

Delegated Report

Full Planning Application

Planning Application No: 20220477

Location: Rutherford Stables Hermitage Road Higham Rochester

Description: Conversion of the Livery Stable and tack rooms into 2 x four bedroom residential dwellings with associated car parking and bin storage facilities.

Applicant: Mr Paul Rutherford

Site Visit Date: 10.05.2022

Submitted Documents/Plans

- Application Form;
- Design and Access Statement, by Haskins Designs Ltd;
- Preliminary Ecological Appraisal (ref 2022/03/27) by K B Ecology, dated 18 April 2022
- Intermediate Structural Planning Survey;
- Existing Site Plan and Location Plan, Drawing no. 191-EX-00;
- Proposed Site Plan, Drawing no. 191-PD-00;
- Existing Plans and Elevations, Drawing no. 191-EX-01;
- Proposed Plans and Elevations, Drawing no. 191-PD-01.

Relevant Planning History

Reference	Description	Decision	Decision Date
20171104	Conversion of livery stable and tack rooms into one 4no. bedroom dwelling and one 2no. bedroom self-contained flat with two garages and change of use of land from paddock to residential, including demolition/removal of 3no. detached livery structures.	Refused	22.02.2018
20160888	Conversion of livery stable and tack rooms into one 4no. bedroom dwelling and one 2no. bedroom self-contained flat with two garages and change of use of land from paddock to residential, including demolition/removal of 3no. detached livery structures.	Refused	21.04.2017
20090839	Installation of external fire escape staircase on the southern elevation of the stable block.	Approved	15.12.2009
20071065	Application for the variation of condition 4 of planning permission ref. no. GR/2005/483 relating to the installation of a mezzanine floor level to provide a rest room for overnight horse husbandry accommodation, to allow the continued use of the mezzanine rest room for no more than two consecutive nights up to a maximum of four nights a week	Refused	29.01.2008

20060480	Erection of extension to the northern side of existing stable building to provide an additional 3 stables and hay store and erection of a secure field equipment store.	Approved	04.08.2006
20050483	Installation of a room at mezzanine floor level to provide a rest room for overnight horse husbandry accommodation.	Approved	04.08.2005
20020134	Application for the variation of condition (iii) attached to planning permission ref. No. GR/92/93 relating to the continued use of agricultural land and building for stabling, grazing and exercising of horses with a manage area for the training of horses, to allow the stables and manage area to be used for livery purposes.	Permitted, Appealed against condition 4, allowed on appeal 25.06.2003	15.04.2002
19990719	Use of part of the site for the parking of one HGV vehicle incidental to the lawful use of the site for the stabling, grazing and exercising of horses	Certificate Granted	02.12.1999
19920093	Continued use of agricultural land and building for stabling, grazing and exercising of horses with a manage area for the training of horses.	Permitted	19.10.1992

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Design & Development Principles

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards.
- C11- Change of Use of Redundant Buildings in the Countryside

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape character assessment May 2009 (A technical document which underpins Local

Plan Core Strategy Policy CS12).

Consultations, Publicity and Representations

Consultees

Internal

GBC Highways

Recommends refusal.

GBC Operations / Waste & Recycling

Advisory comment

Higham Parish Council

Objection raised.

Dickens Society

Objection raised.

External

KCC Highways

Suggested informative

KCC Biodiversity

No objections, subject to conditions

Natural England

Advisory comments

Kent Fire & Rescue Service

Further information requested / advisory comments

Environment Agency

No comment made.

Neighbouring properties

4 surrounding properties were consulted and a site notice has been posted had been posted on 10.05.2022. The overall date of expiry was 06.06.2022 and 13 neighbour comments were received. The comments are summarised below;

Objections

- No room down the track road leading to barns for bin lorries / fire engines / emergency vehicles;
- Unsuitable for residential activities;

- Conversion of barn would be detrimental to local business, wildlife and 12 horses currently liveried at the barn;
- Edge of conservation area;
- Conversion of barn will set a precedent for other barns in the wider area;
- Not ideal for refuse collections;
- Swallows nesting in the roof of the barn which return on a yearly basis;
- Rutherford Stables is an established livery yard running a business for many years, if business were to close it would be very difficult to find alternative stabling;
- This is a well run business with 12 stables with a long waiting list;
- Horses made homeless, limited alternative nearby;;
- Green belt land;
- Wildlife to be lost if house built;
- Additional traffic along Hermitage Road;
- The new building would look out of character;
- The barn is a haven for bats;
- Local feed suppliers/hay farmers would be affected if livery were to close;
- Need more equestrian yards to support all the horses in the area

Comments of support

- Appropriate development for the building, opposed to large scale development on roadside;
- Not an intrusion into the countryside/beauty of the village;
- Contributes to the housing shortage;
- The development would be in keeping with the surrounding area.

Officer's Analysis

Planning History

As noted above, there has been extensive planning history at the site. Of most relevance, would be the 2016, 2017 applications (ref 20160888 and 20171104) which essentially sought permissions for the conversion of the same livery stables, into residential accommodation, however, the previous applications also sought to removal the other existing outbuildings at the site. The current application has not included the removal of such buildings.

In light of the refusal at the site, this application was refused due to the following reasons;

1. *The application site lies within the Metropolitan Green Belt within which inappropriate development should not be approved except in very special circumstances. Forms of development that are not inappropriate development include (i) the re-use of buildings provided that the buildings are of permanent and substantial construction, preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, and (ii) the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Whilst the proposal seeks to convert the existing steel portal framed building, no satisfactory evidence has been provided to confirm that the building is substantial and permanent or capable of conversion. It is therefore considered that the building is not of permanent and substantial construction and its proposed conversion to residential use therefore comprises inappropriate development that is, by definition, harmful to the openness of the Green Belt. The development will not preserve the openness of the Green Belt and will conflict with one of the purposes of including land within the Green Belt as it will encroach into the countryside. In the absence of any 'very special circumstances' that may otherwise outweigh the harm by reason of inappropriateness, and any other harm, the proposed development is contrary to national planning guidance contained in paragraphs 79-90 of the National Planning Policy Framework, saved Policy C11 of the Gravesham Local Plan First Review and Policy CS02 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).*

2. *The application site lies within the locally designated Higham Arable Farmlands Character Area, where local and national planning policy and guidance expect developments to conserve, restore and enhance the natural landscape. However, the proposed development would be harmful to the landscape character when compared to the existing equestrian use by reason of the domestication of the site that will result from the large amount of windows creating light pollution, excessively large residential garden, on site car parking areas, associated hard and soft landscaping, and other domestic paraphernalia. The application is therefore contrary to Policy CS12 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).*
3. *The application site is not considered to be within a sustainable location for a dwellings having regard to its distance from retail, educational facilities, community facilities and public transport, and would therefore comprise isolated new homes in the countryside. The proposals are not considered to be of an exceptional quality or design, and do not demonstrate how the building, the site or its immediate setting will be enhanced. The proposed development is therefore considered to be contrary to Paragraph 55 of the National Planning Policy Framework, saved Policy C11 of the Gravesham Local Plan First Review and Policy CS01 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014).*
4. *The proposed barn conversion is poorly designed due to the introduction of multiple domestic scale doors and window openings on all elevations along with two integral garage doors. As a result of this the building will have an overtly contrived domesticated appearance and this proposal would therefore do little to improve the appearance of what is inherently an undistinguished building. In addition the retention of the single storey element to the building will appear as a dominating and incongruous addition to the proposed barn conversion which is not in keeping with a traditional Kentish Barn. The proposal is therefore contrary to the National Planning Policy Framework, Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014) and section 7 (Requiring good design) of the National Planning Policy Framework (NPPF).*
5. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (September 2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites.*

Analysis

The key issues in determining this application are:

- Whether the proposed redevelopment of the site would be inappropriate development in the Green Belt;
- Impact on Landscape/ Design
- Sustainable Location;
- Amenity of Future Occupiers and Neighbouring Amenity
- Impact on the highway network / Parking provision

The existing building is a steel portal framed agricultural style shed. It is clad with single skin metal profile sheet on a masonry substructure with fibre cement sheeting to the roof. The building is approximately 25.5m long by 15.6m wide by 7.2m to the ridge and 5.5m to the eaves.

The site is located within the countryside, the Green Belt and the Higham Arable Farmlands Character area.

Whether the proposed redevelopment of the site would be inappropriate development in the Green Belt?

As set out in Part 13 of the NPPF (2021), the Government attaches great importance to Green Belts where the fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

The existing lawful use of the site is a livery which falls under the definition of previously developed land (As determined by the courts in case [2016] EWHC 595 (Admin) 15 February 2016).

Paragraph 150 of the NPPF states "Certain other forms of development are also not inappropriate in Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it" and then lists relevant forms of development. This proposal falls to be considered against paragraph 150(d) which allows for:

- *The re-use of buildings provided that the buildings are of permanent and substantial construction*

At a local level Saved Policy C11 of Gravesham Local Plan First Review (1994) states that buildings to be converted shall be substantial and in a permanent construction.

In order to demonstrate the building is permanent and substantial, the applicant has provided the following documents

- Intermediate Structural Planning Survey

A similar survey was also submitted with the previous refusal, but there were still concerns in the delegated report on how the building would be converted in residential use. As result, due to the information submitted at the time, it was concluded that the building will require significant alterations and, this, would not constitute an exception to inappropriate development under the relevant paragraph of the NPPF and subsequently contrary to Saved Policy C11 of Gravesham Local Plan First Review (1994). Therefore, the primary reasons for refusal was attributed to inappropriate development in the Green Belt.

Notwithstanding this, the Inspector concluded in the appeal that the development would involve the re-use of a building of permanent and substantial construction mainly due to the structural surveys that had been submitted. The Inspector came to this conclusion in the absence of any convincing evidence stating that the barn building is not a permanent structure or of substantial construction. Therefore, the Inspector found that the application would not constitute inappropriate development in the Green Belt and consistent with CS02 of the Gravesham Local Plan Core Strategy (2014), Saved Policy C11 of the Gravesham Local Plan First Review 1994 (LP) and the NPPF. In light of this, the first reason for refusal, relating to inappropriate development, now cannot stand.

Impact on Design / Landscape

The application site is within the Higham Arable Farm Landscape Character Area (LCA) which is defined by gently undulating topography with open arable farmland, hamlets and settlements and isolated farmlands and scattered properties with locally distinct styles and materials that contribute to the rural character of the area.

In the appeal case, the Inspector made the following comment;

'The proposal would noticeably change the character of the building from a livery stable structure to a residential building. The converted building, re-roofed and re-clad with entirely new materials, would bear no relationship to the existing building other than occupying the same footprint and being the same shape... The shortcomings would be exacerbated by the proposal's position where it would be visible from a number of public vantage points along Hermitage Road across the open gently sloping

countryside and the proposed residential curtilage and the new garden area to the north east of the building. This area is currently open grassland with post and rail fencing, but there are open views to and from the countryside to the north, south and east...but a landscaped garden area with inevitable signs of domestic occupation such as patios, garden furniture, clothes drying and play equipment would introduce a domestic formality into the countryside location that would significantly harm the rural character of the area (Appeal ref APP/K2230/W/18/3208174)'.

The previous application was proposed to have a number of windows to the east, south and western elevations with a particularly large window on the southern elevation that extended over two floors. The materials proposed also made reference to black feather edge treated boarding, which is a direct contrast to brown metal clad building that currently exists at the site. The relevant reason for refusal maintained that the proposed development would be harmful to the landscape character when compared to the existing equestrian use by reason of the domestication of the site that will result from the large amount of windows creating light pollution, excessively large garden, on site car parking areas, associated hard and soft landscaping, and other domestic paraphernalia. On this occasion, the Inspector agreed with LPA on this reasons for refusal, while asserting that the proposal would in essence add further incongruity of the use against the rural appearance of the surrounding fields and countryside and subsequently concluded that that the proposal would result in significant harm to the character and appearance of the area, including the LCA.

In response to this, the applicant has sought design revisions and the Design and Access Statement maintains states how they seek to overcome the Inspector concerns, these have been extracted from the supporting documentation below;

The current revised proposals have taken these issues into account and has responded as follows:

- i. It is proposed to retain all of the external cladding and roof coverings. The building envelope will be enhanced internally to provide suitable thermal insulation and techniques to fully comply with the latest Building Regulations Requirements.
- ii. Careful consideration has been given to reducing the introduction of windows and doors into the external envelope of the building. Many of the new windows and doors will be located where openings currently exist. There are no changes to the more visual Northern elevation but to provide sufficient natural daylight and sunlight to the domestic accommodation in this area, allowance has been made to provide for a number of roof lights within the existing flat roof. These will not be visible externally and will not affect the external appearance of the building.
- iii. The domestic garden spaces have been restricted to within the application site as denoted by the red line boundary. This is to avoid any undue expanse of the domestic activity into the Green Belt. A suitably worded planning condition could ensure that this activity is restricted to the areas shown on the submitted plans.

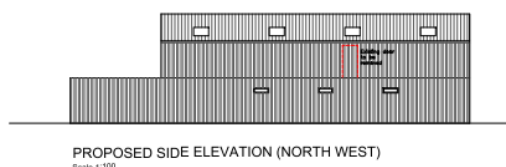
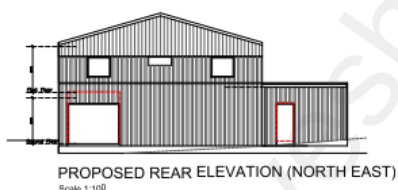
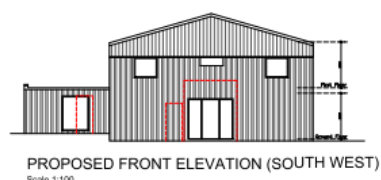
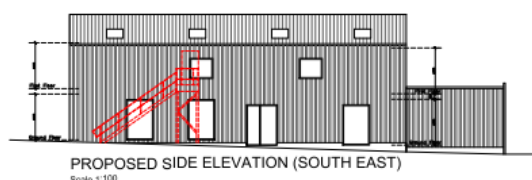
- iv. Careful consideration has also been given to the internal layouts of the two new dwellings. The building is shown to be divided to ensure that there are no overlays between properties and that there is a practical vertical division.

All primary rooms have adequate outlook, aspect and natural sunlight and daylight. They also fully comply with the Nation Internal Space Standards.

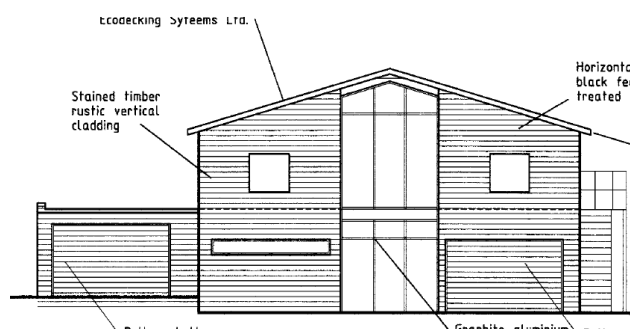
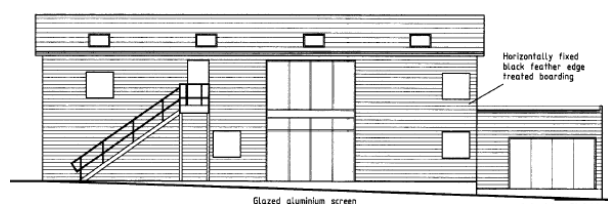
On this basis we are confident that the issues that were raised by the Appeal Inspector have been dealt with by this revised scheme.

Extracts have been taken from the current plans and the refused plans (subsequently refused at appeal);

Current elevations application



Refused Application (20171104)



Notwithstanding the applicant's design amendments to the overall scheme, it is acknowledged that the

scale of the windows/doors have been reduced particularly to the southern and western elevations and that the cladding has been removed with proposed internal alterations in order to comply with the necessary building regulations. However, by reducing the number of windows/doors to the proposed residential building potentially creates further impact, with regards to amenity, although this will be addressed later in the report. Thus, by reducing the scale of the windows the LPA is not convinced that this adequately addresses the second reasons for refusal relating to impact to the landscape. Therefore on the current plans, the south east elevations requires considerable windows in order to ensure the proposed residential building would require sufficient windows for natural daylight in order to make building for habitable for residential occupation. Therefore, LPA does not consider that the proportion of windows has been reduced to a significant degree that would reduce the impact to Higham Arable Farmlands Character Area. Conversely, the other elevation requires would also require additional windows to allow sufficient daylight.

Furthermore, the reduction in garden space is appreciated, however, the allocated garden space would still be visible from the north along Hermitage Road. The visible part of garden, designated for unit two, would be approximately 140 sq.m, but would overall have an area of 230 sq.m which is still considered excessive. The trees are noted on the landscaping plan, but the fencing proposed around the site would be 1.2 sq.m around the whole site, which would not adequately screen the site from the surrounding vantage points. In light of the above, the LPA considers that the refusal reason relating to Higham Farmlands Character Area would still stand.

Sustainable Location

The third reason for refusal for the previous application was due to the site being situated within a 'unsustainable location', due to 'the dwellings having regard to its distance from retail, educational facilities, community facilities and public transport, and would therefore comprise isolated new homes in the countryside. The proposals are not considered to be of an exceptional quality or design, and do not demonstrate how the building, the site or its immediate setting will be enhanced.'

Nonetheless, the Inspector at the appeal application determined that the appeal site would not remote from the services and facilities in the village of Higham and that future occupiers could support the local services and communities. It was the Inspectors opinion that the location of the residential accommodation, would not be in an isolated location in the context of (what is still) paragraphs 78 & 79 of the NPPF (2021). He further held that that there would at least be a choice to use accessible modes of transport to access local services and facilities and the additional residential uses in this location would not significantly undermine the aims of Saved Policy C11 of the Local Plan to ensure that the conversion of the farm buildings are in an appropriate location in relation to roads and services. In light of the Inspectors conclusion, the unsustainable location reason for refusal can no longer stand.

Amenity of Future Occupiers and Neighbouring Amenity

Policy CS19 (LPCS) states that new development will be fit for purpose and will be located, designed and constructed to safeguard the amenity of its occupants and those of neighbouring properties and land.

The conversion of the existing building into two separate residential 4bed units.

A breakdown of the gross internal floor area and the private amenity space has been accounted for below;

Unit 1 – 221 sq.m (G.I.A) / 70 sq.m (private amenity)

Unit 2 – 300 sq.m (G.I.A) / 230 sq.m (private amenity)

In terms of the impact to neighbouring amenity, the residential building would be approximately 230 metres from the properties to the north of the site, fronting Hermitage Road. The surrounding areas to the site are mostly large open fields and considered that not considered that the residential uses would create harm to neighbouring amenity.

Notwithstanding the above and, as alluded to earlier, the reduced number of windows and the overall internal layout of the rooms are of particular concern. The rear elevation, facing north, has three unusually small windows in the single storey element of the proposal. In relation to unit 1, two of the ground floor windows would serve a utility room while the kitchen/dining room and living room would all be served by the two windows at the front of the building facing south, this space would be approximately 13 metres in depth. In relation to unit 2, a large office is proposed at 8m in depth, but serviced with a small window to the rear elevation. The proposed kitchen/dining room and living room area, facing east, has a depth approximately 15m which has windows only on the eastern elevation. For a room serving multiple functions and extending the full width of the building it is expected that the room should be served by additional windows on all three elevations.

Overall, due to the configuration of the rooms, internal layout and proportion of windows allocated to habitable rooms, it is considered that the internal layout would create insufficient natural daylight and poor internal living environment for future occupants of the proposed dwelling.

Impact on Highways & Parking Provision

In relation to the Highway, the Council's Highways Officer maintains the following in relation to the current application;

'Insufficient details regarding details for the disposal of foul water. No supporting information demonstrating that a waste water tanker and fire engine can turn on site to avoid excessive reversing distances, and Building Regulations in any case set limits on reversing distance for a fire appliance and hose length which will be exceeded without on-site turning. No provision for visitor parking given the distance from the public highway and Hermitage Lane not being suitable for on street parking due to its width.'

The Kent Fire & Rescue Services were also consulted on the current application and requested further information regarding the width of the access road leading to the application site. The depth of the access road is not clear from the application, if the application were to be recommended for planning permission, a further request would have been made for clarification for the access details.

In relation to the visitor parking spaces, while this would be preferable, the LPA considers that there would be sufficient existing hardstanding at the site to accommodate such facilities. Therefore, the LPA considers that a further Highways reason for refusal could not be substantiated.

Conclusion & Recommendation

The proposed development seeks to address previous refused application and the Inspectors reasons at appeal. Notwithstanding this, in making alterations to the external appearance of the building, namely by limiting the number of windows and also due the internal layout proposed, the development would contribute to a poor internal living environment for future occupants of the building.

Even with the removal of the cladding to the building, with its associated domestic activities and paraphernalia would still have an impact to the Higham Arable Farmlands Character Area and fails to conserve and/or enhance the natural landscape.

Furthermore, the proposal would potentially have significant adverse effects on the North Kent Marshes SPA/Ramsar site.

In light of the above, the proposal is contrary to Policies CS12, CS19 (LPCS), the Gravesham Landscape Character Assessment (2009), and paragraphs 130, 180 and 181 of the NPPF (2021).

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Genna Henry	Team Leader:	Richard Hart
Signed:	<i>G.Henry</i>	Signed:	<i>R Hart</i>
Dated:	29th June 2022	Dated:	29th June 2022

Gravesham Borough Council