

## REPORT SUMMARY

<b>REFERENCE NO - 23/03322/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Retention of holiday let together with ancillary facilities (Retrospective)			
<b>ADDRESS</b> The Granary, Swigs Hole Farm, Yew Tree Green Road, Horsmonden, Tonbridge, Kent, TN12 8HR.			
<b>RECOMMENDATION</b> Grant planning permission subject to conditions (please refer to section 11.0 of this report for the full recommendation)			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<ul style="list-style-type: none"><li>• The development would not be significantly harmful to the residential amenities of neighbouring dwellings;</li><li>• The elements which are considered to cause some harm can be undertaken as permitted development</li></ul>			
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b>			
The following are considered to be material to the application:			
<b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b> N/A			
<b>Net increase in numbers of jobs:</b> N/A			
<b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A			
The following are not considered to be material to the application:			
<b>Estimated annual council tax benefit for Borough:</b> N/A			
<b>Estimated annual council tax benefit total:</b> N/A			
<b>Annual New Homes Bonus (for first 6 years):</b> N/A			
<b>Estimated annual business rates benefits for Borough:</b> N/A			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
The applicant is an Elected Member of Tunbridge Wells Borough Council.			
<b>WARD</b> Brenchley & Horsmonden	<b>PARISH/TOWN COUNCIL</b> Horsmonden Parish Council	<b>APPLICANT</b> Mrs Jane March <b>AGENT</b> Miss Alex Young	
<b>DECISION DUE DATE</b> 08/03/24	<b>PUBLICITY EXPIRY DATE</b> 14/01/24	<b>OFFICER SITE VISIT DATE</b> Various	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
97/00783/FUL	Conversion of barn and granary to 2 no single residential dwellings	Granted	04/02/98
97/01612/LBC	Listed Building Consent - Demolition of coldstore and conversion of barn and granary to 2 no residential dwellings	Granted	04/02/98
02/01519/LBC	Listed Building Consent - Conversion to residential use. Renewal of permission (TW/97/01612 refers).	Granted	05/02/03
02/01521/FUL	Conversion to 2 no single residential dwellings -	Granted	04/02/03

	Renewal of permission (TW/97/00783).		
02/01522/FUL	Amendment to existing scheme to show new access drive to barn and removal of part of existing farm road	Granted	22/04/03
04/01875/FUL	Conversion of granary to residential use and adjoining stable block as a garage to replace previous permission TW/97/00783 and TW/02/01521	Refused	06/09/04
04/01876/LBC	Listed Building Consent - Conversion of granary (to replace TW/02/01519)	Refused	06/09/04
05/02293/LBC	Listed Building Consent: Conversion of granary to residential use and adjoining stable block as a garage (to replace previous planning permission TW/97/01612 and TW/02/01519)	Granted	26/06/06
05/02294/FUL	Conversion of Granary to residential use and adjoining stable block as a garage (to replace previous planning permission TW/97/00783 and TW/02/01521)	Granted	26/06/06
12/00701/FUL	Retrospective - 16 standalone PV solar panels	Granted	27/06/12
12/02084/FUL	Retrospective - Conversion of redundant farm building to single dwelling	Granted	04/12/12
12/02085/LBC	Listed Building Consent - To retain works for conversion of redundant farm building to single dwelling already started	Granted	04/12/12
<b>Adjoining Sites</b>			
Swigs Hole Farm: 02/03082/FUL	Change of use from agriculture and classic car repairs to B1 use providing 6 units in two buildings, together with associated parking.	Granted	07/03/03

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The Granary is a detached dwellinghouse, converted from a barn under applications 12/02084/FUL and 12/02/085/LBC, as above. The building was formerly part of the curtilage of the Grade II Listed Swigs Hall around 50 metres to the east and forms part of an Historic Farmstead.
- 1.02 The site is situated in a rural setting with a strong agricultural character around 600 metres north of the defined limits of Horsmonden.
- 1.03 A Public Right of Way (WT314) runs from north to south along the eastern portion of the site, between Swigs Hall and The Granary.

### 2.0 PROPOSAL

- 2.01 Retrospective planning permission is sought for the retention of a holiday let and the associated facilities.

- 2.02 The holiday let is situated directly to the rear of the main dwelling, between The Granary and a menage. Due to the land levels within the site, the ground level of the holiday let is substantially above that of The Granary.
- 2.03 The proposal includes a number of separate elements:
- Sleeping and living area in the form of a timber clad cylindrical structure;
  - Composting toilet in the form of a small timber shed;
  - Shower and washroom facilities in the form of a small timber shed;
  - Associated landscaping including hardstanding and close-boarded fencing.
- 2.04 The holiday let is accessed from Yew Tree Green Road 450m to the north, and accessed along an existing unmade track serving a number of buildings within Swigs Hole Barn.
- 2.05 The submitted planning statement references a further existing holiday let on site (referred to as The Old Stable) which is attached to the main dwelling. This use does not have the benefit of planning permission. It was requested that the current application be amended to include both holiday lets. This request was turned down by the agent, so the aforementioned holiday let (The Old Stable) is now the subject of an enforcement investigation.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	-	133m <sup>2</sup>	-
Land use(s)	Agricultural	Residential	-
No. of units	0	1	+1

#### Sleeping and Living Area (Barrel)

Max. Height	2.40m
Max. Width	2.25m
Max. Depth	4.40m

#### Composting Toilet

Max. Height	2.40m
Max. Width	1.40m
Max. Depth	1.60m

#### Shower and Wash Facilities

Max. Height	2.10m
Max. Width	1.52m
Max. Depth	2.16m

### 4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3;
- Potential Archaeological Importance - Various Sites;
- Outside the Limits to Built Development.

### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2023 (NPPF);  
National Planning Practice Guidance (NPPG);

Tunbridge Wells Borough Council Local Plan 2006

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LBD1 – Development outside the Limits to Built Development;  
EN1 – Development Control Criteria;  
EN18 – Flood Risk;  
EN25 – Development control criteria for all development proposals affecting the rural landscape;  
T3 – Tourism Accommodation Outside the Limits to Built Development.

### Tunbridge Wells Borough Council Core Strategy 2010

CP 4 – Environment;  
CP 5 – Sustainable Design and Construction;  
CP 14 – Development in the Villages and Rural Areas.

### Tunbridge Wells Borough Submission Local Plan 2020-2038

STR1 – The Development Strategy;  
STR 2 – Place Shaping and Design;  
STR7 – Climate Change;  
STR8 – Conserving and Enhancing the Natural, Built, and Historic Environment;  
STR10 – Neighbourhood Plans;  
EN1 – Sustainable Design;  
EN3 – Climate Change Mitigation and Adaption;  
EN4 – Historic Environment;  
EN5 – Heritage Assets;  
EN8 – Outdoor Lighting and Dark Skies;  
EN18 – Rural Landscape;  
EN20 – Agricultural Land;  
EN25 – Flood Risk;  
ED4 – Rural Diversification;  
ED7 – Retention of, and improvements to existing, and the promotion of new, tourist accommodation and attractions.

### Horsmonden Neighbourhood Plan 2022-2038

2.3 – Enhancing Public Rights of Way;  
5.1 – Design of New Development;

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Site notices were displayed outside Swigs Hall, near Maidstone Road and the site access point along Yew Tree Green Road.
- 6.02 This application was requested by council officers subsequent to an enforcement complaint. The complainant was notified by email.
- 6.03 No comments have been received on the application.

## **7.0 CONSULTATIONS**

### Environmental Protection (18/12/23):

I have reviewed the application and have no comments or objections based on noise, land contamination or air quality. I note that the EP team has previously received a complaint about defective drainage from the main address but do not consider that this affects the application which details the use of a composting toilet. No objection

### Horsmonden Parish Council (21/12/23):

The Parish Council were unable to make a comment on this application as too many members declared an interest and therefore, they were not quorate and could not make a decision.

TWBC Urban Design and Conservation Officer:

Would object to the erection of fencing which has been used to enclose the area used as a holiday let. However, in applying the tests used to determine whether a structure is curtilage listed following the High Court case of R v Taunton Deane Borough Council, 2008, it was not considered that the site formed part of the listed curtilage of Swigs Hall. As a result, a large proportion of the fencing could be erected under permitted development and would not require planning permission. There are no heritage objections to the proposal.

## **8.0 APPLICANT'S SUPPORTING COMMENTS**

- Majority of land still in arable production, smaller portion laid to pasture or woodland;
- Site and curtilage is already within residential use;
- Holiday let has rules of conduct which excludes unacceptable or anti-social behaviour;
- Houses up to a family of four to reconnect with nature or take part in tourism;
- Well connected with extensive Public Rights of Way;
- Proposed facilitates sustainable farm diversification;
- Holiday let most weekends and has been labelled "guest-favourite" on Air-Bnb;
- Employs local trades people for ongoing maintenance of holiday let;
- Additional traffic movement is minimal – only one additional car – well located with extensive Public Rights of Way;
- Does not affect countryside being within residential curtilage of The Granary;
- Within close proximity of existing holiday let, The Stables;
- Minimal impact on surrounding residential amenity;
- Within Flood Zone 1 with low risk of flooding;
- No known contamination issues;
- One parking space provided.

## **9.0 BACKGROUND PAPERS AND PLANS**

- Application Form;
- Location Plan (JM-BL-1123-01);
- Block Plan (JM-BL-1123-02);
- Composting Toilet Floor Plan & Elevations (JM-BL-1123-03);
- Sleeping Barrel Floor Plan & Elevations (JM-BL-1123-04);
- Shower & Wash Room Floor Plan & Elevations (JM-BL-1123-05);
- Site Plan (JM-BL-1123-06);
- Flood Map for Planning;
- Supporting Planning Statement;
- Photos.

## **10.0 APPRAISAL**

### **Principle of Development**

- 10.01 The subject property is located Outside of the Limits to Built Development, where the National Planning Policy Framework (NPPF) seeks to restrict development which could be considered harmful to the area.
- 10.02 Paragraph 88 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, through the conversion of existing

buildings and well-designed new buildings, and through the development and diversification of agricultural and other land-based rural businesses. It is acknowledged that the proposed holiday let use would support the economy of the local area, albeit in a minor way due to its scale. It is acknowledged within Paragraph 89 that decisions should recognise that sites to meet local business and community needs may be situated outside of existing settlement boundaries, or sites that are not well-served by public transport.

- 10.03 Policy T3 of the Adopted Local Plan permits both serviced and non-serviced accommodation outside of the Limits to Built Development where development consists of conversions or changes of use of existing buildings, or extensions to existing accommodation. Neither are relevant in this instance and the policy does not directly apply, but does identify the support for rural accommodation.
- 10.04 Core Strategy Policy 14 sets out that the countryside can accommodate some changes in land use including appropriate forms of tourism but that the underlying principle will be to protect the countryside, and restraint is required in order to maintain its overall landscape character and quality.
- 10.05 In terms of sustainability, it is noted that this is in a rural location and occupiers are highly likely to access the accommodation and explore the surrounding area by car. However, there will be some sustainability benefits from this holiday use, in that tourists would be located close to some local attractions and the Public Rights of Way, which may reduce the need to travel from larger settlements. Nevertheless, there is no guarantee that visitors would only use these facilities, and none are linked as part of the landholding.
- 10.06 In general, however, this type of accommodation by its nature tends to be located where there is limited access to services and facilities and would not bring with it the day-to-day travel requirements of a single dwelling such as education, travel to work or access to healthcare facilities, etc. It should be noted that the site is situated only half a mile from the defined Limits to Built Development of Horsmonden, though there are no footpaths providing a direct route between the site or Horsmonden.
- 10.07 The NPPF seeks to enhance the beneficial use of the countryside and opportunities to provide access and recreation. Whilst the site's location could be classed as unsustainable, it is within relatively close proximity to the nearest town. In addition, the benefits that the scheme would provide in terms of supporting the rural economy and providing access to the countryside are considered to outweigh the minor harm resulting from the accessibility of its location.

### **Visual Impact**

- 10.08 The built form of the sleeping accommodation and associated facilities is relatively modest in both height and massing. The application site is not highly visible above the erected fencing, with only the top of the buildings partially visible from specific angles.
- 10.09 As set out in the Conservation Officer's comments, the type of fencing is not considered to be ideal. Close-boarded fencing is not generally characteristic of rural areas and even less so within the curtilage of historic farmsteads. However, fencing can be erected within a residential curtilage without the need for a planning permission under Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, the LPA has no grounds to raise objections to this element. There are other isolated

instances of close-boarded fencing already within this vicinity, however, the prevailing character is post and rail fencing.

- 10.10 To clarify, The Granary does not meet the tests as set out at R v Taunton Deane Borough Council 2008 and is not considered to form part of the listed curtilage of Swigs Hall.
- 10.11 As further clarification, the main dwelling, The Granary, submitted a series of applications for its conversion to a dwelling. These were not implemented as approved and also resulted in the need for retrospective applications refs: 12/02084/FUL & 12/02085/LBC. Therefore, the original conditions that set out to remove permitted development rights for the erection of fencing (i.e. condition 10 of ref. 97/00783/FUL, or condition 9 of 02/01521/FUL) do not apply, as those permissions were not implemented for the conversion. The conditions imposed on the retrospective applications (12/02084/FUL & 12/02085/LBC) did not include such conditions. Permitted development rights have therefore been retained.
- 10.12 The curtilage forming the holiday let is situated between existing built forms, being The Granary to the south-east, and a menage which is situated on an elevated piece of land to the north. Other buildings associated with Swigs Hole Barn enclose the site to the west.
- 10.13 As a result of the above assessment, the development is considered suitable for the sites rural character and is in accordance with Paragraph 88 of the NPPF.

#### **Residential Amenity**

- 10.14 The built form of the various structures comprising the accommodation itself are relatively modest in scale, and sufficiently distanced from neighbouring dwellings as to mitigate any potential impact in terms of overshadowing, or overlooking. The size of the accommodation would not lend itself to the gathering of large groups, and the noise it would generate is unlikely to exceed that which would usually be expected of standard residential uses.
- 10.15 In addition, the land approximately 70m to the west (forming part of Swigs Hole Barn) was granted permission for the use of six buildings for general industrial purposes (Class B2) under application ref. 02/03082/FUL which, in any event would be likely to generate more noise than the holiday let.

#### **Highways**

- 10.16 The holiday let uses an existing access which services multiple buildings in varying uses. The size of the holiday let would not lend itself to any measurable increase in traffic as to raise highway concerns.
- 10.17 One parking space has been provided, though there is capacity on site for more. Nonetheless, one parking space is sufficient for the proposed use.
- 10.18 The proposal is not considered to create an unacceptable impact on local roads, and is therefore in accordance with Paragraph 89 of the NPPF.

#### **Ecology**

- 10.19 Given the small area of land involved and the nature of the proposal, there is not considered to be an impact upon ecological or biodiversity interests.

## Conclusion

- 10.20 The development, through its extensive use of close-boarded fencing would result in some harm to the historic character of the Historic Farmstead, as well as to the rural character of the site. However, the fencing can be erected without the need for planning permission and the LPA are therefore unable to raise objections on this basis. Provision is made within the NPPF and local policies for commercial enterprises within rural locations. No other harm is considered to arise as a result of the proposal. The proposed development is therefore considered acceptable.

## 11.0 RECOMMENDATION – GRANT, subject to the following conditions:

1. The development hereby approved relates to the following approved plans:
  - Composting Toilet Floor Plan & Elevations (JM-BL-1123-03);
  - Sleeping Barrel Floor Plan & Elevations (JM-BL-1123-04);
  - Shower & Wash Room Floor Plan & Elevations (JM-BL-1123-05);
  - Site Plan (JM-BL-1123-06).

Reason: To clarify which plans have been approved.

2. The development hereby approved shall only be used as holiday accommodation and shall not be occupied or let as an independent sole/main residence for any individual or group. The development shall not be occupied continuously by any person or persons for a period in excess of 28 days, and shall not be occupied by any person or persons for more than a total of 112 days in any one calendar year (i.e. maximum of four separate 28-day periods). Full and up-to-date records must be kept of all the staying guests and access to the records shall be available to the Local Planning Authority, when requested.

For the avoidance of doubt the premises shall not be used at any time as a sole and principal residency by any occupants, and the premises shall not be used as a second home by any person.

The use and buildings shall only be ancillary accommodation in association with The Granary, TN12 8HR and shall not be separated or sold as an independent unit of accommodation.

Reason: In the interests of controlling and regulating development on this site. To retain tourist accommodation and to preclude the use of the premises for permanent residential purposes.

3. No external lighting shall be installed until details have been submitted to, and approved in writing, by the Local Planning Authority prior to its installation. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles). The approved scheme shall be installed, maintained, and operated in accordance with the approved details, unless the Local Planning Authority gives its written permission to the variation.

Reason: To protect the appearance of the area, the environment and wildlife from light pollution.



## Planning Committee Report

### **INFORMATIVES**

N/A

Case Officer: James Taylor

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.