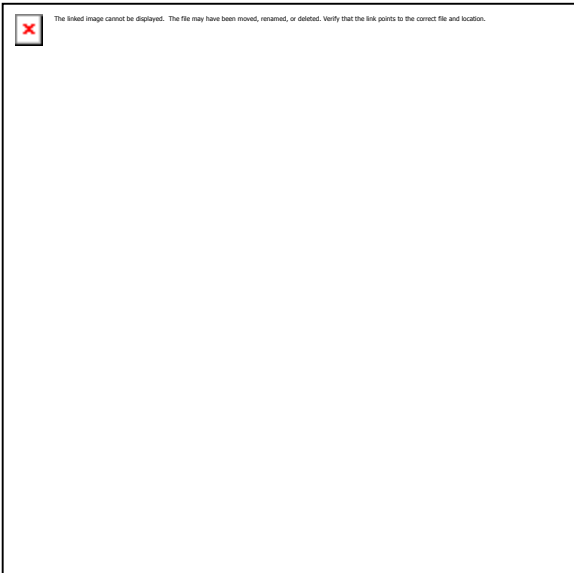




Delegated Report

Planning Application

Planning Application No: 20211538

Location: Barn On Land To The Rear Of Henley Croft & Henley Cottage Henley Street Luddesdown Gravesend

Description: Application for conversion and change of use of agricultural barn to residential use.

Applicant: Mrs Rebecca Newnes

Site Visit Date: 28th February 2022

Submitted Documents/Plans

The application comprises the following documents and plans:

- Planning Application Form;
- Planning Statement;
- Site Location Plan;
- Block Plan;
- Parking Plan;
- Existing Floor Plans and Elevations;
- Proposed Floor Plan & Elevations;
- Photographs; and
- Notes accompanying block plan.

Relevant Planning History

Application Ref. No.	Description	Status	Date
20040572	Conversion of farm outbuilding to use as a single dwellinghouse; and associated alterations.	Refused	19.08.2004
		Appeal Dismissed	30.03.2005

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- C11 – Change of Use of Redundant Buildings in the Countryside
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

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
- 4 – Decision making
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving sustainable development and well-designed places
- 13 – Protecting Green Belt land
- 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006)
- Technical Housing Standards: Nationally Described Space Standards
- Gravesham Landscape Character Assessment (2009)
- Kent Downs AONB Management Plan

Consultations, Publicity and Representations

KCC – Heritage Conservation (E & W)

The building which is the subject of the application is a non-designated, but historic structure of probable mid- to late-19th century date. I recommend that if planning permission is granted the following condition be applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded before conversion. The survey should be to Historic England Level 2.

Dickens' Country Protection Society

The Society would comment that the current drawing is inadequate, and no curtilage has been defined.

Kent Downs AONB Management Unit

No comments received.

Luddesdown Parish Council

No comments received.

Neighbouring properties

Three letters were sent to surrounding properties and a site notice was displayed. The overall consultation period expired on 25th March 2022. Three letters of representations have been received objecting to the proposals with the following summarised comments;

Previous application refused and appeal dismissed;
Luddesdown remains Green Belt, Special Landscape Area and AONB;
Detrimental to the village area;
Access to site due to location;
Highway safety;
The change of use would alter the village environment;
Would set a precedent;
Would not benefit housing need;
Barn is not in a state of disrepair;
Future sale of the development as an independent dwelling or potential as rental, holiday let or Air BnB.

Analysis

Procedural Issues

The supporting planning statement states in paragraph 4(i) that the intention is to refurbish the store to provide an annexe to Darnley Cottage. The store is not located within the residential curtilage of Darnley Cottage and has its own curtilage, separated from Darnley Cottage by Henley Street. An annexe by definition is accommodation which is ancillary to the main residential dwelling and used for this purpose. It is not a separate dwelling and is connected to the main property, either physically by being interconnecting, or is an outbuilding located within the residential curtilage of the host dwelling and would use the same gas, electric and water supply. It should not have its own access, not be within land separated from the host dwelling and not have its own gas, electric or water supply. As the application site has its own curtilage, separate from Darnley Cottage, it could not be ancillary to the main dwelling and as such would not fall within the definition of an annexe. Therefore, for the purpose of this application, the proposal will be assessed as new dwelling.

Background

As the planning history shows, an application for the conversion of farm outbuilding to use as a single dwellinghouse and associated alterations (Ref: 20040572) was refused by the Local Planning Authority in 2004 for the following reasons;

- 1. The proposed development would constitute an inappropriate development within the Green Belt which would harm its character and development contrary to policies MGB3 of the Kent Structure Plan and policies GB2 and RA2 respectively of the adopted and draft versions of the Gravesham Local Plan.*
- 2. The proposed development would constitute an inappropriate development within the countryside which would hinder the diversification or enhancement of the rural economy contrary to policies C11*

and RA4 respectively of the adopted and draft versions of the Gravesham Local Plan.

3. *The proposed development would fail to contribute to the conservation or enhancement of the Area of Outstanding Natural Beauty contrary to policies C3 and NE1 respectively of the adopted and draft versions of the Gravesham Local Plan.*

The refusal was appealed and dismissed by The Planning Inspectorate in March 2005. The Inspector stated in paragraph 5 that;

5. *The curtilage of the site would be used for domestic purposes. Inevitably, cars would be parked on the site and its domestic usage and occupancy would materially alter its existing rural character and appearance. At the moment the land surrounding the building is part of the open countryside. With the residential conversion of the structure, that would change and features such as a domestic garden, increased activity, storage and all the features associated with a residential usage would be brought onto the site. In my conclusion, such a situation would have a material and adverse impact on the openness of the area, as well as the attractive rural character of the area. The development would be harmful by definition for that reason.*

The Inspector also stated in paragraph 7;

7. *...Policy T1 of the Second Review of the Local Plan requires that consideration be given to the location of new development in terms of its accessibility to public transport facilities. I regard this site as remote in these terms. The development is proposed in an isolated and unsustainable location and this fact counts further against this proposal.*

The Inspector concluded that;

8. *...the harm that the development would cause to the openness, character and appearance of the area in the ways I have described overrides all other considerations. I conclude that the development be inappropriate within the meaning of PPG2 and that no very special circumstances exist to justify it. Further, the relevant policies of the Development Plan would be breached by the development because of the adverse effects of the proposal on the SLA and the AONB and the harmful visual impact it would have on the character and appearance of this attractive area of countryside.*

Housing Need and the Principle of Development

Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply (a 3.27 year supply has most recently been calculated within the statement published [here](#)), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. This requires that in regard to housing development, planning permission should be granted unless:

“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

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.”

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF (2021) at footnote 8 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 180)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,

- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 63); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '1' no. dwelling would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded limited weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) and in particular paragraph 130 and 134 of the NPPF (2021) which requires development to be add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers and existing surrounding properties.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Whilst officers accord limited weight to the housing contribution the proposal would make including associated economic benefits, these benefits do not clearly outweigh the identified harm the proposed development would in regard to amenity, design etc which is outlined within this report.

In regard to the principles of development more generally, Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. It seeks to achieve this by promoting regeneration by prioritising redevelopment and recycling of previously developed land.

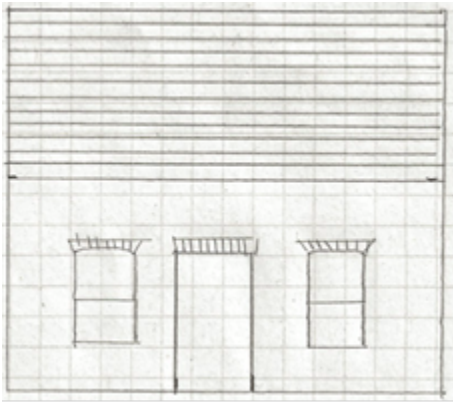
The application property is located within the Green Belt, within an area of outstanding natural beauty (AONB) and within the Luddesdown Downs Landscape Character Area. The proposal does not include any extensions to the building. The only elevational alterations are the replacement of the existing windows and doors.

The building is within a rectangular plot with existing access to the south side and one parking space. There is a small section of metal fencing adjacent to the south side, to the front is hedging and to the rear and north side is blockwork retaining wall. There is a narrow walkway to the front side and north side but no formal amenity area.

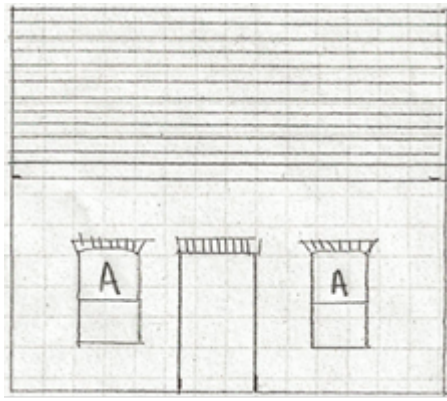
The proposal would result in an open plan kitchen and living area on the ground floor and bedroom and shower room within the roofspace. The parking to the side would be retained.

Existing Front Elevation

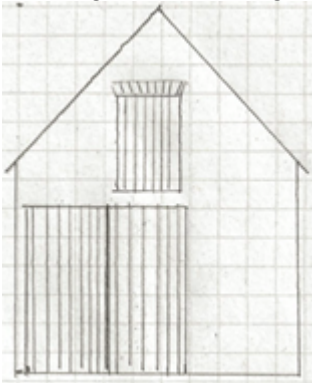
Proposed Front Elevation



Existing South Facing Side Elevation



Proposed Side Elevation



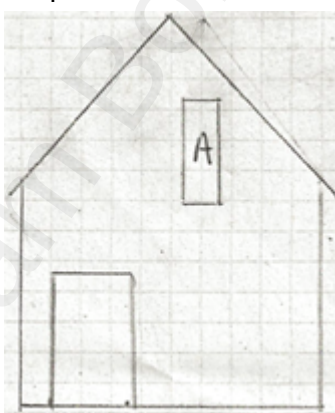
Existing North Facing Side Elevation



Proposed Side Elevation



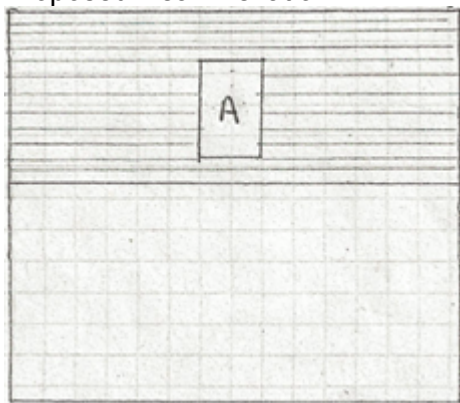
Existing Rear Elevation



Proposed Rear Elevation



Block Plan





Character, Appearance and Impact on the Openness of the Green Belt

The application site is located within the Green Belt, within an area of outstanding natural beauty (AONB) and within the Luddesdown Downs Landscape Character Area. Section 13 of the National Planning Policy Framework 2021 attaches great importance to Green Belt. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

Policy CS02 supports development outside of settlements where it is compatible with national policies for protecting the Green Belt and policies in the plan.

Para. 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 150 considers the re-use of buildings in the Green Belt as not inappropriate provided that the buildings are of permanent and substantial construction.

The previous application and associated appeal concluded that converting the barn from agricultural use to residential would impact on the openness of the Green Belt in terms of residential paraphernalia, parking and lighting and as such was considered an inappropriate development within the Green Belt, countryside and AONB, which would harm its character, hinder the diversification or enhancement of the rural economy and would fail to contribute to the conservation or enhancement of the Area of Outstanding Natural Beauty. It would appear that the building is no longer used for agricultural use and the change of ownership would substantiate that. The supporting information states that the proposed use would be as an annexe for the owners of Darnley Cottage and not as a separate residential dwelling, however as stated within the procedural issues, it cannot be considered as an annexe. There has not been any material change to the character of the area or the building itself since the previous refusal and the current submission has not attempted to overcome the previous reasons for refusal.

The proposed plans lack detailing of any hard or soft landscaping, which could be conditioned, however the changes to the curtilage of the site in order to make it a habitable dwelling would still result in residential paraphernalia, hardstanding and external lighting for the property and which would still result in an impact on the Green Belt, countryside and AONB.

The separation of this building from the main dwelling of Darnley Cottage to create an additional dwelling in the Green Belt, due to the intensity of the use, the additional boundary treatments, parking and residential paraphernalia will not preserve the openness of the Green Belt and therefore conflicts with the purposes of including land within it.

It should also be noted that para. 79 of the NPPF (2021) sets out that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Para. 80 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless there are special circumstances. In this instance an annexe to the main dwelling differs to a new home in the countryside. The application site is approx. 1.6m from the nearest train station and

1.2m from the main village/local centre of Cobham. It is most likely that the future residents of the proposed dwelling would rely on private car to reach essential services. The site is not in the optimum location to maximise the use of walking, cycling or public transport to access services and facilities to meet daily needs. It is therefore considered that the proposal would result in an isolated home in the countryside with no special circumstances.

Policy CS12 states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and that proposals will take account of the Gravesham Landscape Character Assessment. The application site falls within the Luddesdown Downs Arable Farmland Landscape Character. It was considered that the development involving the barn conversion would help maintain and visually improve the existing building. The external aspects of the proposals such as parking and access arrangements, boundary treatments and amenity spaces would be largely contained within the existing site and screened by landscaping to the west. However, as mentioned above, the conversion of the building would result in additional boundary treatments, parking and residential paraphernalia. The Luddesdown Downs Landscape Character Area is defined by very undulating topography with farmland used as arable and pasture, irregular field pattern, with fields of various shapes and sizes, properties and farmsteads along lanes and small settlements within valleys that contribute to the rural character of the area. Para. 174 of the NPPF (2021) makes clear that, among other things, valued landscapes should be protected and enhanced. Para. 176 of the NPPF (2021) states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. This is also reflected in Policy SD1 of the Kent Downs AONB Management Plan. Policy SD3 of the Kent Downs AONB Management Plan states that new development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB. The site is clearly one planning unit bounded by a brick wall, fencing and hedging and vehicular entrance. The proposals would bring with it the potential for curtilage buildings, which could be controlled by condition, landscaped gardens, patios, garden furniture and clothes drying equipment that would detract from the visual quality and would significantly harm the rural character of the area. It is acknowledged that the proposed dwelling would be unlikely to attract families however, the paraphernalia that could arise from a separate dwelling would alter the visual impact of the site.

Policy CS19 states that new development will be visually attractive, fit for purpose and locally distinctive and will conserve and enhance the character of the local, built, historic and natural environment. The proposals only includes the replacement of the existing windows and doors and no further changes are to be made to the existing barn however, as mentioned above, the creation of a residential dwelling would result in additional boundary treatments and other residential trappings. The proposals would neither preserve or enhance the character of the area. The proposal therefore does not comply with the objectives of these Policies.

Amenity of Future Occupiers

The NPPF (2021) states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 (LPCS) states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

	Actual floor area	National Standard	Double Bedroom 11.5sqm
2 storey dwellings (1b, 2p)	52.78sqm	58sqm	18.78sqm

As can be seen from the table above the minimum gross internal floor area for single bedroom recommended by the National Housing Standards would not be met. Whilst the proposed bedroom would

exceed the minimum room size for a double bedroom, the proposed dwelling would not meet the minimum space standards for the gross internal floor area.

In terms of outlook and light, the main living and kitchen area would be served by single windows to the front only and the bedroom would be served by a single window on the north facing side and one rooflight within the rear roofslope. As such there would be access to good outlook, natural light and ventilation for the property.

In terms of private amenity space, the property would not have access to any private amenity space. The Residential Layout Guidelines states that a 1-2 bedroom property should have a minimum garden area of 37.2m² and a minimum depth from the rear wall of the house of 7.6m. The proposal would therefore not provide adequate private amenity areas for future occupants.

Overall, it is considered that the proposed dwelling would not meet the minimum space standards in terms of gross internal floor area and would not provide adequate private amenity space.

The proposed dwelling would therefore result in an unacceptable level of living standard for future occupants and as such would be contrary to Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

Neighbouring Amenity

Development should not cause demonstrable harm to the amenity of any existing residents or property such that it will materially harm their living conditions. This is reflected in Policy CS19 (LPCS) which requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land, and paragraph 130 of the NPPF (2021) which requires the amenity of existing residents to be protected.

The barn is located approx. 12.64m away from the Darnley Cottage. There will be no direct overlooking between habitable room windows, no loss of outlook, sunlight or daylight between the properties.

The proposed separation of the annexe would comply with the objectives of Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

Parking and Highways

The existing building has parking for one car and this retained as part of the proposal. The KCC Vehicle Parking Standards requires a one bedroom dwelling to have one parking space. The development would therefore accord with KCC Vehicle Parking Standards, and the proposals would therefore comply with Saved Policy P3 of the Local Plan and Policy CS11 of the Core Strategy 2014.

Conclusion

1. The proposed conversion of the barn would result in a new dwelling within an isolated location, additional boundary treatments, hardstanding and other residential paraphernalia that would impact on the openness of the Green Belt, would fail to contribute to the conservation or enhancement of the Area of Outstanding Natural Beauty and which would harm its character, hinder the diversification or enhancement of the rural economy. The proposed development therefore is considered to conflict with Policies CS02, CS12 and CS19 of the Core Strategy 2014, Sections 12, 13 and 15 of the National Planning Policy Framework 2021 and the Policies SD1, SD2 and SD3 of the Kent Downs AONB Management Plan.
2. The proposed dwelling would not meet the minimum space standards in terms of gross internal floor area and would not provide adequate private amenity space. The proposed dwelling would therefore result in an unacceptable level of living standard for future occupants and as such would be contrary

to Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

Recommendation:

Refuse

See draft Decision

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:	<i>A Grout</i>	Signed:	<i>R Hart</i>
Dated:	20 th April 2022	Dated:	21st April 2022