

- a) **DOV/16/01365 – Conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of three existing buildings) – Long Lane Farm, Long Lane, Shepherdswell (Planning Permission)**

DOV/16/01366 – Conversion and extension of barn and milking parlour to residential use – Long Lane Farm, Long Lane, Shepherdswell (Listed Building Consent)

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be refused

Listed Building Consent be refused

- c) **Addendum to Committee Report of 22 February 2018**

Introduction

- 1.1 This application was presented to planning committee on 22nd February 2018 when it was recommended that planning permission (DOV/16/01365) be refused for the following reasons:

(1) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. As such, and in the absence of any special circumstances which indicate otherwise, the proposed development represents an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1 and DM4 and the National Planning Policy Framework paragraphs 17, 29 and 55 of the National Planning Policy Framework.

(2) The proposed development, by virtue of the design of, and proposed steps to, the 'Barn' and the creation of large private garden areas which would be highly visible in views from the east and south-east, resulting in an intrusive and incongruous form of development which would adversely affect the character of the countryside and the character of the landscape, contrary to Dover District Core Strategy Policies DM15 and DM16 and paragraphs 17, 58, 61, 64 and 109 of the National Planning Policy Framework.

(3) The proposed development, by virtue of the scale and form of the extension to, and detailed fenestration of, the 'Former Milking Parlour' and the scale, form and detailed design of the steps to the east of, and use of black stained horizontal weatherboarding to, the 'Barn' would cause less than substantial harm to the curtilage listed buildings and the setting of the listed Long Lane Farm. In the absence of any public benefits which outweigh this harm, the development would be contrary to paragraphs 131, 132 and 134 of the National Planning Policy Framework.

It was also recommended that listed building consent (DOV/16/01366) be refused for the following reasons:

(1) The proposed conversion of the barn to residential use would by virtue of the subdivision of the internal space and detailed design impose an overtly domestic character on the listed building causing detrimental harm to its historic and architectural character and appearance as a former agricultural building for

which no overriding justification has been demonstrated, and would therefore be contrary to Government guidance contained within the National Planning Policy Framework (2012).

(2) The proposed conversion and extension of the milking parlour would by virtue of detailed design, scale, form and orientation at right angles to the listed building result in an overtly domestic character and appearance which is incongruous to its historic and architectural character and appearance as a former agricultural building, and result in the unnecessary loss of historic fabric, having a detrimental impact on the listed building for which no overriding justification has been demonstrated. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework (2012).

- 1.2 At the meeting, members resolved to defer determination of the applications to allow Officers to assess the additional information submitted, and for a site visit to be held on Tuesday 20 March 2018 to enable Members to: (i) Assess the impact on the character of the area; (ii) Consider the benefits of removing the unused buildings; and (iii) Assess the impact of the proposals, particularly the new dwellings, on the courtyard and listed farmhouse. A copy of the February Committee Report, which addresses all the relevant material considerations, is attached at Appendix 1.
- 1.3 Notwithstanding the submission made shortly before the committee meeting, there have been no new or updated consultation responses or representations by third parties since the application was last presented to planning committee.
- 1.4 This addendum will provide an update regarding additional information submitted.

Response to additional information

- 1.5 The letter states that alternative commercial uses are attainable under permitted development rights. Details of these potential uses have not been set out, whilst there is no prior approval application for a permitted change of use before the Council. Several potential changes of use have been explored within the Committee Report (paragraph 2.62), which concludes that due to the listed nature of some buildings, the existing use of buildings and the construction of others, it does not appear that the buildings on the site could be converted under permitted development rights and, consequently, no weight can be attributed in this respect.
- 1.6 It is opined that the only option for the site is the sensitive conversion of the existing buildings. Officers would support the sensitive conversion of the existing, structurally sound, buildings on site; however, the Committee Report details why this scheme before committee is not sensitive. The erection of new dwellings in the countryside has not been justified.
- 1.7 The agent states that the buildings to be converted are “not listed in their own right”. However, it must be acknowledged that the buildings are statutorily protected in the same way as principal listed buildings.
- 1.8 The agent has referred to numerous works which have been carried out to the building and that works will be necessary to allow for the conversion. However, the application has not been supported by detailed information as to the structure of the buildings to be converted or the significance (or lack of significance) of the buildings and their components, for example through detailed structural drawings

or a schedule of work. As such, the application has not provided the evidence required to demonstrate the impacts of the proposal.

- 1.9 The letter states that the existing milking parlour requires an extension “as its current size is not sufficient for use as a dwelling”. Without the proposed extension, the building could be converted to provide around 90sqm of living space, comparable to a typical two bed or small three-bed new build dwelling. It is unclear why this would be insufficient to accommodate a dwelling in this instance.
- 1.10 The agent has advised that the development will entail prohibitive costs to remove the existing building and address contamination, including reference to extensive asbestos. No evidence has been provided for these costs. The contaminated land report submitted with the application advises that contamination is not a constraint to development taking place, but that need for, and extent of, remediation cannot be known until trial trenching takes place.
- 1.11 It is suggested that the applicant has not been given the opportunity to work with the Council. The applicant was provided with detailed pre-application advice in December 2015. This advice raised significant concerns with the development and also provided advice regarding the best approach to improve the applications prospects of success. The application was submitted and was made valid in February 2016. Since submission, further detailed advice was provided; however, whilst some amendments were made, these did not address the majority of the concerns raised. Whilst it is not the case that only two e-mails were sent to the agent during the course of the application, this is not a material planning consideration and so, will not be addressed in this addendum. Should members require additional information regarding the discussions which have taken place during the course of the application, the case officer would be happy to answer any questions raised during the meeting.
- 1.12 KCC’s Archaeological Officer did not “fully endorse” the application, as suggested. The officer was “supportive of the principle of finding a sustainable new use for the locally significant group of historic farm buildings”, but also drew attention to: the need for appropriate details and materials to reflect the farmstead’s historic character; the need for careful and sensitive landscaping and management; the need for a programme of historic building recording; and the need for archaeological works. Given the difference of interpretation of this archaeological advice, a full copy of the advice is provided at Appendix 2 of this report.

Conclusions

- 1.13 The additional information which has been submitted does not raise any new material considerations. The majority of the points raised were addressed in the Committee Report presented at last month’s meeting. No further evidence has been provided to demonstrate that there would be any other additional public benefits beyond those identified in the February Committee Report.
- 1.14 The proposed development would be in a location, and provided in a manner, contrary to the development plan. There is no fall-back provision that would allow for a comparable development, for example by utilising prior approval or permitted development provisions. The proposed conversion and alteration of the listed buildings would cause harm to their significance as heritage assets and harm to the character and appearance of the countryside. No evidence has been submitted with the application which demonstrates that the proposed use of the listed building is the optimum viable use or that a more suitable use could not be

achieved that would also be compliant with planning policy. Even if the use could be demonstrated to be the optimum viable use, no evidence has been provided to demonstrate (in line with the principles of enabling development) that the quantum of new-build housing on the site (contrary to policy) is necessary to make the wider development viable.

- 1.15 As set out within the previous report to planning committee, the development would be located within the countryside in an isolated location. Whilst the development would provide some benefits, it is not considered that these benefits, either alone or in combination, are of sufficient weight to justify the application as a departure from the development plan. Neither does it demonstrate an overriding justification for the unnecessary loss of historic fabric, having a detrimental impact on the listed building. The additional information does not, therefore, alter the recommendations of the February Committee Report.

d) **Recommendation**

- I In respect of the full planning application, DOV/16/01365 for the conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of 3no. existing buildings), PERMISSION BE REFUSED for the following reasons:

(1) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. As such, and in the absence of any special circumstances which indicate otherwise, the proposed development represents an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1 and DM4 and the National Planning Policy Framework paragraphs 17, 29 and 55 of the National Planning Policy Framework.

(2) The proposed development, by virtue of the design of, and proposed steps to, the 'Barn' and the creation of large private garden areas which would be highly visible in views from the east and south-east, resulting in an intrusive and incongruous form of development which would adversely affect the character of the countryside and the character of the landscape, contrary to Dover District Core Strategy Policies DM15 and DM16 and paragraphs 17, 58, 61, 64 and 109 of the National Planning Policy Framework.

(3) The proposed development, by virtue of the scale and form of the extension to, and detailed fenestration of, the 'Former Milking Parlour' and the scale, form and detailed design of the steps to the east of, and use of black stained horizontal weatherboarding to, the 'Barn' would cause less than substantial harm to the curtilage listed buildings and the setting of the listed Long Lane Farm. In the absence of any public benefits which outweigh this harm, the development would be contrary to paragraphs 131, 132 and 134 of the National Planning Policy Framework.

In respect of the application for listed building consent, DOV/16/01366 for the conversion and extension of barn and milking parlour to residential use, CONSENT BE REFUSED for the following reasons:

(1) The proposed conversion of the barn to residential use would by virtue of the subdivision of the internal space and detailed design impose an overtly domestic character on the listed building causing detrimental harm to its historic and

architectural character and appearance as a former agricultural building for which no overriding justification has been demonstrated, and would therefore be contrary to Government guidance contained within the National Planning Policy Framework (2012).

(2) The proposed conversion and extension of the milking parlour would by virtue of detailed design, scale, form and orientation at right angles to the listed building result in an overtly domestic character and appearance which is incongruous to its historic and architectural character and appearance as a former agricultural building, and result in the unnecessary loss of historic fabric, having a detrimental impact on the listed building for which no overriding justification has been demonstrated. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework (2012).

Case Officers

Luke Blaskett and Alison Cummings

Planning Committee Report of 22 February 2018

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- c) **Planning Policies and Guidance**

Legislation

Planning (Listed Buildings and Conservation Areas Act) 1990

- Section 16 - in considering whether to grant Listed Building Consent for works the local planning authority must have special regard to the desirability of preserving the building or its setting or any features which it possesses that are of special interest.
- Section 66 - requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP2 – Between 2006 and 2026 land will be identified for 14,000 houses, 7,750 of which will be allocated through strategic allocations and saves provisions for Aylesham and the balance, 6,250, will be allocated through the Site Allocations document.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is apportioned to the rural area.

- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM4 – Beyond the settlement confines, the re-use or conversion of structurally sound, permanent buildings will be granted: for commercial uses; for community uses; or for private residential use in buildings that are adjacent to the confines. In all cases the building to be converted must be of a suitable character and scale for the use proposed, contribute to the local character and be acceptable in all other respects.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable economic development to deliver the homes that the country needs; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, conserve heritage assets; and focus significant development in locations which are or can be made sustainable.

- Paragraph 49 of the NPPF states that “housing applications should be considered in the context 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 housing sites.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Of particular note, is paragraph 55 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided, unless they would: provide essential rural worker housing; provide the optimum viable use of a heritage asset or would secure the future of a heritage asset; re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or be of an exceptional quality or innovative design. Such a design should be: truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter twelve requires that regard be had for the desirability of new development contributing to or enhancing the significance of heritage assets. An assessment should be undertaken as to whether harm would be caused to designated and non-designated heritage assets. Where development proposals 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. Where substantial harm would be caused, permission must be refused unless there are substantial public benefits which outweigh the harm, or four exceptional circumstances are met.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/87/01366 – Application for listed building consent to rebuild chimney at reduced height – Granted

DOV/92/00387 – Installation of incinerator into existing building for small animal cremation (domestic pets) – Granted

DOV/95/00315 – Replacement windows and doors (internal and external) – Granted

e) **Consultee and Third Party Responses**

In respect of the application for planning permission (DOV/16/01365), the following responses were received:

DDC Ecological Officer – Even if the site were within the AONB, following our agreed protocol with the AONB Unit we would not consult them on a proposal of this size.

DDC Environmental Health – A four part contamination condition should be attached to any grant of permission, together with two conditions relating to the method and timing of construction and demolition works.

DDC Heritage Team – Initial response received 14th March 2017

I have concerns with the content of the application in terms of the substance of the submission. The SE report is very limited in scope and provides insufficient information on the structures and works that are necessary to resolve defects. I note that the plinth to the barn is in a fair to poor condition; one corner (close to the road) being in a collapsed state. In addition I was concerned that one wall of the milking parlour appeared to be bowing, but the SE report makes mention only of cracks. I am also concerned that it mentions the removal of a main timber beam in the milking parlour and does not present options to retain and repair (if indeed necessary, as the timber has been subject to repair in the past).

The SE report is in my view insufficient to demonstrate the condition of the buildings and this impedes our assessment in terms of whether structural works are necessary or appropriate. In addition, none of the drawings have any annotation regarding structural works and yet it is clear that works will be necessary. This omission hinders the application of conditions should we be approving the application.

In respect of the D&A/heritage statement there is limited analysis of the two historic buildings and their significance, or sufficient information on the implications of the proposed works. For example, the analysis of the buildings has considered only the historic maps and has not covered the fabric of the building; the barn has clearly been altered and the statement should have explored how much of the original barn remained and how much is later works/additions of no/little significance. Drawings of timber-framed barns should normally include greater detail of the sub-structure (studs) to enable an assessment of the location of proposed openings.

I make the following comments on the details of the proposals:

Milking parlour: conversion and extension to form 3 bed unit

- The principle for extending is based on historic maps showing evidence of structures at right angles to the farmyard. What is clear from the maps and the building itself is that these structures are not integral to the milking parlour, are later and are likely to have been small animal yards (for example, for pigs). In my view this 'evidence' is weak.
- The proposed extension and conversion would result in the main body of the milking parlour being used largely as circulation space. The works would result in the loss of a significant amount of the timber floor structure to form a stairwell and full height void. It is unclear what this latter seeks to achieve as there is no

evidence that the milking parlour was open to the rafters; this aspect of the proposal is an unnecessary loss of fabric and would create an inauthentic character within the building at odds with its former function.

- The extension would result in the demolition of part of the milking parlour to create an open plan living space and would introduce a dormer window and large bi-fold doors. Rooflights light spaces to which natural light is already provided or not necessary and therefore constitute an interruption of the roofslope. The overall impact is highly domestic. Any proposals for conversion of former agricultural buildings should seek to retain this character.
- The SE report does not mention the proposals to remove the collars/braces in the roof. Are they necessary for the stability of the structure? In their removal are other works necessary to do their job? Such detail is required.
- In my opinion the building is capable of providing a modestly sized unit of 2 beds without extension. Best use of the existing space has not been achieved.

Barn: conversion to form 5 bed unit

- The barn has had floors inserted which according to the D&A/heritage statement are 'recent'. No consent was sought for these works. Their presence cannot be taken as precedent for the amount of first floor accommodation proposed.
- The current situation is that the floors/partitions create a tall thin space when entering the barn through the main cart door. This is not the traditional spatial quality of a barn of this nature; it should be wide and long. The proposal would partly restore the spatial quality by removing partitions and opening up two of the bays but a mezzanine would still intrude into the space. As these previous works are all unauthorised in my view we should be seeking greater amount of unimpeded full height space and retaining at least two bays full height to rafters.
- The lack of analysis and detail on the drawings hampers the assessment of the introduction of openings, but in general the existing openings have not been utilised as well as they could have been, and new fenestration either imparts an unauthentic character (the slot windows peppered over the building) or have an incorrect emphasis (horizontal/domestic rather than vertical). The large glazing in the cart entrances is set too far forward and within the frame rather than the usual practice of behind the frame; this creates a strong shadow line and impression of the former opening.
- The utilisation of existing openings has been piecemeal depending not on the structure but on the proposed use of the room within; for example, a large opening to the yard elevation is infilled as this serves a bedroom, whilst a new large opening is broken through the rear (highly visible across the landscape) to serve the kitchen. The overall impact of the openings is to create an overt domestic appearance.
- The extensive number of rooflights break through the clean (purple/Welsh, probably Penryhn) slate roof, and are unnecessary as they serve either rooms with windows, rooms which do not need natural light (ensuites) or areas with borrowed light. They do not form emergency egress as they are too high for access. As this site is viewed in a wide landscape setting the domestic appearance that rooflights impart would be harmful to the character of the barn.
- Horizontal boarding is an anomaly for the locality and should be removed from the proposal. Black staining is not acceptable; dark brown is more appropriate.
- There is no indication whether the existing slates will be reused or if the roof is proposed to be completely replaced. The plans simply state 'slate'.
- The domestication continues externally with the proposed set of steps. Whilst I appreciate these are necessary if the rear space is garden, I feel that they should be treated more appropriately to retain the agricultural character (example of steps can be seen to the rear of the barn at Sissinghurst- simple, functional and unimposing).

External works:

The scheme also seeks to provide garaging, bins, parking and boundary treatments. I am concerned that works within the yard space would disrupt the relationship with the principle listed building (farmhouse) and be harmful to the setting of the listed building by being highly domestic. This space should be retained as uncluttered and open as possible.

In respect of the proposed additional two buildings, in my view they would enclose the farmyard and form a natural addition to the site. The detailed design of unit 1 is poor and the fenestration to unit 2 could be better organised on the elevation, but I do not object in principle on heritage grounds to this aspect of the proposal.

Subsequent response received 16th June 2017

Further to the latest submission I make the following comments on the conversions:

Milking parlour: all my points have been ignored; the only change is the removal of two roof lights. The amendment is insufficient.

Barn: minor changes: Cart entrance glazing is set back as required. Slot openings removed. Roof lights removed and better use of existing openings. Unfortunately every other point has been ignored, and the conversion is still not acceptable in detail.

Despite my comments on the inadequacy of the plans, analysis of the existing buildings (in particular the barn) and the extremely poor structural report I have received nothing new. I am afraid that this, in addition to the very minor changes, is problematic and I would not be able to support the application as it stands. I will be considering refusal on the grounds that the works are detrimental to the curtilage listed buildings and, in respect of your planning application, on the setting of the principle listed farmhouse.

New development: You are aware that I have no concerns over the principle of the proposed new build only the detailed design, which in the new plans essentially remains as originally proposed which is disappointing. However, I note that the additional information received 1st June states that the new development is for enabling purposes. There is mention of a viability study which, unless I have missed something, is the feasibility report which actually only deals with the existing buildings in respect of the change of use to residential. The new development is not mentioned and neither are the words 'enabling development'.

I have seen no evidence that the new development is necessary to help secure the future of the curtilage listed buildings or even the farmhouse. I would point the agent to the HE guidance on enabling development. Enabling development is a last resort in order to preserve a listed building whose future is tenuous and I would suggest that this is not the case here. Further detailed information, including full costings, are required to demonstrate how the new development tips the balance in this case in respect of any conservation deficit, i.e. that it is the minimum necessary. We would then need to consult with HE as enabling development is a specialist area of conservation and I would wish to seek their advice. To save time and effort, I would suggest that the enabling development argument is not continued.

KCC Public Rights of Way – No comments

KCC Archaeology – Should the principle of the development be accepted particular care should be taken with regard to the need for appropriate detailing and materials for any new build and conversion works which reflect the farmstead's historic character; the need for careful and sensitive landscaping and management, which could be agreed

prior to the determination of the planning application, or alternatively secured by condition; the need for a programme of historic building recording so that a record is made of the buildings in their current agricultural form and prior to conversion; and the need to secure a programme of archaeological works. It is requested that, should permission be granted, two conditions be attached requiring a programme of historic building recording and a programme of archaeological work be submitted, agreed and undertaken.

Environment Agency – Initial response received 8th February

Object. We consider the level of risk posed by this proposal to be unacceptable. The application fails to give adequate assurance that the risks of pollution are understood and that measures for dealing with them have been devised. The risk therefore remains unacceptable.

Subsequent response received 20th March

Remove previous objection. Following submission of the Desk Study Report by Knapp Hicks & Partners Ltd, dated March 2017, we are able to remove our previous objection. Six conditions are recommended to be attached to any grant of permission relating to the assessment, investigation and remediation of contamination; the reporting and remediation of any previously unidentified contamination; a watching brief for demolition and foundation works; restrictions on piling; and drainage.

Shepherdsweil Parish Council – No objections to this proposal as this is a previously developed site.

Public Representations – Eight letters of support have been received, raising the following points:

- It is good to see a redundant building/site converted
- There is a need for housing in the rural area
- The plans will improve the area
- The houses will support Shepherdsweil services

In addition, one letter of objection has been received, raising the following concerns:

- The application presents an unacceptable risk of contamination
- Harm to highway safety (both during construction and in the long term)
- Shepherdsweil need a range of housing but especially affordable housing

In respect of the application for listed building consent (DOV/16/01366), the following response was received:

Historic England – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

- f) **1. The Site and the Proposal**
- 1.1 The application site lies within the countryside, to the north of Shepherdsweil. There is a mixture of arable and pasture land around the site, together with small areas of woodland. The topography is a noticeable feature of the landscape, rising to the east, south and west and gradually falling to the north. A Public Right of Way (ER78) runs along Long Lane to the north of the site before crossing a field to the west of the site.

- 1.2 The site itself comprises a group of agricultural outbuildings associated with, and located to the east of, Long Lane Farm. The existing buildings comprise: a large timber framed barn; a former milking parlour (which has been used as a pet crematorium); a modern cow shed; a modern Dutch barn; and two modern sheep sheds.
- 1.3 This application proposes to convert the timber framed barn into one dwelling; extend and convert the former milking parlour into one dwelling; erect two new semi-detached dwellings; and demolish the more modern agricultural buildings. The development would also include the creation of a replacement hardstanding within the farmyard to provide vehicular access and parking, the erection of bike and bin stores and a detached double garage, and the creation of a garden area for each proposed dwelling which would be located to the rear of the buildings, beyond the courtyard plan of buildings on agricultural land.
- 1.4 The barn and milking parlour are considered curtilage listed grade II by virtue of their age (pre-1948), functional relationship with the principle listed building, the farmhouse, and by being within the same ownership as the principle listed building. Their status is acknowledged by the submission of a Listed Building Consent for the proposed works.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area and on designated heritage assets
- The impact on the highway network

Assessment

Principle

Background

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate that development should be restricted. This is known as the 'tilted balance'. Paragraph 49 in the NPPF says that housing applications should be considered in the context of the presumption and that relevant policies for the supply of housing should not be considered up-to-date where the LPA cannot demonstrate a five-year supply of deliverable housing sites.
- 2.3 Whether and how the tilted balance should be applied to decision making in the District was an issue at a recent public inquiry regarding a site at Ash (land to the North of Sandwich Road, application DOV/16/00800). The Inspector agreed with

the Council's position that it can demonstrate a five-year supply and so the tilted balance was not triggered for this reason. However, the conclusions of the Strategic Housing Market Assessment 2017 show that Core Strategy policies CP2 and CP3 which relate to the supply of housing are out-of-date and that this does trigger the tilted balance.

- 2.4 It is also necessary to consider the appropriate weight which should be given to development plan policies. The weight attributed will be dependent upon the degree to which they are consistent with the NPPF. The Inspector for the appeal at Ash agreed with the Council's case that Policies DM1, DM15 and DM16 are not policies for the supply of housing and that they accord with key objectives in the NPPF and should not, therefore, be given reduced weight.

Conversion of Barn and former Milking Parlour to Dwellings

- 2.5 The conversion of two existing buildings on the site, a large barn and a former milking parlour (which has more recently been used as a pet crematorium) to two dwellings necessitates consideration of Policy DM4 of the Core Strategy. Under this policy, permission will be given for the re-use or conversion of existing, structurally sound, permanent buildings to residential uses only where they are located within the settlement confines. The site is a significant distance from the nearest settlement and is not within or adjacent to settlement confines. This element of the application is not, therefore compliant with Policy DM4 and is not supported by any other development plan policy.
- 2.6 The re-use of redundant or disused buildings in the rural area, subject to providing an enhancement of their setting, and providing an optimum viable use of a heritage asset are circumstances where the NPPF (paragraph 55) supports residential development in the countryside. Having regard for these material considerations, and for the reasons which will be set out later in this report, the development would not provide for an enhancement to the setting of the site and does not provide the optimum viable use for heritage assets. It is therefore concluded that the conversion of the barn and the former milking parlour are not supported by paragraph 55 of the NPPF. Whilst there is some variation between the wording of DM4 and the NPPF, it is considered that both provide a broadly consistent approach to development in the countryside, insofar as it is relevant to the determination of the current application. As such, it is considered that Policy DM4 carries significant weight in the determination of the application.

New Dwellings

- 2.7 The site lies outside of the settlement boundaries, where Policy DM1 applies. Having regard to the wording of this policy, it is considered that the erection of dwellings in this location is contrary to Policy DM1, as the development is not supported by other development plan policies, does not functionally require a rural location and would not be ancillary to existing development or uses.
- 2.8 Paragraphs 11 and 12 of the NPPF, expanding upon Section 70(2) of the Town and Country Planning Act, confirm that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, whilst development that conflicts with the development plan should be refused unless other material considerations indicate otherwise. The pre-amble to Policy DM1 states that any development which "would be a departure from this policy (sic) would require unusual and compelling justification for permission to be given".

- 2.9 In considering whether there are any material considerations which indicate that permission should be granted, it is important to note that, as policies CP2 and CP3 are out-of-date, the 'tilted balance' to approve development unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies" in the NPPF (as described at paragraph 14 of the NPPF) is engaged. Whilst the principle of the new dwellings is contrary to the development plan, regard will be had later in this report for whether there are any material considerations which indicate that permission should exceptionally be granted in this instance.

Loss of Agricultural Land

- 2.10 The site lies within an area which is classified as Grade 2 agricultural land and thus falls within the definition of 'Best and Most Versatile Agricultural Land' (BMV land). The majority of the site comprises land which is occupied by buildings or hardstandings; however, some areas of undeveloped grazing land are proposed to be used for gardens, whilst a small area would be used for an extended hardstanding. Paragraph 112 of the NPPF directs that the economic and other benefits of BMV land should be taken into account, whilst significant development of agricultural land should be directed to land of lesser value. Clearly, whilst some BMV land would be lost, it would not amount to significant development of such land. This loss is not determinative on its own and, given the small area of loss under consideration, it is not considered that this harm carries significant weight in respect of determination.

Landscape and Heritage Background

- 2.11 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape. It is considered that both of these policies accord with the NPPF and, as such, carry full weight.
- 2.12 The barn and milking parlour are curtilage listed grade II. The site is also adjacent to Long Lane Farm, which is Grade II Listed. The list description reads as follows:
- "House. C17 or earlier. Painted brick and rendered with plain tiled roof. Three bay lobby entry plan. Two storeys, the left 2 bays rendered, the right projecting slightly and of brick. Hipped roof with stacks to centre right and at end left. Three irregular wooden casements on each floor, with boarded door to centre right and blank sunk panel over. Attached to right by short connecting wing is a hipped wing, probably originally a detached granary or outhouse. Catslide outshot to rear".
- 2.13 Regard must be had for the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires that, in relation to listed buildings, "special regard" be had to "the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Regard must also be had for the provisions of the NPPF, in particular the paragraphs at Chapter 12: Conserving and Enhancing the Historic Environment. Notwithstanding the statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or

less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.

- 2.14 The site sits within a natural bowl in the landscape, with the land rising to the east, south and west. Due to its location and the topography of the area, the site is particularly visible in the wider area. In particular, there is an arc around the north, west and south of the site, from Long Lane directly to the north of the site, along the PRow ER78 and Barfrestone Road and from the northern part of Eythorne Road, from where the site is most visible. The arc of sight terminates as views of the site are blocked by the buildings and vegetation to the northern extent of Shepherdswell.
- 2.15 The site sits within the Eythorne Arable Mosaic with Parkland landscape character area, as identified by the Dover District Landscape Character Assessment. This area, which covers a large swathe of land, is comprised of undulating topography, with valleys running north east to south west (the site is within one such valley). Settlements tend to be located on the higher ridges. There is a mix of agricultural practices, with both arable and pasture. The former tends to be on large areas of land, whilst pasture tends to be on smaller, more sheltered fields around settlements and farmsteads. Small, traditionally Kentish, village settlements characterise the area with narrow roads, village cricket pitches and public houses, although Shepherdswell is not listed as an example of such a settlement. A mix of vernacular style occurs within the small villages, with corrugated farm buildings, wooden houses and newer brick built developments. Shepherdswell is identified as one of two (the other being Eythorne) larger settlements which lie centrally in the area providing a mix of old and new buildings, relatively densely developed and enclosed in comparison to the smaller settlements. Views are relatively open within the character area and out towards other character areas, with the undulating landform giving rise to moderate views in places of open areas of arable land with little tree cover. Enclosure is notable around settlements with built fabric, narrow roads, hedgerows and mature trees. Intermittent views from settlements are relatively far reaching with a feeling of being on higher land.
- 2.16 It is considered that there are two main public viewpoints of the site. The first is a static view from in front of the entrance to the site. From here, clear, close views are possible of the site and all of the buildings around the courtyard. The second view is a dynamic view along the ER78, which slowly rises as you travel away from the site (from north to south). Along this route, the western and southern sides of the wider farmstead are visible. As you climb up the slope, views over the foreground buildings are possible, such that all of the buildings can be appreciated. In views from the junction of the PRow and Barfreston Road, the listed farmhouse is visible in the gap between the barn and the large C20th buildings. In these views, the site is seen set within a rural landscape, with no other built development being prominent in views. The farmstead is a relatively typical and unremarkable group of agricultural buildings in the rural area and, whilst no longer having an agricultural function, retains a strong relationship with its rural context.
- 2.17 The site is not particularly visible from the west, with no public viewpoints close by and views from Long Lane impeded by the dense the high hedging along the road to the west of the site.
- 2.18 The development proposal is as follows:

- Demolition of the later C20th agricultural buildings (a Dutch barn, sheep sheds and a cow shed).
- The former milking parlour would be extended to almost double its size and two semi-detached dwellings would be erected to the west of the former milking parlour and adjacent to the farmhouse.
- The barn would be converted through the introduction of new internal floors and partitions and new external openings, and a detached car port would be erected to its north.
- A detached bike and bin store would be erected adjacent to the northern boundary.
- Each property would have a rear garden, extending to the east and south of the buildings, whilst an extended and altered hardstanding would provide car parking and turning space within the courtyards and between the barn and the milking parlour.

Character, Appearance and Landscape

- 2.19 Having regard for policies DM15 and DM16, regard must be had for what impact the development would have on the character of the countryside and on the landscape. These are not housing policies (for the purposes of paragraph 49 of the NPPF) and are consistent with the objectives of the NPPF. Therefore these policies carry full weight.
- 2.20 The removal of the C20th agricultural buildings would remove a significant volume of built form. The buildings themselves are utilitarian features of no architectural merit, although their visual impact is substantially reduced by virtue of their weathered, subdued appearance and being features which are expected within the rural area (the Landscape Character Assessment specifically identifies that such buildings are features of the area). Whilst their impact is therefore limited, it is acknowledged that their loss would provide a minor enhancement.
- 2.21 The extension and conversion of the former milking parlour would reintroduce some built form, albeit of a scale substantially less than the buildings which would be lost. The extension would be constructed of brick, a material more in keeping with the farmstead. The scale and location of the extension would be such that it would not be prominent in views and would not impede views of the listed farmhouse. The introduction of a large glazed door would detract from the agricultural appearance of the building; however this change would not be highly visible in the landscape. The landscape impact of this extension is therefore considered to be neutral.
- 2.22 The introduction of a pair of semi-detached dwellings would also reintroduce built form (which again would not exceed the amount of buildings lost). Their location would be such that they would continue the U-shape courtyard plan which is not uncommon in the locality. The scale of the building would also be subservient to the main farmhouse and barn. The detailed design would include a domestic fenestration but, again, this would not be prominent in long views. The landscape impact of this building is therefore considered to be neutral.
- 2.23 The barn would not be extended, however the conversion would include elements which have a domestic design language, including the introduction of windows of a domestic character and an expansive set of steps. The landscape impact of this building is therefore considered to be minor adverse.

- 2.24 The proposed outbuildings (car port and bike/bin store) would be little seen in the wider landscape and have been sensitively designed. The landscape impact of this building is therefore considered to be neutral.
- 2.25 Each dwelling would have a garden which, in some cases would be extensive. These gardens are proposed to be bounded by post and rail fences, which are appropriate to the rural environment. However, the domestic use of the gardens (with a potential for tended lawns and domestic paraphernalia) would significantly alter the setting of the cluster of buildings. Whilst permitted development rights could be removed for new means of enclosure, outbuildings etc., this would not alleviate the concern regarding the change in the character of the land. The gardens would be particularly visible from the public viewpoints of the site, making the areas to the east and south of the site highly sensitive to such a change. The landscape impact of this building is therefore considered to be significant adverse.
- 2.26 Overall, it is considered that the development would alter the utilitarian and unremarkable agricultural character of the site, which is expected within a location such as this, to a more unexpected and alien suburban appearance (with domestic buildings and associated features), causing a moderate adverse impact on the character of the landscape.
- 2.27 Where development would adversely affect the character of the countryside, policy DM15 requires that permission be refused unless one of three exceptions are met, where it cannot be accommodated elsewhere and where it does not result in the loss of ecological habitats (this last requirement will be assessed separately later in this report). The three exceptions are if the development is:
- i) in accordance with allocations made in the Development Plan Documents; or
 - ii) justified by the needs of agriculture; or
 - iii) justified by the need to sustain the rural economy or a rural community.

The application is not in accordance with the development plan; it is not justified by the needs of agriculture and the development is not justified by the need to sustain the rural economy or a rural community. Moreover, it is not considered that there is any reason why this residential development cannot be accommodated elsewhere. The application is therefore contrary to policy DM15.

- 2.28 Policy DM16 states that development which would harm the character of the landscape, will only be permitted if:
- i) it is in accordance with allocations made in Development Plan documents and incorporates any necessary avoidance and mitigation measures; or
 - ii) it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Having regard for the landscape character assessment, the moderate adverse impact on the character of the landscape and the lack of any appropriate and meaningful mitigation, it is considered that the development is contrary to policy DM16. In any case, it is not considered that, given the characteristics of the landscape, the use of vegetation to enclose the site or conceal buildings, would be inappropriate.

Heritage

- 2.29 In respect of the impact of the proposals on the heritage value of the site, it is considered that the proposals impart an overt domestic character on the barn and milking parlour, which is contrary to their significance as agricultural buildings. The Design and Access Statement and Heritage Statement submitted with the application is considered to be limited in terms of its analysis of the relative significance of the buildings and the implications of the works for conversion to residential. The Structural Report is very limited in its scope and insufficient to demonstrate the condition of the buildings or the extent of structural works that may be required.
- 2.30 Minor external amendments have been proposed which have reduced the number of new openings, removed roof lights and set the glazing back from the cart entrance. Whilst these amendments have been positive, the overall detailed design of the conversion remains unacceptable. The windows proposed to the eastern elevation, which would be particularly visible across the landscape, have an uncharacteristic and domestic appearance. In addition an expansive set of steps are also proposed to this elevation which would again be wholly uncharacteristic and harmful to the agricultural character of the building. The building is also proposed be clad in black stained horizontal timber boarding, which is anomalous in the area, both in terms of the material and its colour.
- 2.31 Internally, the barn has been partially floored over but this work appears to have been carried out without the benefit of Listed Building Consent. The proposed scheme seeks to retain this level of compartmentalisation, which creates a strongly vertical emphasis to the internal space. This is contrary to the internal character of a barn which would be usual for a barn of this period, which is one of a large open space with a strong horizontal planform.
- 2.32 The Design and Access Statement notes that the proposed extension of the milking parlour is based upon evidence from historic maps, however this is more likely to show non-integral, small scale animal yards. In addition there is no physical evidence to demonstrate the existence of these structures, potentially indicating an ephemeral nature. It has not been demonstrated that the milking parlour is incapable of being converted without the need for an extension. The extension would remove the part of the historic first floor structure and introduce a large staircase. This aspect of the proposal would create a large open space which is contrary to the historic character of the building and results in the loss of historic fabric. As such, the justification for the extension of the milking parlour is weak. The detailed design of the proposed milking parlour, as extended, would include the provision of a dormer window and large bi-fold doors producing an overtly domestic appearance. Whilst the scheme has been amended to remove roof lights, the conversion would remain highly domestic in appearance, resulting in the loss of its existing simple functional character.
- 2.33 The proposal also seeks to introduce two residential units. The layout of the development reinforces the courtyard plan form, with the modern buildings outside of the courtyard being demolished, the more historic buildings which form the loose courtyard being retained and the two new dwellings further enclosing the courtyard. The development would therefore respect the existing layout. The two dwellings proposed are considered to be subservient in scale and massing to the principle buildings around the courtyard, namely the farmhouse and the barn. It is also considered that these dwellings are sufficiently separated from the listed farmhouse such that its setting is not harmed. Whilst the detailed design of the dwellings, in particular their fenestrations, lacks traditional detail and is

disappointing, it is not considered that this results in such harm so as to warrant refusal.

- 2.34 The proposal would retain a central courtyard which would maintain a relatively informal character, being a large expanse of bound gravel. It is considered that, whilst occupying a significant area, this is the appropriate response as courtyard layout farmsteads typically contain such hardstanding's. Outside of the courtyard, each dwelling would be provided with a rear garden. As described above, it is considered that these gardens would detract from the rural setting of the farmstead, which is considered to make a contribution to the setting of the listed buildings, by imposing a domestic character.
- 2.35 An argument had been advanced by the applicant that the proposed new build dwellings represent 'enabling development' which facilitates the conversion of the listed buildings. The principle of enabling development is the approval of development that would normally be contrary to development plan policies to enable the preservation of a heritage asset. However, for this to be considered an enabling development scheme a number of criteria must be met, as set out in the Historic England guidance on the subject, including that the development proposed is the least amount necessary to ensure protection of the heritage asset. It also requires an applicant to demonstrate that the new development tips the balance to secure the preservation and future of listed buildings whose current prospects are tenuous. The application, as submitted, has not been supported by the robust evidence required to demonstrate that the proposal represents a case for enabling development.

Archaeology

- 2.36 Whilst concerns have been raised, KCC have recommended that, should permission be granted a programme of historic building recording take place in advance of any works such that their current and former condition and use can be better understood and recorded for future use. Such a survey should be secured by condition, should permission be granted.
- 2.37 KCC's archaeologist have also advised that any grant of permission should be accompanied by a condition requiring that a programme of archaeological work be undertaken, the details for which should be agreed in advance. The site contains the Grade II Listed farmhouse, which dates from the C17th or earlier. The farm stead is also recorded on the Kent HER (MKE87920) as "a loose courtyard plan farmstead with buildings to two sides of the yard". To the north east of the site, there is a record for a trackway. Given the known and suspected features in the area, the archaeological officer's recommendations are adopted. Should permission be granted, a condition requiring a programme of archaeological work should be attached.

Conclusions on Character and Appearance, Landscape and Heritage

- 3.38 Overall, it is considered that the development would cause harm to the character of the landscape and would harm the significance of listed buildings and their setting, contrary to Policies DM15 and DM16 of the Core Strategy and contrary to the principles of the NPPF.

Impact on Residential Amenity

- 2.39 The existing and proposed buildings are well separated from neighbouring properties, with the exception of Long Lane Farm. Directly facing Long Lane

Farm would be the converted barn, into which would be introduced new windows and other openings. However, the building is separated from Long Lane Farm by around 28m whilst no significant extensions or enlargements are proposed and, as such, no unacceptable loss of light, sense of enclosure or overlooking would be caused. Closest to Long Lane Farm, at a distance of around 12m, would be the pair of new dwellings. Whilst they would be closer to Long Lane Farm, they would be located at a right angle to the farmhouse and would face towards the existing open courtyard to the front of it. Given the separation distance from and relationship with Long Lane Farm, it is concluded that no unacceptable loss of light, sense of enclosure or overlooking would be caused. It is not considered that the living conditions of Long Lane Farm would be unacceptably harmed by any other aspect of the proposals

- 2.40 Each of the dwellings would be well sized, with windows providing natural light and ventilation to rooms and private gardens. It is considered that the living conditions of occupants of the dwellings would be acceptable.

Impact on the Local Highway Network

- 2.41 This section will not consider the sustainability of the sites location or whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the 'Other Material Considerations' section which will follow. This section will focus upon the access, turning and parking arrangements for vehicles.
- 2.42 The proposal would use the existing access point which serves the farmstead. The access is located adjacent to an extension to the existing farmhouse to the west of the courtyard. Whilst visibility is somewhat restricted to the eastern side of the access by vegetation, to the western side (towards oncoming traffic on the near side of the road) visibility is improved by virtue of a strip of grass between the boundary wall of the site and the highway. Whilst visibility from the access does not accord with the requisite standards, it is not considered that the development would create a high number of vehicle movements. As such, the increased use of the access would not cause a severe cumulative impact on the highway, which is the relevant test as described by paragraph 32 of the NPPF.
- 2.43 Policy DM13 advises that the provision of car parking should be a design led process based upon the characteristics of the site, the nature of the proposed development and its design objectives, whilst provision for residential development should be informed by the guidance in Table 1.1 of the Core Strategy. The development proposes the provision of eight car parking spaces, six of which would be open spaces and the remaining two would be within a two-bay car port. In addition to this delineated car parking, the site would provide a large hardstanding, which would provide opportunities for informal parking. Within this rural location, Table 1.1 of the Core Strategy recommends that 1 and 2 bedroom dwellings provide 1.5 car parking spaces and 3 and 4 bedroom dwellings provide 2 car parking spaces. In addition, visitor parking of 0.2 spaces per dwelling should be provided. The development proposed comprises two two-bedroom dwellings, one three-bedroom dwelling and one four-bedroom dwelling. The development therefore accords with the parking provision recommended by Table 1.1. The development also proposes the provision of cycle parking. Subject to being secured by condition, it is considered that the parking provision would meet the needs generated by the development, in accordance with Policy DM13.

Ecology

- 2.44 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements.
- 2.45 The report confirms that: there is negligible potential for amphibians; some potential for reptiles on the strip of grass and scrub to the front of the site; old birds' nests were seen inside some buildings (although no barn owls); there is no potential for hazel dormice; and there were no setts or signs of badgers. However, the report confirms that three trees within the site are highly suitable for roosting bats, whilst a small pile of long-eared bat droppings were seen in the barn.
- 2.46 The report confirms that "slow worms may be present in part of the site. As the site is regularly mowed, it is not recommended to carry out further reptile surveys but a mitigation strategy is proposed to minimise potential impacts". This comprises habitat manipulation. In relation to birds, it is recommended that works affecting trees and early building works (including demolition) take place outside of the breeding bird season. Two night time bat surveys took place, during which no bats were observed entering or leaving the barn or trees and no fresh bat droppings were present. However, bats were heard commuting and foraging past the barn. On this basis the report recommends that no further surveys are required, although it is recommended that a sensitive scheme of lighting is secured to avoid detriment to bats.
- 2.47 In addition to the specific mitigation above, a series of ecological enhancements are recommended. These include the provision of bird and bat boxes/spaces, log piles for invertebrates and sensitive native planting. Subject to the mitigation and enhancements proposed being secured by condition, it is considered that the development would safeguard protected species and provide some enhancement, in accordance with the NPPF.
- 2.48 The site is under the threshold of 15 units where development would be expected to provide mitigation against the cumulative impacts of development on the Pegwell Bay and Sandwich Bay SPA and Ramsar Site and, as such, it is not considered that the development would cause a likely significant effect on the SAC or SPA.

Contamination

- 2.49 The site is not within a flood risk area or within a Groundwater Protection Zone; however, the former uses of the site have the potential to have caused contamination. In particular, agricultural uses have the potential to have caused petrol and oil spills or chemicals (such as fertilisers or pesticides) to have leached into the ground, whilst the former use as a pet crematorium may have led to Dioxins, PAH's and heavy metals, amongst other things. Initial concern was raised that the application had failed to appropriately consider these risks. Subsequently, additional information was provided in the form of a Desk Study Report which identifies all of the former uses of the site, the features which may be vulnerable to contamination and the potential risks of contamination. The report recommends that further work in the form of trial trenches and sampling take place, although the report does not recommend that contamination is a constraint to development.
- 2.50 Following receipt of this report, the EA removed their objection. However, in common with the Councils own Environmental Health officers, a suite of conditions were recommended to be attached to any grant of permission to

ensure that further assessment and investigation takes place so that any contamination on-site is identified and, if found, remediation of the contamination takes place. It is also recommended that conditions be attached prohibiting piling or any other foundation design or investigation boreholes which use penetrative methods, unless approved by the local planning authority, and requiring a watching brief to be undertaken during demolition and foundation works. Any additional, previously unidentified, contamination should also be remediated if discovered during development. It is considered that these conditions are necessary to ensure that the risks of contamination are fully understood and dealt with in a manner which does not cause contamination or the release of existing contamination into the environment.

- 2.51 Regard should be had for whether weight should be attached in favour of the development by virtue of it facilitating decontamination. Whilst there is a reasonable likelihood that some contamination exists, the application does not confirm that contamination is present. It is not, therefore, considered that any substantial weight can be attributed to the development in this respect.

Drainage

- 2.52 The application confirms that foul drainage will be disposed of via a septic tank, whilst surface water will be disposed of via a sustainable drainage system. No detailed designs for this infrastructure have been provided at this stage; however, given the scale of the site and the geology of the land, there is no reason to doubt that suitable drainage is achievable. In order to ensure that both foul and surface water drainage can be achieved without increasing the risk of flooding or contaminated material being released, whilst also ensuring that any discharge does takes place such that it would not create a pathway for any existing contamination on site to leach into the ground, full details, together with an implementation timetable, of foul and surface water infrastructure should be secured by condition.

Other Material Considerations

- 2.53 The principle of the development is not considered to be acceptable, being contrary to the development plan. In such circumstances, permission should be refused unless material considerations indicate otherwise. The NPPF is an important material consideration which must be carefully considered to determine whether it provides any justification to depart from the development plan.
- 2.54 Paragraph 55 of the NPPF states that isolated dwellings in the countryside should be avoided, although it also provides examples of unusual circumstances where new dwellings in the countryside may be supported. It is first necessary to consider whether this site is isolated and its proximity to relation to facilities and services and, in particular, the extent to which the development would support existing facilities and services in rural settlements. This consideration also links to paragraph 29 of the NPPF, which requires that development provides people with a real choice about how they travel (albeit, opportunities will vary from urban to rural areas). In determining whether the site is isolated, regard must be had for the case of *Braintree DC v SSCLG & ORS* [2017] EWHC (Braintree), which considered to meaning of 'isolated'. The Judge considered that, as the word "isolated" is not defined in the NPPF, it should be given its ordinary objective meaning of "far away from other places, buildings or people; remote", albeit it the judgement goes on to recognise that the context of the word in the NPPF relates to whether a rural home "could contribute to social sustainability because of its proximity to other homes".

2.55 There is one dwelling adjacent to the site, Long Lane Farm itself. All of the other buildings on the site are either to be demolished or converted as part of this application. Long Lane Cottage is just over 100m away from the site, beyond an open field. The nearest defined settlement, Shepherdswell, is located 575m away by foot (along PRow ER78) or 670m away by road and is located to the south of the site on higher ground. This settlement contains the nearest “buildings or people”. Consequently, it is concluded that the site is isolated, having regard for the definition provided in Braintree, being remote from other development.

2.56 Now that it has been established that the site is in an isolated location, it is necessary to consider whether the application meets any of the exceptional circumstances identified by paragraph 55 of the NPPF. These circumstances include:

- where there is the essential need for a rural worker to live permanently at or near their place of work in the countryside;
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- where the development would be of exceptional quality or innovative design; reflect the highest standards of architecture; significantly enhance its immediate setting and be sensitive to the defining characteristics of the area.

The first criterion is not relevant to the determination of the current application. The second and third criteria, whilst not relevant to the new build dwellings, are relevant to the conversion of the barn and former milking parlour. Whilst these criteria have the potential to support development in this location, it has not been demonstrated that the scheme represents the optimum viable use for the buildings and would not enhance the immediate setting of the farmyard. It is not, therefore, considered that these criteria provide support for this element of the proposal.

2.57 The final criterion relates to the development being of an exceptional quality or innovative nature. Such design should itself meet four criteria, requiring the design to:

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

These four criteria must be jointly achieved. No substantive case has been made in respect of the fourth criterion. The design of the buildings does not amount to demonstrating the highest standard of architecture, as described in more detail earlier in this report. No case has been made that the development would incorporate truly innovative materials or sustainable technology. As such, the sum of the development falls significantly below the threshold of ‘truly outstanding or innovative’ envisaged by paragraph 55. Consequently, it is not considered that the development meets the high threshold of being of exceptional quality or exceptionally innovative. As such, the application does not meet any of the special circumstances specified by paragraph 55 to substantiate granting

permission for new isolated homes in the countryside. Whilst the four exceptional circumstances identified by paragraph 55 have not been met, the wording of paragraph 55 does allow for other exceptional circumstances to be presented, as the list of exceptional circumstances is not exhaustive.

- 2.58 The routes to Shepherdswell lack lighting or foot paths and are up hill, significantly reducing the convenience of such routes. The nearest bus stop is located around 730m away, but provides only a once weekly service in each direction. The next nearest bus stops providing a reasonable level of service are around 1.8km away to the south. The train station is located around 1.2km away and provides mainline services. Given the distance and the attractiveness of the route for walking or cycling, it is considered that it is highly unlikely occupants of the development would travel to Shepherdswell by means other than a car. In addition, the main facilities and services in the Local Centre (as defined by CP1) are located a significant distance further away. At a distance of around 1.2km is a loose cluster of facilities and services, including a small supermarket, a post office (which is currently closed), the train station and Shepherdswell Village Hall. This cluster also included a pub; however, this has been closed for some years. A second loose cluster of facilities and services is located around 1.8km to the south (1.4km by foot along the ER78) around the historic core of the settlement. This cluster includes a primary school, a pub and a church. The village also provides a medical centre, located around 1.6km away. As such the site is located away from facilities and services leading to future occupants being dependent upon the private car for access to day-to-day facilities and services, contrary to the aims of sustainable transport and sustainably located development.
- 2.59 The applicant has sought to demonstrate that there are other material considerations which outweigh the in-principle policy objection to the scheme. Policies DM4 and DM15 are cited. DM4 supports, as an exception to DM1, the re-use of structurally sound buildings within confines, adjacent to confines and, for commercial uses, outside of confines (subject to several criteria). Whilst this policy is relevant for the consideration of the proposed conversions, it is not applicable to the proposed new builds. Policy DM15 seeks to avoid development which would result in the loss of, or adversely affect, the countryside. This is a restrictive policy to avoid harm and does not provide in-principle support for the development.
- 2.60 The development would result in the demolition of several large redundant farm buildings of no architectural or historic merit, whilst the redevelopment would require the removal of any asbestos on site. These factors add weight in favour of the development. However, whilst the existing buildings are utilitarian, it is not considered that they significantly detract from the appearance of the site in the wider landscape, being typical and expected features in the rural landscape which do not draw attention (as confirmed by the Landscape Character Assessment). Likewise, whilst asbestos may be present given the age and type of buildings, there is no evidence that unusually high amounts exist. Asbestos removal has not been raised by Environmental Health.
- 2.61 The applicant has argued that the development would facilitate the removal of harmful modern additions to the buildings, including grain bins within the barn. However, there is no history of listed building consents being gained for these alterations.
- 2.62 It has been raised that the existing buildings could be converted under permitted development rights. This may or may not be the case, as there is no application

for prior approval before the Council. As such, an assessment cannot be made regarding the restrictions and conditions of Class Q rights. It is, however, noted that Class Q rights do not apply where the building is a listed building (the existing brick built buildings to be converted are curtilage listed). Whilst a change of use of the former milking parlour to a pet crematorium has not received planning permission for a change of use, it did receive planning permission for the installation of the crematorium plant in 1992 and, following a site visit, it is clear that the building had been in use as a crematorium for some years, such that the use is likely to be lawful. Class Q rights do not, therefore apply to this building. Given the nature of pet crematoria, it is not considered that such a use falls within use class B1 (it could not be located next to residential without the need for strict controls), which have their own permitted development rights, and is more likely to be Sui Generis, which do would not benefit from permitted development rights. Consequently, permitted development rights do not apply. The conversion of the modern buildings is unlikely to be possible, as they would require significant new structural elements which cannot be carried out within the scope of Class Q (having regard for Hibbitt and Another vs SoS CLG and Rushcliffe Borough Council, [2016] EWHC 2853 (Admin)). Whilst a thorough assessment of Class Q permitted development rights has not been undertaken, it does not appear that such rights would apply in this instance.

- 2.63 The applicant has advised that, in their opinion, the development represents the optimum viable use of heritage assets, namely the curtilage listed barn and former milking parlour. It is considered that in line with paragraphs 132-134 of the NPPF that the works constitute less than substantial harm to the significance of the heritage assets. As such, the public benefits of the proposal must be weighed against the harm identified. A public benefit could include securing the optimum viable use of the buildings, which is “the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear likely future changes”. It is not considered that the applicant has demonstrated that the application provides the optimum viable use for these curtilage listed buildings and the proposed scheme is considered to be harmful. The Council can demonstrate a five year housing land supply and consequently there is no public benefit which outweighs the harm to the heritage assets.
- 2.64 The new build dwellings utilise a similar footprint to existing buildings whilst there is a reduction in the amount of development overall. These factors have been taken into account.
- 2.65 The applicant has argued that a recent planning permission in Staple is similar to the application currently under consideration. Whilst there are some similarities (they both include listed or curtilage listed buildings, they both propose new dwellings and the nearest settlement in each case is described as requiring additional housing), there are equally many significant differences, not least that the application in Staple was partly within and partly adjacent to the confines (and adjacent to bus stops) in a more sustainable location, whereas the current application site is isolated.
- 2.66 In referencing the Staple decision, the applicant has suggested that the development will help support the facilities and services in Shepherdswell. It is necessary to restate that the current application is not within Shepherdswell and due the nature of routes between the site and Shepherdswell, it is considered unlikely that occupants would rely on the facilities and services of the village. Furthermore, the need to provide additional housing in Shepherdswell over the

plan period to assist the retention of facilities and services is addressed through the allocation of two sites in the LALP.

- 2.67 The development would provide a short term economic benefit, by providing employment during the construction phase. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy. However, it is not considered that the residential development of the site represents development in the right place to support sustainable growth.
- 2.68 With regards to the social role, the development would provide additional dwellings which would, to a moderate degree, contribute towards the Districts housing supply and would accord with the aim of significantly boosting the supply of housing. However, this benefit is qualified by the Councils ability to demonstrate a five year housing land supply. The development would also be in a remote location, which would provide a very limited ability to access sustainable modes of transport and limited support for local facilities and services. The application has not demonstrated that the development would secure a high quality built environment, with concern raised regarding the detail of the scheme.
- 2.69 Turning to the environmental role, the development would lead to an urbanisation of this part of the countryside. The development would mitigate the potential impacts on protected species (reptiles and bats) and, subject to conditions, would provide for modest ecological enhancements. The development would re-use a small area of previously developed land (occupied by the former milking parlour), although the majority of the site is non-previously developed and a small area of BMV agricultural land would be lost. The location of the site would necessitate journeys to access day-to-day facilities and services.
- 2.70 The development would be located within the countryside in an isolated location. Whilst the development would provide benefits, it is not considered that these benefits, either alone or in combination, are of sufficient weight to justify the application as a departure from the development plan. Moreover, it is considered that the proposed development is contrary to a specific policy of the NPPF, namely paragraph 55.
- 2.71 The applicant has suggested that they received positive pre-application advice in relation to both conversion and new build elements. This is not the case, whilst the advice was also provided at a time when the Council were unable to demonstrate a five year housing land supply. The pre-application advice raised significant concerns, primarily in relation to the proposed new build (at that time one dwelling), whilst the material circumstances have changed since the advice was provided. Concerns were additionally raised regarding the detailed design of the conversion in respect of the impact on the barn. Details of the proposed alterations to the milking parlour were not submitted for consideration.

Overall Conclusions

- 2.72 The site is located in an unsustainable rural location, remote from, and with poor access to, other development and local facilities and services. Whilst the conversion of the existing buildings has the potential to be supported by policy, the manner in which the conversions would take place would detract from the character of the buildings, causing harm to their significance as curtilage listed buildings and would fail to improve their settings through the introduction of suburban features in the countryside, causing landscape harm. The development is therefore contrary to Policies CP1, DM1, DM15 and DM16 of the Core Strategy

and the NPPF, read as a whole. It is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits and it is not considered that there are any material considerations which indicate that the development plan should be set aside. As such, it is recommended that the application for planning permission be refused.

- 2.73 Turning to the application for listed building consent, there is a statutory duty to have special regard to the desirability of preserving listed buildings (which includes curtilage listed buildings) and their settings, or any features of special architectural or historic interest which they possess. It is considered that the development proposes an unsympathetic and inappropriate conversion and extension of these curtilage listed buildings, which would cause less than substantial harm to their significance as heritage assets. This harm has not been outweighed by public benefits. Having regard to the statutory duty and the provisions of the NPPF, it is recommended that listed building consent be refused.

g) **Recommendation**

- I In respect of the full planning application, DOV/16/01365 for the conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of 3no. existing buildings), PERMISSION BE REFUSED for the following reasons:

(1) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. As such, and in the absence of any special circumstances which indicate otherwise, the proposed development represents an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1 and DM4 and the National Planning Policy Framework paragraphs 17, 29 and 55 of the National Planning Policy Framework.

(2) The proposed development, by virtue of the design of, and proposed steps to, the 'Barn' and the creation of large private garden areas which would be highly visible in views from the east and south-east, resulting in an intrusive and incongruous form of development which would adversely affect the character of the countryside and the character of the landscape, contrary to Dover District Core Strategy Policies DM15 and DM16 and paragraphs 17, 58, 61, 64 and 109 of the National Planning Policy Framework.

(3) The proposed development, by virtue of the scale and form of the extension to, and detailed fenestration of, the 'Former Milking Parlour' and the scale, form and detailed design of the steps to the east of, and use of black stained horizontal weatherboarding to, the 'Barn' would cause less than substantial harm to the curtilage listed buildings and the setting of the listed Long Lane Farm. In the absence of any public benefits which outweigh this harm, the development would be contrary to paragraphs 131, 132 and 134 of the National Planning Policy Framework.

In respect of the application for listed building consent, DOV/16/01366 for the conversion and extension of barn and milking parlour to residential use, CONSENT BE REFUSED for the following reasons:

(1) The proposed conversion of the barn to residential use would by virtue of the subdivision of the internal space and detailed design impose an overtly domestic

character on the listed building causing detrimental harm to its historic and architectural character and appearance as a former agricultural building for which no overriding justification has been demonstrated, and would therefore be contrary to Government guidance contained within the National Planning Policy Framework (2012).

(2) The proposed conversion and extension of the milking parlour would by virtue of detailed design, scale, form and orientation at right angles to the listed building result in an overtly domestic character and appearance which is incongruous to its historic and architectural character and appearance as a former agricultural building, and result in the unnecessary loss of historic fabric, having a detrimental impact on the listed building for which no overriding justification has been demonstrated. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework (2012).

Case Officers

Luke Blaskett and Alison Cummings

Appendix 2 – KCC Archaeology Consultation Response



Environment, Planning & Enforcement

Invicta House
County Hall
MAIDSTONE
ME14 1XX

Phone: 03000 413375
Ask for: Mr Ben Found
Email: ben.found@kent.gov.uk

17 March 2017

Your Ref: DOV/16/01365
Our Ref: DO 16 01365 LE01

Mr Luke Blaskett
Planning Section
Dover District Council
White Cliffs Business Park
DOVER
CT16 3PJ

SENT BY EMAIL

Re: DOV/16/01365

Location: Long Lane Farm, Long Lane, Shepherdswell, Dover, Kent CT15 7LX

Proposal: Conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of 3no. existing buildings)

Dear Mr Blaskett

Thank you for your letter consulting us on the above planning application. I am sorry for the delay in responding and hope that my comments can still be taken into account.

The historic farmstead

The submitted application proposes the conversion of two redundant farm buildings (the 'Milking Parlour' and the 'Kent Barn'), along with the construction of two semi-detached dwellings. A number of more recent (later twentieth century) farm buildings are to be demolished. The adopted Dover District Heritage Strategy includes a specific section on agriculture and farmsteads and notes that "*Historic farmsteads are assets which make a significant and highly varied contribution to the rural*

building stock, landscape character and local distinctiveness” (Appendix 1.9, para 9.5). The strategy goes on to note (para 9.44) that “Traditional farm buildings make an essential contribution to the character of the rural landscape of Dover District ... Opportunities should be sought to enhance and protect the historic farm buildings of Dover District. Where an economic use cannot be found for traditional farm buildings as part of a working farm, then opportunities should be sought to find new sustainable uses for such buildings.”

In this instance the farm buildings are redundant and we welcome the broad principle of finding a sustainable new use for the buildings. It is for your council to decide whether residential conversion is appropriate in this location, but if the principle is accepted it is essential that proposals are sensitive to and retain the historic character of the site.

The Design & Access Statement that accompanies the planning application includes consideration of the site’s historic development. It rightly notes that the buildings form part of a loose courtyard plan farmstead, with farm buildings enclosing the principal yard on two (east and south sides) and the main farmhouse on the third (west) side of the yard, with the fourth side being open and fronting onto Long Lane. The farmhouse is Grade II Listed and is noted in the listing description as being of seventeenth century date (or earlier). The farm complex is shown on the Sibertswould Tithe Map of 1841 which appears to show the existing farmhouse, milking parlour and barn, along with two other now demolished ancillary structures.

We welcome the scheme’s intention to maintain the farm’s historic courtyard layout through the retention of the site’s historic buildings, as well as the addition of carefully considered new buildings. Care will need to be taken in the detailing, materials and treatments used in the conversion of the retained buildings and in the proposed new build elements. As the works fall within the curtilage of the Grade II Listed farmhouse I would suggest that the views of your council’s Conservation Officer are sought on the proposal.

The submitted documentation includes some assessment of the historic fabric of the farm buildings. I would suggest however that it would be appropriate to secure a more detailed record of the historic farm buildings at the complex prior to the commencement of any demolition or conversion works. The results of this recording should provide an appropriately detailed record of the buildings in their current form. The resulting record may provide useful information that could help inform any decisions around materials and or detailing and you may wish to condition this element. The historic building works could be secured through condition and suggested wording is provided at the end of this letter.

In addition to the materials and detailing used for the buildings I would suggest that thought also needs to be given to ensuring that any new landscaping and boundary treatments are appropriate to the setting. Treatment of the shared space of the central farm courtyard should be a key consideration. Landscaping that introduces a sense of division or creates separate private spaces within the central farmyard should be avoided. We would suggest that care needs to be given when introducing

any new boundaries at the site. One of the distinctive features of many farmsteads is the way in which the surrounding landscape often flows up to the edge of the farmyard buildings, with only minimal curtilage definition. Where private space is proposed, the careful use of post-and-rail type fencing and native planting should be employed. We would suggest that any landscaping detail should be agreed either prior to determination of the planning application or that such detail is covered by an appropriately worded planning condition.

The site's archaeological interest

The site lies in a landscape that is generally very rich in archaeological remains. Many of the archaeological remains are known from crop- and soil- marks, including a complex of features a short distance to the east which include probable ring-ditches (ploughed out remains of prehistoric burial mounds) as well as trackways and other features. Further extensive crop- and soil- mark complexes are known to the north and west. Chance finds from the field immediately adjoining the farm to the south include coinage of Iron Age and Roman date. Further finds of metalwork of Iron Age, Roman and medieval date are known from the wider landscape.

The farmstead itself is shown on the 1841 Tithe Map for Sibertswould. The Listing description for the farmhouse suggests it is of seventeenth century date (or earlier) and it is possible that the site may contain buried archaeological remains associated with earlier buildings, structures and features associated with the farmstead.

Based on the archaeological potential of the area and the history of the farmstead it is possible that the proposed works may affect remains of archaeological interest. Such remains could include archaeology that pre-dates the present farmstead as well as remains that may help further our understanding of the upstanding buildings. I would therefore suggest that any consent includes provision for a programme of archaeological works. Suggested wording for such a condition is included at the end of this letter.

Recommendations

In general terms I am supportive of the principle of finding a sustainable new use for this locally significant group of historic farm buildings. If you are minded to accept the concept of residential conversion, and decide to grant planning permission, then I would suggest that the following issues be taken into account:

- The need for appropriate detailing and materials for any new build and conversion works which reflect the farmstead's historic character;
- The need for careful and sensitive landscaping and management, which could be agreed prior to the determination of the planning application, or alternatively secured by condition;
- The need for a programme of historic building recording so that a record is made of the buildings in their current agricultural form and prior to conversion. Suggested condition wording is included below; and
- The need to secure a programme of archaeological works. Suggested condition wording is again included below.

Suggested condition wording for historic building recording:

AR7 *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure that historic building features are properly examined and recorded.

Suggested condition wording for a programme of archaeological work:

AR1 *No development, including clearance demolition or site preparatory works, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure that features of archaeological interest are properly examined and recorded.

I trust that the above information is helpful and would be pleased to discuss further as required.

Yours sincerely

Ben Found
Senior Archaeological Officer
Heritage Conservation