

a) DOV/16/1120 - Change of use from agriculture to light industrial workshop (Use Class B1) - Coxhill Farm, Coxhill, Shepherdswell, Dover

Reason for report: number of contrary views.

b) Summary of Recommendation

Planning permission be granted.

c) Planning Policy and Guidance

Dover District Council Core Strategy

- Policy CP1 states 'the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services'.
- Policy DM1 states that 'development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses'.
- Policy DM4 states 'Permission will be given for the re-use or conversion of structurally sound, beyond the confines for commercial uses'.
- Policy DM13 states 'parking provision should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for parking provision, should be informed by Kent County Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking'.
- Policy DM15 'development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if it is justified by a need to sustain the rural economy or a rural community'.

National Planning Policy Framework (NPPF) 2012

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 14 states 'that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole'.
- Paragraph 17 sets out the core planning principles... Planning should.... always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings..."take account of the different roles and character of different areas, promoting the viability of our main urban areas, protecting the Green Belts, around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it...."
- Paragraph 28 supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings, promote the development and diversification of agricultural and other land-based rural businesses.
- Paragraph 152 sets out that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of

these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate measures are not possible, compensatory measures may be appropriate'.

Other Guidance/Relevant Matters

None relevant.

d) **Relevant Planning History**

None specifically related to the building the subject of this application however DOV/99/00293 was for a change of use of stables and workshop to provide a light industrial unit and livery yard and granted on 23/07/1999. This application related to an adjacent building on the wider site.

(e) **Consultee and Third Party Responses**

Dover District Councils Environmental Health Officer:

No objections subject to the times of operation are restricted to between the hours of 08:00 hours and 18:00 hours Monday to Saturday, with no operations permitted on Sundays and Bank Holidays.

Kent Highway Services:

Verbal advice has been sought from Kent County Council highways they have said that the B1 use/activities proposed would be unlikely to generate more traffic than agricultural uses. In addition to this B1 use traffic is likely to be lighter and smaller than the previous agricultural use.

Shepherdswell and Coldred Parish Council – No objection

No objection to this application although the local planning authority may wish to consider placing limits on permitted working hours.

Third Party Responses:

Thirteen letters of objections have been received, raising a number of concerns including;

- The road into the village from the A2 which runs past Coxhill Farm is very dangerous and it is narrow with tight bends, how will it accommodate heavy duty vehicles?
- The farm units are in the middle of two very sharp bends. Lorries often get stuck, therefore further traffic pulling in and out of the farm is adding to this hazard. Horse riders and cyclists are particularly vulnerable on this piece of road.
- There is a bright light coming from the property which is a concern together with the impact of high noise and is changing the environment and this is cannot be peaceful for neighbours.
- The nuisance effect of an industrial related activity in such close proximity to a long-established residential dwelling.
- The grant of planning permission for B1 light industrial use will result in an official planning creep and what may start as something that does not offend the parameters of B1 effectively develops into B2 type use and then the statutory nuisance process starts all over again.

- There are careless storage gas or oxygen tanks and what might appear to be chemical barrels or drums just lying around and unattended in an open yard directly contravening the Health and Safety Executive legislation.
- These workshops are unsuited to B1 light industrial use, has an environmental impact study taken place.
- The plans for this site are extremely unsuitable to this previously quiet, country location and completely destroys the character of the village.
- The overall appearance of the site, the mess around its entrance and the noise makes the location unsuitable.
- The proposal will affect the whole locality, the users of local amenities and facilities which is rural and residential.

It should be noted that a number (9) of the objection letters have been received from third parties who are not local to the site.

1. The Site and the Proposal

- 1.1 The building forms one of a range of former agricultural buildings, and is accessed off Coxhill with direct access to the A2 on the outskirts of Shepherdsweil. The application site comprises an area of 190 sq metres, consisting of a stone barn with a floor space of 153 sq metres, which until recently was being used by a company who repaired agricultural machinery; this use was considered to be B2 use and was investigated by the local planning authorities Enforcement Officer and this has now ceased. The remaining site area is identified as vehicle parking for the proposed use. A storage container on the designated parking area would be removed.
- 1.2 The wider farmyard area has been historically divided into a number of different uses. The building to the south is being used as a livery yard with facilities for the users of the livery yard and a hay barn. The buildings to the east are used for farm storage and a small area of this building is currently being used by Elite Arborists (B1 use, permitted in 1999) see above history.
- 1.3 The site is located just off Coxhill which leads directly onto the A2 to the south west approximately 0.70km. There are two vehicular accesses onto the wider site. Both from Coxhill, the main access to the wider site lies to the north west of the site and serves the cottages, the stables/livery and farm storage area. There is a secondary access into the wider site adjacent to the application site.
- 1.4 Land to the south of the complex is fairly open and presently used for agriculture/grazing horses.
- 1.5 From Coxhill to the north of the site, the site is sporadically open to inward views. The side of Coxhill opposite the site is very heavily hedgerow and screened, so much that inward views from Coxhill are not achievable.
- 1.6 The site is located just off Coxhill which leads directly onto the A2 to the south west approximately 0.70km. There are two vehicular accesses onto the wider site. Both from Coxhill.

Proposed Development

- 1.7 Planning permission is sought for the change of use of the building to light industrial workshop (Use Class B1), along with the formation of an associated parking area.

1.8 The applicant has control of the whole site and has confirmed that it would be possible to erect a gate within the site, across the internal areas driveway/track to prevent vehicle movement across the whole site.

1.9 The applicant has achieved that the B1 use would be likely to generate 2 jobs.

2. **Main Issues**

2.1 The main issues in the consideration of this application are;

- Principle of the development
- Residential amenity.
- The impact on the landscape and visual amenity.
- Highway safety.

3.0 **Assessment**

Principle of Development.

3.1 Policy DM1 of the Dover District Council Core Strategy states 'development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses. In this case the proposal falls to be considered against policy DM4 of the Dover District Council Core Strategy which sets out 'permission will be given for the re-use or conversion of structurally sound, permanent buildings within Rural Service Centres, Local Centres and in Villages for commercial, community or private residential units'. 'Beyond the confines of Rural Service Centres, Local Centres and Villages permission will be given for re-use or conversion of such buildings for community uses in buildings that are closely related or adjacent to the confines'.

3.2 The National Planning Policy Framework paragraph 28 identifies planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and promote the development and diversification of agricultural and other land-based rural businesses. In terms of sustainability of location the site is in the close proximity to a major serve route (the A2).

3.3 The site is in a good location as far as transport links are concerned, the building the subject of this application is structurally sound and would be suitable for a commercial use. Overall the proposed change of use to a B1 use is considered to be acceptable in policy and National Planning Policy Framework terms. The principle of the development is therefore acceptable, subject to other matters

Residential Amenity

3.4 Complaints had been previously received by Environmental Health Officers relating to the use of the building for B2 use and the activities carried out by Elite Arboriculturist in the larger building.

- 3.5 The B2 use has ceased and it is understood that the Elite Arboriculturists are now operating within the B1 condition attached to their 1999 consent (i.e they are operating without causing noise and disturbance problems). Hours of work suggested by Environmental Protection have suggested 8am – 6pm Monday – Saturday, no work on Sundays or Bank Holidays.
- 3.6 A B1 use is a use which can be carried out in a residential area without detriment of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dirt or grit. Accordingly provided appropriate controls i.e conditions are in place to limit the hours of work, external storage, burning and external lighting, and appropriate hours as suggested by Environmental Protection, in this location, the development as proposed would not cause undue harm to residential amenity. Any change of use to a B2 use would require a further permission.
- 3.7 The mature hedgerow/tree screen to the north of the site alongside Coxhill would effectively mitigate noise and light spills that might be generated from the proposed use. Accordingly, subject to appropriate conditions and controls it is not considered that the proposed use and associated activities would harm residential amenity.

The landscape and visual appearance

- 3.8 DM15 refers to development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if it is justified by a need to sustain the rural economy or a rural community providing that measures are incorporated to reduce, as far as practical, any harmful effects on countryside character.
- 3.9 The wider farmyard site is visible across open landscape to the south. However, the application site the subject of this application is well screened from the south by existing buildings and their related uses. It is not considered therefore that the proposed use would adversely affect the character or appearance as such of the wider countryside.
- 3.10 With regards to the impact on Coxhill, there are no external alterations proposed to the building itself. A storage container currently visible from the street would be removed, to make way for parking for the B1 use. Overall it is likely the proposal would improve the appearance of the site, and the rural character of this part of the street.
- 3.11 Local residents have raised the issue of drums, gas bottles etc being kept on the site. However these have now been removed. Overall the development proposals would not result in harm to the character and appearance of the countryside.

Highway Matters

- 3.12. At present there vehicle activities relating to the existing lawful and historic stable/livery, B1 use and agricultural uses on the site. The main vehicular access into the wider site is from the north west and is the most used by vehicular traffic
- 3.13 Kent County Council Highways have advised that the B1 use proposed would be unlikely to generate more traffic than the lawful and agricultural uses currently being carried out on the wider site. In addition to this B1 use traffic is likely to be lighter and smaller in nature than agricultural uses. On this basis there are no highway objections. There is only space for 3 cars to park within the application site as such. However there is plenty of space available on the wider site (which is owned by the applicants) for vehicle parking. Vehicles will be able to turn and manoeuvre within the site, off the road.

4 Conclusion

- 4.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The application site is considered to be in a sustainable location close a major service route and would make good use of a rural building, whilst providing employment. In addition to this the proposed development would allow the local planning authority to regulate the use of the building with appropriate conditions which would help mitigate any potential impact. Overall this is a type of business enterprise that is suitable for the proposed location; it complies with the aims and objectives of policies set out in the Dover District Core Strategy and the National Planning Policy Framework.

g) Recommendation

- I. PERMISSION BE Granted for the subject to conditions to include, in summary: 1) time 2) development carried out in accordance with the approved details, 3) times of operation be restricted between 08:00 and 18:00 Monday – Saturday, no operations permitted on Sundays and Bank Holidays, 4) details of the parking / turning arrangements (which would involve the removal/re-location of the container), 5) restricted to a Class B1 use 6) controls over lighting
- II. The powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation, and as resolved by the planning committee.

Case Officer

Karen Evans