3.1 The site is located to the east side of Holly Hill immediately to the south of Holly Hill House and approximately 150m to the north of the car park that serves the North Downs Way and Holly Hill Wood. The site has open land to the east, woodland to the west, Holly Hill House to the north and a public footpath, field entrance and Holly Hill Cottages to the south. The site is flat and features an existing barn to the northern edge and a dilapidated timber barn to the west. The land falls away to the east to give views over the Medway Valley.
- 3.2 The site is located outside any settlement boundary as defined in the Tonbridge and Malling Local Development Framework. The site is within the Metropolitan Green Belt and an Area of Outstanding Natural Beauty.

**4. Planning History:**

4.1 None relevant.

**5. Consultees:**

5.1 TC: Building insufficient to warrant retention. Further comments received on the additional information that the residential use of the site has long been abandoned and the Council would not want to see a new building in the Green Belt.

5.2 KCC (Highways): No objection.

5.3 DHH: No objections subject to conditions.

5.4 KCC (PROW): No objections as works do not appear to affect the PROW.

5.5 Rural Estates Surveyor (as the Borough Council's retained consultant on agricultural matters): Building appears to be largely disused at present as does the large yard. The surrounding land is let to a tenant as grazing land. The tenant has a main farm at Paddlesworth approximately 2.4km away where there is a fairly large range of modern agricultural buildings (partly in non-agricultural business use). There appear to be factual discrepancies between the landlord and tenants' accounts as to the current use of the farm and building/yard, and the latter's future potential for beneficial agricultural use. The tenant advocates retention of the building and yard for agricultural purposes such as storage of livestock feed (in the building) and assembling/sorting livestock (in the yard). This appears to be based more on possible future intensification of use, rather than the current or recent use, since the overgrown and partly unfenced nature of the yard at present, together with the presence of large quantities of rubble, dilapidated timber/metal etc., would make it unsuitable for holding animals as it stands. Whether or not (and how soon) a revised farming regime is introduced that requires a more active agricultural use of the building and yard remains to be seen. However the loss of the application site to another use could generate, in due course, a requirement for alternative facilities: perhaps based in the similar sized paddock just to the south (also apparently disused at present, but which appears to be in the same ownership).

5.6 CPRE: Object on the grounds that the application is detrimental to the future of livestock grazing in an Area of Outstanding Natural Beauty. The yard and associated buildings could be upgraded and brought back into use for the future development of the farm. This would be more in keeping with the remote area of Holly Hill and its natural environment.

5.7 Private Reps: 5/0X/4R/0S + site notice. Four letters of objection received on original submission raising the following concerns:

- Refute that the land is non-agricultural
- Would adversely impact on the viability of the surrounding agricultural grazing land
- The use of the buildings should be unchanged
- Increase in noise and disturbance from the residential use in such a quiet and undisturbed area
- Concerns regarding doors to be inserted on the rear of the barn leading to a loss of privacy to the neighbouring property
- Need for boundary treatment around the site
- Conversion of the timber barn to a large workshop could lead to the potential for a commercial use
- Outbuilding too large for size of the dwelling
- Conversion of brick barn may lead to pressure to convert the timber barn into a separate dwelling
- Concern about loss of access to the south of the site

Five further letters (four from or on behalf of the tenant farmer) received on further consultations raising the following comments:

- Inappropriate development in the Green Belt
- Farmyard should be retained as nowhere else to turn LGVs
- Development does not accord with the Kent Downs AONB Management Plan as it would limit the use of the site for the grazing of animals to the detriment of the grassland
- The availability of shelter and a secure yard to serve this off lying farm is considered essential to enable its future use for grazing livestock. This is because it is necessary to provide a local feed store for feeding animals during bad weather when the accessibility of this land from the main farm is difficult or impossible. Only by having such an available secure store is it possible to use this land during the winter months for the grazing of livestock. In addition, it is also necessary to have a secure yard where the livestock can be brought in from the fields either in advance of bad weather or for other purposes such as sorting the livestock ready for disposal, attending to the welfare needs of

livestock either by isolating certain animals or by providing facilities to contain individual animals within a crush to enable attention to be given to them by a medical professional. This is the way the farm buildings have been used over the years and will continue to be used all of the time that they are available to the tenant farmer. Without the availability of these buildings, it will not be possible to continue to use the land within the farm for grazing livestock.

- There is no merit whatsoever in these proposals, they fly in the face of adopted national and local planning policy and therefore planning permission should be refused.
- The land can only be used for grazing if there is an adjacent yard and buildings available. The existing yard provides an area of 2162m<sup>2</sup> of concrete and hardstanding providing the only suitable access for turning and loading/unloading of heavy vehicles. The site has a water supply necessary for livestock and a single phase electricity supply to enable lighting.
- The one serviceable building on the site could continue to provide temporary shelter for livestock, isolation for sick animals together with vermin free storage of hard feed. It would also provide secure storage for tools, fencing and other equipment. The hardstanding would provide foundations for holding and sorting pens that will be required for the new standalone livestock enterprise.
- The land has been previously set aside but as this scheme is to be discontinued the most appropriate form of management is to use it as grazing land for cattle and sheep and this is what the tenant farmer wishes to undertake. This will effectively reinstate the traditional grazing land and this is entirely consistent with the management objectives of the AONB. However the loss of the farmyard and buildings to serve this off-lying land would effectively mean that the reinstatement of traditional livestock grazing on this land would be impractical.
- If the objectives for the AONB to reinstate traditional grazing on the North Downs are to be achieved it is necessary to have a farmyard and buildings to serve this off-lying land.
- It would therefore seem that if the farmyard is to be developed as set out in the current application then this should not be considered in isolation from the future needs of this holding for a yard and buildings and this should properly be considered now before a decision is taken on this application.
- If it is decided that new facilities are needed for the farm then the application should be amended to include proposals for replacement facilities and these should be prepared in full consultation with the tenant farmer.

- If the adjacent site is considered suitable in general terms for a replacement yard and associated buildings then the potential impact of this use on the future residents of the scheme to which this application relates and also the residents of the two cottages immediately to the south should be taken into consideration.
- Previous objections still stand.

## **6. Determining Issues:**

- 6.1 This application proposes the conversion of a brick built barn to a single dwelling and an adjacent timber barn to a car port and garden store. The site is within the Green Belt and Area of Outstanding Natural Beauty. The principal considerations with this application are the principle of the development and the impact of the development on the surroundings.
- 6.2 Planning Policy Guidance Note 2: Green Belts indicates that the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction. The re-use of buildings inside a Green Belt is not inappropriate development 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; the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction. Policy CP3 of the Tonbridge and Malling Local Development Framework Core Strategy confirms that the national policy contained in PPG2 will be applied to Green Belt areas in the Borough.
- 6.3 The proposed dwelling is a re-use of existing buildings with no major alterations to the structure and no greater impact on the openness of the Green Belt than the site at present. It is therefore considered that the development is in accordance with guidance within PPG2 and consequently Policy CP3.
- 6.4 The site is within an Area of Outstanding Natural Beauty. Policy CP7 refers to development within the AONB and states that development which would be detrimental to the natural beauty and quiet enjoyment will not be permitted. Development should also have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design. The barn would be finished in white render with the outbuilding dark stained timber cladding. The use would not have an adverse impact on the natural beauty or quiet enjoyment of the AONB and the finishes of the building would capture features of the local landscape. In assessing the application against the Kent Downs AONB Strategy, the application would be supported if the change of use would not prejudice the vitality and viability of the whole farm holding.

- 6.5 The applicant's agent and agricultural advisor have submitted information in support of the applicant that indicates that the conversion would not have an adverse impact on the vitality and viability of the holding as a whole. The barns have not been used for agricultural purposes for at least 10 years and are not suitable for modern animal husbandry. Given this fact, and also that the development of the site does not impact on any part of the 135 acres of rough pasture at Holly Hill Farm, the works would accord with the Kent Downs AONB Strategy.
- 6.6 The principle of the re-use of rural buildings is supported by Policy CP14 with this expanded on in Policy DC1 of the MDEDPD. This policy requires *inter alia* that any alterations proposed as part of the conversion are of a form, bulk and general design and of materials which are in keeping with the character of the area; the proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit; the proposed use is acceptable in terms of residential and rural amenity; and the scale and nature of the proposed residential curtilage around the building, particularly in respect of domestic paraphernalia, does not result in an adverse impact on the rural character or appearance of the countryside.
- 6.7 Concerns have been raised by the tenant farmer that the conversion of these buildings would result in the creation of a non-viable agricultural unit. The applicant has though clearly stated that the barns have not been in agricultural use for at least 10 years, with the brick barn sub-let as non-agricultural storage. The works do not restrict the access to any surrounding land. The field access to the south is shown within the site area of the application in case there is any need to carry out remedial work to the access into the barn. No part of the development would restrict this access. It is therefore considered, that given the lack of agricultural use on the site and the relationship with the surrounding land, the conversion would not result in the creation of a non-viable agricultural unit. Any desire of the tenant farmer to set up a livestock operation on the rough pasture land can be supported by, the existing farm complex at Paddlesworth Farm according to the applicants agricultural advisor. Specific issues regarding the relationship between the landowner and the tenant farmer are not matters for planning consideration and consequently do not restrict the ability of the Local Planning Authority to determine the application.
- 6.8 With regard to the impact of the development on the surroundings it is considered that suitable landscaping and boundary treatment would assist in mitigating the concerns of the local residents regarding the impact of the development on Holly Hill House. It is not considered that a single residential conversion would significantly alter the character of the area or lead to a loss of residential amenity to the surrounding properties. The installation of solar photovoltaic panels on the south facing roof slope would not be detrimental to the overall character of the site and surroundings as it would not be visible in distant views of the area.

- 6.9 The garden store and car port created in the converted timber barn would be purely ancillary accommodation to the main dwelling and their use could be restricted as such to ensure that the building is not used as a separate business premises. Given the nature of the conversion and the surroundings it would be appropriate to remove permitted development rights from any consent.
- 6.10 The application proposes a package treatment plant for dealing with foul sewage. Although mains drainage is the preferred option, as this is not available in this location such a plant would be more appropriate than a septic tank and would accord with the general guidance set out in Circular 3/99. The specific details of this installation can be sought by planning condition.
- 6.11 Overall it is considered that whilst there may be aspirations to use the barns in the future for an agricultural purpose they do not appear to have been used for this purpose for a considerable time. The conversion is in accordance with adopted planning policy. It is therefore considered that there is no justification not to approve the application

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** accordance with the following submitted details: Site Plan A110 C dated 22.03.2010, Proposed Plans A111 C dated 22.03.2010, Elevations A112 C dated 22.03.2010, Drawing A114 C dated 22.03.2010, Details Solar energy system dated 22.03.2010, Letter dated 20.05.2010, Letter dated 24.11.2009, Design and Access Statement dated 24.11.2009, Structural Survey dated 24.11.2009, Location Plan A090 dated 24.11.2009, Site Plan 003A dated 24.11.2009, Floor Plan 1010/1 P1 dated 24.11.2009, Elevations 1010/2 P1 dated 24.11.2009, Floor Plan 1010/3 P1 dated 24.11.2009, Elevations 1010/4 P1 dated 24.11.2009, Site Plan A100 dated 24.11.2009, Elevations A101 dated 24.11.2009, Elevations A102 dated 24.11.2009, Existing Plans and Elevations A105 dated 24.11.2009, Proposed Plans and Elevations A115 dated 24.11.2009, Letter dated 22.03.2010,

## **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 accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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 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

4. The building shall not be occupied nor the use commenced until the area shown as parking space on the approved plans has been drained and surfaced and that area shall not thereafter be used for any purpose other than the parking of vehicles.

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

5. 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 to H (inclusive) of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order for the Local Planning Authority to monitor further development in this sensitive location.

6. The car port and store building shall not be used for any other purpose other than the accommodation of private vehicles or for a purpose incidental to and ancillary to the enjoyment of the related dwellinghouse.

Reason: To safeguard the amenities and interests of the occupants of nearby residential dwellings

7. If during the implementation of the permission, contamination is found to be present at the site then, unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until details of the contamination shall be dealt with have been submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied and a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interest of amenity and public safety.

8. No development shall take place until details of the method of disposal of foul sewage proposed to be installed, including size, location and maintenance regimes have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of amenity and pollution prevention.

### **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 Legal Services Partnership Manager, 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](mailto: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. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
3. If the development is to include a security light or a lighting scheme, advice should be followed from The Institute of Lighting Engineers leaflet: "Domestic Security Lighting, Friend or Foe". Following these recommendations should avoid complaints at a later date of excessive lighting for which formal action could be taken under the Clean Neighbourhoods and Environment Act 2005.

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