

MC/14/0637

Date Received: 6 March, 2014

Location: Land To The Rear Of 106 Pilgrims Road, Upper Halling,
Rochester, ME2 1HP

Proposal: Change of use and extension of stable buildings to form
residential dwelling

Applicant: Mr Bradley

Agent: Mr Graham Simpkin Graham Simpkin Planning 2 The Parade
Ash Road Hartley Longfield, Kent DA3 8BG

Ward Cuxton & Halling

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 7 January, 2015.

Recommendation - Refusal

- 1 The proposed residential development would be outside the confines of any recognised town or rural settlement and within a Metropolitan Green Belt, Area of Outstanding Natural Beauty and Area of Local Landscape Importance and fails to demonstrate any recognised rural special needs justification for new residential development in the countryside. The resultant dwelling by virtue of its massing, scale and residential additions would have a greater visual impact than the existing structures and as such would harm and detract from the character and appearance of the open countryside. The alterations required to allow for a conversion to residential accommodation would amount to substantial construction and represents inappropriate development in the Green Belt. The development is therefore contrary to the objectives of the NPPF and contrary to Policies BNE1, BNE25, BNE27, BNE30, BNE32 and BNE33 of the Medway Local Plan 2003.

Proposal

This planning application seeks permission for the change of use and extension of stable buildings to form a residential dwelling. The existing buildings comprise 6no. stables and a storage room. These will be linked via a newly constructed glazed building measuring some 4m x 3m. Internally, the accommodation will comprise a kitchen / living room, the aforementioned entrance dining room link building, and three bedrooms (one with en-suite), and a separate bathroom. Externally, the courtyard will be laid out for parking and amenity land.

Site Area/Density

Site Area: 0.061 hectares (0.150 acres)

Site Density: 16 dph (6.6 dpa)

Relevant Planning History

MC/10/1242	Demolition of existing two storey dwelling and construction of a new two bedroomed dwelling and garage - resubmission of MC/09/2636 Land adj. 106 Pilgrims Road Approved 25 October, 2010
MC/09/2636	Demolition of dwelling and construction of a 2-bedroomed dwelling with garage Refused 17 February, 2010

Representations

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

The Dickens' Countryside Protection Society have raised objection on the grounds that the development would create a new dwelling in the Green Belt and would require substantial construction.

Two letters have been received raising the following objections:

- The access road crosses a footpath and Public Right of Way which is not owned by the applicant,
- The applicant does not have a right to alter the surface of the access.

All other matters raised not listed above are non material.

Eight letters of support have been received.

The Council's Public Right of Way Officer has raised no objection, subject to the PROW being kept open and accessible for the width and length, during and after the development.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Principle

The site lies within the rural area and the Metropolitan Green Belt as defined in the Medway Local Plan 2003 (Local Plan). The National Planning Policy Framework (NPPF) advises at Paragraph 55 that "...Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling."*

This paragraph of the NPPF goes on to advise that "...such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.*

The NPPF approach, as set out above, is reflective of the Council's existing countryside restraint Policy, as set out in Policy BNE25 of the Local Plan, which seeks to ensure development maintains, and wherever possible enhances, the character, amenity and functioning of the countryside.

With regards to the location within the Metropolitan Green Belt, paragraph 89 of NPPF advises that these areas are essential to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. Development in the Green Belt is considered inappropriate unless it is;

- *buildings for agriculture and forestry; Achieving sustainable development*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *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;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the*

openness of the Green Belt and the purpose of including land within it than the existing development.

Furthermore, conversion of buildings in the Green Belt is dealt with under paragraph 90, in which "*Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. (These include): the re-use of buildings provided that the buildings are of permanent and substantial construction*"

This NPPF approach is consistent with Policy BNE30 of the Local Plan, which sets out the presumption against inappropriate development. In addition to the above the proposal falls to be considered against the criteria identified under Policies BNE1, BNE32 and BNE33 of the Local Plan as it is within an Area of Outstanding Natural Beauty and Special Landscape Area. Policy BNE1 of the Local Plan indicates a general presumption against new development if it would detract from the existing pleasant appearance and character of an area. Whilst Policies BNE32 and BNE33 set out that development within this area would only be permitted if it conserves and enhances the natural beauty of the area's landscape or that the economic or social benefits are so important that they outweigh the priority to conserve the natural beauty of the areas landscape.

The application is for the conversion and extension of an equestrian building to create a new dwelling within the countryside. Although the applicant has submitted a planning statement, which argues that the development accords with Policy BNE27, they do not specifically refer to paragraph 55 of the NPPF and provide only a brief response to Policy BNE30 and paragraph 90 of the NPPF. The comments relating to a lack of viability to other commercial uses is noted, but the applicant is not considered to have provided appropriate supporting information to justify why the residential proposal should be treated as an exception to the cited rural and Metropolitan Green Belt restraints set out in Paragraphs 55 and 89 of the NPPF or Policies BNE25 and BNE30 of the Local Plan.

Furthermore, the existing buildings are simply constructed and the extent of alterations considered necessary to enable residential occupation suggests that the buildings require substantial re-construction. The plans show the construction of new external walls to the stable block, new openings within both buildings and the construction of an entrance hall dining room between the two structures. The Council considers a substantial construction is required to enable habitation, contrary to the objectives of paragraph 90 of the NPPF and Policy BNE27 of the Local Plan 2003.

Lastly, the incursion of residential development into the Area of Outstanding Natural Beauty and the Special Landscape Area, primary due to the harm set out above, fails to conserve or enhance of the natural beauty of the areas landscape. The development is therefore contrary to the objectives of Policies BNE32 and BNE33 of the Local Plan.

Design

The proposed resultant building itself would be considered relatively unremarkable but due the siting within the Metropolitan Green Belt, AONB and SLA, the mass and

bulk of the proposed dwelling is unacceptable. The introduction of residential elements to the former equestrian building, particularly the glazed link and additional openings, would cause significant harm to this sensitive landscape, and this would be contrary to the provisions of Policies BNE1, BNE25, BNE27, BNE30, BNE32 and BNE33 of the Local Plan.

Amenity

The site can accommodate a detached dwelling without resulting in any additional overlooking into nearby residential properties. Furthermore, the layout and scale of the development has been arranged so as not to impede on neighbour amenity in terms of sunlight and daylight. The proposal provides for a suitable amount of external amenity space for future occupants of the proposed dwelling. Furthermore, the scale of the development ensures that the Council's Housing Design Standards (MHDS) for internal floor area are observed.

MHDS Gross internal floor area	Min Gross internal floor area	Gross internal floor area	MHDS Living, Dining and Kitchen practice minimum	Living, Dining and Kitchen floor space proposed	MHDS Bedroom good practice minimum floor space	Bedroom Floor space Proposed
86m ²		99m ²	29m ²	38m ²	8m ² per room / 12m ² for a double	8.4m ² and 13.6m ²

The dwelling provides only a small amount of private amenity area but considering the rural setting, an exception to the MHDS is considered appropriate in this instance. Due to the detached nature of the site, the future occupiers of the new dwelling are unlikely to experience overlooking and privacy issues from adjacent dwellings. Furthermore, the detached siting of the dwelling is such that the proposal shall not result in detrimental overshadowing or outlook impact for resultant occupiers. There are no objections raised to matters of amenity and the development is considered acceptable under the provisions set out under Policy BNE2 of the Local Plan.

Highways

The site will be accessed via an existing vehicular entrance and an upgraded access track. The access track is steep in places but with a new surface, this is not unacceptable. The Council's minimum parking standards require two vehicles spaces to be provided for the resultant dwelling, and these are provided within the proposed courtyard. Although concern has been raised from neighbours regarding access over land which is not owned by the development, this would be a civil matter for the relevant parties to agree. Nevertheless, under Policy T1, T2 and T13 of the Local Plan, the development is acceptable under highway considerations.

Local Finance Considerations

None relevant.

Conclusions and Reasons for Refusal

The proposed residential development would be outside the confines of any recognised town or rural settlement and within a Metropolitan Green Belt, Area of Outstanding Natural Beauty and Area of Local Landscape Importance and fails to demonstrate any recognised rural special needs justification for new residential development in the countryside. The resultant dwelling by virtue of its massing, scale and residential additions would have a greater visual impact than the existing structures and as such would harm and detract from the character and appearance of the open countryside. The alterations required to allow for a conversion to residential accommodation would amount to substantial construction. The development is therefore contrary to the objectives of the NPPF and contrary to Policies BNE1, BNE25, BNE27, BNE30, BNE32 and BNE33 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the extent of the representations received expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here

<http://publicaccess.medway.gov.uk/online-applications/>