

**MILLIKEN & COMPANY**  
CHARTERED SURVEYORS & CHARTERED TOWN PLANNERS

**SHEPHERD NEAME LTD**

**FORMER QUEEN COURT FARMYARD SITE (DISUSED)**

**WATER LANE / MUTTON LANE, OSPRINGE,  
FAVERSHAM, KENT ME13 8UA**

ERCTION OF NEW BARN DEVELOPMENT FOR 7 DWELLINGS  
(CLASS C3: RESIDENTIAL USE – 2,3 & 4 BEDROOMS); CAR PARKING BARNs (16 SPACES) /  
CYCLE STORAGE / BIN STORAGE / WASTE PUMPING STATION; REUSE OF VICTORIAN  
BRICKBUILT OUTBUIDING FOR GROUND MAINTENANCE.  
NEW VEHICULAR AND PEDESTRIAN ACCESS FROM WATER LANE; RESTORATION OF  
LANDSCAPE / REMOVAL OF STEEL FRAME STRUCTURES & HARDSTANDING; PERMISSIVE  
PUBLIC FOOTPATH LINK FROM WATER LANE / MUTTON LANE JUNCTION; HARD & SOFT  
LANDSCAPING / TREE PLANTING WORKS; AND ASSOCIATED WORKS

**SUPPORTING PLANNING STATEMENT**

**Our Ref: SM/1**

**Date: August 2022**

## **1. INTRODUCTION**

1. We are formally instructed by Shepherd Neame Ltd to submit a full planning application erection of part brick / part timber clad barn development (7 units); freestanding timber clad parking barns / cycle storage; compressed gravel 'farm-track' access from Water Lane; restoration of historic landscape (including course of the shallow, dry river channel – Nailbourne); provision of 'permissive' footpath link between the Water Lane / Mutton Lane junction and Mutton Lane (close to junction with Vicarage Lane); reuse of brick built Victorian outbuilding for ancillary ground maintenance equipment; hard and soft landscaping works; and other associated works required to provide a scheme of conservation merit.
2. The QCF Farmyard site is a complex site. It has been underused since the decline of hop growing through both disease and competition from overseas in the 1950's but has been subsequently used under licence in association with the surrounding farmland for the grazing of cattle and more recently in the 1990's / 2000's for the distribution of household plants. Since this time, the site has fallen into disrepair and become overgrown with weeds and brambles. It very much has the appearance of unkempt, derelict land on the edge of the built-up area. The site is located within Faversham Town Council's boundary.
3. Key planning considerations relate to the site's inclusion within the Ospringe Conservation Area; its juxtaposition with the existing QCF barns (Grade 2\* and Grade 2) and QCF Farmhouse (Grade 2\*); the existence of the Nailbourne which runs north-south through the site (shallow, dry river valley – not flooded within living memory); and the narrow Water Lane / Watling Street junction which precludes the redevelopment of the QCF Farmyard site for commercial use. In 2020, full planning and listed building consent was granted by the Council (with the support of Historic England) for the conversion of the main QCF barns into residential use (2 units) (plus new domestic curtilages and car parking barn). Prior to this, planning & listed building consent was granted by the Council in 2015 for the conversion of the brick-built barn (former Oast House) at the corner of Mutton Lane and Vicarage Lane for use as a 4 bedroom house, freestanding parking barn and large domestic garden. As such,

the proposed barn development is contained by existing barn development in residential use.

4. Following pre-application advice received from SBC Planning & Conservation Officers in December 2019 and, more recently in July 2021, there is conditional support for the erection of a small barn complex (reduced to 7 units – 2,3 & 4 bedrooms) and parking barns on part of the site (outside of the flood plain) in tandem with the restoration of the historic landscape for part communal / part community open space uses – to be gifted to Faversham Town Council. This would serve to significantly enhance the character and appearance of the Conservation Area and the setting of the main QCF barns from Water Lane and the surrounding area. The proposals would also allow for the provision of a new permissive footpath link between the built-up area of Ospringe to the north and the open countryside to the south. The result would be to create a landmark scheme of conservation value which would be of practical value to local residents.

5. The team appointed by Shepherd Neame for preparing the full planning application proposals are:

- I. On Architecture – Production of a full set of drawings and design & access statement;
- II. Milliken & Co – Chartered Surveyors & Town Planners – Supporting Planning Statement;
- III. Dr Lee Prosser – Heritage Impact Assessment (HIA);
- IV. The Landscape Partnership – Landscape Value Impact Assessment (LVIA) and historic landscape restoration plan;
- V. RGP – Transport Statement;
- VI. Ecology Solutions Ltd – Extended Habitat 1 Statement;
- VII. Odyssey Drainage Consultants – FRA / Mitigation Report;
- VIII. Cantia – Tree Survey;
- IX. Woods Plc – Air Quality Assessment;

## **2. SITE & SURROUNDING AREA**

6. The part proposed for new barn development / access to Water Lane is 0.3ha. The rest of the site would be subject to historic landscape restoration works (circa 1ha). The site shares a strong physical relationship with Ospringe settlement boundary to the north and terraced cottage houses along the west side of Water Lane, including the former QCF cart barn opposite the main QCF barns, converted into residential use in the 1990's. The site is located within the Faversham Town Council boundary.

7. The development proposals involve the removal of post war, modern, steel framed farm structures in a poor state of repair and in danger of falling down (1,406m<sup>2</sup>). A small Victorian, brick-built (48m<sup>2</sup>), outbuilding is to be retained for possible ground maintenance use in association with the proposed communal open space. An area of XXXm<sup>2</sup> of concrete hardstanding is to be removed as part of the site's restoration / sustainable drainage works. The west part of the site is flat, comprising former grazing land (historically flooded by the damning of the Nailbourne water channel to improve grass quality), whilst the east part of the site remains outside of the flood plain on gently rising land (east-west) up to Mutton Lane (north-south).

8. The main setting of the C15th & C16th medieval QCF main barns (Grade 2\* and Grade 2 listed) is from along Water Lane (heading south). QCF Farmhouse's (Grade 2\*) main setting is from Water Lane roadside (front elevation and gardens). The farmhouse was sold to private buyers (Conservation Architects) in 2019 and is being refurbished for residential use (separate to the main barns). Post the grant of planning and listed consent for the main barns in 2020 (19/505888/FULL & 19/505890/LBC), they were sold to a private buyer for conversion into 2 dwellings, plus separate domestic curtilages and new freestanding parking barn. The former oast house / brick-built barn at the corner of Mutton Lane / Vicarage Lane was granted planning & listed consent in 2015 for conversion into a 4-bedroom dwelling, plus freestanding parking barn and large garden area). Works to this building were

completed several years ago and it now provides an attractive family home. It means that the proposed barn development is contained by existing residential uses and their curtilages (NB: The old QCF cart shed (Grade 2 listed), on the opposite side of Water Lane, was granted consent in the 1990's for residential use).

9. The former farmyard site is a self-contained site. It is bounded by Water Lane, Mutton Lane and Vicarage Lane. The sense of self-containment is heightened by the steep, wooded valley side of The Mount (east), with a terrace of Victorian houses above (overlooking the site). The site's main boundary is with Water Lane. This runs north-south from the A2 / Watling Street / London Road. The shallow, dry river valley of Nailbourne used to flow along the northern end of Water Lane before crossing Watling Street and into the upper reaches of Faversham Creek. A tributary of the Nailbourne (mill stream /race) used to flow into a mill pond located on the north side of Mutton Lane. The mill pond was developed for housing in the 1970's. The junction of Water Lane and Watling Street is denoted by the C12th Maison Dieu and constitutes the historic centre of Ospringe. The narrowness of the road junction means that it is unsuitable for heavy goods vehicles and heavy traffic. On the west side of Water Lane is Ospringe CE Primary School. A mix of cottages of mixed ages stretch southwards along the west side of Water Lane opposite the northern end of the site. Car Parking and deliveries are mainly on-street.

10. Mutton Lane is a narrow lane which wraps itself around the northern and eastern sides of the site. There are 2 houses and a pallet store located on the south side of Mutton Lane backing onto the site. Mutton Lane is very lightly trafficked and is popular with dog walkers accessing the countryside to the south. Mutton Lane joins with Vicarage Lane forming the site's southern boundary (now denoted by the separate occupation of QCF farmhouse and the former oast house / brick-built barn for residential use). Vicarage Lane is also lightly trafficked. There are culverts under Vicarage Lane and Mutton denoting the point at which the Nailbourne used to enter and exit the site (prior to its diversion in culvert post construction of M2 Motorway to the south).

### **3. PLANNING POLICY FRAMEWORK**

13. The prevailing development plan framework for the QCF Farmyard site is set out in the Adopted Swale Borough Local Plan, 2017 and the NPPF, July 2021 insofar it is a relevant material planning consideration.

#### **(1) National Policy**

14. An important starting point is the Government's presumption in favour of granting planning permission for sustainable development (NPPF, Para 11). It states that:

*'For decision-making this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*  
*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless:*

- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*

15. On the basis that the Council is not meeting its 5 YHLS requirements (circa 4.1 years supply), it is evident that the policies relevant to the determination of the development proposals, such as in relation to the Council's settlement strategy / housing land supply / and the rural area, are technically 'out of date' and should be afforded less material weight as part of the determination process.

16. NPPF Policy relating to the impact of a development proposal on the setting of a listed building is set out in NPPF, 2021 at Para 202. It states:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'* (My underlining)

17. NPPF Policy relating to the impact of a development proposals on a Conservation Area is set out at paragraphs Paras 206-207. It states that:

*'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

*'Not all elements of a Conservation Area or a World Heritage Site will necessarily contribute to its significance.'*

## **(2) Adopted Swale Local Plan, 2017**

18. The Adopted Swale Local Plan 2017 'Proposals Map' confirms that the QCF Farmyard site is located on the southern edge of Faversham Town settlement boundary and that it falls within the boundary of the Ospringe Conservation Area.

19. The development plan framework for the QCF Farmyard site comprise the following key policies:

- ST1: Development Needs for the Borough – Housing provision: 1,038 dpa (2022-2038)
- ST3: The Swale settlement strategy – Faversham Urban Centre: States that Faversham is the focus for growth within this planning area, but at levels which reflect the historic importance of the town and the quality of the surroundings. Para 4.3.14 states that:

*'The line between consolidated areas of built development and open countryside may not always be clear cut and judgements on a case-by-case basis may sometimes need to be made'*

- ST7: The Faversham area and Kent Downs strategy – States that:  

*'The conservation and enhancement of the historic and natural environment are the primary planning aims'*
- CP4: Requiring good design – Refers to the need for development proposals to:  

*'Enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place'*
- CP8: Conserving and enhancing the historic environment – This key policy sets out several criteria for new development within a conservation area. It states that:  

*'To support the Borough's heritage assets, the Council will prepare a Heritage Strategy. Development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place and special identity. Development proposals will, as appropriate:*

  1. *Accord with national planning policy in respect of heritage matters, together with any heritage strategy adopted by the Council;*
  2. *Sustain and enhance the significance of Swale's designated and non-designated heritage assets and their settings in a manner appropriate to their significance and, where appropriate, in accordance with Policies DM 32-DM 36;*
  3. *Respond to the integrity, form and character of settlements and historic landscapes;*
  4. *Bring heritage assets into sensitive and sustainable use within allocations, neighbourhood plans, regeneration areas and town centres, especially for assets identified as being at risk on national or local registers;*
  5. *Respond positively to the conservation area appraisals and management strategies prepared by the Council;*
  6. *Respect the integrity of heritage assets, whilst meeting the challenges of a low carbon future; and*
  7. *Promote the enjoyment of heritage assets through education, accessibility, interpretation, and improved access'*
- Policy DM14: General development criteria – Criteria 6 refers to the need for development proposals to:  

*'Conserve and enhance the natural and / or built environments taking into account the desirability of sustaining and enhancing the significance of heritage assets'*
- Policy DM24: Conserving and enhancing valued landscapes – Part C. For all landscapes (1) it states that:

*'The scale, layout, build and landscape design of development will be informed by landscape and visual impact assessment having regard to the Council's Urban Extension Landscape Capacity Study and Landscape and Biodiversity Appraisal SPD, including, as appropriate, their guidelines, and the key characteristics, sensitivity, condition of character area(s)/landscapes, taking opportunities to enhance the landscape where possible, including the removal of visually intrusive features'* My underlining.

- Policy DM 33: Development affecting a Conservation Area. This policy states that:

*'Development (including changes of use and demolition of unlisted buildings or other structures) within, affecting the setting of, or views into and out of a conservation area, will preserve and enhance all features that contribute positively to the area's special character or appearance. The Borough Council expects development proposals to:*

1. *Respond positively to its conservation area appraisals where these have been prepared;*
2. *Retain the layout, form of streets, spaces, means of enclosure and buildings, and pay special attention to the use of detail and materials, surfaces, landform, vegetation and land use;*
3. *Remove features that detract from the character of the area and reinstate those that would enhance it; and*
4. *Retain unlisted buildings or other structures that make, or could make, a positive contribution to the character or appearance of the area'*

20. With respect to Policies CP8 and DM 33, the Ospringe Conservation Area character appraisal was published in 2004. It is evident that it is 'out of date' with respect to its description of Queen Court Farm as being a 'working farm'; namely; the factors that should now be borne in mind include its last use for the distribution of plants on a commercial basis; the recent sale of Queen Court C15th Farmhouse for separate residential use; the conversion of the brick-built former oast house to residential use in 2015 (corner of Mutton Lane and Vicarage Lane) and; the conversion of Queen Court Farm main barns to residential use by private buyers (post the grant of planning and listed building consent in 2020).

21. Without prejudice to the Ospringe Conservation Area Character Appraisal 2004 being 'out of date', it does provide some useful background historical context to the QCF Farmyard site. It states that:

*'.... Even into the second half of the C20 there was still a good depth of water flowing along Water Lane, although the mill pond had by then disappeared. Watery meadows were at one time present along the bottom of the valley alongside Water Lane and willow trees grew beside the edge of the stream. By the end of the C20, however, the stream had permanently dried probably due to water abstraction from nearby boreholes. The little red brick bridge in Vicarage Lane spanning the dry streambed now serves as a ghostly reminder of this once picturesque watercourse. It seems that when the Nailbourne stopped flowing a part of the 'specialness' of Ospringe vanished forever, so wherever occasional fragments of Nailbourne evidence still survive they are of special interest.*

*Queen Court (just beyond Mutton Lane) is a large working farming complex where a prominent array of concrete-framed animal shelters and farm buildings now sit alongside the C15 farmhouse. Until 1982 the farm supplied hops to the Shepherd Neame brewery in Faversham but the fields around are now prominently arable and parts of the Farmyard appear to be rather sparingly used.*

*The western slopes of the Water Lane valley are relatively shallow and open in character (often with large arable fields but also including the large area of allotments), whereas the eastern side is interspersed with the remnants of an older pattern of small fields, hedgerows, woodland and orchards. Four pairs of matching, yellow brick houses in Mount View occupy a prominent position on the top edge of the valley slope. Beyond Vicarage Lane the valley landform, in the view to the south-east, becomes noticeably more pronounced. This fine-grained pattern of uses set out along the line of the valley contrasts sharply with the landscape of open fields beyond; this pattern is therefore of historical interest and the resulting sense of physical containment provided by the woodlands and hedgerows is important to the setting of Water Lane.*

*The entrance to the Queen Court Farmyard, shrouded by corrugated iron, is a decidedly utilitarian affair and detracts from the front of the farm...'*

22. With respect to Policy DM24: Conserving and enhancing valued landscapes, it refers to the 'urban edge influence' within this area to the south of the A2. It states that:

*'Urban fringe land uses are located on land to the south of the A2, creating a fragmented and poorly defined transition between the urban and rural areas'*

23. In terms of Policy DM24 reference to the Urban Extension Landscape Capacity Study, it is evident that the QCF Farmyard site is identified as a 'Potential Employment Site' (as shown in the Employment Land Review) – which remains a relevant material planning consideration today. (NB: The narrowness of the Water Lane / London Road junction for lorries makes it impractical to develop the site for this purpose).

### **(3) Emergent Local Plan / Call for Sites**

24. The QCF Farmyard site was identified as a potential housing opportunity for 9 units in the Town Council's consultants AECOM's 'Faversham Neighbourhood Plan – Site Options & Assessment, October 2021': Ref (18/079). The site assessment summary confirms that 27 sites are considered potentially suitable for allocation, subject to identified constraints being mitigated. A total of 18 sites were selected for further consideration to meet the Faversham NP's 150-220 home requirement at SBC's Local Plan Members Committee Meeting in October 2021.

25. Following a consultation exercise held by Faversham Town Council between the 1<sup>st</sup> March and 28<sup>th</sup> March, 2022, a letter sent by Faversham Town Council to Shepherd Neame dated 29<sup>th</sup> April 2022 confirms that the Neighbourhood Plan Steering Group will be including the QCF Farmyard Site as a housing allocation in the emerging Neighbourhood Plan. Faversham Town Council's own Site Assessment proforma states that:

*'The site is suitable, available and achievable subject to appropriate consideration being given to listed buildings in close proximity and building position and height with respect to existing views to heritage assets'*

26. In summary, it is evident that SBC Local Plan, 2017 policies relating to housing land supply are 'out of date' given that the Council is not meeting its 5YHLS requirements. It is not considered that the double presumption / tilted balance is outweighed by any other adverse material considerations in the NPPF. There is 'public benefit' in putting the site back into beneficial use. Further, the Ospringe Conservation Appraisal, 2004 is 'out of date' in terms of its identification the site as a 'working farm' – this use ceased in the late 1990s. The site is completely contained by existing residential uses. Previous consideration of the site in the Council's Urban Extension Landscape Capacity Study, 2010 resulted in its identification as a potential employment opportunity. This has not been pursued due to the restricted Water Lane / A2 Junction access for lorries. In October 2021, the site was selected by the Town Council's AECOM consultants / SBC Local Plan Members as a potential housing

opportunity for 9 units in the emergent Faversham Town Neighbourhood Plan – as confirmed by letter dated 29<sup>th</sup> April, 2022.

#### **4. SBC PRE-APPLICATION ADVICE / KCC HIGHWAY PRE-APPLICATION ADVICE / FTC & OPC PUBLIC CONSULTATION**

##### **(i) First SBC Pre-Application consultation (19/505234/PAMEET)**

27. A pre-application was submitted to the Council in 2019 for a 10-unit scheme (designed by On Architecture) on the western half of the site. A meeting was held on site with Mr Graham Thomas and Mr Simon Algar on the 29<sup>th</sup> November 2019. A pre-app letter of advice dated 23<sup>rd</sup> December 2019 confirms both their views expressed on site that an exemplary scheme for the restoration of the historic landscape and the positive improvement of the main barns' setting could be grounds for supporting a sensitively designed 'barn development' on the site. Since this time, Planning and Listed Building consent has been granted for the conversion of the QCF main barns to residential use (including new parking barn and residential curtilage) along with the restoration of Queen Court Farmhouse.

28. In terms of the siting of the proposed development, the pre-app letter states:

*'We discussed setting the new buildings back even further as the site runs toward Mutton Lane to the east where this runs above the general level of the site, and where the change in levels would help to reduce the impact of new buildings.... there is significant scope for a scheme that better reflects traditional farmstead layouts, and that might enhance the setting of the listed buildings and the character of the conservation area'*

29. In terms of the existing modern, large steel-framed farm buildings, the pre-app letter states that:

*'They are clearly rural in both form and function, but their poor physical condition combined with their disuse and the associated lack of proper management of the parcel of land to the north means that the setting of the grade II listed barns is currently compromised. A change of setting of these listed barns by replacing the modern farm buildings with a limited amount of new residential development has the potential to offer an improvement in the setting, but only if the new buildings are of a number, scale and architectural form which complements the existing historic buildings grouping and does not compromise an understanding of their original function, nor an appreciation of the role they play in contributing to the strong rural character of this location.'*

30. In terms of the character and appearance of the Conservation Area, the pre-app letter states that:

*'...the culverting of the nailbourne stream has heavily impacted on the special character of the Conservation Area, and so the opportunity to restore some of that lost character on the back of a modest amount of new development is on the face of it, something that would seem to be worth exploring further, providing the fundamentally important ecological, flood risk and highway considerations do not render the question of any new development at this location a non-starter'*

31. In terms of the design of the proposed development, the pre-application letter states that:

*'I consider that a layout with a clearer reference to traditional farmyard groupings of buildings may be possible, albeit only if the Highway Authority is willing to be flexible and sensitive to the need for an access form and layout that avoids strongly engineered forms of road and footway layout, perhaps with a simple pea single form of hard stranding throughout the scheme'*

*'The simple, black-stained weatherboarding aesthetic used in the oast house conversion to the southeast of the site would likely work well as a suitably complementary, but visually low-key facing material to form a new setting to the listed barns, as viewed from the north. Combining these with slate roof coverings and slacker roof pitches would suggest the form of a later range of farm buildings, and would contrast well in my view with the tall and steep Kent peg tiled roofs of the two listed aisled barns, which would be seen above these lower-form new buildings'*

33. In terms of the domesticating effect that development could have on the character of traditional rural buildings, the pre-application advice states that:

*'...a fine line will need to be drawn between the demands of contextual sensitivity and encroaching into the realms of designs that might be construed as contrived or overly'*

*pastiche in form. So the use of bold simple forms using the aforementioned traditional materials might represent the best way forward in overall design approach terms'*

32. In terms of the rest of the site, the pre-application letter states that:

*'In my view, the conversation gains to justify the approval of a scheme of this nature would only be strong enough if they included a partial restoration of the watery scene described in the 'character appraisal document'. As discussed, this should probably entail the provision of a SUDS type open surface water drainage ditch running through the new housing area and across the proposed 'green' (perhaps a water meadow that could be designated as a green space and used for informal recreation, but without play equipment paraphernalia) and connecting to the culvert at the junction of Water Lane and Mutton Lane'*

#### **(ii) Second SBC Pre-Application Consultation (21/501552/PAPL)**

33. Post receipt of the Council's pre-application advice, On Architecture went on to prepare a traditional barn complex scheme on land currently occupied by modern farm buildings, principally located on rising land, to the east of the shallow dry river channel of the Nailbourne. Of the 3 layouts prepared by On Architecture, a preferred layout for 9 units was worked up in detail – principally comprising a main and secondary courtyard area screened by parking barns of secondary scale and roof pitch to the main QCF barns.

34. As part of this process, the following sub-consultants were appointed to advise:

- The Landscape Partnership – the restoration of the historic landscape comprising primarily land to the west of the Nailbourne dry river channel;
- Dr Lee Prosser Heritage Adviser – the impact on the setting of QCF barns, farmhouse, former oast house; and the Conservation Area;
- RGP Transport – the impact of a 9 unit scheme on the local road network; access from Water Lane; and car parking provision (including pre-application consultation with KCC Highways);

- Odyssey Drainage – the preparation of an FRA for the site; dry river channel restoration works; and any other local drainage works;
- Wood Plc – the preparation of an Air Quality Assessment in relation to Ospringe Air Quality Management Area;
- Ecology Solutions Ltd – the preparation of an extended Habitat ecological assessment;
- Cantia Trees – the preparation of a tree survey.

35. In accordance with SBC pre-application advice, a second pre-application was submitted to the Council in 2021. The Council's pre-application letter of advice reaffirms that:

*'The sensitivity of the design of the proposed development together with the extent of, and sustainability of the associated landscape enhancement are absolutely key, and in terms of the former, an exemplar scheme is considered to be necessary to justify development in this location'*

36. The pre-application letter of advice set outs detailed advice on the emergent proposals for a traditional barn complex scheme, including advice on the design of the access road; parking barns (to include first floor storage); brick and timber finishes; mix of roof pitches and Kent peg and slate tiles; sustainable construction; water meadow landscape; and proposed footpath.

37. To progress matters, a Zoom meeting with the Council's Planning & Conservation Officers and Historic England took place in October 2021. It was Historic England's advice that the scheme proposals should be located further to the south to read as a later 'range' to the main QCF barns; reduced in terms of number of units; and increased in terms of the mix of 2,3 and 4 bedroom units.

### **(iii) KCC Highways Pre-Application Advice**

39. In accordance with the Council's Pre-Application advice, RGP submitted a request for KCC Highway advice in January 2022. In principle, KCC Highways pre-application letter of advice dated 23<sup>rd</sup> May 2022 raises no objection to the proposals for 7 units in terms of their traffic impact on the local road network; the proposed means of access from Water Lane; or the proposed number of parking spaces within parking barns (subject to meeting relevant standards).

40. In summary, the pre-application advice provided by the Council and KCC Highways has been sufficiently positive to enable the scheme proposals to be worked up in further detail. This was done to enable a public consultation to take place with both Faversham Town Council and Ospringe Parish Council in November 2021 (See below).

#### **(iv) Public Consultation**

41. In accordance with the Council's pre-application advice separate meetings / presentations were held with Faversham Town Council and Ospringe Parish Councils. Copies of presentation material was circulated to Council Members beforehand – including layout and external design montages.

42. In principle, the proposals were well received by both FTC and OPC as a means of dealing with a derelict land site and improving the quality of the local environment. Both FTC and OPC supported the possible transfer of the proposed open space into their ownership for community use, including a new permissive Footpath link across the site. On the basis that the site is located within FTC's boundary and will be subject to a positive allocation in their Neighbourhood Plan for housing, discussions are proceeding between Shepherd Neame to gift FTC the land post the grant of planning permission. A letter of intent has been sent by Shepherd Neame to FTC and subsequently confirmed at a further presentation to FTC Members on the 27<sup>th</sup> June, 2022).

43. The main concern of local residents related to traffic impact and the number of traffic movements generated by the scheme proposals onto the local road network. At OPC's

request, RGP produced a short supplementary note for their attention which served to reaffirm that the scheme proposals would have a negligible impact on traffic flows along Water Lane and the Water Lane / London Road junction (NB: This finding is supported by KCC Highways).

43. In summary, the pre-application advice provided by the Council and KCC Highways was sufficiently constructive and positive to enable the scheme proposals to be worked up in further detail. Likewise, the feedback from FTC and OPC was sufficiently positive to enable the scheme proposals to be advanced to the planning application stage

## **5. DESCRIPTION OF THE SCHEME PROPOSALS**

21. As previously stated, the design of the scheme proposals has arisen as a direct result of pre-application planning advice received from SBC Planning and Conservation Officers in December 2019 and more recently in July 2021. Previous proposals for the site have included more traditional housing type schemes for the west part of the site in front of the main QCF barns. The current proposals are, however, for a much smaller secondary barn complex (range) on the eastern part of the site, which is subordinate to the main QCF barns.

22. At the request of Planning and Conservation Officers, ON Architecture prepared several alternative layouts for the proposed barn complex on the east part of the site, in which, it has been agreed that the current proposals sit best within the former QCF farmyard complex. The proposals relate well to the main barns whilst also maintaining the site's farmyard character and appearance. Courtyard gardens and parking would be hidden from view. The proposed access from Water Lane would have the appearance of a farm track. The existing brick built; Victorian out building would be reused for ancillary ground maintenance equipment purposes. The main part of the site's Water Lane frontage would become informal open space denoting their former use as water meadows, with lime trees planted along the former course of the shallow, dry river channel of the Nailbourne.

23. The development curtilage of the barn proposals is circa 0.3ha, in which the remainder of the site (1ha) would be restored as part of the site's historic landscape. The proposed development would occupy land which is currently built upon in terms of poorly constructed, post war, steel framed agricultural buildings which are in a derelict condition (circa 1,406 m<sup>2</sup> GEA). The total amount of new floorspace comprising the new barn

proposals (7 units) is 910m<sup>2</sup> GIA, plus heritage style parking barns at 379m<sup>2</sup> GIA. As previously stated, there is also a small, brick built Victorian out building which is to be retained at 48m<sup>2</sup> GIA. In addition to this, 3,052 m<sup>2</sup> of concrete hard standing (non-porous) is to be removed from the site and restored as open grassland. These works, coupled with the restoration of the Nailbourne dry river channel will be of considerable benefit in terms of any sustainable development surface water runoff issues. Importantly, the barn proposals sit on rising land to Mutton Lane (east) outside of the designated flood plain area for the site (Zones 2 and 3) (NB: Pre-dating the diversion of the Nailbourne in culvert post construction of M2 to the south). Those parts of the site which fall within the historic flood plain area are not to be built on.

24. In accordance with Planning and Conservation Officer advice the barn proposals have been part modelled on the design of the freestanding, black weather boarded, brick built, former oast (less roundels) barn, situated on more elevated land at the corner of Mutton Lane and Vicarage Lane – converted into residential use in 2015 along with a new freestanding heritage style parking barn and garden. Further, the proposed barns would be subordinate in terms of their height, with slacker, mixed roof pitches, with ground to eaves heights of XXX metres and ground to roof heights of XXX metres (compared to the main QCF barn which has a ground to roof height of XXX metres -tile peg / steep roof pitch). The proposed barns have been laid out as a courtyard arrangement with small rear terraces to each property hidden from view to the rear of the barns. The land surrounding the proposed barn complex will comprise both open plan, private lawn area (no physical demarcation between properties) leading onto open grassland for communal use. Planning conditions are invited to preclude the erection of domestic paraphernalia such as sheds, green houses, rotary washing lines etc. The proposed parking barns / cycle storage / bin storage (including possible storage within roof space) will serve to further screen the barns from view in terms of their residential use. They would serve to maintain the site's overall agricultural identity.

25. In accordance with the materials used in the construction of the barn at the corner of Mutton Lane / Vicarage Lane, the proposed barns will comprise red brick plinths, black timber weatherboarding, with clay tiles or slate pitched roofs. The use of these materials will also relate well with the main QCF barns as part of their contextual relationship between the

2 parts of the site. Once again, planning conditions are invited removing all permitted development rights for the proposed barns to protect their external appearance and their long-term integrity as part of the QCF Farmyard complex.

26. A key feature of the development proposals will be the restoration of this derelict farmyard area to provide water meadow feature landscape along the road frontage with Water Lane (albeit the land no longer floods due to the Nailbourne being a dry river valley). As part of the site's long-term management, it is proposed that this land should be kept free of all structures; and part used as informal open space by the local community – to be gifted to Faversham Town Council and as part of the communal open space associated with the development proposals (new access to Water Lane). A new permissive footpath link is proposed through the land from the corner of Water Lane / Mutton Lane and Mutton Lane to the south (close to the junction of Vicarage Lane).

27. The proposed restoration works for the open land include landscape works to the Nailbourne which has largely been concreted over and can no longer be seen on the ground, apart from where it enters the site by means of culvert under Vicarage Lane. The original course of the Nailbourne will be in a shallow swale running north-south across the site entering and exiting the site as existing under Vicarage and Mutton Lanes respectively. As previously seen in historic photographs for the site, the course of the Nailbourne will be further denoted by the planting of lime trees (NB: Willow Trees can no longer be used due to lack of water). Further planting works include the restoration of mature hedgerows along the site's Water Lane / Mutton Lane boundaries, and new native tree planting to screen the development from view of the surrounding area and traditional fruit tree planting at the site's entrance from Water Lane.

28. It is proposed that the new vehicular / pedestrian access from Water Lane will be low key, ideally appearing as no more than as a 'farm track' into the site as has previously existed on site at this point. The narrow track will be of sufficient width to allow vehicles passing before entering the inner courtyard area of the barn proposals (screened by the parking barn). A durable, compressed gravel finish will be applied to the surface of the farm track and pea single / light gravel finishes within the courtyard areas. Its construction will be

designed to allow for its use by refuse carts and delivery vehicles. The farm track will remain in private ownership.

29. In summary, it is evident that the development proposals will serve to create a high quality, landmark scheme of conservation merit for the restoration of the site which will serve to preserve and enhance the character and appearance of the former QCF farmyard site. This will ensure the site's long-term preservation for the benefit of both existing and future generations of Ospringe and Faversham residents.

## **5. PLANNING CONSIDERATIONS**

30. The key planning consideration in this case relates to the impact of the development proposals on the setting of the main QCF barns and the Ospringe Conservation Area. Other relevant planning considerations are also set out below – as per the reports prepared by sub consultants.

### **(i) The extent to which the proposed barn development would have a negative impact on setting of QCF Barns and Ospringe Conservation Area**

31. In accordance with the prevailing development policy context for the site, it is evident from a site inspection that this derelict farmyard site has an adverse negative impact on the setting of QCF Barns and the Ospringe Conservation Area. Conversely, the proposed barn development (designed as a range) and the complete restoration of the historic landscape comprising the farmyard area and Nailbourne would preserve and enhance the setting of QCF Barns and the Ospringe Conservation Area. This is in accordance with the NPPF July 2021 (Para 206-207) and Adopted Swale Local Plan Policies ST7; CP8; DM14; DM24 & DM33.

32. Whilst Historic England, as a desk top exercise, view the impact of the development proposals (as previously considered) on the setting of the QCF Barns as 'less than substantial' (mid-range), the applicant considers that HE's assessment is significantly outweighed by the public benefit of the proposals in terms of providing public access to a large part of the site; restoring the historic landscape along the course of the Nailbourne; the provision of a new permissive footpath link linking the settlement boundary to the

countryside to the south; the provision 7 x 2, 3 & 4 bedroom family housing units on the edge of the settlement area (where there is only 4.1 YHLS); and other potential flood mitigation works across the site in the form of swales / improved drainage channel / and the removal of hard surfacing (without prejudice to the Nailbourne being a dry river valley). To date, these are material considerations which have not been weighed in the balance by Historic England. Further, the fact that the site represents an emergent housing allocation in the FTC Neighbourhood Plan and SBC Local Plan Review has not been weighed in the balance.

33. Against this background, it is evident that the development proposals have been designed in accordance with SBC pre-application advice as a later range to the QCF Barns. In terms of their height, roof pitch and materials they would remain subordinate to QCF main barns. Further, as recommended, the design takes its lead from the brick built, black timber clad oast house at the corner of Mutton Lane / Vicarage Lane. As such, there would be a strong relationship between the proposed and existing barns. In terms of new activity (pedestrian and car movements within the development) this would be largely screened by the proposed parking barns. New garden space per unit would be limited in size with a large area of communal open space around the barns and along the access to Water Lane. The applicant would support a planning condition restricting all forms of domestic paraphernalia within garden areas to maintain the site's agricultural identity. Separate bin and bike storage would be provided as part of the parking barn storage space.

34. In tandem with the development proposals, the rest of the site would be restored back to its original historic landscape character and appearance (as referenced in historic records) with the removal of unsightly post war, steel framed buildings (last used for the distribution of plants); removal of concrete hard standing; clearance of overgrown brambles and weeds; the reseeding of the site as water meadow, open grassland (for both public and communal use) along the site's Water Lane frontage; regrading of the Nailbourne shallow, dry river channel / swale mitigation works; restoration of the site's Water Lane and Mutton Lane site boundaries with new native hedge and tree planting; removal of corrugated iron fencing at the site's Water Lane entrance; and their replacement with a new farm track surfacing and fruit tree planting.

35. On balance, it is considered that the proposed barn development, to be read as a later 'range' to the main QCF barns, and the restoration of the surrounding landscape will serve to preserve and enhance the character and appearance of the main listed barns setting and the conservation area. This would weigh more heavily in the balance than the preservation of the site as a derelict site where its last use for agricultural use was circa 25 to 30 years ago. Further, in weighing matters in the balance in terms of the main barns' setting / conservation area, it is important to give weight to the fact that the main barns were granted planning permission for residential use (including new parking barn and residential curtilages) in 2020. This, coupled with the re-use of the brick built, former oast house at the corner of Mutton Lane / Vicarage Lane in 2015, already means that the site has lost some of its agricultural identity in which the proposed barn development would be acceptable within this context. Importantly, the proposed development will be contained by existing residential uses rather than as a standalone residential use on the edge of the countryside.

36. In summary, it is considered that the emergent Local Plan context for the site proposals, coupled with the strong local support for the restoration of the landscape within this part of Ospringe point towards reaching a positive decision on the development proposals on this derelict site. Not to do so would result in the site remaining vacant and overgrown for years to come to the detriment of the local environment and the appreciation of the main QCF barns setting contrary to Adopted Policy.

**(ii) The extent to which the proposed barn development would have a detrimental impact on rural area**

37. The proposed barn development is located within Faversham Town Council's boundary on the edge of the settlement area (northern boundary). Insofar as policies relating to the protection of the rural area apply, it is noted that these policies are technically 'out of date' given that the Council only has 4.1 housing land supply (NPPF Para 11).

38. Without prejudice to this being the case, it is evident that the character and appearance of the site is that of 'derelict' overgrown land adjacent to the built-up area. The site was last

used for traditional farming purposes in the 1990's. It is now completely contained by residential uses with no direct access to the open countryside to the south. As such, it is recognised by the Council in the prevailing policy framework for the site that the boundary between the urban area and the countryside is poorly defined to the south of the A2 – described as a 'transitional' area in which each case needs to be assessed on its planning merits. Further, the Council's Urban Extension Landscape Capacity Study, 2010 recognises the potential value of the site as a development opportunity by designating it for employment use. This remains part of the Council's adopted policy under DM24.

39. In view of the significant scope which now exists to restore the historic landscape associated with the former farming use of Queen Court farm barns / farmhouse, in which a large area of concrete hardstanding and derelict post-war, steel framed farm-buildings will be removed and returned to grassland, it is considered, on balance, that the development proposals will have a positive policy impact on this part of the rural area – in accordance with Adopted Local Plan policies ST7, CP4, CP8, DM14, DM24, DM33. Indeed, this was the conclusion reach by the Town Council's own advisors (AECOM) / SBC Council Members in selecting the site as a housing opportunity for 9 units as part of the emergent local plan review work in October 2021 (to meet Faversham Town's need for 250 units), along with its subsequent selection in March 2022 by Faversham Town Council as part of their emergent Neighbourhood Plan for residential use (combined with community open space).

**(iii) The extent to which the proposals would have an adverse impact considering the NPPF as a whole**

40. In noting that there is a presumption in favour of allowing sustainable development, but also recognising that the Council is duty boundary to protect the setting of the listed buildings and the Conservation Area, the following specialist advisers were appointed to address matters relating to Heritage Impact; Landscape Impact / restoration; Highways; Flood Risk / local drainage; Ecology; Trees; and Air Quality. Reports in respect of these relevant material planning considerations have been submitted to the Council as part of the determination process. Their findings can be summarised below:

**(a) Dr Lee Prosser (Ex English Heritage) – Heritage Impact Assessment (HIA)**

41. Para 14.2 states that:

*'If designed appropriately, this development would have a low or even neutral impact on the significance of the heritage assets, with instead, opportunities for considerable enhancement, including the restoration of a sense of the lost Nailbourne Brook which was once the primary characteristic of Ospringe. The long-term security and viability of the farmstead in an enhanced setting would be of public benefit with little or no detrimental impact'*

**(b) The Landscape Partnership – Landscape Statement / strategy**

42. Para 5.1.6 states that:

*'The strategy for the site has the potential to result in a real material improvement to the environmental conditions and character of the site and thereby the Conservation Area and local landscape. The proposals would reinforce the rural edge character on Water Lane, facilitate enhanced views towards the restored listed barns and locate a sensitive group of residential units to the east of the site set within the context of an enhanced valley setting'*

**(c) RGP Transport Consultants – Transport Statement**

43. Para 3.5.1 & 3.5.2 states that:

*'Based on the above trip generation assessment, it is considered that the proposed operation of the site, as well as the cumulative impact of local development, would have a negligible impact on the functioning of the local highway network, inclusive of the Water Lane / A2 junction to the north.*

*The modest number of potential trips generated by the site would be comfortably accommodated by the existing highway network and it therefore not considered necessary to undertake further detailed junction capacity modelling'*

44. This has subsequently been confirmed by KCC Highways in their pre-application letter of advice dated 23<sup>rd</sup> May 2022.

**(d) Ecology Solutions – Habitat 1 & 2 Surveys in 2016 / Walkover Surveys in 2021 and 2022**

45. Para 7.20 of the 2016 report states that:

*'It is considered that all relevant ecological issues have been addressed and, following the implementation measures and recommendations set out in the report, there is no overriding ecological constraint and the proposals for the site, would accord with planning policy with regard to nature conservation on all administrative levels.'*

46. Further walkover surveys in January 2021 and June 2022 have established that the site remains broadly as it was at the time of writing the 2016 Ecological Assessment. It confirms that the opportunities for roosting bats and nesting birds remain, but overall, the site is of '*low ecological interest*'.

**(e) Cantia Arboricultural Services – Arboricultural Impact Assessment and Method Statement**

47. Paras 4.1.1 & 4.1.2 state that:

*'The proposals seek to remove three groups of trees and three individual trees. The visual impact of the proposed tree removals will be observable from the public realm, due to the clear visibility of these trees. However, considering the scope to mitigate these losses with substantial new tree planting, there is an opportunity to consider how future tree planting could match or even improve upon the existing visual character of the site in relation to the local area.'*

*'So long as the precautionary and protective measures outlined within this report are strictly observed and adhered to then the proposed development and associated soft landscaping proposal will have a positive impact upon the arboricultural, habitat and landscape contribution of the site'*

**(f) Odyssey – Fluvial Flood Study Report, 2021 (Insert FRA conclusions)**

48. Whilst the Nailbourne is a dry river channel and not flooded in living memory (due to a change in the local drainage system as a result of the M2 embankment engineering and increased water abstraction), EA maps continue to show a large part of the site as falling within Flood Zones 2 & 3. Discussions between the EA and Odyssey support their findings in terms of the extent of the historic flood plain area and proposed flood defence mitigation measures / swales. This would constitute a net positive improvement for Water Lane residents.

49. In this regard, Paras 6.5 and 6.5 state that:

*'A proposed swale network will be built along the centre of the site, which will capture the flows from the critical culvert along Vicarage Lane.*

*The proposed development sits out of the fluvial flood plain and remains dry during the 1% AEP plus 70% climate change scenario'*

#### **(g) Wood Group Plc – Air Quality Assessment**

50. The report states that given the size and location of the proposed development, it is considered that a Simple Assessment as recommended in the Institute of Air Quality Management (IAQM) Land Use Planning & Development Guidance will be acceptable, in which the approach has been confirmed by Mid Kent Environmental Health Service on behalf of Swale BC. The report confirms that Mid Kent Environment Health Service have recommended the following mitigation measures for the proposed development comprising 7 units; namely:

- *Electric-vehicle (EV) infrastructure should be included as a standard mitigation in line with SBC Parking Standards SPD;*
- *All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh in line with SBC Air Quality and Planning Technical Guidance*

51. The report concludes that:

*'The air quality assessment shows that air quality should not be considered as a constraint to the proposed development of the site as pollutant concentrations are expected to comply with the relevant Air Quality Objectives (AQOs)'*

### **6. CONCLUSIONS**

52. In conclusion, it is considered that the presumption in favour of sustainable development and the lack of any adverse impact in respect of the key material planning considerations relating to heritage (setting of listed buildings, Conservation Area, restoration of the historic landscape / Nailbourne) and the rural area on the edge of the settlement area (combined with the Council's shortfall in housing land supply (4.1 years) and the public benefit arising from the proposals in terms of community open land provision) would small

support a small secondary barn scheme of 7 units to the main QCF Barns (which would be compatible in terms of their design, scale and materials) outside of the flood plain on this derelict former farmyard site (already contained by existing residential uses).