

Shipbourne Borough Green And Long Mill	560777 151813	9 December 2015	TM/15/03865/FL
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Proposal:	Proposed conversion of existing stable and hay barn into 3 bedroom dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities
Location:	Great Oaks House Puttenden Road Shipbourne Tonbridge Kent TN11 9RX
Applicant:	Mrs L Cohen

1. Description:

1.1 This application was originally reported to APC2 on 2 March 2016 when it was deferred to enable a Member's Site Inspection, approved to take place on 11 April 2016. Copies of the Committee and Supplementary report are annexed for ease of information.

2. Determining Issues:

2.1 The matters arising from the Member's Site Inspection itself will be addressed within the Supplementary Report.

2.2 The applicant has made comment to the report to the APC2 for 2 March, so I shall address these concerns.

2.3 The applicant considers that the proposal should be considered against paragraph 89 of the NPPF, rather than paragraph 90 of the NPPF, on the basis that it is proposed to demolish and replace the existing hay barn, and significantly alter the existing stable building. Notwithstanding this, the description of the proposal on the submitted application form was for the *proposed conversion of existing stable and hay barn into dwellinghouse (including new roof and walling to hay barn) with associated creation of domestic curtilage and access and parking facilities.*

2.4 Paragraph 89 of the NPPF advises that the construction of new buildings is inappropriate development in the Green Belt. However, it lists a number of exceptions to this. The applicant believes that this proposal falls under the last of these listed exceptions – *the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

2.5 Within a recent High Court case (*Dartford Borough Council v Secretary of State for Communities and Local Government*) it was determined that outside of the built confines the definition of previously developed land in the NPPF the exclusion of

private residential gardens, parks, recreation grounds and allotments does not apply outside of built up areas.

- 2.6 Part of the application site (forward of the structures themselves) was subject to a Lawful Development Certificate (Existing) for use of land as a garden for the purposes incidental to the enjoyment of the dwellinghouse (TM/12/00189/LDE). This was allowed at appeal. Therefore, in light of this and the recent High Court decision I am of the opinion that the land is brownfield land. It is proposed that this part of the application site would form the garden for the new dwelling.
- 2.7 The existing stable building and hay barn are not within the residential curtilage and therefore do not benefit from the status of previously developed land afforded to the existing garden.
- 2.8 The proposal will not increase the overall ridge height of the building. However, it is proposed to increase the pitch of the rear of the roofslope of the existing stable building to be of a greater pitch, so as to form a catslide roof over the rear of the stable building and the hay barn. The applicant considers it to be misleading to describe the stable as 'single storey' but the conversion to be a '2 storey' residential dwelling as there is no increase in overall height of the roof. The plans clearly show the proposed development to have 2 storeys, and it is the new roof shape which facilitates a first floor, both due to its doubling the useable floor area and allowing head height to accommodate the staircase, which would result in an increase in bulk of 19% from the existing bulk. This increase in bulk at roof level will have a significant impact on the openness of the Green Belt.
- 2.9 Following on from this approach of considering the proposal in relation to paragraph 89 of the NPPF, Policy DC2 of the MDE DPD applies to the development. Policy DC2 of the MDE DPD allows replacement buildings in the countryside, subject to a number of criteria, none of which apply to the proposal. Policy CP14 of the TMBCS relates to appropriate development in the countryside. The proposal does not fall into any of the listed categories. Therefore, the proposal constitutes inappropriate development in the countryside.
- 2.10 The applicant makes the point within their letter that they consider the proposal to constitute sustainable development. However, part of the test for a sustainable development is whether the proposal lies in a sustainable location. The proposed dwelling would be remote from local service centres. There would be limited scope for residents to walk, cycle or use public transport. Puttenden Road is a narrow rural lane, with no pavements. Whilst a similar point may apply to recent nearby approvals at Hookwood Orchard and No. 3 Silverhill Cottages, however there were different reasons, as set out below.
- 2.11 The applicant has confirmed that a paddock lies to the north-west of the site, not an agricultural field as described in my previous report.

- 2.12 The applicant has advised that no new domestic paraphernalia will be introduced as the site is currently used as part of Great Oaks House curtilage. However, the creation of an additional dwelling will increase the probability of additional domestic paraphernalia being introduced.
- 2.13 At the previous committee meeting reference was made to similar cases nearby which should be taken into consideration.
- 2.14 Hookwood Orchard (TM/15/00850/FL -Extension and conversion of existing agricultural barn to provide a three bedroom dwelling together with the demolition of three remaining agricultural buildings and the erection of detached garage) was discussed in the previous Committee report, and this scheme was superseded by TM/15/02484/FL (Demolition of existing farm buildings and outbuildings, the construction of a three bedroom dwelling house with detached garage). However, this basis for the decision remains the same as in my previous report. The scheme was approved largely on the basis that the resulting building which would have been a lot smaller than the existing and that the proposal would improve the appearance of an untidy site. TM/15/00850/FL was for the conversion of the existing building, whereas TM/15/02484/FL was for a replacement building.
- 2.15 No. 3 Silverhill Cottages (TM/14/04200/FL) approved the demolition of all livery stables, detached garage/ store, shed building, concrete hardstandings and erection of a detached dwelling and garage/ stable block. Whilst the proposal provided an increase in volume and height from the existing, which was recognised as being “inappropriate development”, the proposal provided a substantial improvement to the appearance and visual amenity of the site. It included the loss of a commercial livery stables which is a benefit not presented by this application - essentially the Silverhill site as a commercial livery enjoys a different policy in the NPPF to the type of buildings in this application.
- 2.16 The applicant has cited an approval outside of the Borough by way of comparison, within the South Downs National Park. This lies outside of the Borough where different policies apply and as such is not comparable. They have also suggested that a proposal in Yopps Green (Variation of condition 1 of planning permission ref. TM/00/00529/FL (internal and external alterations and extension to existing store) being extension of time period)(TM/05/01233) was comparable. However, given the age of this consent 16 years ago, there has been an update of policy since this time, and therefore this proposal is not comparable.
- 2.17 Ryarsh Farm (TM/15/02445/FL) allowed the demolition and removal of existing commercial livery barns and portakabins and the replacement with a new Class B8 storage unit with ancillary B1 office. This case differed from the application case in a number of ways, in particular that the site was previously used as a commercial livery, and that the proposal would consolidate a number of dispersed buildings and would tidy up the site.

2.18 In light of the above, I do not consider there to be any very special circumstances to override the policy objection.

3. Recommendation:

3.1 Refuse:

Reasons

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined by paragraph 87 of the National Planning Policy Framework 2012. The proposal would involve the partial redevelopment of a previously developed site (brownfield land), but would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, and would therefore be contrary to paragraph 87 of the NPPF.

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