

- a) **DOV/16/00055 – Conversion of existing redundant building to residential and erection of a linked single-storey dwelling to form one dwelling and erection of a workshop, and associated driveway, access and parking and turning area for dwelling and workshop (Planning Application) – The Wilderness and the Former All Saints Church, Church Lane, West Stourmouth**

DOV/16/00056 – Conversion of former schoolhouse to residential and erection of linked single-storey dwelling (Listed Building Consent) – The Wilderness and the Former All Saints Church, Church Lane, West Stourmouth

Reason for report: The number of third party contrary views and requested by councillor.

- b) **Summary of Recommendation**

Planning Permission be Refused.

Listed Building Consent be Refused

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

- Policy DM1 states that development will not be permitted on land outside the urban boundaries and rural settlement confines, unless justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development;
- Policy DM3 sets out that for commercial buildings in the rural area, in all cases development should be within rural settlement confines unless it can be demonstrated that no suitable site exists, in which event it should be located adjacent to the settlement unless there is a functional requirement for it to be located elsewhere;
- Policy DM4 sets out that beyond the confines of Rural Service Centres, Local Centres and Villages permission will be given for the re-use or conversion of such buildings as follows: (i) for commercial uses (ii) for community uses in buildings that are closely related or adjacent to the confines (iii) for private residential use in buildings that are adjacent to the confines. In all cases the building to be re-used or converted must be of suitable character and scale for the use proposed, contribute to local character and be acceptable in other planning respects.
- Policy DM11 advises that development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that will help to satisfy the demand. Development beyond the urban confines must be justified by other development plan policies.

- Policy DM13 sets out parking standards for dwellings and states that provision for parking should be a design-led approach based upon the characteristics of the area, the nature of the development and design objectives;
- Policy DM15 sets out that development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted in certain circumstances, provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character;
- Policy DM16 sets out where the landscape is harmed, development will only be permitted if it is in accordance with allocations made within the Development Plan Documents and incorporates necessary mitigation or it can be sited so as to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts.
- Policy CP1 advises on the hierarchy of settlements throughout the Dover District and states that a hamlet, is not suitable for future development unless it functionally requires a rural location;
- Policy CP2 identifies the requirement for allocating land for houses and employment;
- Policy CP3 identifies the distribution of housing allocations, stating that land to be allocated to meet the housing provisions of CP2 will include land for 1,200 homes in rural areas.
- Policy CP5 requires all new residential properties to meet Code for Sustainable Homes level 4 and encourages the incorporation of energy and water efficiency measures in non-residential buildings under 1,000sqm gross floor space.
- Policy CP6 requires infrastructure to be in place or provision for it to be provided to meet the demands generated by the development.
- Policy CP7 seeks to protect and enhance the existing network of Green Infrastructure, and states that integrity of the existing network of green infrastructure will be protected and enhanced.

Dover District Land Allocations Local Plan 2015

- None relevant

Material Considerations

National Planning Policy Framework

- The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Para 7 sets out there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- Paragraph 8 continues that these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
 - Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development and that for decision-taking this means approving proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.
 - The NPPF sets out 12 core planning principles, which includes securing high quality design and a good standard of amenity for all existing and future occupants and conserving heritage assets in a manner appropriate to their significance, so that that they can be enjoyed for their contribution to the quality of life of this and future generations.
 - Paragraph 49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered

up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- Paragraph 55 sets out to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- Paragraph 56 sets out good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- Paragraph 58 sets out Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:
 - will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.
- Paragraph 60 states that whilst planning decisions should not impose architectural styles or particular tastes, it is proper to seek to promote or reinforce local distinctiveness
- Paragraph 61 includes that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- Paragraph 128 requires the applicant to describe the significance of any heritage assets affected, including any contribution to their setting.
- Paragraph 131 sets out that local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- Paragraph 132 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Paragraph 133 sets out Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- Paragraph 134 sets out where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal, including securing its optimum viable use.

National Planning Policy Guidance

- Provides guidance on matters relating to main issues associated with development

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority...shall have special regard to the desirability of preserving the building or its setting'.

Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.'

Section 72(1) states that 'In the exercise, with respect to any building or other land in a conservation area, ..., special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.

Dover Heritage Strategy

An objective of the Strategy is to "*ensure the intrinsic quality of the historic environment is protected and enhanced and that these assets are used to positively support regeneration*".

Historic Environment in Local Plans; Good Practice Advice (GPA) (2015) and The Setting of Heritage Assets; Historic Environment Good Practice Advice in Planning: 3

The GPA's provides information to assist in implementing the policies in the NPPF and the NPPG in respect of alterations to listed buildings and development affecting their setting.

The Kent Design Guide

Sets out examples of good design across a broad spectrum of development types and identifies a number of guiding principles.

d) **Relevant Planning History**

93/00534 – Change of use to office accommodation, the Old School Building, The Wilderness, West Stourmouth - Granted

14/00665 – Erection of a workshop building, formation of a new access and road and creation of parking – Refused in relation to impact on heritage assets and failing to preserve the setting of listed buildings and the conservation area; and development outside village settlement levels of activity and additional travel demand would be unsustainable and would harm the character and appearance of the countryside.

PE/15/00135 – Pre-application Advice

e) **Consultee and Third Party Responses**

Full Application

Environmental Health – No objections

DDC Ecological Officer – No objection, subject to conditions securing proposed mitigation and recommendations

DDC Tree Officer – No Objections

Historic England – determine the application on the basis of national and local policies and the specialist in-house conservation advice.

KCC Archaeology – No response received

KCC Prow – No comments

Stourmouth Parish Council – response received for listed building application, see below.

Public representations: Eight letters of support have been received, outlining the following:

- The site has been a waste ground used for dumping
- the plans would be fantastic for the village
- applicant has family links to the area
- support the use of the redundant building and workshop to enable a small business in a rural area
- type of small scale regeneration in the area is much needed and should be welcomed
- the development will help maintain the Church
- the designs are in no way damaging to the church or the mortuary building, which has been empty for some time
- this will ensure the longevity of the listed building
- no visual impact from the road or Churchyard
- this will add to the history and heritage of the village
- Friends of Stourmouth Church fully support the application, having the Church used in such a way would be excellent
- would benefit newcomers to the profession and will help to develop business and employment opportunities

Listed Application

Stourmouth Parish Council – comment as follows:

- Landscaping and wildlife provision compensate for site being a conservation area
- Area has a history of flooding so why are the buildings not raised?
- Sewage/surface water pollution concerns.
- Vehicle entrance may have implications for pedestrians on footpath
- Not clear why the Church is shown on the plans

The comments have been considered but are not relevant to the determination of a Listed Building Consent application.

Public representations: One letter of support has been received.

- f) 1. **The Site and the Proposal**
- 1.1 The application site falls within the countryside, within the West Stourmouth Conservation Area and includes two listed buildings. There are also listed dwellings opposite the site. West Stourmouth has no settlement confines and any development is sporadic in nature.
- 1.2 The red line of the application site includes All Saints Church and the old library/school building.
- 1.3 The site is approximately 0.5ha and is accessed from Church Lane. It has been recently tided up having been previously subject to fly tipping and it comprises open countryside with sporadic trees within and around the boundary. There are level changes within the site, likely as a result of a former use as a quarry (although this use has long ceased). There is a mound towards the centre of the site which screens the land to the rear. There is a bank up to the open countryside to the rear and south. The land has been restored forming an attractive greenfield setting for the listed building and conservation area.
- 1.4 The old school building (potentially previously also used as a morgue and library), is a Grade II listed building and located within the site. The building is single storey and was constructed mid-19th Century having yellow stock bricks and slate roof, with porch, gables, and chamfered light windows on the return elevations. This building is small scale and is located south of All Saints Church.
- 1.5 All Saints Church is a Grade I listed building. It's main fabric is Saxon, with some 12th and 15th Century windows, and with additional physical alterations and replacements. It is currently under the care of the Churches Conservation Trust (a charity that protects historic churches).

- 1.6 The proposal seeks the erection of a new dwelling and a workshop and also the change of use of the former school to residential. The former school will form part of the dwelling through a new link joining it to the new building. The proposal also includes access to the site, a driveway, two parking spaces for the dwelling, and four parking spaces and associated turning area for the proposed workshop.
- 1.7 The proposed workshop would be located in the eastern most section of the site. It is single storey. It has 9 parking spaces and covered bike racks. The access would come from Church Lane, past the proposed dwelling and curve around the existing mound to the rear. The workshop would be open Monday to Friday 8am to 5pm and closed on the weekend.
- 1.8 The workshop would be used by an organ repair and building practice currently based in in The Old Cartwright School, The Street, Ash. The company began in Kent over 140 years ago. They outline plans to expand the business, with an increase in staff numbers and apprentices. The lease in the current premises is due to expire and they seek purpose built premises to allow for their plans to come to fruition.
- 1.9 The proposed new dwelling is located north of the site and would provide 4 bedrooms. It is set in the recessed area of land behind the former school building, and includes a link to the building which would then become a study or family room. One of the bedrooms would be provided as a guest room for visitors, including staff that may be required on site overnight.
- 1.10 The applicant outlines the new premises are required for the following reasons:
 - The existing site has a narrow access making it difficult to load/unload; the buildings are no longer suitable for the daily operations of the business, particularly as the operations expand the business grows.
 - There is a need for large, dry, and heated storage spaces during the gluing and sealing process of whole pipes. The existing building has problems for drying and infiltration of unwanted pollutants and poses problems for tuning or 'voicing'.
 - Insufficient space means the voicing of the largest pipes cannot take place in the workshop as there is insufficient ceiling clearance.
 - Current site needs to use shipping containers in the car park for storage, which has led to damage to components and materials and vandalism and theft.
 - Theft has become an increasing occurrence, attributed to poor natural surveillance over the internal parts of the site and difficulty in securing the ageing buildings. As such a modern building and permanent on-site presence (through the dwelling) would deter potential thieves.

- The gluing process and sealing of pipes can extend into the night and due to the delicate nature requires regular checks and issues require immediate action. The dwelling would provide the necessary overnight presence when required in appropriate conditions
- The existing buildings are poorly insulated which has problems for drying and infiltration of unwanted pollutants into glues and materials which can cause problems for tuning the organs and causes delays.

1.11 The application also outlines the following considerations:

- the company will utilise the church for the occasional testing of pipes and demonstrations and talks to apprentices. This would involve position the 'voicing machine' behind the existing organ on the south side of the church. This is free standing and would be transported from the workshop as and when needed.
- in return for the use of the church the applicant proposes to enter into an agreement with CCT to maintain the building in perpetuity. It would secure the future conservation of a heritage asset. The financial support is essential to ensure the future maintenance of the church and to allow it to stay open to the public, something that cannot be guaranteed by the CCT.
- An email from CCT was provided with the application outlining the following:
 - Extremely small charity for the number of churches in our care...
 - Since All Saints was vested to our care the CCT have needed to spend over £150k to bring it into a safe state of repair and now fundraise across the organisation to raise unrestricted funds to enable us to cover its annual running and maintenance costs of over £2000 per annum plus regional staff costs...
 - the future of all the churches in our care, including All Saints, is never certain as the CCT has to rely on funding from the DCMS, Church of England and general donations to continue its work, each year the funding we receive...is reduced and we need to rely more heavily on other fundraising sources, including donations, regular hire etc...
 - the use of All Saints by F.H. Browne & Sons, and the regular hire fee this provides will help secure the future of All Saints, enabling us to maintain and open it for years to come. In addition this relationship, including the use of the church for apprenticeship training, will give access to this special place to a wider range or people.

- The applicant has close affinity to the area, and wishes to maintain the family connection to West Stourmouth
- There are no other suitable sites available that provide for quiet surroundings, on site presence day and night, and sufficient storage, testing and turning space. The application site offers the space require to create a bespoke building that fit the unique operations and processes involved
- The Wilderness provides the ideal topography to accommodate a building with minimal intrusion into wider views in the surrounding countryside
- the site also offers space to accommodate the proposed dwelling with minimal visual intrusion
- the proposals supports the re-use of rural buildings, and given the small size of the building and its internal layout a commercial or community capacity is unlikely to be viable
- it would also secure the long term future for the redundant building that will ensure its maintenance, responding to para 134 NPPF to secure the optimum viable use of designated heritage assets
- Residential capacity is appropriate to the surrounding context, Church Lane is characterised by its ribbon of dwellings and buildings fronting the road interspersed with green gaps and All Saints Road can be seen to be the bookend on the south side of the road.

2. **Main Issues**

2.1 The main areas of assessment are:

- The principle of the development;
- The impact on the countryside
- The impact on heritage
- The Impact on residential amenity
- The impact on the highway
- Other matters; and
- Conclusion

3. **Assessment**

Principle of development

- 3.1 Core Strategy Policy DM1 outlines that development should be located within settlement confines unless justified by other Development Plan Policies or it functionally requires such a location.
- 3.2 The application site is outside any settlement confines, and therefore is considered countryside. In this instance the application outlines that whilst it is accepted the development is contrary to planning policy,

there are exceptional circumstances to justify the development. These matters are considered further below.

- 3.3 In addition, in relation to the provision of a dwelling as part of the proposed development, as the District cannot demonstrate a five year housing land supply and having regard for paragraphs 14 and 49 of the NPPF, the Councils housing policies cannot be considered up-to-date. Whilst housing supply policies should not be considered up to date (in line with paragraph 49 of the NPPF), due weight should still be afforded to relevant policies in the development plan according to their consistency with the NPPF (paragraph 215 NPPF). Accordingly policies such as DM15, relating to countryside protection, and which accord with the objectives of the NPPF will still be afforded significant weight.
- 3.4 In line with the stated objective of the NPPF (paragraphs 7 and 8) for proposals to comply with the objectives of sustainable development, all three dimensions (economic, social and environmental) should be achieved. The specific matters relevant to this application are considered in the following paragraphs.

Impact on the countryside

- 3.5 DM15 sets out that development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted in certain exceptions. Policy DM3 sets out that commercial development outside the confines in the rural area will only be permitted if no suitable site exists but that it should be located adjacent to confines unless it functionally requires to be located elsewhere.
- 3.6 The proposed development would be located on a parcel of land with high banks around the boundary. The site includes the old school building, which would be linked to the dwelling. As noted above, there are residential properties opposite the site (to the west), the Grade I Church to the north, however the remaining area surrounding the site is open countryside.
- 3.7 The site is isolated from local services and facilities. It is over half a mile walk along an unlit road, or along the PROW to the nearest bus stop. It is therefore not considered a sustainable location in that regard.
- 3.8 The refused application consisted of the erection of a workshop only and it was considered by reason of its location, scale, design, appearance and associated development would give rise to a significant and detrimental development that fails to preserve the setting of the listed building or preserve or enhance the conservation area. It was also found to harm the character and appearance of the countryside. The current proposed development includes a larger area of built development with both a workshop and a dwelling proposed, and includes parking provision, access and a driveway as well as turning and manoeuvring areas sufficient to turn a van. The design has been revised from the previous scheme and it seeks to utilise the topography of the site. Both the dwelling and workshop would be

single storey and would not extend above the surrounding land level with both buildings embossed into the existing banks. Only the south facing elevations would be visible.

- 3.9 The proposal would not result in the loss of high value trees. The losses would only affect trees that are already defective and have a relatively short life expectancy. Their loss would not be widely visible, as the site would be retaining the majority of trees bordering the site.
- 3.10 Whilst it is recognised the proposed development would not be widely visible due to the change in land levels and the existing trees on site, it would still introduce an unjustified form of development to an unspoilt rural countryside location. The proposed access track would also be visible. The increase in built form across the site, including the access, would detract from the largely untouched site. Whilst it is appreciated efforts have been made to reduce the impact of the development, it is considered it would be out of keeping with the rural character of the site and its surroundings, detracting from its predominantly open nature.
- 3.11 Furthermore, it is not considered the business is essential to the functioning of the countryside. There is no evidence to show that the proposed development functionally requires such a location, nor that the business needs a dwelling onsite. The supporting evidence submitted outlines that the existing premises have a number of problems, and there is a need for quiet surroundings for the organ tuning process, along with need for presence on site all the time for the gluing process of the pipes and improved security. They outline given the bespoke nature of the requirements for the business, an alternative site could not be found.
- 3.12 Additional information was sought of the alternative sites considered and why specifically they were discounted. Details of four specific sites were provided, and reference to other types of industrial sites and a rural barn. These were discounted on size, noise from neighbouring uses and railways, cost, no onsite accommodation, or it required planning permission for works to existing barn.
- 3.13 The applicant outlines that the existing location is no longer considered suitable, however they have not explained why the potential for extending and/or altering their existing premises to meet the needs of the business is not possible. There is no substantive evidence to show there are no suitable sites available located within an existing settlement. In particular, whilst it is recognised the quiet surroundings may be advantageous, there is no substantive evidence (including using noise mitigation) to show that the business cannot be undertaken in an existing rural settlement or urban area, which it has done for many years. As such there is no operational requirement for it to be located in the countryside.
- 3.14 In terms of the provision for a dwelling, it is understood the applicant has a local connection and that the dwelling is sought for permanent on-site surveillance and security of the business to discourage increasing occurrences of theft and vandalism at the current site in Ash. It is also to respond to the issue of overnight presence required

for the gluing process. No formal records of the details of thefts and vandalism and no details of the number of occasions of overnight stays that were required within a calendar year have been submitted in respect of the of the existing site in Ash. However, it is not considered the reasons outlined carry sufficient weight. The applicants have not submitted any details of security measures that may have been put in place at their site in Ash, such as CCTV, security, lighting, security guards etc. No details are provided why other security measures would not be sufficient, particularly as this would be a new site and not the existing site where the current thefts have taken place. The site could also be accessed from the rear, the PROW extends across the open field behind the proposed workshop. In addition, accommodation for occasional overnight use could be included within a workshop or within the listed former school house as discussed in the heritage section to allow for the overnight gluing process. An example was provided by the agent in Canterbury which allowed a dwelling for on-site security for a business and long working hours. However this related to an existing business on a site and there was an existing building demolished where the dwelling was proposed. For these reasons it is not considered special circumstances have been demonstrated for the principle of a dwelling on site.

- 3.15 Overall it is considered the development is contrary to policy DM15 as it would result in the loss of, and adversely affect the character and appearance of the countryside. It does not meet the circumstances in which development would be permitted in this location. Furthermore it has not been demonstrated that no suitable site exists within or adjacent to an existing rural settlement (as required by the Core Strategy) or that it functionally requires the business to be located elsewhere. It is therefore contrary to Policy DM3. The proposal for a dwelling is also contrary to NPPF paragraph which sets out local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, which have not been demonstrated in this instance.

Impact on Heritage

- 3.16 The site is within the West Stourmouth Conservation Area and due to the position of the warehouse, the setting in of both the workshop and dwelling to be level with the churchyard, and the treatment of the only elevation of the dwelling which is visible from the highway it is considered that the harm will be negligible to none on the character and appearance of the conservation area.
- 3.17 Of the proposed two developments, the dwelling has potential to have the most significant impact on the setting of the grade I listed church. The warehouse, by being tucked into a corner of the site, would be visible in the context of the church only when within the site. The dwelling by being located closer to the public highway would be visible obliquely in the setting of the church. However, due to the dwelling being sunk below the level of the churchyard and the simple treatment of the visible elevation it is considered that the proposed dwelling would have a negligible impact on the setting of the church.

- 3.18 In respect of the Listed Building Consent application, the works would constitute a significant addition to the grade II listed school house. The dwelling would be attached to the former school house with a brick and glazed link which would replace a later single storey addition. The former school house is a modest structure measuring approximately 21 square meters and the proposed dwelling would result in the addition of 174 square meters. It is considered that this increase of almost eight and a half times the existing would result in the listed building becoming overwhelmed with modern development. It is appreciated that the proposed scheme has been designed to have the least physical impact possible, and that the main body of the dwelling house, by being set at a lower level than the former school house, would have limited visual impact from the public highway. However, it is considered that the proposed dwelling is an unacceptably large addition which would harm the character and appearance of the listed building.
- 3.19 The school house has been maintained and is surprisingly in a good condition considering its limited use and isolated location, and whilst it is agreed that any accommodation that it could provide would be fairly limited, it has not been convincingly demonstrated that the building could not be converted into a 'studio' type living space for occasional use as necessary for the function of the business.
- 3.20 A previous application was approved for the building for change of use to an office demonstrating that conversion to a low key use without significant alteration is not an impossibility
- 3.21 Paragraph 134 of the NPPF requires the harm to be weighed against the public benefits, which includes the optimal viable use of the listed building. It is not considered that the application demonstrates that the only or most appropriate solution to conserving the former school house is its amalgamation into a large dwelling. Consequently the public benefits do not outweigh the harm identified.
- 3.22 The development proposes to provide funds to cover the cost of maintenance of the Church. This would carry some weight, however the Church remains cared for by the Conservation Trust and whilst the details submitted indicated this provision of funds would be helpful to the Conservation Trust to ensure the Church can be maintained in the future, there is no evidence which suggests the Church is in imminent danger. Whilst it is recognised this would be a benefit along with the use of the church for the voice machine and training, it is not considered it outweighs the harm to the countryside from the workshop and its associated works and the dwelling.

Residential Amenity

- 3.23 The nearest neighbouring properties are located to the west. Given the design and orientation of the proposed dwelling, and distance to the neighbouring properties, there would be no loss of privacy or overlooking.
- 3.24 Environmental Health commented that there are no contaminated land issues relating to historical use of this land. Issues relating to potential

for noise complaints were investigated during a previous application for this site (DOV/14/00665) and no objections are raised by Environmental in respect of this application.

- 3.25 As such it is considered the development is acceptable in relation to amenity for existing neighbouring and future occupants of the land and buildings, in accordance with the core principles of paragraph 17 in the NPPF.

Highways

- 3.26 The proposals provide 9 parking spaces for the workshop and one bay for the parking of goods of vehicles. Two parking spaces are proposed for the dwelling. The parking provision is in line with Policy DM13.
- 3.27 In terms of trip generation to and from the application site, it is set out there would be 3no. or 4no. staff commuting to the workshop culminating in 6no. to 8no. trips to and from the site on a daily basis during the week. Large timber and other material deliveries occur three to four times a year; deliveries from smaller vans occur five to six times a year; and the business deliver products approximately three times a month, which requires use of a long-wheel base van. The application falls outside the protocol criteria for KCC to formally comment on the application, however the application was discussed with a KCC Highways officer who confirmed that the level and frequency of trips to and from the site would not result in a significant detrimental impact upon the existing road network.
- 3.28 Notwithstanding this point, in terms of the location of the site it is not sustainable in transport terms, with no access to public modes of transport within easy reach of the site.

Other Matters

- 3.29 Core Strategy Policy CP5 seeks all new residential developments to meet Code for Sustainable Homes. However this part of the policy is no longer being applied as the Government have withdrawn Code for Sustainable Homes. As such, this application is no longer required to achieve Level 4 Code for Sustainable Homes.
- 3.30 A Preliminary Ecological Appraisal and a Badger Survey were submitted with the application. The Preliminary Ecological Appraisal identifies reptiles may be found on site and a mitigation strategy is proposed to minimise any potential impacts. The works would involve the loss of a roost and therefore a EPSM licence or registration of the site under a Bar Low Impact Class Licence is required. It also recommends a bat box and any roof work done under watching brief by a licensed ecologist.
- 3.31 The Ecology Officer commented that the loss of a day roost for a single or very low number of brown long-eared bats is noted. Subject to the proposed mitigation given in 4.8.1.2 B. it is considered that the proposals conform to the requirements of the Habitats Regulations ('the three tests') in that there are overriding public interests in terms of a social and economic nature (Regulation 53 (2)(e)); that there is no

satisfactory alternative (Regulation 53 (9)(a); and the mitigation will ensure that the population of brown long-eared bats will be maintained at a favourable conservation status in their natural range (Regulation 53 (9)(b). The Ecology Officer also recommends the following is secured by condition in the interests of biodiversity, as suggested in the submitted report: ready-made bird boxes, bat roosting spaces, barn owl boxes and log piles

- 3.32 The Badger Survey sets out that two outlying setts are present on the site. It finds that Sett 1 may be disturbed and a licence required but the overall impact should be minor. The Ecology Officer outlines agreement with the indication that disturbance will be minimal and no mitigation is required. He outlines a condition ensuring that during construction all excavations are covered overnight, to prevent the undue trapping of animals is recommended.
- 3.33 Other points raised from the public consultation indicated concerns regarding flooding. The site is not located within a flood zone, however should the development be found acceptable then matters in relation to surface water drainage would be required.

Conclusion and Planning Balance

- 3.34 It is accepted the current location of the business may not be suitable for the current activities of the business or future expansion. However, it has not been demonstrated through substantive and detailed evidence that there are no other suitable sites available or that a dwelling is justified. There is a 5 year housing supply deficit, however an additional dwelling would only make a very small contribution towards this deficit. It is recognised the benefits in terms of the potential funding and use of the Grade I Church but it is not considered this along with the other circumstances put forward justify the scale and type of development proposed in the countryside in what is an unsustainable location. As such, the development would seriously harm the character and appearance of the countryside contrary to the Core Strategy Policies DM1, DM3, DM4 and DM15, and the NPPF.
- 3.35 The proposed dwelling constitutes a large extension to the grade II listed former school house. No justification has been submitted to demonstrate that this is the optimum viable use of the listed building that would ensure its continued preservation. Consequently, it is considered that the works proposed would result in unacceptable harm to the special interest of the listed building.

g) **Recommendation**

(A) Planning Permission be Refused for the following reasons:

1. The proposed development, by the virtue of its location and design, would result in an unjustified form of development within a sensitive rural location, and represents an unsustainable and inappropriate form of development which would harm the character and appearance of the surrounding area, contrary to

Policy DM1, DM3, DM4 and DM15 of the Core Strategy, and the aims and objectives of the NPPF.

2. The proposed extension by virtue of its size would not represent a sympathetic addition but rather result in an addition which would overwhelm the listed building with modern development and have a detrimental impact on the character and appearance of the listed building for which no overriding justification has been presented, and as such would be contrary to Government guidance contained within the National Planning Policy Framework (2012).

(B) Listed Building Consent be Refused for the following Reason:

1. The proposed extension by virtue of its size would not represent a sympathetic addition but rather result in an addition which would overwhelm the listed building with modern development and have a detrimental impact on the character and appearance of the listed building for which no overriding justification has been presented, and as such would be contrary to Government guidance contained within the National Planning Policy Framework (2012).

Case Officers

Kate Kerrigan and Alison Cummings