

**MC/23/1257**

**Date Received:** 2 June 2023  
**Location:** Keeper Barn Upper Bush Road, Cuxton Rochester  
**Proposal:** Change of use and conversion of agricultural barn to a residential dwelling.  
**Applicant** Vineyard Farms Ltd  
Mr Steve Chappell  
**Agent** DHA Planning  
Mr John Collins  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
ME14 3EN  
**Ward:** Cuxton, Halling and Riverside Ward  
**Case Officer:** Chantelle Farrant-Smith  
**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 22nd November 2023.**

### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 15 August 2023:  
1381 002C - Proposed Plans and Elevations

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

- 3 No development above slab level shall take place until samples, in form of a sample board, of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

4 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken in accordance with the approved scheme, by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,  
property (existing or proposed) including buildings, crops, livestock,  
pets, woodland and service,  
lines and pipes,  
adjoining land,  
groundwaters and surface waters,  
ecological systems,  
archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management document (LCRM)'

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

5 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks (as identified in the written report submitted in accordance with condition 4) to human health, buildings and other property and the natural and historical environment must be prepared and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 The remediation scheme approved in accordance with condition 5 must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the remediation scheme approved under this condition a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 6 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

Reason: To avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 Prior to the installation of any external lighting on the site a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around

their breeding sites and resting places or along important routes used to access key areas of their territory;

- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved lighting strategy and these shall be maintained thereafter.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE37 and BNE39 of the Medway Local Plan 2003.

- 9 No vegetation clearance or development shall take place during the bird nesting season (March to September inclusive) unless a suitably qualified ecologist has first confirmed that no nests or dependent young are present (nesting bird checks within 24 hours of work commencing).

Reason: Required before commencement to ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 10 Prior to the first occupation of the development hereby approved, an ecological enhancement plan formulated in line with the Biodiversity Opportunity Area (BOA) target list of the area, detailing the ecological enhancement measures to be incorporated within the site shall be submitted to and approved in writing by the Local Planning Authority. The enhancement plan shall be provided in accordance with the approved plan prior to first occupation and shall be retained thereafter.

Reason: Required before commencement to ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 11 If the scrub habitat is to be lost by the proposed development, a reptile precautionary mitigation strategy will need to be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed measures prior to the occupation of dwelling.

Reason: Required before commencement to ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A, B, C and E of Part 1, and

Class A of Part 2, of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 Prior to the first occupation of any part of the development herein approved, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 15 The design and structure of the development shall be of such a standard that all habitable rooms exposed to external noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night in accordance with details submitted to and approved in writing by the Local Planning Authority. The details shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. The dwelling shall not be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenity of occupiers of the development site are not adversely affected by noise from transport or commercial noise sources in accordance with Policy BNE2 of the Local Plan.

- 16 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change Statement received 2 June 2023. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 158 of the National Planning Policy Framework 2023.

- 17 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

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

### **Proposal**

The proposed development seeks to convert an existing redundant barn at Keepers Farm to a residential property with associated parking to front and garden area to west side and rear.

The proposal would comprise of internal and external alterations including the insertion of windows and a two-storey glazed element to rear to facilitate the conversion to a residential property.

The proposed dwelling would comprise of a lobby area, open plan kitchen/dining area, utility and WC, living area, snug and study at ground floor together with family bathroom, three double bedrooms, and one master bedroom with dressing room and storage area at first floor.

The dwelling would be approx. 23.2m in width, 7m in depth and 6.2m in height to the ridge.

## Relevant Planning History

MC/18/1405

Change of use of redundant agricultural barn to a residential dwelling.

Decision: Approval with Conditions

Decided: 15 February 2019

## Representations

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

Cuxton Parish Council, The Kent Downs AONB, Environment Agency, RPSB and Kent Wildlife Trust have also been consulted.

**4 Letters** have been received raising the following objections:

- While this is a resubmission of previous approval, the character of the immediate farm has changed and is more intensive, with greater use of agricultural vehicles from early hours until late hours. Not good amenity for prospective occupiers.
- Barn still appears to be in use.
- Not for agricultural worker but private sale.
- Concern re potential multi occupancy.
- Detrimental impact on conservation area and character of the AONB.
- Impact of lighting from the property on this rural area.

**Dickens Country Protection Society** comment that this is similar to a previous approval and the same conditions should be imposed.

**KCC Ecology and Biodiversity** have commented that sufficient ecological information has been submitted and if the application is approved conditions should be imposed regarding:

- A lighting design plan,
- Measures to enhance biodiversity.

**Cuxton Parish Council** have made the following comments:

- Building should be in decline for a substantial number of years prior to conversion which it has not as has been used for storage.
- The design should be in keeping with the character of the area and the unobstructed views through the dwelling are not in keeping, request the applicant submit an outline application to allow design to be dealt with through a reserved matters application.

**Kent Downs AONB** made comments that the existing building is of substantial size and of little architectural merit and the conversion would result in a building that would appear over scaled. The introduction of domestic fenestration and doorways would

appear incongruous and worsen the impact. Notwithstanding that it is acknowledged that there is a previous permission and therefore if a new permission is granted there should be changes to the design to reduce the potential for light pollution through the large areas of glazing, maybe by omitting these, and having additional landscaping to mitigate light pollution from the main living areas during dark.

## **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 2023 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

## **Planning Appraisal**

### *Principle*

The application site lies outside the urban boundary or within any rural settlement boundary, as defined on the proposals map of the Local Plan and is therefore within the open countryside. The site also lies within a Conservation Area and within the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area.

Policy BNE25 seeks to ensure that development maintains or enhances the character, amenity and functioning of the countryside as well as re-using an existing building that is considered to be in keeping with the area. Policy BNE27 relates to the re-use of buildings in the Countryside and advises that development involving the re-use or adaption of an existing building will be permitted provided that:

- The building is of substantial construction and will not need major or complete reconstruction.
- The form, bulk and design will be in keeping with the surroundings.
- The buildings character or its setting are not damaged.

Paragraph 80 of the NPPF advises against isolated homes in the Countryside unless c) the development would re-use redundant or disused buildings and enhance its setting.

There is a previous permission for the conversion of this building in 2019 and while that permission has lapsed the Development Plan for the area remains unchanged and the essence of the NPPF in relation to such conversions remains unchanged.

This is an application to convert an existing building with no increase in floor area and the building is of substantial construction.

The principle of the development is therefore accepted and accords with Policies BNE25 and BNE27 of the Local Plan and paragraph 80 of the NPPF, subject to consideration of matters of detail.

### *Impact on the Conservation Area*

Policy BNE12 seeks to ensure the preservation and enhancement of the character and appearance of conservation areas.

It is considered that the proposed development would not affect the surrounding buildings which are situated outside of the site boundary and the re-use of this building would enhance the appearance of the building and its relationship with the Conservation Area. This proposal would enable the existing building to be maintained and to ensure it can be sustained for present and future generations, enhancing their significance, and forming part of the setting of the conservation area. There are existing residential properties within the vicinity of the proposal site, therefore the change of use to residential is not out of character within the area. It is therefore considered that the proposal would positively contribute to the conservation area and retain its significance.

The proposal therefore accords with Policy BNE12 of the Local Plan and the relevant paragraphs in section 16 of the NPPF which seek to conserve and enhance the historic environment.

### *Impact on Areas of Outstanding Natural Beauty*

Policies BNE32 and BNE33 relates to Areas of Outstanding Natural Beauty and special landscape areas. The policies state that proposal will only be permitted if they conserve and enhance the natural beauty of the area's landscape and would not have impact on the local economy.

As stated above, the reuse of this building would improve the overall appears of the building by replacing the asbestos roof and corrugated panels and has been designed in such a way that would sit well within the local landscape and would not result in a negative impact on the surrounding area. There are several residential dwellings within the immediate area and therefore an additional dwelling would not be out of character.

Appropriate conditions are recommended to ensure suitable materials are used externally on the conversion, that the boundary treatments respect the character of the area, that lighting impact is minimised, that permitted development rights are removed for future external alterations and additional landscaping is secured to settle the development into the landscape.

The proposal therefore accords with Policies BNE32 and BNE33 of the Local Plan and paragraph 176 of the NPPF.

### *Design*

The proposal would remove the existing asbestos corrugated sheeting but retain the concrete frame for the new residential dwelling. The frame of the structure would be clad and there would be new roof tiles. There would also be new window and door openings to facilitate the rooms to be created internally. Large, glazed openings will be created on the front and rear elevation to reflect the large barn doors that exist on

the front and, on some similar agricultural buildings are carried through to the rear. The submitted information demonstrate measures such as large timber sliding doors and Optifloat tinted glass to further mitigate any harm caused by the introduction of glazing within the conversion. In principle it is considered the proposal is well designed and would maintain the scale and profile of the farm building and in turn the appearance of the area. Subject to an appropriate condition requiring the submission of further information regarding all external materials to be used in the conversion, it is considered that the scheme has been well and appropriately designed for its setting.

Subject to the above condition, the proposal would preserve and enhance the character and appearance of the Upper Bush Conservation Area in line with Policies BNE1, BNE12, BNE25 and BNE27 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *Amenity*

Paragraph 130f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

There are two main amenity considerations, firstly the impact of the proposed use on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

### *Neighbouring Amenity*

Keepers Barn is located approx. 30m from the nearest residential property and as such the proposed conversion to residential would not result in an increase of direct overlooking into neighbouring properties. It is not considered that the proposal for 1 dwelling would result in a significant increase of comings and goings or noise emittance that would be detrimental to neighbouring amenity.

To maintain the single-family occupancy of the site in the interest of amenity, it is also necessary to remove permitted development rights for conversion to small HMO to ensure the single-family occupation which is a character of this area is maintained in the interest of amenity.

### *Future Occupant Amenity*

It is also necessary to consider whether satisfactory environment would be provided for the future occupier of the proposed dwelling in compliance with the Technical Housing Standards – Nationally described space standards March 2015.

The table below shows the minimum gross internal floor area expected against the proposed dwelling.

	Number of Bedrooms	Number of bed spaces	2 storey dwellings
Standard	4	8p	124m <sup>2</sup>
Proposed	4b	8p	Approx. 296m <sup>2</sup>

The proposed dwelling would accommodate a rear garden up to the depth of 8.3m and a side garden measuring approximately 8m in width which is considered acceptable for a dwelling of this size. The dwelling would be provided with bedrooms which exceed minimum housing standards, and all habitable rooms would have adequate outlook and sunlight.

To ensure that the existing farm use does not result in a unacceptable level of noise a sound report demonstrating that habitable rooms exposed to external noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night which will be secured by condition.

Subject to the recommended conditions, there are no objections with regard to neighbour or occupant amenity and the proposal would comply with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Highways*

The proposed layout demonstrates parking to the front of the dwelling. The Medway (interim) Parking Standards state that a dwelling comprising of 3 or more bedrooms should facilitate a minimum of 2 off road parking spaces. The proposal can accommodate a number of vehicles above the minimum requirement that would be accessed via an existing access into the site and neighbouring farm courtyard. It is therefore not considered that the conversion of the barn would result in a significant increase in traffic to and from the site, nor would it cause harm to highways safety. As such there are no concerns raised in relation to highways or parking grounds.

The proposal would comply with the provisions of Policies T1 and T13 of the Medway Local Plan 2003.

### *Climate Change and Energy Efficiency*

The submitted Climate Change statement sets out measures to tackle climate change within the scheme including low voltage lighting, low water use by using energy saving taps, fittings and WCs together with EV charging points and suitable measures in accordance with Document L of Building regulations. The measures proposed within the Climate change statement will be secured by planning condition in accordance with paragraph 158 of the NPPF.

## *Ecology*

KCC Biodiversity are satisfied with the finding of the submitted Preliminary Ecological Appraisal and have recommended conditions to secure measures to protect roosting bats and nestling birds; lighting conditions to protect in particular badgers and bats and measures to improve biodiversity.

Subject to recommended conditions the proposal would be in accordance to Policy BNE39 of the Local Plan and paragraph 174 of the NPPF 2023.

## *Contamination*

This application is supported by a Phase 1 Site Assessment (by Enlogica) dated 28 March 2023. The report summaries that there is the potential for localised contamination present within shallow soils. There also remains the potential for migration of contaminants to the Principal Aquifer of the Middle Chalk via downward migration. The report recommends an intrusive investigation be carried out to identify the risks associated with potential contamination. This will be secured through the recommended conditions.

Subject to these conditions, the proposed development would comply with the objectives of Policy BNE23 of the Medway Local Plan 2003 and Paragraphs 183 and 185 of the NPPF.

## *Bird Mitigation*

The application site falls outside the designated area where a contribution is necessary, and no objections are therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

## **Conclusions and Reasons for Approval**

The proposal to convert the barn to a residential dwelling together with alterations is considered acceptable in principle and accords with the Development Plan. The proposal would not result in a harmful impact on the character or appearance of the area or the setting within countryside and conservation area nor would the proposal cause harm to the amenity of neighbouring and nearby residential occupiers. The proposal would not cause harm or result in unacceptable traffic levels to and from the area. Subject to conditions, the proposal would comply with Policies BNE1, BNE2, BNE12, BNE14, BNE23, BNE25, BNE27, BNE32, BNE33, BNE35, S6, T1 and T13 of the Medway Local Plan 2003 and Paragraphs 8, 78, 79, 80, 111, 126, 130, 176, 177, 180, 181, of the NPPF 2023.

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

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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/>