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| NOTES FOR TECH   |  |   |
| <b>APPLICATION PROPOSAL</b>  |  | <b>Ref No 20/502018/FULL</b>  |
| Demolition of existing barns and erection of five dwellings, with associated parking, amenity space and landscaping. |  |   |
| <b>ADDRESS</b> Four Oaks Farm Four Oaks Road Headcorn Ashford Kent TN27 9PB  |  |   |
| <b>RECOMMENDATION</b> - Application Permitted  |  |   |
| <b>WARD</b><br>Headcorn  | <b>PARISH/TOWN COUNCIL</b><br>Headcorn   | <b>APPLICANT</b> Mr R Hawkes & Mrs L Alexander<br><b>AGENT</b> Dha Planning Ltd |
| <b>DECISION DUE DATE</b><br>16/10/20   | <b>PUBLICITY EXPIRY DATE</b><br>11/08/20 |   |

**Officer Site Visit – 5<sup>th</sup> June 2020**

**RELEVANT PLANNING HISTORY (including relevant history on adjoining site)**

19/503691/PNQCLA Prior Notification for proposed change of use of 2no. agricultural buildings to 5no. residential dwellings and associated operational development - APPROVED

**DESCRIPTION OF SITE**

The application site is on the north side of Four Oaks Road around 2km northwest of Headcorn and in the countryside for planning purposes falling with a Landscape of Local Value (LLV). The site includes a group of three relatively modern farm buildings set around a hard-surfaced yard and the remnants of an Oast building in the northeast corner. There are arable fields to the west, north and east owned by the applicant and the site protrudes into the field slightly on the west and north sides. Access is shared with the dwelling 'Four Oaks' a Grade II listed building immediately to the south. PROW KH513 runs along part of the access and then northward near to the dilapidated Oast.

**PROPOSAL**

Permission is sought for 5 houses (four two storey and one single) with demolition of the existing farm buildings. There would be one pair of semi-detached houses, two detached properties and in the northeast corner the Oast would be 're-built'. The new Oast would be built over PROW KH513. The protrusion into the arable field on the west and north sides would be used to provide gardens. Two detached car barns would also be provided.

**POLICY AND OTHER CONSIDERATIONS**

Maidstone Local Plan 2017: SP1, SP17, SP18, SP23, DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM23, DM30,  
The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

**LOCAL REPRESENTATIONS**

**Local Residents:** One representation received raising the following (summarised) points:

1. Proposals are more palatable than the prior approval scheme.
2. Increase noise and disturbance from access which should be moved further away.
3. Intensive and cramped.
4. Soundproof fencing is needed.
5. Loss of privacy/overlooking.
6. The barn element of the Oast would overbear the roundel.
7. Car barn for plot 5 will be overbearing.
8. Overbearing to listed building.
9. PROW should be diverted away from Four Oaks.
10. The proposed aerial view does not match the layout plan.
11. Dust, odours and vapours.
12. Asbestos.
13. Access will need to be kept clear at all times.
14. Flooding occurs and water should not be pushed towards Four Oaks.
15. Right to discharge across farmyard.
16. No details of foul drainage.

**Headcorn Parish Council:** No objections.

**Weald of Kent Protection Society:** Objects for the following (summarised) reasons:

- The garage to Plot 5 is too close to the listed building.
- PROW should be diverted to the west of the proposed development.

### **CONSULTATION RESPONSES**

**Kent Highways:** No objections

**KCC PROW:** No objections provided diversion of PROW KH513 is confirmed before any works commence.

**Environmental Health:** No objections subject to a condition relating to contamination.

**MBC Conservation Officer:** No objections.

**KCC Ecology:** No objections subject to conditions securing mitigation.

### **APPRAISAL**

The site is within the countryside where new residential development is generally not permitted. However, there is a genuine fallback position whereby the existing buildings can be converted to 5 dwellings and so there would be no increase in the number of properties. It has been established through recent case law (*Mansell v Tonbridge And Malling Borough Council*) that the fallback position of approved houses under permitted developments rights can justify proposals for new build housing and so I consider the principle is acceptable. As the permitted development scheme would convert the existing buildings and so not have a significant impact upon the area it needs to be considered whether the proposals are justified in terms of their impact. On this basis, I consider the main issues are as follows:

1. Impact upon the Countryside/LLV
2. Impact upon the setting of the Listed Building
3. Layout & Design
4. Residential Amenity
5. Highways & Parking
6. Affordable Housing

## 7. Other Matters

### Impact upon the Countryside/LLV

The position of the new houses are either where the existing buildings are, or within the farmyard area, apart from a minor protrusion (3.5m) on the west side. The gardens would protrude into the arable field on the west and north sides by around 11m. The new buildings would have a marginally greater impact than the current buildings mainly due to the protrusion to the west and the re-built Oast but would represent more appropriate buildings than the permitted conversions. The fallback conversions would have a poor appearance and look somewhat alien in the landscape with windows inserted in the agricultural buildings which were not designed as homes as opposed to well-designed buildings that look like farmhouses, workers cottages or converted barns. The proposals have been amended since originally submitted to reduce the garden projection on the northwest corner and provide a single storey building here. The impact of the garden projections into the field would be limited and the proposed rural boundary treatments (1.2m post and rail fencing) and native hedge and tree planting would soften this impact. For these reasons I do not consider the proposals would cause harm to the character or appearance of the landscape in accordance with policies SP17 and DM30.

### Layout & Design

The proposals are designed to have the appearance of a traditional farmstead with buildings focused around the original listed farmhouse. There would be a semi-detached pair of 'workers cottages' (plots 1 & 2), a building that has the appearance of a converted barn (plot 4) and the re-built Oast (plot 5). Negotiations have taken place since the original submission where the removal of plot 3 was suggested as this was a 'farmhouse' design and so there would have been two 'farmhouses', and also to reduce the impact. In response plot 3 has been changed to a single storey 'stable' block style building which is a much more appropriate design and the decrease in scale significantly reduces the impact on the landscape. Amendments have also been made to have a less domestic character to plots 1 and 2 with the rationalisation of window openings to reduce these in terms of number and size. The car barn for plot 5 has been moved further from the listed building to provide more breathing space. The amended proposals are considered to be much more appropriate and better reflect a traditional farmstead in terms of layout and appearance.

Small landscaping areas are provided to the front of houses with new hedgerows enclosing plots. Native hedges and trees are proposed on the outside boundaries of the site which would provide an appropriate setting. The shared driveway/courtyard would be finished with gravel and driveways to plots 3, 4 and 5 would be resin bounded which would provide a high-quality finish.

The buildings would be of high quality with vernacular features such as fully hipped, barn hipped, and catslide roofs, pitched roof dormers, and timber boarding. Detailing is provided in the form of exposed rafters, projecting plinths, arched courses above windows, chimneys, traditional barn doors. Materials include brick, white and black timber weatherboarding, and clay tiles which would provide a high-quality appearance.

Overall, the layout is acceptable, and the house designs and materials are of a high quality in accordance with policies DM1 and DM30 and are of a quality appropriate for the setting of the listed building.

### Four Oaks (Listed Building)

Four Oaks is a timber framed C15 farmhouse with C16 or C17 alterations and a C19 facade. The ground floor is painted brick with the first-floor weather boarded below a plain tile roof. The historic setting of the farmhouse had farm buildings further north which have been replaced with prefabricated buildings closer to the listed building in the C19. So, the historic farmstead has been lost apart from the remnants of the Oast.

The Conservation Officer does not object to the proposed development and considers it would have a neutral impact on the setting of the listed building. The modern farm buildings are of poor appearance and will look even more alien with the conversion works permitted. Their removal and replacement with high quality houses I consider would enhance the setting of the farmhouse and for the reasons outlined above better reflect an historic farmstead in accordance with policy DM4 and the NPPF.

### Residential Amenity

Four Oaks would have new development to the east and north facing both its garden and the house. Plots 1 and 2 would have three small first floor windows which would be 20m from the house. The two closest windows would serve bathrooms and so can be obscured and at 20m would not cause any unacceptable overlooking of the house or garden, even if opened. The other window would serve a bedroom but would be 22m away which is an acceptable distance to prevent harmful overlooking. First floor windows on plot 4 would be 26m from the garden boundary of Four Oaks and plot 5 would be even further away with first floor windows on the roundel at an acute angle. These distances are sufficient to ensure no unacceptable loss of privacy would occur. The distances of the houses away from Four Oaks would also ensure there would be no overbearing impact or unacceptable loss of light and the nearer car barns are single storey. Any noise or smells from the normal use of the houses would not be unacceptable or an unusual situation. This is all in accordance with policy DM1.

The new houses have been designed so as not to overlook one another and so would all have sufficient privacy and amenity standards.

### Highways & Parking

Kent Highways raise no objections to the proposals and each property would have at least 2 parking spaces which accords with the parking standards.

### Ecology

Protect species (reptiles, GCN, bats) surveys have been carried out. For reptiles, a single grass snake was recorded and a mitigation strategy is proposed. For GCN, KCC Ecology advise that considering the limited habitat loss/fragmentation from the proposed development, it is not considered that a European Protected Species Mitigation (EPSM) licence would be required for the works, however, mitigation is required and that proposed is acceptable. For bats there is a likely absence for summer roosts and one building has low potential for a hibernation roost. However, due to the inaccessibility of the feature, an adequate survey would not be able to be undertaken to fully establish likely absence and so precautionary mitigation is proposed, which includes undertaking works outside of the hibernation period, pre-commencement surveys where possible, and installation of a hibernation bat box. KCC Ecology advise this is acceptable subject to conditions. Enhancements are proposed in the form of new wildflower planting, general landscaping and further bird and bats boxes can be secured in line with policy DM3.

### Other Matters

It is considered appropriate to remove permitted development rights for extensions and alterations in view of the houses being carefully designed to appear as traditional buildings within a farmstead.

The site area for the development is just below the 0.5ha threshold in the NPPF and so no affordable housing provision is required.

The proposed Oast rebuild would be over PROW KH513 and so this would require diversion. I consider an alternative route which would be no less attractive could be achieved and this would be dealt with under a separate process. The applicant has shown a potential diversion on which representations have been made, however, this would be dealt with separately. KCC PROW have raised no objections subject to a diversion being made and approved.

Representations have referred to flooding, foul drainage, and asbestos. The site is not within a flood risk area and is not of a scale that requires a Flood Risk Assessment or drainage assessment. It is proposed to use soakaways to deal with surface water which is acceptable. The applicant has not decided how to deal with foul drainage at present but there are obviously solutions to this such as septic tanks or treatment plants where any necessary consents would need to be sought. Environmental Health legislation controls asbestos so this is not a planning issue.

### Conclusion

For the above reasons the proposals would provide a high-quality development that will enhance the setting of the Grade II listed farmhouse and will not result in any harm to the local landscape. There would be no harm to residential amenity, are no highway objections, and any other impacts would be suitably mitigated. As such the proposals represent a much better scheme than that which could be carried out under the prior approval development and on this basis permission is recommended subject to the following conditions

RECOMMENDATION – Application Permitted subject to the following conditions/reasons:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:

14140/01B, 14140/11C, 14140/20A, 14140/21A, 14140/22A, 14140/23A, 14140/24A, 14140/25, 14140/26, 14140/27, 14140/28, 14140/29, 14140/30, 14140/31A

Reason: To clarify which plans have been approved.

(3) The development shall be carried out in accordance with the surface materials shown on drawing no. 14140/11C (gravel and resin bound gravel).

Reason: To ensure a satisfactory appearance to the development.

(4) The development shall be carried out in accordance with the GCN and Reptile Mitigation Strategy and Works Method Statement and Bat Outline Mitigation Strategy within section 5 of the Protected Species Report (13/08/20) and section 5 of the Reptile Mitigation Strategy report (02/09/20).

Reason: To mitigate impacts upon ecology.

(5) The development hereby approved shall not commence above slab level until, a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: To mitigate impacts upon ecology.

(6) The development hereby approved shall not commence above slab level until, details of ecology enhancements to include bird and bat boxes 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 a satisfactory appearance to the development.

(7) The development hereby approved shall not commence above slab level until, written details providing adequate information to assess the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The materials shall follow those set out in the application and include stock bricks, timber weatherboarding, and clay tiles.

Reason: To ensure a satisfactory appearance to the development.

(8) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments, 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 before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

(9) The development hereby approved shall not commence above slab level until the precise details of the landscape scheme as shown on drawing no. 14140/11C, which shall be designed in accordance with the principles of the Council's landscape character guidance, has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting specification, programme of implementation and a 5-year management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

(10) All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

(11) Each dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed at the property, and it shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

(12) Before Plot 1 is first occupied, the proposed first floor west facing bathroom window shall be obscure glazed and shall subsequently be maintained as such. Before Plot 2 is first occupied, the proposed first floor west facing bathroom window shall be obscure glazed and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

(13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, and D to that Order shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character and appearance of the dwellings.

(14) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interest of the protection of human health.

(15) The approved details of the parking/turning areas including the car barns shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(16) The development hereby approved shall not commence above slab level until, full details of the following matters have been submitted to and approved in writing by the local planning authority:-

a) New external joinery in the form of large-scale drawings.

b) Details of the cowl for the Oast.

The development shall be carried out in accordance with the approved details;

Reason: To ensure an appropriate appearance to the buildings.

## INFORMATIVES

(1) The granting of planning permission confers no other permission or consent in relation to the PROW and no works can be undertaken on a PROW without the express consent of the Highways Authority.

## The Council's approach to this application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.


In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, [www.planningportal.co.uk](http://www.planningportal.co.uk) (search for 'discharge of conditions').



| Delegated Authority to Sign:   | Date:    |
|--|----------|
| <br>PRINT NAME: Austin Mackie | 16/10/20 |