

- a) **DOV/24/00542 - Change of use of land to extend residential curtilage and erection of detached building for garage/workshop for ancillary use (existing building to be demolished) - The Stables, Great Knell Farm, Knell Lane, Ash**

Reason for report – At the discretion of the Head of Planning and Development

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): DM1, DM15, DM16, DM17

Draft Dover District Local Plan (March 2023) - The Draft Dover District Local Plan is being examined. Following the Inspectors' initial advisory letter, consultation on the Main Modifications commenced on 11 April 2024. Whilst that process is not complete and the final report has not been received, there is a high probability that policies will eventually be adopted as originally worded or as proposed to be modified. Therefore, having regard to paragraph 48 of the National Planning Policy Framework, they can generally be given a considerable amount of weight. The relevant policies are: PM1, NE2, HE3, H6

Ash Neighbourhood Plan (2021)  
ANP1

Paragraph 129 of the Ash Neighbourhood Plan sets out the plan's aims when considering development within the countryside.

National Design Guide and National Model Design Code (2021)

- d) **Relevant Planning History**

DOV/14/01059 – Prior approval for the change of use of an agricultural building to a residential dwelling. Prior approval not required. This prior approval granted approval for the host dwelling to which this application relates (known as The Stables)

DOV/21/00441 – Erection of garden shed (retrospective) and front extension incorporating conversion of outbuilding. Granted.

DOV/22/00472 – Change of use and conversion of existing granary building to residential dwelling. Granted.

DOV/24/00090 – Change of use of land to extend residential curtilage and erection of detached building for garage/workshop for ancillary use (existing building demolished). Granted.

- e) **Consultee and Third-Party Representations**

Representations can be found in the online planning file, a summary is provided below:

Ash Parish Council – no comments received at time of writing

Third party Representations: 16 comments received in support of the application at the time of writing. The supporting comments are summarised below:

- The proposed two-storey building would be in keeping with the previous building and most of the other farm buildings.
- The former farm building existed in its original form just over 20 years ago.
- There are no Public Rights of Way through the site and cannot be seen from any other public footpaths.
- The proposed building is well designed.
- The building will provide security for family vehicles
- The building will be energy efficient, reducing their carbon footprint.
- Only some of the land remains agricultural, the rest of the buildings are to be converted to residential. Therefore, the applicants would not be able to apply for agricultural buildings in the future.
- The building would be ancillary to The Stables.
- Due to the distance between buildings the windows would not lead to overlooking.
- The existing dilapidated building is an eyesore
- The building would be over the same footprint as the existing dilapidated building.
- A restriction to convert the building to residential would be placed on the application and any application to remove this would have to be assessed by the planning department in future.

While no objections have been received at the time of drafting this report, the consultation period has not yet expired – the expiry date is 12.06.2024 and any additional comments received prior to the Planning Committee meeting will be reported.

There were thirteen objections received in respect of planning application DOV/24/00090 which sought planning permission for the same development.

f) **1. The Site and the Proposal**

- 1.1 The application site comprises a number of buildings on the west side of Knell Lane, which lies outside the settlement confines of Ash. The main dwelling sits to the south of the site and was the subject of a prior approval application to change the use of an existing agricultural building to a residential dwelling. While this prior approval included a residential curtilage around the building, it did not extend as far as to include the outbuilding which is the subject of this planning application. For this reason, the proposal includes the change of use of the land surrounding the outbuilding to bring it within the residential curtilage of the main dwelling.
- 1.2 Two other agricultural buildings within the former farm have also gained planning permission in recent years for a change of use to residential use. The host dwelling (The Stables) is single storey and is finished in painted brick and cladding on the ground floor, with timber windows and a slate roof.
- 1.3 The site is bounded by Great Knell Farm Cottage to the east, Great Knell Farm House to the south, an orchard to the north and open fields to the east and west.



Figure 1: Site Location Plan

- 1.4 The application seeks planning permission for the change of use of the land to extend the residential curtilage and to incorporate the erection of a detached building for garage/workshop, including the demolition of the existing remains of the former agricultural building, within the extended curtilage. The remains of the building which is the subject of this application are a part 2-storey, part 1-storey former agricultural building. Currently, the area of land which is the subject of this application is in agricultural use as it was formerly part of a farm unit. The proposed change of use does not include any other works to the land with the exception of the proposal to demolish the existing outbuilding and the erection of the proposed replacement outbuilding.
- 1.5 The proposed outbuilding would serve the host dwelling located directly to the south of the outbuilding, with a distance of 9.5m between the two. The ground floor would consist of a garden store (in the lean-to element) and garage, with a workshop at first floor. The building would be finished in black stained timber weatherboarding to match the adjacent farm buildings on a brick plinth with a slate roof.
- 1.6 The maximum depth of the main element of the outbuilding would be 7.6m, with a width of 5.4m, an eaves height of 4.3m and a maximum pitched roof height of 6.6m. The lean-to element of the building would have a maximum height of 3.5m. This new outbuilding would retain a similar footprint and siting within the site as the former building that it would replace.

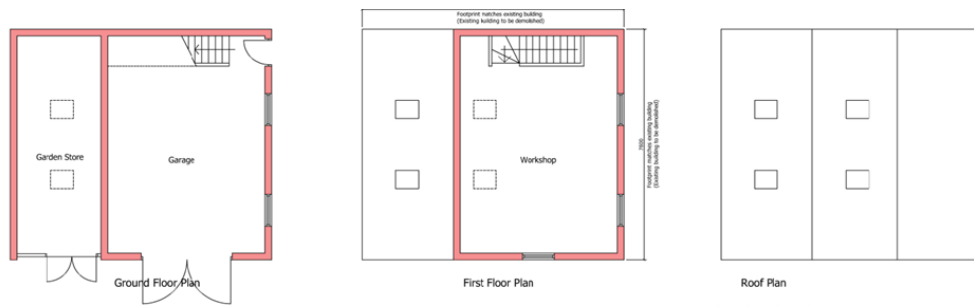


Figure 2: Proposed Floor Plans

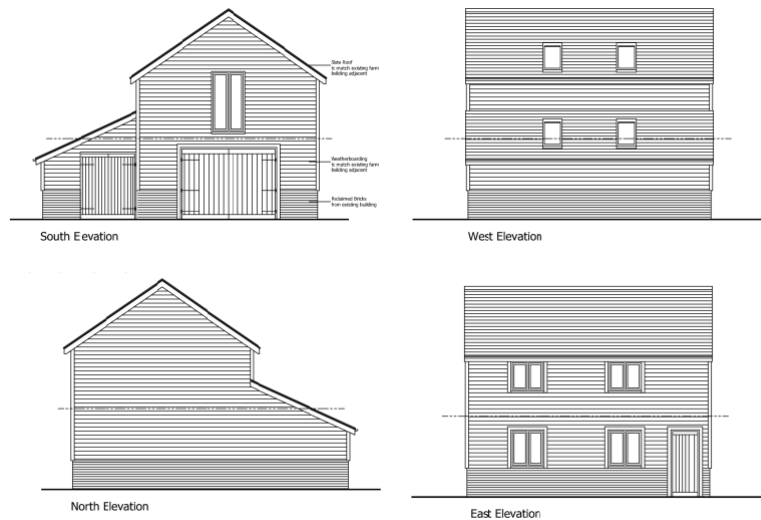


Figure 3: Proposed Elevations

## 2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance of the countryside
- Impact on residential amenity
- Ecology/Biodiversity Net Gain (BNG)

### Assessment

#### Principle of Development

2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

2.3 The site is outside of any settlement boundary. However, it is part of the wider farmstead which has been the subject of previous applications and prior approvals for the change of use of the buildings to residential use. The proposed

location of the garage and the change of use of the site relates to an area of 'left over land' that was previously developed and has not been included within any of the residential application sites. Given its location within the site and its small area, located between the residential use of The Stables and an adjoining site which previously had prior approval for conversion to a residential dwelling, this remaining area of agricultural land does not make any meaningful contribution to agriculture. Implications for allowing such a change of use can include the addition of domestic paraphernalia, fencing and a general change in character and appearance of the land. However, as explained above, this area of land is already restricted by virtue of its location within the wider former farmstead, does not benefit from a greenfield or open countryside character, albeit there are some views into the site from neighbouring fields, and, as such, it is not considered the change of use would result in harm to the character of the countryside as it would be in keeping with the wider residential use of the former farmstead. Therefore, despite the application being contrary to policy ANP1, the application, on balance, is considered to be acceptable due to the lack of identifiable harm.

- 2.4 As the change of use of the land to residential is considered to be acceptable, the principle of the detached garage is also be considered to be acceptable as it would be within the curtilage of an existing residential property where such outbuildings are generally accepted to serve a dwelling.
- 2.5 The proposal is acknowledged to be contrary to Policy ANP1 of the Ash Neighbourhood Plan which sets out the plans aims when considering development within the countryside. The policy only supports development for a local business or community need. This, in effect, means that any planning application to extend a dwelling or erect a garden outbuilding would effectively not comply with this policy.
- 2.6 The application is contrary to this policy, however, for the reasons explained above, there is no identified harm as a result of this proposal upon which planning permission could be refused in terms of the principle of the development.

#### Impact on Character and Appearance of the Countryside

- 2.7 The site is situated outside the settlement confines identified in Policy DM1 and is therefore considered to be within the countryside. Policies DM15 and DM16 of the Core Strategy also focus on the protection of the character or appearance of the countryside and list the reasons for acceptable development in these areas. Further to this, paragraph 180 of the NPPF identifies that "decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside."
- 2.8 The proposed outbuilding would be located to the north of the dwelling in which it would serve and is adjacent to open fields along the western boundary. Along this boundary there are areas of dense vegetation, however some of the boundary consists of a low-level wire fence which means that there would be views of the building from the open countryside. Regard must therefore be had for the overall acceptability of the building and any potential impact on the countryside.
- 2.9 Policy PM1 of the draft Dover Local Plan seeks to achieve a high-quality design. The footprint of the building is reflective of the building that it would replace, is of a reasonable size for the proposed use, and, as such, it is not considered it would result in an overdevelopment of the site. The design of the building with a

traditional pitch and monopitch slate roof with weatherboarding elevations is considered to be appropriate for its use and is reflective of the context of the wider site which consists of several former agricultural buildings of a similar appearance. This could also be said for the overall scale of the building which is considered to be reasonable in relation to its intended function. Whilst the main element is 2-storeys high, the existing building (albeit this is in a dilapidated state) was a 2-storey building, and the surrounding barns on the site are of a much bigger scale. In terms of materials, these would also match those of the surrounding buildings. For these reasons, the proposed building, whilst it would be visible from the surrounding countryside, is not considered to adversely impact upon the visual amenity of the area, or the character of the surrounding countryside and is, therefore, considered to be consistent with the aims and objectives of the NPPF.

#### Impact on Residential Amenity

- 2.10 To the east of the site is a former granary building for which planning permission was granted for a change of use to a residential dwelling in July 2023 under DOV/22/00472. Whilst this has not yet been built out or implemented, any potential impacts upon the residential amenity of this new dwelling must be considered as it is currently an extant permission and therefore could be implemented and the building lawfully converted in future. Plans show that there would be a garden to the west of this granary building. Four windows are proposed to the east elevation; two at ground floor level serving the proposed garage, and two at first floor level serving a workshop. Whilst there is potential for overlooking to this garden, there is a distance of 21 metres between the proposed windows and the boundary of the garden to the former granary building. This is considered to be at an acceptable distance that would not result in an unacceptable level of overlooking to this building.
- 2.11 To the south-east of the proposed outbuilding is a dwelling known as Great Knell Cottage. The proposed first floor windows have the potential to result in overlooking to the rear garden of this property. However, any overlooking would be at an oblique angle, with a distance of approximately 17 metres from the proposed window to the boundary with the garden to Great Knell Cottage. The most private area to the garden would be a much greater distance of approximately 29 metres from the proposed window. As such, whilst the proposal may result in some overlooking to the garden, it is considered that the distance combined with the oblique angle would mean that any overlooking would not result in harm that would warrant refusal of the application.
- 2.12 For the reasons outlined above, there would be identified harm to the residential amenities of the future occupants of the approved dwelling to the east. Consequently, the proposals accord with the aims and objectives of the NPPF.

#### Ecology/Biodiversity Net Gain

- 2.13 Biodiversity Net Gain (BNG) is an approach to development that is designed to leave the natural environment in a measurably better state than it was before the development occurred. Under the Environment Act 2021, all planning permissions granted in England, with a few exemptions, will have to deliver 10% biodiversity net gain. This is known as mandatory Biodiversity Net Gain and developers will be required to demonstrate that proposals deliver BNG.

- 2.14 In this case it is considered that this application is exempt from having to deliver BNG as the proposal is considered to meet the de-minimis exemption. A BNG statement was submitted alongside the application which states that *“The building has some partial ivy growth and a partial remains of a small tree growing in it, but there is less than 25 square metres of on-site habitat affected and no priority habitat. There is less than 5 metres of linear habitat affected. The only area of the site affected by the proposal is the envelope of the building itself where the replacement building will be erected in its place.”* The site is also not considered to be a priority habitat. As such, it is considered that the application meets the de-minimis requirements and is therefore exempt from the obligation to provide a biodiversity net gain.

### Other Matters

- 2.15 It is noted that in objections to the previous application for the same development on the site (application reference DOV/24/0090) residents raised concern about the scale of the outbuilding and that due to its location/ distance from the host dwelling that it could be used for purposes other than those applied for. To prevent the separate use of the proposed outbuilding as a dwelling, it has been suggested by an objector that the Council consider conditioning that the outbuilding cannot be sold separately to the host dwelling.
- 2.16 The proposed uses described within the application all fall within the remit of an incidental use that is considered to cover residential uses that do not include primary living accommodation (such as living or sleeping accommodation). Concerns that the proposed outbuilding could be put to use as an annexe (for example) would be restricted by the proposed condition limiting the use to incidental uses only. Any proposal to use the outbuilding as a dwelling would require planning permission in its own right.
- 2.17 Further, previous objections raised concern that the proposal would be contrary to points i and j of emerging policy H6. However, these points relate solely to residential annexes and as such are not considered to be relevant to this proposal.

### **3. Conclusion**

- 3.1 The proposed change of use is considered to be acceptable for the reasons outlined above and the garage due to its design, form, scale, siting and materials would be sensitive to the character of the area with no harm to visual amenity and the intrinsic character and beauty of the countryside would be conserved. For the reasons outlined above, the proposal would not result in harm to the residential amenities of surrounding occupants. Consequently, the proposal accords with the aims and objectives of the NPPF.

### **g) Recommendation**

I PLANNING PERMISSION BE GRANTED, subject to conditions:

- 1) Time limit
- 2) Approved Plans

3) Incidental use only

II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Alice Pitts

*The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The sections above and the recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).*