

**MC/22/1780**

**Date Received:** 19 July 2022  
**Location:** Abel Barn Main Road  
Cooling Rochester  
**Proposal:** Retrospective application for the change of use of agricultural land to residential garden together with boundary fencing and gates  
**Applicant** Mr Darren Reavell  
**Agent** Mr Dennis Reavell  
Kilree  
Red Street  
Southfleet  
DA13 9QE  
**Ward:** Peninsula  
**Case Officer:** Amanda Barnes  
**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 6<sup>th</sup> October 2022.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be maintained in accordance with the following approved plans:

Received 3 August 2022:

18722-1 Rev 4 - Site Location Plan and Proposed Block Plan  
18722-2 Rev 3 - Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

**Proposal**

This application seeks a retrospective change of use from agricultural land to residential garden area together with a small section of close boarded fence with gate and 5-bar gate.

## Relevant Planning History

MC/20/2486	Construction of a detached 3-bedroom dwelling with associated parking (Re-submission of MC/20/1126) Decision: CAP Decided: 14 January 2021
MC/20/1126	Construction of a two-storey detached dwelling with associated parking Withdrawn 23 June 2020

## Representations

The application has been advertised on site, and by individual neighbour notification to the owners and occupiers of neighbouring properties. **EDF Energy, Historic England, Churches Conservation Trust** and **Cooling Parish Council** have also been consulted.

**One letter** has been received raising the following:

Design statement details a close boarded fence 2mm high with a 1-meter access gate installed at the Southeast corner of Abel Barn. The original plans detailed a side gate/fence to match the height of the existing fence at a height of 0.9m. The height of 2m is unacceptable from the view of the neighbouring property.

**Dickens' Country Protection Society** has raised objection stating that the size of the curtilage is adequate to serve the dwelling and should not be extended.

## Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

## Planning Appraisal

### *Background*

An application (MC/20/2486) for the construction of a detached 3-bedroom dwelling with associated parking (Re-submission of MC/20/1126) was approved 14 January 2021. This application did not include the small area of land to the west of the site. It has since been established that the applicants are the owners of this land and as such, they have applied to alter it from agricultural to residential garden land with the associated boundary treatment.

## *Principle*

The land measures approx. 2.2m wide by 62.5m long stretching north to south along the west side of the property (Abel Barn) and east of Colling Castle Farmhouse. Due to the size of the land and its location, together with the fact there is an electricity pole on the land (belonging to UK Power) the land is not considered to be suitable for agriculture and the incorporation of this land into the site is considered acceptable and in accordance with Policy BNE48 of the Local Plan.

## *Design and Impact on the Historic Environment*

Cooling is a small linear settlement with the medieval core including the castle and church which are focussed to the west and the 20th century phase situated to the east of the church. The whole is set within the wide, open marshland of the Hoo peninsula. The settlement is most notable for its medieval castle and church which sit on Cooling Road. The church is listed at Grade I and dates to the 13th century with later alterations in the 19th century.

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The application site is a strip of land located between Cooling Castle Farmhouse and the newly built Abel Barn to the west of Grade I Listed St James' Church on the opposite side of Cooling Road. The proposal is for the retrospective change of use of a thin strip of land from agricultural land to residential garden. A close boarded fence 2m high, has been installed along the west side of Abel Barn to add privacy to the property and a 5-bar agricultural gate 1m wide has been installed at the northwest corner of the plot to give access to UK Power who own the electricity pole that is sited on the land. The land itself is laid to grass and this has not altered. The original planning application MC/20/2486 for the house conditioned a boundary fence along the original western boundary of the site, this is no longer required as the western boundary will be formed from the existing fence on the eastern side of Cooling Castle Farmhouse. Incorporating the land into the garden area of Abel Barn has therefore removed the need for an extra boundary fence thus simplifying the view from the road.

The proposed development takes account of the rural situation and responds with appropriate boundary treatment. The application site sits at a slightly lower level than that of the Churchyard and removing the additional boundary increases openness of the setting, preserving the key panoramic views from the church north across the fields and marsh towards the Thames ensuring that the setting of the Church is maintained satisfying the requirements of paragraph 202 of the NPPF.

It is considered that the impact on the grade I listed church amounts to less than substantial harm which balanced against the wider benefits is considered acceptable

having regard to, and in accordance with Policies BNE1 and BNE18 of the Local Plan and paragraphs 126, 130 and 202 of the NPPF.

### *Amenity*

Paragraph 130f of the NPPF and Policy BNE2 of the Local Plan relate to the protection of residential amenity.

Due to the nature of the proposal, it is considered that there will be no harm caused to the closest neighbour is that at Cooling Castle Farmhouse.

It is considered that the proposal would be in accordance with Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF.

### *Trees*

There is a large sycamore tree in the neighbouring garden, however due to the nature of the application it is considered that the tree will not be impacted by the development, in accordance with Policy BNE43 of the Local Plan and paragraph 131 of the NPPF.

### *Highways*

In terms of impact to the highways, given that this application is for a change of use of the land from agricultural to garden land no objection is raised.

The application is considered to be acceptable in respect of the transport and parking Policies T1, T2 and T13 of the Local Plan and paragraphs 111 of NPPF.

## **Conclusions and Reasons for Approval**

It is considered that the details of the proposal are acceptable as there would be no detrimental impact on the character and appearance of the area, amenities of neighbouring residential properties, trees, or highways. There would be little impact on the setting of the Grade I Listed Church. The application is considered to be in accordance with Policies, BNE1, BNE2, BNE18, BNE43, BNE48, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 111, 126, 130, 131 and 202 of the NPPF.

This application is reported to Planning Committee for Members consideration for consistency, as the application for the original dwelling was considered at Committee.

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## **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://publicaccess1.medway.gov.uk/online-applications/>