

## PLANNING COMMITTEE

**APPLICATION NUMBER:** CA//19/01498

**SITE LOCATION:** Sweech Farm, Herne Bay Road, Sturry, CT3 4NG

**PROPOSAL:** Proposed erection of 4 no. dwellings and reinstatement of former Grade II-listed Oast/Stable building to create additional dwelling; together with associated parking and landscaping

**APPLICATION TYPE:** FULL

**DATE REGISTERED:** 12/08/19

**TARGET DATE:** 20/09/19

**LISTED BUILDING:** GRADE II

**CONSERVATION AREA:** N/A

**WARD:** Sturry

**APPLICANT:** Stonebrook Properties Ltd

**AGENT:** LS Architecture

**CASE OFFICER:** Oliver Ansell

**WEB LINK:** [https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=CANTE\\_DCAPR\\_124118](https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=CANTE_DCAPR_124118)

**RECOMMENDATION:** Refuse

### SITE LOCATION AND DESCRIPTION

1. The application site is located outside the village of Broad Oak to the east of Herne Bay Road, close to the junction with Sweechgate. The site features a former farmstead comprising a Grade II-listed farmhouse and a derelict Grade II-listed-oast/stable. A Grade II-listed thatched barn previously stood on the site and completed the traditional U-shaped farmstead. This fell down a number of years ago and the materials are currently in storage. Alongside the farmstead in the northern portion of the site is a derelict milking shed, which is not listed.
2. To the east and north of the application site is open countryside and to the west is Sweechgate, which is lined by a ribbon of development of mostly 20<sup>th</sup> Century construction. Immediately due south is open land beyond which lies 20<sup>th</sup> century residential development. To the south east of the site is the Sturry/Broad Oak strategic site allocation.

### RELEVANT PLANNING HISTORY

3. **CA//10/01299** - full planning permission was granted in October 2012 for a total of four dwellings on the site. This proposal comprised the erection of three cottages in

the southern corner of the site and the restoration/change of use of the Grade II-listed derelict oast/stable block to create a fourth dwelling. Permission was granted on the proviso that the Grade II-listed thatched barn that previously stood on the site be fully rebuilt, thereby securing the future of the heritage assets and restoring the farmstead layout. This planning permission remains extant and is a realistic fall-back. A s106 legal agreement was attached to this permission, requiring the rebuilding of the Grade II-listed thatched barn prior to the erection of the approved dwellings.

4. **CA/18/02514** - a full planning application was refused in June 2019 for a total of eight dwellings on the site. This proposal comprised the erection of seven dwellings together with the restoration and change of use of Grade II-listed oast/stable to create an eighth dwelling. This proposal replicated elements of the previously approved scheme - namely the erection of three cottages in the southern corner of the site and the renovation and change of use of the Grade II-listed oast/stable to a dwelling. It differed in that the derelict milking shed in the northern portion of the site was to be demolished and replaced with three terraced dwellings. Furthermore, the Grade II-listed thatched barn was to be rebuilt as an additional dwelling rather than reinstated as it was.

The application was refused by the Planning Committee for the following reasons:

1. *The proposed development, by virtue of its location outside of an urban area in the countryside, would give rise to an unsustainable and harmful form of development without overriding justification and is therefore contrary to the core planning principles of the National Planning Policy Framework and policies SP1, SP4 and HD4 of the Canterbury District Local Plan.*
2. *The proposal, by virtue of the level of residential development proposed and associated parking of cars, gardens and domestic paraphernalia, would result in unacceptable residential intensification of a former historic farmstead harmful to the setting of the listed buildings. As such, the proposed development is considered to be contrary to policies DBE3 and HE4 of the Canterbury District Local Plan 2017 and the NPPF.*
3. *The applicant has failed to secure the delivery of necessary measures to mitigate the impacts of the proposed development on the Thanet Coast and Sandwich Bay SPA. Without such mitigation measures, it would be contrary to the provisions of the Habitat Regulations and Directive to grant consent for development which, on the advice of Natural England, would affect the integrity of a European site. The proposal is therefore in conflict with the policies SP6 and LB5 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.*

#### PROPOSED DEVELOPMENT

5. Full planning permission is being sought for a total of five dwellings. The proposal includes the erection of one cottage in the southern corner of the site and two in the northern corner, following the demolition of the derelict milking shed. The Grade II-listed oast/stable is to be renovated and converted to residential use (as per the previously approved scheme), while the Grade II-listed thatched barn is to be rebuilt for use as a dwelling (as per the previously refused scheme).

## CONSULTATIONS

**CCC Heritage:** Comments that while the proposal would recreate the historic farmstead layout, the residential intensification of the site would result in harm to the setting of the listed buildings.

**CCC Archaeology:** No objection subject to a condition re: further archaeological evaluation.

**CCC Trees:** No objection.

**CCC Environmental Health:** No objection, subject to conditions re: Construction Environment Management Plan, asbestos, contaminated land and road noise assessments.

**KCC Highways:** No objection, subject to conditions re: access, parking and cycle provision, use of bound surface to first part of access, visibility splays and Construction Environment Management Plan.

**KCC Flood and Water Management:** No comment.

**Natural England:** No objection, subject to securing SAMMs mitigation.

**UK Power Network:** Comments that there are electrical lines and/or electrical plant within the vicinity of the site.

**Southern Water:** No objection subject to condition re: details of foul and surface water disposal.

**Southern Gas Network:** Comments that mains gas pipeline runs in the vicinity of the site.

## REPRESENTATIONS

6. Letters were sent to neighbouring occupiers and a site notice was displayed. No representations were received.

## DEVELOPMENT PLAN POLICIES

### **Canterbury District Local Plan 2017**

**SP1** - Sustainable development

**SP4** - Strategic approach to location of development

**SP6** - SAMMS Mitigation

**HD4** - New Dwellings in the Countryside

**HD5** - Conversion of rural buildings

**DBE3** - Principles of Design

**DBE4** - Residential Space Standards

**HE1** - Historic Environment and Heritage Assets

**HE4** - Development affecting the setting of a listed building

**HE5** - Development affecting fabric of listed building

**HE11** - Archaeology

**T1** - Transport Strategy

**T9** - Parking Standards

**CC11** - Sustainable Drainage Systems

**LB4** - Landscape Character Areas

**LB5** - Sites of International Conservation Importance

**LB9** - Protection, mitigation, enhance and increased connectivity for species and habitats

## ASSESSMENT

7. This application is being reported to Planning Committee at the request of Councillor Glover for the Planning Committee to assess the planning balance between the principle of the development and the impact on the character and appearance of the locality. The main considerations in the assessment of this application are:
- Principle
  - Character and appearance
  - Living conditions
  - Highway safety and parking
  - Ecology
  - Biodiversity
  - Drainage
  - Archaeology

### **Principle**

8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
9. This proposal involves the creation of five dwellings on the site, one of which would resemble and utilise materials from a Grade II-listed thatched barn that previously stood on the site. While there is an extant planning permission for the creation of four dwellings on site, this was granted to secure the reinstatement of the original Grade II-listed thatched barn as it previously was. The current proposal represents an uplift in the number of residential units beyond that previously approved.
10. The application site is not located within the urban area nor any settlement identified under policy SP4 of the Local Plan 2017 for minor development. However, there is scope within the Local Plan to allow new dwellings outside the settlement boundaries where this would represent the optimum viable use of heritage assets, where it would be enabling development that would secure the future of heritage assets, or where the re-use of redundant or disused buildings would lead to an enhancement to the immediate setting.
11. No evidence has been provided to demonstrate that the residential use of listed oast/stable or the use of the materials from the dismantled listed barn as a dwelling would represent the most viable use of these buildings. Nor has any evidence been submitted to demonstrate that the erection of five new dwellings (including the residential use of the listed oast/stable and use of materials from the thatched barn) would constitute necessary enabling development to secure the future of these heritage assets. As discussed in the section that follows, while elements of the

proposal may lead to an enhancement in terms of re-creation of the historic layout of farmstead structures, the proposal overall would be considered harmful to the immediate setting given the level of residential intensification proposed.

12. To conclude, the proposal for five dwellings outside the settlement boundary does not meet the exceptions outlined in the Local Plan where new dwellings in the countryside will be permitted. The proposal would therefore result in unjustified development in conflict with policies SP1, SP4 and HD4 of the Local Plan 2017 and the NPPF.

### **Character and appearance**

13. The Local Plan requires that new development has sufficient regard for the character and context of the application site and that it preserves the setting of listed buildings.
14. In assessing the previously approved scheme, the Council considered that the Grade II-listed thatched barn that previously stood on the site had contributed significantly to the character and setting of the Grade II-listed Sweech Farmhouse. It was therefore considered that reconstruction of the barn to its original form would help restore the setting of the historic farmstead. The benefits of restoring the farmstead and reinstating the original barn were considered to outweigh the harm arising from the residential intensification of the site associated with the creation of four additional dwellings.
15. In assessing the current application, a similar balance must be carried out. In common with the extant permission, the current application would involve renovation and residential conversion of the Grade II-listed oast/stable. However, the Grade II-listed barn would not be reinstated. Instead, its materials would be used in the erection of a dwelling designed to resemble the original barn (which would include modified openings/glazing associated with domestic use). In addition to the creation of these two dwellings, a further three new dwellings would be erected (one in the southern portion of the site and two in the northern portion).
16. The design, scale and layout of the proposed dwellings would be sympathetic to and respectful of the historic agricultural arrangement of the earlier rural buildings. However, while the historic layout of the farmstead would be recreated, it would not involve the rebuilding of the original thatched barn, as was the case with the extant permission. The weight afforded to any benefit arising from the recreation of the historic farmstead and the re-building of a structure resembling the original barn must therefore be reduced. Meanwhile, the residential intensification of the former historic farmstead resulting from the creation of a total of five new dwellings, combined with the associated parking of cars, gardens and domestic paraphernalia, would be considered harmful to the historic agricultural setting of the listed buildings within the site. As such, the proposal is considered to fail to preserve the setting of the listed buildings and fail to have sufficient regard for the rural context of the site as a whole, contrary to policies DBE3 and HE4 of the Canterbury District Local Plan 2017 and the NPPF.

17. The balance in this case is a fine one. The proposed development does not accord with the Local Plan and NPPF and while the harm identified to the setting of the listed buildings would be less than substantial, it is considered that the benefits arising from the recreation of the historic farmstead with a residential facsimile of the Grade-II listed barn do not outweigh the harm. However, it is the role of the Planning Committee as decision makers to weigh the benefits against the harm to see if there are sufficient grounds to justify a grant of planning permission as a departure from the Local Plan and the NPPF.

### **Living conditions**

18. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring and future occupiers. The proposed dwellings are considered to be set at a sufficient distance from neighbouring properties and from one another such that there would be no unacceptably overbearing impact, no unacceptable loss of light or sense of enclosure and no unacceptable form of overlooking to neighbouring properties. The proposed development is therefore considered to be in accordance with Policy DBE3 of the Local Plan 2017 and the NPPF.
19. The floor space of the proposed dwellings would exceed national minimum space standards and the scheme proposed a reasonable level of amenity space and adequate capacity for cycle and refuse storage. It is therefore considered that the proposal would accord with policies DBE3 and DBE4 of the Local Plan 2017.

### **Highway safety and parking**

20. The Local Plan states that when assessing design quality, safe movement within and around a proposed development must be a consideration. The existing access would be retained and a new access created at the northern end of the site, which would achieve adequate visibility splays. The scheme offers adequate parking provision to serve the proposed development. KCC Highways and Transportation raise no objection to the proposal. It is therefore considered that the proposal accords with policies DBE3 and T9 of the Local Plan 2017.

### **Ecology**

21. The Local Plan states that all development should avoid a net loss of biodiversity and should actively pursue opportunities to achieve a net gain. An ecology report submitted with the application identified potential habitat within the site for nesting birds and bats and a series of recommendations are made in terms of mitigation and ecological enhancements. KCC Ecology considers the recommendations to be acceptable and subject to these being secured by condition, the proposal would accord with policy LB9 of the Local Plan 2017 and with the NPPF.

## **Biodiversity**

22. The site is located within the Zone of Influence of the European designated Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar Site. The Council operates a disturbance avoidance strategy to mitigate the effects of new development on the integrity of the SPA/Ramsar sites and this operates on the basis of financial contributions being paid by developers to fund the implementation of the Thanet Coast and Sandwich Bay Strategic Access Management and Monitoring Strategy (SAMMS) to manage recreational pressures on the SPA/Ramsar sites.
23. In consultation with Natural England, the Council has adopted an Appropriate Assessment on the basis that subject to securing a financial contribution towards SAMMS, the proposed development would have no significant adverse effect on the integrity of the European designated site. The applicant has confirmed that they would enter into a unilateral undertaking to secure the appropriate financial contribution required by the proposed development. However, in the absence of a completed legal agreement, the proposal would fail to accord with policies SP6 and LB5 of the Local Plan 2017, the NPPF and Habitats Regulations.

## **Drainage**

24. The Local Plan states that all development applications should include drainage provision. This will ensure that surface water is appropriately controlled within the development site, manage flood risk on-site and off-site, and not exacerbate any existing flood risk in the locality. It is recommended that should planning permission be granted, a sustainable drainage system (SUDs) be secured by condition in accordance with policy CC11 of the Local Plan 2017.

## **Archaeology**

25. The Local Plan states that the archaeological and historic integrity of designated heritage assets and other important archaeological sites, together with their settings, will be protected and, where possible, enhanced. The site has demonstrable archaeological potential. The Council's Archeology is satisfied that the archaeological potential of the site is sufficiently understood to justify further archaeological evaluation to be secured by condition. Subject to such a condition, it is considered that the proposal accords with policy HE11 of the Local Plan 2017 and the NPPF.

## **Other matters**

26. It is noted Southern Gas Networks has requested further consultation in relation to a gas main in the vicinity of the application site. However, the dwellings proposed would be located within the footprint of structures already or previously on site or where approved under the fallback position. As such, this could not reasonably warrant reason for refusal. It is also noted that SGN raised no objection to the previously refused scheme.

## RECOMMENDATION

27. The proposal would give rise to an unsustainable and harmful form of development in the countryside without overriding justification and would result in unacceptable residential intensification of a former historic farmstead harmful to the setting of the listed buildings. The planning application is therefore recommended for refusal.

## **DRAFT REASONS FOR DECISION NOTICE**

**Application No:** CA//19/001498

**Proposal:** **Proposed erection of 4 no. dwellings and reinstatement of former Grade II-listed Oast/Stable building to create additional dwelling; together with associated parking and landscaping**

**Location:** **Sweech Farm, Herne Bay Road, Sturry, CT3 4NG**

- 1 The proposed development, by virtue of its location outside of an urban area or an identified settlement in the countryside, would give rise to an unsustainable and harmful form of development without overriding justification and is therefore contrary to policies SP1, SP4 and HD4 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
- 2 The proposal, by virtue of the level of residential development proposed and associated parking of cars, gardens and domestic paraphernalia, would result in unacceptable residential intensification of a former historic farmstead harmful to the setting of the listed buildings. As such, the proposed development is considered to be contrary to policies DBE3 and HE4 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
- 3 The applicant has failed to secure the delivery of necessary measures to mitigate the impacts of the proposed development on the Thanet Coast and Sandwich Bay SPA. Without such mitigation measures, it would be contrary to the provisions of the Habitat Regulations and Directive to grant consent for development which, on the advice of Natural England, would affect the integrity of a European site. The proposal is therefore in conflict with the policies SP6 and LB5 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.