

MC/11/0232

Date Received: 20 January, 2011

Location: Plot 2, Merryboys Stables, Merryboys Road, Cliffe Woods, Rochester, Kent ME3 7TP

Proposal: Retention of southern side protection; construction of pitched roof over flat roof side projections, new roof to rear projection and insertion of rooflights to facilitate conversion to a 1-bedroomed dwelling

Applicant: Mr J Gill

Agent: Mr N Kennell-Kenny 39/43 Wrotham Road Gravesend Kent DA11 0PN

Ward Strood Rural

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 27 April, 2011.

Recommendation - Refusal

- 1 The development, as proposed, would result in a residential unit in the open countryside, as defined by the Medway Local Plan 2003. Unacceptable justification has been submitted to demonstrate that every reasonable attempt has been made, without success, to secure a suitable business use. This combined with the poor detailing in terms of the shape of the roof and the side extensions; the amount, shape and proportion of glazing; and the inappropriate use of roof lights would result in a building which has an adverse and negative impact on the character of the building, the surrounding countryside and streetscene in general when viewed from Merryboys Road. As such the proposal is considered contrary to the provisions of Policies C4 and CC4 of the South East Plan and Policies BNE1, BNE25, BNE26, and BNE27 (iv) and (vi) of the Medway Local Plan 2003.

Proposal

The proposal is for the conversion of the building into a 1 bedroom property, including the retention of a recently constructed extension to the south of the building; construction of pitched roof over flat roof side projections, a new roof to rear projection and the insertion of rooflights. There will be no additional build beyond the existing footprint of the building.

The proposed refurbishment would use external materials to match the existing building on Plot 1 with new black stained boarding used. The applicant has indicated that the existing roof materials will be replaced with plain clay tiling, which has been indicated shall be reddish brown. A revised set of drawings have been submitted, which show four roof light windows within the front elevation, and two rooflight windows within the new roof to the rear projection. The proposal also allows for a number of new openings within all elevations, which will be constructed of timber and dark stained.

Internally the dwelling will comprise a lounge, study / office, bathroom, dining room and kitchen at ground floor and bedroom within the extended mezzanine floor within the roof.

Site Area/Density

Site Area: 0.0672 hectares (0.166 acres)

Site Density: 14.88 dph (6.02 dpa)

Relevant Planning History

This section refers only to the redevelopment of Plot 2 for clarification. The relevant applications are listed below: -

MC/08/0655	Construction of a two storey side extension and refurbishment of an existing building for B1 use Refusal 05 September 2008 Appeal Dismissed 08 December 2009
96/0401	Change of use from workshop to agricultural plant repair Refusal 04 June 1997
95/0283	Change of use from workshop to car repair garage Refusal 26 July 1995
95/0216	Erection of a detached hay store and retention of existing building for use as changing / rest room Approval 16 August 1995
75/601/A	Continuation of use of existing building for light industrial use Approval 11 March 1977
75/601	Use of existing building for light industrial use Approval 22 August 1975

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Cliffe and Cliffe Woods Parish Council have made no objection to the proposal but make a comment noting the 'concern about the ability of the existing building to incorporate a two storey dwelling', and 'that the additional pitch roof and new roof to rear represent new construction'.

3 letters of representation from **two households** have been received raising the following objections:

- The unit would be located close to an industrial unit and nearby school,
- Limited garden area is provided,
- Concern that internally, insufficient height will be provided,
- Enlargements and modification would spoil the character of the building and rural scene,
- Access from the west facing elevation would potentially result in health and safety considerations,
- Negative long term impact upon neighbouring properties and the countryside.

The applicant has sent a number of correspondence following the submission of the application in reference to the status of the South East Plan 2009, comments made by Andrew Stunnell MP regarding re-use of farm buildings for residential, matters of principle, design and appearance, access, rental figures and the use of rooflights to neighbouring properties.

Officer Response - Members will be aware that on the 27 May 2010, Eric Pickles MP, Secretary of State for Communities and Local Government wrote to all Local Authorities highlighting the Governments commitment to rapidly abolish Regional Strategies. However, considering the first Cala Homes judgement (10 Nov 2010, Cala Homes (South) Limited v Secretary of State 2010... EWHC 2866), the South East Plan is currently an on-going part of the Development and is referenced with the Development Plan Policies section. Furthermore, with regards to Andrew Stunnell MPS comments, no formal adaptation or reinterpretation of the relevant Medway Local Plan 2003 or South East Plan 2009 Development Plan Policies has taken place and the Councils maintains its stance on unacceptable additional isolated residential dwellings within the countryside.

With regards to matters of principle, design and appearance and access, the Councils response is set out within the Planning Appraisal section

Development Plan

The Development plan for the area comprises the Medway Local Plan 2003 and South East Plan 2009.

Central Government Advice

PPS7 (Sustainable Development in Rural Areas) is also relevant.

Planning Appraisal

Background

The most recent application on this site (prior to this one), MC/08/0655, sought permission for the refurbishment and change of use of the building to a B1 use. The application was refused and dismissed at appeal on the grounds that the proposed alterations, specifically those proposed dormer windows would unacceptably change the appearance of the rural building, and that the proximity of two B1 uses (a B1 use at Plot 3 under ref: MC/08/0945 was allowed at the same appeal) would result in an unacceptable impact to neighbouring amenities by way of vehicular movements.

The proposals have since evolved to the scheme hereby submitted, by way of the removal of the B1 use and the construction of a side extension to the south of the building. There is no planning history for the addition and considering the addition was not included within the previously submitted plans, there is no evidence to suggest that this element is lawful.

Furthermore, it is worth Members noting that the applicant on the previously submitted planning forms (MC/08/0655) referred to the last known use as workshop and storage, whereas in this submission, notes that the previous use which was 'unused barn, some storage'. At the previous appeal, the Planning Inspector noted the Council's description as workshops, storage, agriculture and equestrian amongst other uses.

Finally, at the appeal, the Planning Inspector was definitive in his assessments of the existing structure, noting that he '*saw that the building has been subject to some new work and upgrading, including some replacement roofing and works to the proposed office area. It therefore appeared that major or complete reconstruction would not now be required for all parts of the building to facilitate the change of use (to a B1 use)*'.

Main Issues

The main issues for this current proposal are:

- The principle of residential conversion,
- The extent of alterations,
- Design and impact on the character of the area and countryside,
- Amenity considerations, and highway matters, including parking.

Principle

Policy BNE25 considers that as a valuable resource, the countryside needs to be protected for its own sake and development that will result in detriment to the rural character and environment will be restricted. Nevertheless, the countryside supports a range of activities and some necessary change is to be expected as activities develop or decline. In particular, national planning policy notes that there is some encouragement that land is being taken out of agricultural production and diversification of rural enterprises may be required to help sustain the economy of

rural areas. Furthermore, new agricultural practices should be supported.

The application site itself has not been in agricultural use for a significant period of time and has been subject to a previous application for B1 use. The last lawful use of the land, prior to this, was workshops, storage, agriculture and equestrian.

It is important, in this instance, that a balance is struck between the requirement to protect the countryside (by maintaining and enhancing the environment) and the need to support rural activities and communities (as supported by Planning Policy Statement 7: Sustainable Development in Rural Areas).

To strike a balance, only certain forms of development will be allowed in the countryside. Diversification of the rural economy by the introduction of employment or other uses into existing rural buildings is a permissible exception to the usual rural policy of restraint in the countryside. Para. 10 of PPS7 notes that 'Isolated new houses in the countryside will require special justification for planning permission to be granted'.

At a local plan level, Policy BNE25 considers development in the countryside to be acceptable only where it maintains and enhances the character and amenity of the countryside, is on a site allocated for that use; the development demands a countryside location; the development involves the re-use or adaptation of an existing building that is and would continue to be, in keeping with its surroundings; the development involves the re-building, or modest extension or annex to, a dwelling or is for a public or institutional use for which the countryside location is justified and which does not result in volumes of traffic that would damage the rural amenity. In this instance the proposal does include for the re-use and adaptation of an existing building on site. However, within the countryside a business re-use is preferable to residential, and should be considered first unless it can be demonstrated that a business use of the land and property is not viable. Policy BNE26 continues this theme whereby it supports business development through the re-use of existing buildings, provided that normal policies for protecting the countryside are not undermined. In particular the introduction of commercial, tourism and recreational activities are considered more appropriate. In addition, Local Plan Policy BNE27 supports the re-use and/or adaptation of buildings provided they are both of permanent construction and do not need major re-building (due to their being in poor physical condition).

It has already been demonstrated that the existing building will not require major re-building in order to be used for the purpose of a B1 use and this viewpoint does not change with this application. The acceptance of the re-use of the existing structure meets the requirements of Local Plan Policy BNE27(i). Nevertheless concern is raised, with regard to the provisions set out under Local Plan Policy BNE25, BNE26 and BNE27 (iv) and (vi). The previous application (MC/08/0655) for B1 use of the site was considered unacceptable at appeal as it resulted in poor design and an unacceptable impact upon neighbouring amenity. No objection is raised therefore to the principle of broad change of use, and as was considered with the previous applications, the loss of the building to a B1 business use would not be detrimental to agriculture generally. However the applicant has provided only basic and unsubstantiated information as to why the only appropriate use of the building is

solely residential. Furthermore the argument that without allowing the conversion proposed, the building '*will fall into dereliction*' is not a justifiable argument to grant permission for the residential use.

The Council's Principal Tourism Development Officer has noted that there is a broad demand in such a location for such a tourism or recreational based use, and it is considered that the applicant has failed to demonstrate that every reasonable attempt has been made without success, to secure a suitable business re-use (including the commercial, tourism and recreational activities) for that property, or has provided a scheme which ensures that the residential element is a subordinate part of an appropriate business re-use.

Therefore noting the totally residential use proposed, it is considered that the introduction of residential use to the building would potentially alter the nature of the building and its surroundings. Residential use was considered acceptable for Plot 1 permitted under MC2008/1892 due to the building's proximity to other residential uses. Plot 2 does not share these circumstances. For this reason, and the reasons discussed above, the principle for change of use of the unit to entirely residential use is considered unacceptable in principle, under the provisions set out in Local Plan Policies BNE25, BNE26 and BNE27 (iv) and (vi) and Policies C4 and CC6 of the South East Plan

Design

The site lies within the open countryside, as defined in the Medway Local Plan 2003. Policy BNE25 is relevant to the consideration of development on this site, in which it seeks to protect the countryside by preventing development, which would neither maintain nor enhance its character. It must be demonstrated that the refurbishment and extensions to the building at Plot 2 comply with the provisions of Policy BNE27 which requires amongst other things the "*...form, bulk and design of the building will be in keeping with its rural surroundings; and... the nature, scale and intensity of the proposed use is not detrimental to residential and/or rural amenity, or the character of the area...*".

Whilst the property is set back from Merryboys Road at the appeal of MC/08/0655 the Planning Inspector noted that the 'building is clearly visible in the countryside but is not unlike other rural buildings nor harmful to the rural character of the area. Despite roadside hedges and on site landscaping which the applicant has attempted to provide for additional screening, this is not substantial at present and is unlikely in the short to mid-term to protect the views of the site from the wider countryside or surrounding area in general.

Alongside Policies BNE25 and BNE27, Medway Local Plan 2003 Policy BNE1 requires amongst other things, that alterations to buildings should respect the appearance of the surrounding area. Whilst it is accepted that the proposal does not require major or complete reconstruction, it is considered that the detailing of proposed dwelling, specifically the extent of rooflight windows, proportions and siting of openings and height of side gabled roofs are not features that would be consistent with former agricultural buildings and fail to complement the roof shape of the host building, and would increase the prominence of the building, harming the rural

character of the area, contrary to policies BNE1, BNE25 and BNE27 of the adopted Local Plan.

Amenity

The building subject of this application is away from residential dwellings but in reasonable proximity to Cliffe Woods Primary School. The development is not considered to result in impact on neighbouring privacy by way of overlooking as the nearest residential unit is located at some distance away (18 metres from the nearest residential property - Plot 1, which has recently been converted to residential, and permitted under MC2008/1892) and is well screened by existing boundary treatment along the southern boundary and is unlikely to cause detriment to the neighbouring school. The proposal will not result in the loss of sunlight and daylight above and beyond what is already experienced. The nearest building with the Merryboys site, Plot 3, has an extant B1 use, however condition 12 of MC2008/0945 limits those B1 operations to 08:00 – 18:00 Monday to Friday and 08:00 to 13:00 Saturday only (not at any time Sundays, Bank or Public Holidays). Whilst there is only some 5m between buildings, those times controlled by condition would mean that any future owners / occupiers are not impinged upon by noise disturbance. The proposal is acceptable in terms of the amenities of prospective occupiers. Overall, the proposal is considered acceptable under the provisions set out under Local Plan Policies BNE2 and BNE3.

Land Contamination

The former use of the site could have given rise to contamination. The Medway Local Plan contains a policy on contaminated land, Policy BNE23. The Policy requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. Although this application involves development of a Brownfield Site, the proposed development is for a residential use. Therefore it is considered that taking into account the risk to sensitive end users, a desk top study should be submitted to adequately control contamination by way of an appropriately worded condition. The application is considered to be acceptable under the provisions of Local Plan Policy

Highways

The principle vehicle access to the site has already been established through the earlier consent for the conversion of the main barn to residential under reference MC2008/1892 and the Inspectors decision to refuse an appeal for the conversion of the existing building for use as B1 at Plot 2 (the current application site). The proposal will utilise the same means of access as the main dwelling on site. The application proposes 2 off-street parking spaces, which for a one bedroom unit is considered acceptable under current Vehicle Parking Standards, as there only needs to be one space per unit as minimum. The proposal is considered in accordance with Local Plan Policies T1, T2 and T13

Conclusions and Reasons for this Recommendation

The application fails to satisfactorily demonstrate to a level required by the Council that every reasonable attempt has been made, without success, to secure a suitable business re-use, for the building known as Plot 2. The proposed residential change of use, is therefore considered unacceptable and out of character with the agricultural nature of the area. Furthermore, the design, in particular the level, siting and prominence of rooflights are significantly harmful to the rural character. As such the proposal is considered contrary to the above-mentioned Development Plan Policies and is recommended for refusal.

This application would normally fall to be determined under officers delegated powers, but is being reported for determination by Committee due to the Committee having considered recent applications.

Background Papers

The relevant background papers relating to this planning application comprises: the application and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representatives section within the report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.
