



SUPPORTING PLANNING STATEMENT

Buckland Farm, Chalk Road, Higham, ME3 7JY

February 2022

SUPPORTING PLANNING STATEMENT

In support of an application for the
Conversion of a light industrial building to 1no. dwellinghouse.

at

Buckland Farm, Chalk Road, Higham, ME3 7JY

On behalf of

Mr. A Tickle

ISSUE DATE / REVISION	COPY REVIEWED BY	DATE COPY HAS BEEN REVIEWED
Supporting Statement (January 2022)	JM/AT	25/02/2022

Bloomfields is the trading name of Lambert & Foster (Bloomfields) Ltd (company no. 08278915) an owned subsidiary of Lambert & Foster Ltd a Limited Company registered in England and Wales, No 10574225. Registered office 77 Commercial Road, Paddock Wood, Kent TN12 6DS.

CONTENTS

1. Introduction	3
2. Proposal	3
3. Planning History	5
4. Design and Access Statement	6
5. Planning Policy	10
6. Analysis	15
7. Conclusion	19

1. Introduction

- 1.1. This supporting statement has been prepared on behalf of Mr A. Tickle to support an application for the conversion of an existing light industrial building into a dwellinghouse. This application forms an amendment to the prior approval for the change of use of the building under reference 20200637, to include associated building works and increase in size of residential curtilage at Buckland farm, Chalk Road, Higham, ME3 7JY.
- 1.2. The principle of the change of use of the building from a light industrial use to a residential use has already been established by Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the prior approval obtained under reference 20200637.
- 1.3. This supporting planning statement provides a written description of the proposed development as well as an analysis of the relevant local and national planning policies. The application is also accompanied by the necessary plans indicating the site and showing the proposed development.
- 1.4. Buckland Farm is located to the northwest side of Lower Higham, on land between Chalk Road and the railway line (and the disused Thames and Medway Canal) to the north. The building the subject of this application occupies a relatively central position within the site and forms the southern element of the larger of the two groups of buildings found at the site.
- 1.5. The site is located within the Metropolitan Green Belt. Whilst parts of the wider site to the north are classed as being at risk from flooding, the application building and surrounding land fall within Flood Zone 1 and therefore are not classed as being at risk from flooding.

2. Proposal

- 2.1. It is proposed that the existing single storey building is converted to a residential use. Full planning permission is being sought for the conversion work to allow for the residential use of the building to provide a three-bedroom unit as approved under Class PA permission 20200637. All associated operational development for the conversion and landscaping works to the site is sought for this application.

- 2.2. This application forms an amendment to the prior approval for the change of use of the building under 20200637 and includes external design alterations and an increase in the size of the residential curtilage. It is considered that this proposal represents a better scheme than which was supported and approved under 20200637.
- 2.3. **Figure 1** below contains a Google Earth image showing the approximate area of the site, shown edged red, from an aerial perspective and in relation to the surrounding area.



Figure 1 – Google Earth aerial image

3. Planning History

- 3.1. The planning history for Buckland Farm relates to historic permissions for agricultural purposes, conversion of agricultural buildings to commercial/industrial and then to residential.
- 3.2. More recently prior approval has been granted for the change of use of the building to residential under reference 20200637.
- 3.3. The approved block plan for this scheme is shown in **figure 2**.

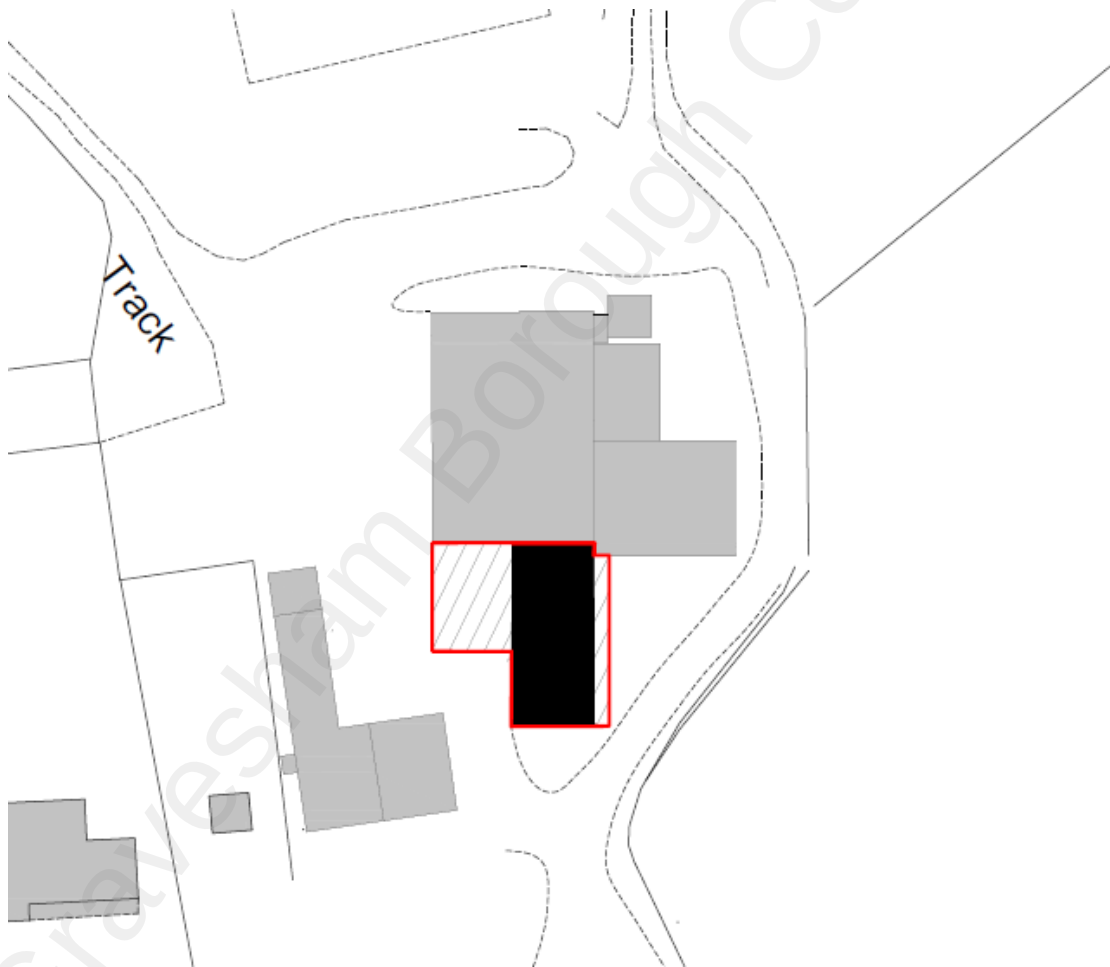


Figure 2 – Proposed block plan (approved within application with reference 20200637)

4. Design and Access Statement

Use

- 4.1. It is proposed that the existing single storey building is converted to a three-bedroom residential dwelling. The building currently has prior approval for its change of use to a residential unit (planning reference 20200637). Therefore, a residential use of the building has already been deemed to be acceptable in this location.
- 4.2. This application seeks permission for a better designed residential scheme than that allowed within the remit of Class PA permitted development rights. This includes external design alterations to facilitate the conversion and an increase in the size of the residential curtilage to serve the dwelling, so as to provide a more suitable scheme with improved internal and external useable amenity space for future occupants.

Amount

- 4.3. There are no proposed increases in the building's size or the accommodation that can be provided than which was originally approved. This application does seek a slightly larger area of residential curtilage, an increase of some 67m² over that originally allowed, so as to provide a more suitable scheme with better external useable space that will improve the amenities for future occupiers.
- 4.4. A comparison of the approved curtilage (planning reference 20200637) and that which is now proposed is shown in **figures 3 and 4**.

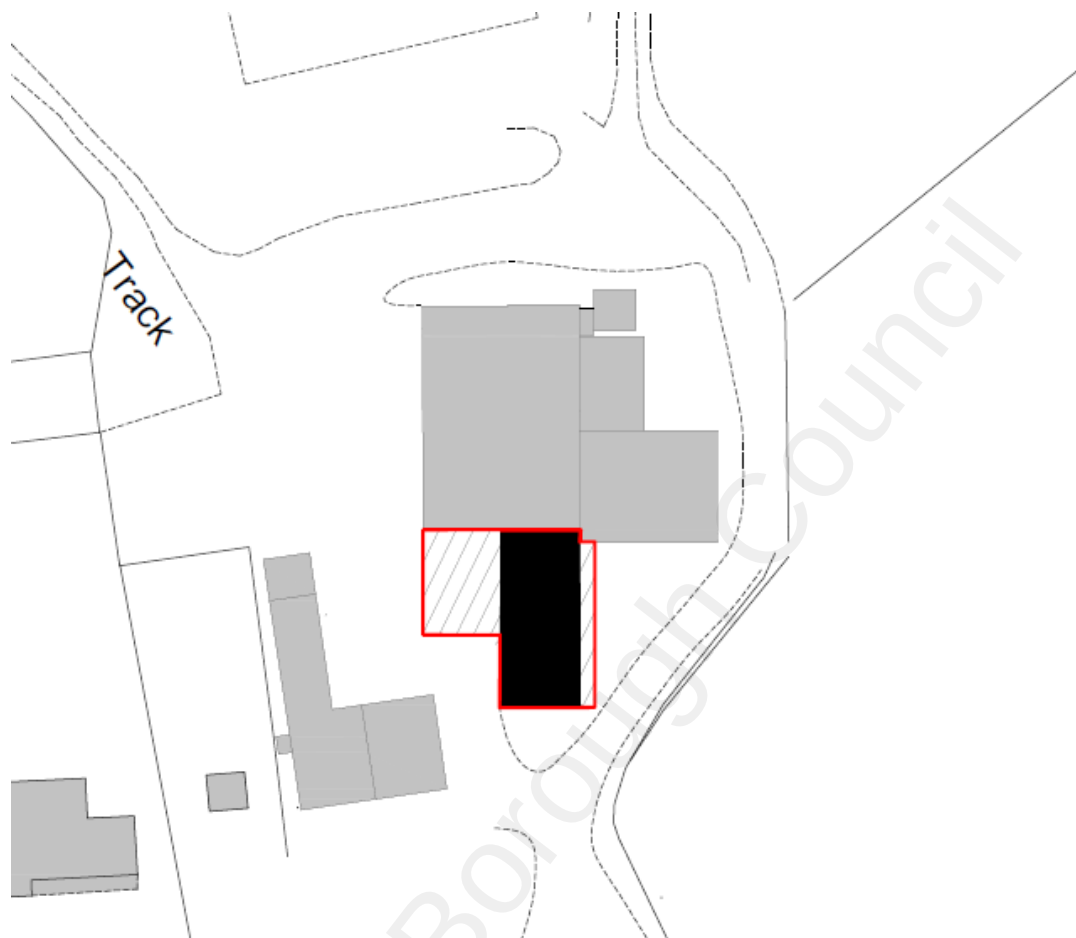


Figure 3 – Block plan approved within application with reference 20200637

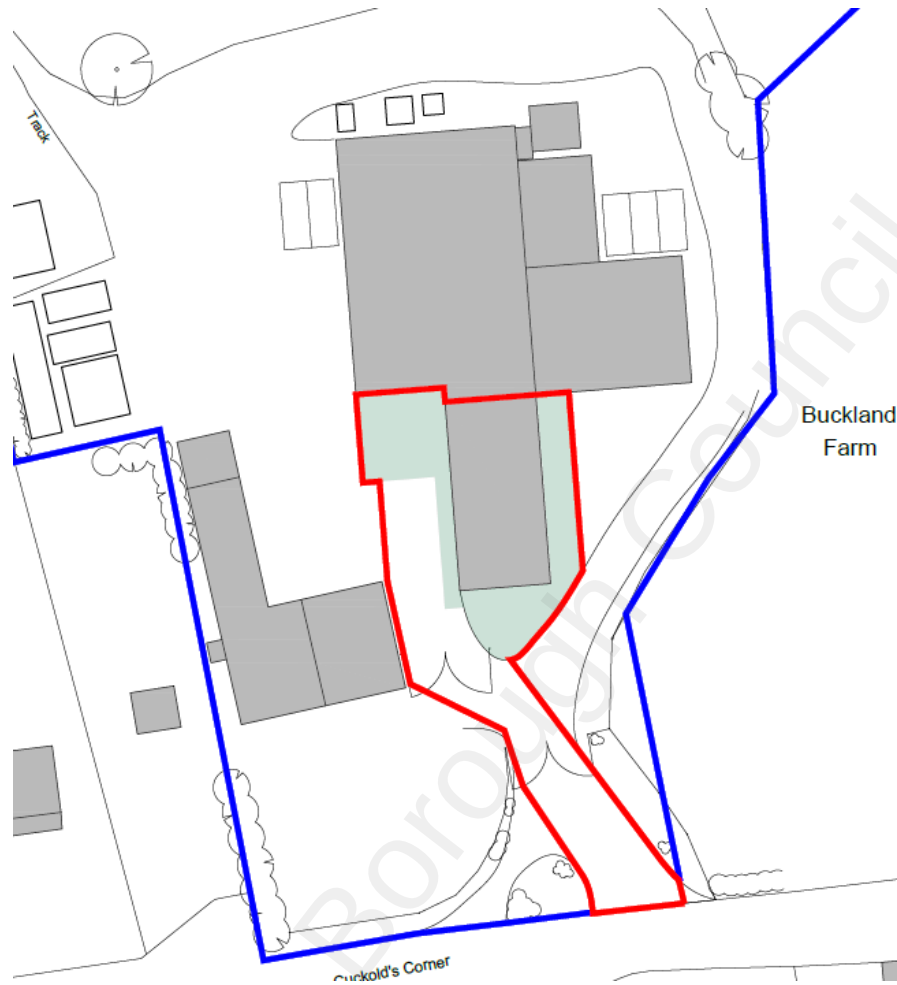


Figure 4 – Proposed block plan (curtilage shaded light green)

- 4.5. As demonstrated in figures 3 and 4, the area of proposed residential curtilage has not been designed to be significantly larger than that which is approved. It is considered to represent an area which will provide a natural buffer, whilst not compromising the usability and function of these adjoining uses.

Layout

- 4.6. The proposed layout of the dwelling within the site will remain the same, the same building will be converted, albeit with a slightly larger residential curtilage area.

- 4.7. Internally the proposed layout is shown in **Figure 5**, it provides a good level of accommodation in excess of the nationally described space standard, which sets a space standard of 95m², whereas the proposed dwelling has a gross internal area of approximately 114m². Moreover, adequate natural light is afforded to all rooms.



Figure 5 – proposed internal layout

Scale

- 4.8. There are no proposed changes to the scale of the building. A modest amount of additional garden area is proposed as part of this scheme.

Landscaping

- 4.9. There is an existing area of hardstanding adjoining the building to the west, which will be utilised for parking and a grassed area to south and east which will form part of the external amenity space to serve the property. In this regard no additional landscaping is proposed.

Access

- 4.10. The proposal site is accessed from Chalk Road, there are no proposed alterations to this. As part of application 20200637, the Council concluded the transport and highways impacts would not be considered to be excessive. We would not therefore expect this matter to change as a consequence of a slight increase in the size of external amenity area, and again would not expect any objection on highway grounds to be raised.

5. Planning Policy

- 5.1. The proposed development has been considered in accordance with Gravesham Local Plan Core Strategy (2014) and Local Plan First Review – Saved Policies as well as the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

National Planning Policy Framework

- 5.2. In order to ensure that sustainable development is pursued in a positive way, at the heart of the National Planning Policy Framework is the presumption of sustainable development. Paragraphs 7 to 14 of the National Planning Policy Framework discuss this in more detail.
- 5.3. As set out in this supporting statement, it is considered that this proposal accords with both national policy and the development plan.
- 5.4. Paragraph 38 of the National Planning Policy Framework requires that *“Local planning authorities should approach decisions on proposed development in a positive and creative way... Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

- 5.5. The National Planning Policy Framework specifically considers the requirement of rural housing and sets a number of policy requirements. Paragraph 79 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.”*
- 5.6. It is considered that the conversion of the building at Buckland Farm that is located on the edge of Lower Higham and to the north of Higham, would maintain the vitality of the rural community.
- 5.7. Given the proximity of the building to neighboring residential dwellings, it is considered that it would not truly represent an isolated home in the countryside in its truest sense. Nonetheless, the dwelling that would be provided by this proposal, that is considered to be in the countryside in policy terms, has an existing fallback position.
- 5.8. Paragraph 130 of the National Planning Policy Framework sets out some requirements to achieve well designed places. The relevant criteria from Paragraph 130 state *“Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); ...”*
- 5.9. It is considered that the design proposed creates a better designed proposal, in terms of layout and design that will add to the quality of the area more than the scheme which was approved under 20200637.
- 5.10. The retention of the external materials will be sympathetic to the area, whilst being energy efficient and low maintenance. The increase in size of residential curtilage will provide a more spacious development and better amenities for the future occupiers over the lifetime of the development.

- 5.11. Paragraph 137 relates to protecting Green Belt land and states, *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*
- 5.12. Paragraph 149 of the NPPF states, *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*
- 5.13. This development would not prejudice the openness of the Green Belt, as the proposal is for the conversion of an existing building in a sympathetic manner without any additions to it mass or bulk. This of course relates to a proposal which already has an established fallback position.
- 5.14. The development is proposed in an area that is not at risk of flooding in accordance with Paragraph 159 of the NPPF.
- 5.15. Paragraph 174 of the NPPF states *“Planning policies and decisions should contribute to and enhance the natural and local environment by: ...*
- b) recognising the intrinsic character and beauty of the countryside...”*
- 5.16. The proposed conversion of the building at Buckland Farm to create a dwelling has been designed to respect and enhance local landscape character, through the re-use of a building which also has permission to be converted to a dwelling.

- 5.17. It is recognised that when considering what constitutes sustainable development in accordance with paragraph 11 of the National Planning Policy Framework, the policies in Framework need to be taken into consideration as a whole. It is submitted that the proposed development at Buckland Farm is sustainable and complies with the policies within the Framework.

Gravesham Borough Local Plan Core Strategy

- 5.18. The relevant policies contained within Gravesham Borough Council's Local Plan Core Strategy are considered to be:
- CS01 – Sustainable Development.
 - CS02 – Scale and Distribution of Development.
 - CS07 – Economy, Employment and Skills.
 - CS19 – Development and Design Principles.
- 5.19. Policy CS02 considers scale and distribution of development within the Borough and states in rural areas development will be supported within those rural settlements inset from the Green Belt and that outside of those settlements, proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt in this plan.
- 5.20. The proposal site is located in a rural area for the purposes of policy CS02 as it is outside but adjoining an inset rural settlement. However, an existing fallback position already exists in this case to allow for a residential conversion, so the principle for the development is already considered acceptable.
- 5.21. Policy CS19 sets out the criteria for achieving good design, the objectives of this policy have been taken into consideration when designing this proposal. The conversion and layout of the building has been designed to provide a high standard of accommodation and improve the amenities of future occupiers for several years to come.

- 5.22. The design aims to blend in well with the character of the site and area, whilst respecting the buildings former agricultural heritage and the amenities and future occupiers of the site and neighbouring properties.
- 5.23. The building, as previously set out and considered, is of an existing form and scale which contributes to the wider setting and character of Buckland Farm and the surrounding area.
- 5.24. This proposal offers the opportunity for the re-use of the building, with a better design than which was approved under 20200637, whilst respecting its original character, scale and form.
- 5.25. The conversion proposed has been designed so that it remains in keeping with the rural surroundings. It is proposed that the majority of the external materials are retained such as the brick.
- 5.26. The existing hard surfaced area to the west of the building will be used for residential parking – two spaces provided, whilst the adjoining grassed area to the south and east will be used as residential curtilage.
- 5.27. The proposed outdoor space has been kept to the original confines of the wider site. The parking area, access as well as garden space are all proposed to be contained within this space to ensure that there is no encroachment into the countryside.
- 5.28. Policy CS07 seeks to resist the loss of B class employment floorspace. However, in this instance, the prior approval sets the scene that the building can and will be in residential use and therefore a suitable commercial re-use or the continued commercial use of the building is not relevant.

Gravesham Local Plan First Review Saved and Deleted Policies Version (September 2014)

- 5.29. The relevant saved policies contained within Gravesham Borough Council's Local Plan First Review are considered to be:
- T4 – Impact on Highway Network.

Policy T4 seeks to resist development outside the confines of the built up area which generates significant vehicular or pedestrian traffic. No alterations are proposed to the vehicular access to the site, furthermore, given the modest scale of the proposal, the traffic movements associated with a residential use will be no greater than those associated with the current industrial use of the application building.

6. Analysis

- 6.1. This proposal, although in a rural area, is the subject of an existing permission which would allow the building at Buckland Farm to be converted into a residential dwelling under reference 20200637. It is put forward that this permission is a significant material consideration that should be given substantial weight as a fallback position during the decision-making process.
- 6.2. In 2013 a High Court challenge to the grant of planning permission for a new out-of-town retail development offered some judicial explanation of when a planning authority can take a fallback position into account when deciding to grant planning permission for a new development.
- 6.3. In the Case of *Zurich v North Lincolnshire Council* one of the grounds of Zurich's challenge was that the Council had wrongly taken into account the potential for a fall back open retail scheme. While Zurich argued that the committee should only have been advised that they could only take a fall back into account if it was a realistic prospect, the Court rejected this. The Court held that in order for a fall back to be a material consideration, it has to have a *"more than a theoretical prospect"*. Therefore, while the weight that is to be attached to the fall back may be decided by the likelihood of its occurrence, the Court did not feel that it affected its status as a material planning consideration.
- 6.4. The strength of the fallback position has been acknowledged at various similar appeals. Whilst each case is considered on its merits, it is worth noting that, under appeal reference APP/B4215/W/15/3135001 for example, in granting the change of use of three office units to six self-contained flats, the Inspector stated that *"there is a strong likelihood that, even if the appeal was to be dismissed, a change to residential use and the resultant loss of employment space would occur in any event. The fall-back position is, therefore, a material consideration of very considerable weight."*

- 6.5. In 2016 a High Court judgement was made between *Mansell and Tonbridge and Malling Borough Council* regarding a residential development on the outskirts of East Malling, for four, five bedroom houses. Within this judgement the Honorable Mr Justice Garnham considered the fallback position of a Class Q permission for the site and the weight that should be attributed to it. Judge Garnham considered that *“In my judgement therefore, it would have been unrealistic to have concluded that, were the present application for permission to be rejected, the interested party would do nothing to develop this site. On the contrary it was plain that development was contemplated and that some development could have taken place pursuant to class Q. The Council was entitled to have regard to the fact that there might be separate applications for permission in respect of some elements of the scheme and to advise that appropriate regard must be had to material planning considerations including the permitted development fall back position.”*
- 6.6. It is therefore submitted that the 2020 prior approval permission with reference 20200637 should be given considerable weight as a material consideration in favour of the principle of converting the building at Buckland Farm to a dwelling. The fact that the building could be converted into a dwelling as it current exists is a realistic and achievable fallback position.
- 6.7. To therefore convert the building with a larger curtilage area needs to be considered with the Class PA residential position as the starting point.
- 6.8. The existing outstanding permission provides the background as to the suitability and ability for this location and building to be converted to a residential use. Considering that the building could be converted to a residential use in any event, it is put forward that the requirements to secure a suitable business re-use is a muted requirement.

Visual Impact and Design

- 6.9. The application site is, as previously considered, within the rural area so policies CS02 and CS19 are relevant. Both of these policies seek to conserve and enhance the character of the natural environment.

- 6.10. As set out in the preceding section, the principle of the development has already been established through application 20200637, and whilst the proposal proposes a slight increase in the size of the residential curtilage there is not considered to be any significant adverse visual impact that would result from this.
- 6.11. It is put forward that this change, as well as the external design alterations would result in a development that is not more dominant or visually intrusive in the landscape in line with 20200637.
- 6.12. The change of use of the land surrounding the building is modest and remains within the existing natural boundary of the site, ensuring the proposal does not encroach into the countryside.

Residential Amenity

- 6.13. The proposal has been designed to ensure that the residential amenity of neighbouring properties, will not be impacted upon. Considering the separation distances and orientation of the buildings, there would be no adverse impact upon the amenities of other dwellings in terms of outlook, privacy or light.
- 6.14. The proposed internal layout of the property would provide suitable living accommodation for the future occupants of the dwelling, with the dimensions of the rooms and external amenity area provided within the design, considered to be acceptable dimensions.

Flood Risk

- 6.15. The building itself does not fall within a flood zone, however, parts of the wider site (within the land holding associated with Buckland Farm, but outside of the application red line) fall within Flood Zones 2 and 3. When determining application 20200637 the Council concluded that the proposed unit itself was not at inherent risk of flooding and that the use itself would not materially contribute to further flooding. It is therefore put forward that the conversion via full planning permission, which proposes only a slight increase in the size of the residential curtilage, should again not attract an objection and be considered acceptable.

Transport and Highways

The proposal site is accessed from Chalk Road, there are no proposed alterations to this arrangement. The existing access is currently used for commercial traffic. Given the scale of the proposed development and anticipated traffic movements, it is not considered that the proposal will give rise to a significant highway impact. Application 20200637 raised no concern on highway matters and we would not therefore now expect this to be a matter of contention.

Habitat Regulation

- 6.16. The site is located within 6km of the North Kent Special Protection Areas (SPAs)/Ramsar site. Natural England have advised that proposed residential development within this zone is likely to have a significant effect, either alone or in-combination, on the coastal North Kent SPAs/Ramsar sites from recreational disturbance on the over-wintering bird interest. In order to mitigate against this impact, Natural England have advised that an appropriate tariff of £250.39 per dwelling should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries.
- 6.17. Following the prior approval permission (20200637), the applicant submitted an application under Regulation 75 of the Conservation of Habitats and Species Regulation 2017 and paid the required SAMMS contribution of £250.39 (the SAMMS contribution agreement is attached at **Appendix 1** to this statement). The quantum of development (i.e. a single residential dwelling) has not altered from 20200637; therefore it is submitted that the Habitat Regulation Assessment undertaken as part of the complete determination of the prior approval application, including the financial contribute to SAMMS is appropriate and does not need to be re-assessed.

7. Conclusion

- 7.1. This application offers the opportunity to provide a residential dwelling. The design has built upon application 20200637 with the proposal to slightly increase the size of the residential curtilage and includes external alterations.
- 7.2. The proposal should be considered against the realistic fallback position of the outstanding permission that currently exists for the building to be converted into a dwellinghouse. This application provides a scheme that is not constrained and can thus provide a better use of the site with a slight increased external amenity area, which will afford an improved level of amenity to future occupants, whilst still preserving the buildings character and setting.
- 7.3. The conversion of the building complies with the policy requirements for Gravesham Borough Council's Local Plan, as well as national policy requirements.
- 7.4. It is respectfully requested that this application is approved under delegated powers.