

Wouldham
Burham And Wouldham

4 December 2016

TM/16/03497/FL

Proposal: Proposed change of use / conversion of existing offices to single residential unit
Location: Downs Farm Pilgrims Way Wouldham Rochester Kent ME1 3RB
Applicant: Wharton
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1. Description:

- 1.1 Planning permission is sought for the change of use of an existing rural building to a single two bedroom residential unit. The building would continue to be reached from an existing vehicle access leading from Pilgrims Way.
- 1.2 Minor external works are proposed to facilitate the change of use including the replacement of a door with a window and the introduction of a bathroom window.
- 1.3 The existing yard around the building is proposed to be finished with hard standing/road stone surface. Two parking places would be located on the north side of the building and a small garden area would be enclosed on the side. The existing vegetation along the western boundary of the site is proposed to be retained.
- 1.4 The building in situ was originally built as a stable block. Planning permission was granted in 2003 for the conversion of the stable to an office use. The conversion took place in part but subsequent investigations indicated that the building was being used for a mix of office and residential purposes. It is for this reason (that the building is not solely in office use in the view of the Council) that the applicant is unable to seek to use permitted development rights through a prior notification procedure to convert the building to residential use and requires instead the benefit of planning permission from the Local Planning Authority.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllrs Dalton and Davis given the planning history of the site and to allow for consideration of the principle of the change of use.

3. The Site:

- 3.1 The application site lies to the east of Pilgrims Way at its junction with Hill Road and is reached via an unmade track. The site falls outside of the village confines of Wouldham and within a designated Area of Outstanding Natural Beauty.
- 3.2 The site comprises an area of flat land set into the side of the valley that is largely concealed from near or long distance views, by reason of established planting and

vegetation. Within the site is a single storey timber clad building. Around the office building is space for parking together with some open storage of agricultural equipment and timber.

- 3.3 In the north eastern part of the site an area of the chalk hillside appears to have been partly excavated.

4. Planning History (relevant):

TM/89/763 Grant with conditions 21 June 1989

Stabling-4 loose boxes and corner unit

TM/03/01924/FL Grant With Conditions 21 November 2003

Change of use of existing stable block to B1 office building

TM/04/01168/FL Grant With Conditions 11 May 2004

Infill extension to office as an amendment to approval TM/03/01924/FL: Change of use of existing stable block to B1 office

TM/15/03556/PDVOR Requires Permission 23 December 2015

'Prior Notification for Change of Use from Office (Class B1) to Residential (Class C3): (Class O)

TM/16/01900/PDVOR Requires Permission 15 August 2016

Prior Notification: change of use from office (class B1) to residential (class C3).

Other planning history relating to the application site

TM/98/1206/FL Grant with conditions 14 April 1999

New agricultural building

TM/05/02535/FL Grant with conditions 12 October 2005

Relocation of earth sheltered agricultural barn and additional engineering accommodation works

TM/15/01593/FL Grant with conditions 7 July 2015

Proposed changes to existing and commenced planning permission TM/05/02535/FL to alter the appearance and style of the proposed portal framed agricultural building

5. Consultees:

5.1 PC: 8 Members of the PC voted as follows:

- 3 – for
- 4 – against
- 1 abstention

5.2 Private Reps: 3 + site notice/0X/0R/25S

5.2.1 25 representations have been received from 21 households. One of these is a character reference and the others are all in support of the proposal. The majority of the representations are not from those living locally, but instead appear to be from people who know the site or the applicant.

5.2.2 The material planning considerations set out in the letters of support can be summarised as follows:

- Proposal would satisfy housing requirements and would be in accordance with current legislation;
- There would be no material alterations to the building or site;
- No harm to the AONB;
- No adverse traffic impact.

6. Determining Issues:

6.1 The main considerations are the principle of the change of use, whether the building is structurally sound and capable of conversion without major re-building works, visual impact and impact on the AONB.

6.2 It should be emphasised that the previous decisions concerning whether such a change of use could amount to permitted development are not material to the consideration of this application because all those decisions did, in effect, conclude that any conversion required the benefit of planning permission from the LPA rather than utilising the prior notification procedure.

Principle:

6.3 CP14 of the TMBCS restricts development within the countryside to certain types of specified development, one of which being the conversion of an existing building for residential use. As such, proposals for any existing building within a countryside location to be converted to residential use may accord with the requirements of this policy, regardless of the current/last use of the building.

- 6.4 Policy DC1 of the MDE DPD allows for the conversion/re-use of existing buildings in the countryside that are of permanent and sound construction and capable of conversion without major or complete renovation works.
- 6.5 The building in question is of permanent construction and in sound condition, capable of conversion without major or complete renovation works. In fact only a few minor works are proposed to the interior partition walls and the replacement of doors and windows. No works are proposed to the foundations, walls or roof. The proposal is found to be in accordance with the requirements of policy DC1.
- 6.6 With this in mind, there is no objection to the change of use proposed in the broadest of policy terms.

Impact on the AONB, appearance and character:

- 6.7 Section 85 of the Countryside and Rights of Way Act 2000 places a duty on all public bodies and statutory undertakers to 'have regard' to the 'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'
- 6.8 Policy CP7 of the TMBCS identifies that development which would be detrimental to the natural beauty and quiet enjoyment of the AONB, including their landscape, wildlife or geological interest, should not be permitted. No increase in size of the building is shown and only minimal external alterations are planned, none of which would have an impact on the natural beauty or quiet enjoyment of the AONB.
- 6.9 The proposal overall would conserve the natural beauty of the area and would therefore accord with these requirements.
- 6.10 In more general terms, policy CP24 of the TMBCS states that all development must be well designed and must through its scale, density, siting, character and appearance be designed to respect the site and its surroundings. Development which by virtue of its design would be detrimental to the built environment, amenity or character of a settlement or the countryside will not be permitted.
- 6.11 No additional floor space or increase in volume of the building is proposed in association with the change of use. The external alterations proposed are minor in nature and acceptable in this location. The proposal is acceptable in terms of policy CP24.

Residential amenity:

- 6.12 There are no neighbouring properties sited in close proximity whose residential amenities could be affected by the proposed change of use or associated alterations.

Highway safety and parking provision:

6.13 KHS IGN3: Residential Parking requires that for two bed houses in rural locations, 1.5 spaces per unit be provided. The submitted plans indicate that two independently accessible spaces are to be provided to serve the dwelling and this is acceptable. I am also satisfied that the introduction of a single dwelling here, given the existing access arrangements, would not cause an increase in vehicle activity to have any impact on highway safety.

Conclusions:

6.14 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the LPA is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise. For the reasons given in the preceding assessment, the proposals accord with the adopted development plan and there are no material considerations which would indicate diverting from a conclusion that planning permission should be granted in this set of circumstances. I appreciate that there are some local frustrations about the previous ways in which the building has been used and the recent submissions made in an attempt to utilise permitted development rights in connection with this site but they can have no bearing on the outcome of this planning application. The relevant adopted policies allow for the conversion of an existing building within the countryside, whatever its previous use(s) might have been.

6.15 As such, the following recommendation is put forward:

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Proposed Plans and Elevations 1229-10-D dated 28.11.2016, Location Plan 1229-01-A dated 05.12.2016, Design and Access Statement dated 28.11.2016, subject to the following conditions:

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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.

Reason: In the interests of visual amenity.

- 4 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 2015 (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.

- 5 The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

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