

## REPORT SUMMARY

<b>REFERENCE NO -</b> 19/01696/FULL
<b>APPLICATION PROPOSAL</b> <p>Proposed conversion and change of use of agricultural barn (Barn A) into four residential units (comprising 3 no 3-bed units and 1 no 2-bed unit) with associated parking and garden space - demolition of one bay (south end) of the barn.</p>
<b>ADDRESS</b> Land Adjacent To Stonecourt Farm Cottage Stone Court Lane Pembury Royal Tunbridge Wells Kent
<b>RECOMMENDATION</b> to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation).
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>– In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied);</li> <li>– The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and Local Policy in respect of these material considerations;</li> <li>– The proposal represents appropriate development in the Green Belt and complies with paragraph 146 of the NPPF</li> <li>- The proposal would not adversely affect the appearance of the street scene or character of the area.</li> <li>- The proposal would not cause significant harm to the residential amenities of neighbouring properties.</li> <li>– The traffic movements generated by the development can be accommodated without detriment to highway safety and the proposal includes adequate car parking provision;</li> <li>– Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.</li> </ul>
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> <p>The following are considered to be material to the application:</p> <p><b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b> N/A</p> <p><b>Net increase in numbers of jobs:</b> N/A</p> <p><b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A</p> <p>The following are not considered to be material to the application:</p> <p><b>Estimated annual council tax benefit for Borough:</b> £715.01</p> <p><b>Estimated annual council tax benefit total:</b> £7218.12</p> <p><b>Annual New Homes Bonus (for first 4 years):</b> £4000.00</p> <p><b>Estimated annual business rates benefits for Borough:</b> N/A</p>
<b>REASON FOR REFERRAL TO COMMITTEE</b>

The application has been called in by Cllr Paul Barrington-King for the following reasons:			
<div><div>—</div><div>It is situated in the MGB (and no 'very special circumstances' exist), moreover this site is not allocated for residential development in either the current or draft Local Plans</div><div>—</div><div>It is an inappropriate development that would not be in keeping with other nearby properties</div><div>—</div><div>Major concerns about the vehicle access along the narrow Stone Court Lane and implications for car parking for existing residents along the Lane.</div></div>			
WARD Pembury		PARISH/TOWN COUNCIL Pembury Parish Council	APPLICANT Richard Barnes (Farms) Limited AGENT Canan Clatworthy
DECISION DUE DATE 21/08/19		PUBLICITY EXPIRY DATE 07/08/19	OFFICER SITE VISIT DATE 17/07/19
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
15/506803/PNR	Prior notification for the change of use of an agricultural building to B1(a) and associated operational works.	Permitted	06/10/15
18/00446/PNR	Proposal: Prior notification for the change of use of an agricultural building to a flexible use (office).	Permitted	03/04/18
18/03011/PNQCLA	Prior notification for the change of use of a building and land within its curtilage from an agricultural use to a use falling within Class C3 (dwellinghouses) together with the associated building operations which are reasonably necessary to convert the building  Reason for refusal:  The proposed works to convert one of the barns has commenced before the application to the LPA was determined. The proposal therefore does not meet with condition Q.2 (1) of Class Q, Part 3, Schedule 2 of the GPDO.	Refused	19/11/18
19/01430/PNQCLA	Prior Notification for the Change of Use of a Building and Land within its Curtilage from an Agricultural Use to a Use falling within Class C3 (Dwellinghouse) and Building Operations reasonably necessary to convert the building.	Permitted	19/07/19

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site relates to two agricultural buildings with an area of hardstanding in front of the building. The building to the south has already had a prior notification approved earlier in the year for its conversion into three dwellings. This application relates to the building to the north, which has been stripped down to its metal frame. A couple

of other buildings are on the site including a cold store to the east of the site. There are also residential units within the locality, including two farm cottages to the east, and the start of the Pembury settlement to the west.

- 1.02 The site is access via Stone Court Lane, which is a narrow lane, and the track in front of the building is a public right of way.
- 1.03 The building is located at the edge of an existing agricultural field which extends to the south and west, which is in the same ownership. There are more agricultural fields to the east with Pippins farmstead further to the east.

## 2.0 PROPOSAL

- 2.01 The proposal is for the conversion of the barn to the north into four residential dwellings. The conversion would include a residential curtilage to the west of the building, and the retention of the hardstanding to the east for parking.
- 2.02 Works to the building will include vertical cedar Yorkshire boarding above brickwork plinth, metal profiled pitched roof with metal framed windows and doors. Also proposed is the insertion of a first floor for the bedrooms. The proposal would provide 3 no. three bed dwellings and 1 no. 2 bed dwelling.
- 2.03 As part of the proposal one bay on the south end of the barn would be removed.

## 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Max height	7.2m	7.2m	No change
Max eaves height	4.2m	3.7m	-0.5m
Max Depth	15.3m	15.6m	+0.3
Max Width	29.2m	23.4m	-5.8m
No. of residential units	0	4	+4
Parking ratio	0	12	+12

## 4.0 PLANNING CONSTRAINTS

Agricultural Land Grade 2 (*This information is taken from the MAFF 1998 national survey series at 1:250 000 scale derived from the Provisional 1" to one mile ALC maps and is intended for strategic uses. These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading.*)

Biodiversity Opportunity Areas

Metropolitan Greenbelt (MGB)

Outside Limits to built development (LBD)

Public Bridleway Public Rights Of Way

Aquifer Protection Zone Aquifer Zone 3 and 4

AONB located approximately 80m to the north (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

## **5.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF) (2019)  
National Planning Practice Guidance (NPPG)

### **Site Allocations Local Plan, July 2016**

#### **Tunbridge Wells Borough Core Strategy 2010**

Core Policy 1: Delivery of Development  
Core Policy 2: Green Belt  
Core Policy 3: Transport Infrastructure  
Core Policy 4: Environment  
Core Policy 5: Sustainable Design and Construction  
Core Policy 6: Housing Provision  
Core Policy 14: Development in the Villages and Rural Areas

#### **Tunbridge Wells Borough Local Plan 2006**

Policy MGB1: Metropolitan Green Belt  
Policy LBD1: Development outside the Limits to Built Development  
Policy EN1: Development Control Criteria  
Policy EN25: Development Control Criteria for all development proposals affecting the rural landscape  
Policy H13: Conversion of rural buildings to residential use outside of the Limits to Built Development  
Policy TP4: Access to the road network  
Policy TP5: Vehicle Parking Standards

#### **Tunbridge Wells Borough Council Supplementary Planning Documents/Guidance:**

Borough Landscape Character Area Assessment 2002: Second Edition adopted October 2011  
Economic Needs Study (ENS) 2016

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Site notices were displayed on the 17<sup>th</sup> July 2019 at five locations around the application site. This included two to the east of the site, two along Stone Court Lane to the west and one on Herons Way to the south west.
- 6.02 30 representations were received with the following comments/objections:
- The site is within the Metropolitan Green Belt and would be an incursion, degrading the openness of the site
  - The site is outside the Limits to Built development of Pembury
  - The site is only accessible via a bridle way/private lane
  - Track is single land and narrow with no footpath, risk to walkers and horse riders
  - Transport statement is out of date and incorrect
  - The site is within the AONB
  - The site is an SSSI
  - There is a demand for office space in the area (relating to previous approval for offices).

- Reference made to the New local Plan policies and the call for sites
- There is no need for new houses locally
- Proposal would dwarf neighbouring farm cottages
- Impact current dark skies
- Increase in traffic
- Barns have not been used for two decades, so now no traffic into site
- Impact on existing facilities in Pembury (school and drs)
- Increased traffic in Pembury
- Bus service information is old
- Gardens and parking would impact on existing surrounding orchards
- Site is also part of New local plan call for sites for housing
- Previous applications in area refused
- Set a precedent
- Wildlife survey should be included, impact on wildlife
- Noise and pollution
- Reference to widening the road
- Application is on different address to previous applications
- Impact on parking spaces on Stone Court Lane
- Noise from construction
- Amended statement received and a new consultation period should commence
- Incorrect information on application form
- Does not comply with Policy H13
- Not notified about application
- Owner of access not notified
- Use of materials are out of keeping with area

## **7.0 CONSULTATIONS**

### **Pembury Parish Council**

- 7.01 31/07/19: The parish object for the following reasons:
- located in the GB and no very special circumstances exist
  - not in keeping with other properties nearby
  - major concerns about vehicle access along Stone Court Lane and implications for parking

### **KCC Highways**

- 7.02 30/07/19: Whilst the introduction of residential units in a rural setting will always raise concern, as residents are likely to be car dependent, the highway authority is mindful that with proposed conversion, there may be other planning policies and objectives to be taken into account.
- With regard to the details, the submitted TS indicates that the residential units are likely to generate fewer trips than those associated with the office use considered under Prior Notification procedures and fewer HGV trips compared with the former agricultural use.

### **Natural England**

- 7.03 24/07/19: No comments to make

### **KCC Public Rights of Way**

- 7.04 22/07/19: If further development is to go ahead, I would ask that formal passing places should be provided along the bridleway to allow vehicles to pull over and allow unobstructed access for pedestrians and equestrians along the bridleway. Any damage to the surface as a result of private vehicular access would be for the landowner/frontages to repair.

**Pembury Society**

7.05 05/08/19:

- The site is in the Green Belt
- Access to the site would be difficult and very dangerous
- Detriment to current residents in area
- Orchards are a wildlife haven, full ecology survey should be carried out
- Current barn is just a metal frame, is this a conversion?

**8.0 APPLICANT'S SUPPORTING COMMENTS**

- 8.01 It has been demonstrated in this statement and other supporting evidence that the proposal is appropriate and acceptable in principle given the nature and character of the immediate surroundings. The structural survey accompanying the application concludes that the building is structurally sound.
- 8.02 The amount of traffic that is to be generated by the proposal will not prejudice highway safety or cause unacceptable highway conditions on the local network and will be less than the traffic generated by the lawful agricultural use and/or permitted office use. The proposal will also be served by sufficient car parking.
- 8.03 The proposal will not result in any adverse impact upon residential amenities of adjacent properties. It will improve the character and appearance of the site as well as the openness of the Green Belt.

**9.0 BACKGROUND PAPERS AND PLANS**

Application form  
Site location plan  
Existing and proposed block plan  
Existing plans and elevations  
Planning Statement  
Structural Survey  
Transport Statement

**10.0 APPRAISAL**

**Principle of Development**

- 10.1 Para 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The Council has identified that it can currently demonstrate a housing land supply of 4.69 years. Therefore the Council considers that it cannot demonstrate a five year housing land supply.
- 10.2 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

*"i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

10.3 Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 73. Footnote 6 includes AONBs.

10.4 Therefore the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies within para 11 and Footnote 7 indicate this development should be restricted.

10.5 Policy H13 of the Local Plan relates to the conversion of rural buildings to residential use. The policy states:

*Outside of the Limits to Built Development the change of use or conversion to residential use of a building whose loss would be detrimental to the character of the countryside, or a building whose form, bulk, general design, materials and scale is in keeping with its surroundings, will only be permitted provided all of the following criteria are satisfied:*

- 1. The building would be capable of conversion without extensive alteration or rebuilding and/or extension;*
- 2. The conversion can be achieved without detrimental effect on the building's fabric or character;*
- 3. The creation of a residential curtilage, access and car parking facilities could be achieved without harm to the character of the countryside;*
- 4. The Local Planning Authority is satisfied that, in the case of a recently constructed building, there was a genuine agricultural justification for the erection of the building originally;*
- 5. Re-use of the building for economic development purposes would be inappropriate by reason of its location or its scale or design; and*
- 6. The conversion would meet an identified local need for housing which does not conflict with a need to retain local employment opportunities, and is in a location that has good accessibility to a range of services in a nearby settlement.*

10.6 The agent has submitted a structural report which states that the barns are in good condition and the proposed conversion to a two storey dwellings is a viable undertaking following the remedial works mentioned in the report. This includes

- The purlins and frames will be analysed for the new roof finishes and strengthened if necessary.
- The proposal is to remove the existing gutter beam and replace with a new eaves beam allowing for new balconies.
- Install a new façade incorporating necessary bracing to the existing frame to the external perimeter.
- Install a first floor lightweight structure to provide two storey accommodation
- Subject to levels, it is assumed that the existing slab will be retained (subject to trial cores), with insulation, DPM and screed added on top.
- Investigate the existing foundations through trial holes.
- Provide new rainwater and foul water discharge systems.

10.7 While some structural work will be required to convert the building into a habitable building it is considered that the defects identified are minor and are normally accommodated in conversions of these types of buildings to dwellings. It is noted that the building has been stripped down so that just the frame of the building is retained. While this would have the appearance of a re-build, as the metal frame is still retained this is still classed, in planning terms, as a conversion.

10.8 As can be seen from the planning history the proposal was to convert this building into a dwelling under a prior notification application under class Q, part 3 of the General Permitted Development Order. This allows building operations which are reasonably necessary to convert the building including insertions of windows, doors, roofs or exterior walls.

10.9 Paragraph 105 of the National Planning Practice Guidance (NPPG) states:

*For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.*

10.10 While this application is not a prior notification, had the works to convert the building not already commenced the proposal could be permitted under a prior notification and therefore is considered to be a material consideration in determination the application. It is considered that the building is capable for the proposed conversion the frame of the existing structure of the building would be retained, and no extension to the building is proposed. Therefore criterion 2 of Policy H13 is also considered to be met.

10.11 The residential curtilage would be located to the rear of the proposed properties to the west of the site. They would be approximately 7m in long and between 4.8 and 6m wide. The proposed gardens are considered to be a modest size which would not significantly encroach into the field to the rear of the site. Furthermore it is noted that the garden area would be located on an existing area of hardstanding where another barn previously stood. No details of the boundary treatments to separate the properties and gardens have been submitted and, if approved, it is considered reasonable to condition the details to ensure appropriate means of enclosure in this rural location. The parking area will utilise the existing hardstanding to the front of the site so would not involve the creation of additional hardstanding. Therefore criterion 3 of Policy H13 is considered to have been met.

10.12 There is no planning history for when the building was constructed; however historic aerial maps show the building on the site from the 1990's. There appears to be little continuing demand for the agricultural use of this building. It is noted that the building was approved a prior notification in 2015 for its use of an office. The agent has submitted a statement from Burgess and Co's which provides a justification for the appropriateness of residential use. The statement outlines why the previous office use would no longer be a viable option due to the cost of converting the building and the expected return from office letting. They state that there is an oversupply of such units in the area and that a residential conversion may be more appropriate.

10.13 The findings of the Economic Needs Study (ENS) 2016 states at paragraph 6.27 that there is currently less than two years supply of office space available in the market for Tunbridge Wells. However the report also notes at paragraph 6.32 that the residential market in Tunbridge Wells is strong with strong demand for new homes



that come onto the market. It goes on to say in paragraph 6.32 that office investment deals are much lower in comparison to residential so it is clear why residential developments are so popular in Tunbridge Wells. The report notes that supply of office space does lag behind demand, however the local plan policies looks to locate offices within existing key employment areas or at sites forming logical extension to these areas.

- 10.14 While the ENS indicates that there is a need for additional office space in Tunbridge Wells it should be noted that the council has no five year housing land supply, and there is also a need for houses. Furthermore, the approved office space has not been implemented and on consideration of the submitted information it appears unlikely to be implemented. Therefore the proposal does not involve the loss of existing office space.
- 10.15 Recognised by the recent broadening of permitted development rights for the conversion of rural buildings is acceptable in principle. In addition the conversion of the building will help meet a need for housing in rural locations.
- 10.16 The proposed development is considered to satisfy the above criteria and therefore be in accordance with Policy H13. The re-use of the building would also be in accordance with the NPPF which states that as a special circumstance, the re-use of existing buildings, particularly if it leads to an enhancement of their immediate setting, are acceptable, and that a wide choice of quality homes and design should be available.
- 10.17 In addition to the above the NPPF at para 79 provides policies on “isolated” new houses in the countryside. Given the location of other dwellings in the vicinity, the site is not considered to be “isolated” and therefore NPPF para 79 is not applicable.

#### **Impact on the Green Belt**

- 10.18 The site is also located within the Metropolitan Green Belt where Core Strategy Policy 2 states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. The NPPF recognises at paragraph 145 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, unless there is an exception. However, this proposal is not for the construction of a new building and paragraph 146 of the NPPF states:

*Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes:*

*The re-use of buildings provided that the buildings are of permanent and substantial construction.*

- 10.19 The proposal would be reusing an existing building which is located on an area of existing hardstanding. No extension to the building is proposed and a modest sized curtilage is included which will be located within the existing area of hardstanding. It is considered that the proposal will not have a significant impact on the openness of the Green Belt.

#### **Visual Impact**

- 10.20 It is considered the design and external appearance of the building would be acceptable. The form of the existing building would be to a major extent left intact

and the insertion of the external openings would appear necessary for the building to function as a residential unit. While the proposal includes new windows, doors and a changes to the external appearance including timber cladding and a metal profiled pitched roof it is still considered to represent a rural building with a semi-industrial look. There are concerns from some residents that the resulting conversion would not fit into the character of the area, as the resulting buildings would not appear like the farm cottages to the east of the site. However it is not the intention of these types of applications to result in a dwellings that appear like cottages, it is the object of the proposal to convert the building but retain the form, scale and some of the agricultural/semi-industrial features so that it blends into the rural landscape, and not immediately appear as a new residential dwelling from a distance.

- 10.21 It is considered that the building however it is considered that the sympathetic material choices will ensure that the buildings visual presence will not be overbearing in the landscape and its style and appearance will still be in keeping with its surroundings.
- 10.22 The proposal also includes car parking spaces to the front of the building, however there is an existing hardstanding area to the front and is considered to have a low impact on the surrounding landscape due to the current situation.
- 10.23 The proposed curtilage will have an impact on the visual amenity of the area as it will appear more domestic in nature than to the rest of the surrounding countryside. However the size is considered to be modest and the a condition will be included for details of boundary treatment to insure materials more suitable for a rural setting are used rather than a formal close boarded fence. A landscaping scheme has been submitted but it is considered that further details are required for ecology/habitat reasons but also so soften the development so that it blends into the rural landscape, these details could be conditioned.

#### **Residential Amenity**

- 10.24 The closest neighbouring properties to the proposal are 1 and 2 Stone Court Farm Cottages which are located to the east of the site. There would be a separation distance of 35m from the front elevation of the proposal to the front elevation of the neighbour's property. Considering the building previously existed with the same form there is not considered to be a significant impact in terms of loss of outlook or loss of light. Windows and doors are proposed to the front elevation which will mean habitable rooms will be looking towards the two cottages. However with the separation distance of 35m it is considered that there would not be any significant loss of privacy for either property.
- 10.25 The prior notification which was approved earlier this year it at angel to the proposal now, therefore it is considered that there would not be any loss of privacy for either properties. In addition there is a separation of approximately 14m between the two to ensure there is no loss of outlook or overshadowing.

#### **Highways and Parking**

- 10.26 For a 2 bedroom property in a rural/village location Kent County Council Parking Standards requires 1.5 independently accessible parking spaces for each dwelling. For a three bed it is 2 independent spaces. The submitted drawings show 12 spaces for the 4 properties which will meet with the standards and allow 4 spaces for visitors. There is also sufficient turning space within the site.

- 10.27 The proposed new dwellings would be accessed using an existing access via Stone Court Lane. This access is currently used by 15 properties on Stone Court Lane and the 2 cottages, and Stone Court Farm when it was still in an active use.
- 10.28 KCC Highways have been consulted on the application and they state that while the introduction of residential units in a rural setting will always raise concern, as residents are likely to be car dependent, the highway authority is mindful that with proposed conversion, there may be other planning policies and objectives to be taken into account.
- 10.29 With regard to the details, the submitted Transport Statement indicates that the residential units are likely to generate fewer trips than those associated with the office use considered under Prior Notification procedures and fewer HGV trips compared with the former agricultural use.
- 10.30 The size of the approved office space was 497m<sup>2</sup>, KCC guidance states that offices of this size would require parking for 25 cars. However the between 25-35 car parking spaces could be provided on site. This would have resulted in between 50-70 car trips per day. Where 7 dwellings (including the 3 approved under the prior notification) would account for approximately 35 trips a day. Therefore it is considered that the 7 dwellings would account for no greater trips than the already approved office use, and with the loss of the agricultural use would account for less HGV from entering the site.
- 10.31 It is also noted that the site is located on the edge of Pembury village and is walking distance to a local bus service and Stone Court Lane is classed as a public footpath. While it is noted that the details in the transport statement is a little out of date, it is noted that the current timetable has around 7 buses a day into Tunbridge Wells, and around 8 into Paddock Wood and Maidstone leaving from the top of Stone Court Lane.
- 10.32 The route forms part of a public right of way, but it is not an unusual situation for routes to be shared and it is considered the proposal would not cause increased harm to pedestrians or other road users in the immediate or wider locality than the existing agricultural use or the approved office use.
- 10.33 It is noted that KCC Public Rights of Way have requested that informal passing places be created for users of the bridal way to pass. Stonecourt Lane is outside of the applicant's ownership and therefore such passing places can not be included in the proposal or as a condition of granting consent. While the situation with the access along a public rights of way is not ideal it not an uncommon circumstance and would not in itself warrant a refusal of the application.

### **Ecology**

- 10.34 No information has been provided to assess the impact of the development on ecology or provide mitigation or biodiversity improvements. Paragraph 174 of the NPPF 2019 advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. It also advises that opportunities to incorporate biodiversity in and around developments should be encouraged and it is expected that all new developments result in net gain in biodiversity. In this regard the site relates to an existing agricultural site which is largely hardstanding and just the frame of a building. The proposed gardens would also be located on an existing area of hardstanding where a former barn was sited. Therefore it is considered that there is little biodiversity on the site, the absence of biodiversity enhancement cannot be a reason for refusal of the planning application

as appropriate conditions could be attached to ensure that biodiversity net gain is achieved. A number of residents have mentioned wildlife in the surrounding orchards and a condition to ensure that biodiversity improvements are provided would enhance the habitat.

**Other Matters**

- 10.35 There are concerns from residents that the addition of the 4 dwellings would put pressure on existing facilities in Pembury which are already struggling. It is considered that the addition of four dwellings would not significantly impact the existing facilities in the village. Furthermore, the number of dwellings proposed is below the threshold to request contributions to the community facilities in the village or surrounding area.
- 10.36 One comment has been received about protecting the dark skies in the area. A condition is proposed to require details of any new external lighting to ensure they would be appropriate for the rural area. While there would be some additional light from changing the use to residential, internal light bulbs are very unlikely to be UV or a high level of UV, and would not be constantly on through the night. The level of light produced from the internal lighting is considered to be minor.
- 10.37 Comments relate to the impact on a SSSI, however there is no indication of a SSSI in the area on the councils GIS maps or on the Natural England's website.
- 10.38 Reference has also been made by objectors to the surrounding site and that it was been submitted for development through the Local Plan Call for Sites. While this is correct the sites to be allocated are now shown in the Draft Local Plan. The site has been included in the draft sustainability appraisal for the draft local plan and was identified as being unsuitable for allocation. However as the new LP is only just going out for its first public consultation and is not adopted limited weight can be given to its policies and in any case is not directly relevant to this proposal.
- 10.39 One neighbour has stated that there is no pressing need for housing locality. The five year housing land supply calculation is a comparison between the anticipated supply of new homes against the number of new homes that are required to be built within the borough. The Council cannot currently demonstrate a five year housing land supply, and therefore there is a requirement for new houses in the borough.
- 10.40 Comments have been made on other refused applications near the proposed site dating from 2005, 2006, 2008 and 2014. However the 2005, 2006 and 2008 relate to new builds and not for a conversion of a dwelling. This proposal is the conversion of an existing barn. Since the introduction of the class Q change of use in 2014, planning legislation has relaxed on the conversion of agricultural buildings. The 2014 application related to another building further along the public footpath was refused as insufficient information was submitted as part of the application.
- 10.41 A comment from a neighbour has been received about noise during the demolition and building works. However as this would be for a limited period while the property is being converted it is not considered to be a reasonable reason for refusal. In addition certain dust and noise issues can be dealt with under Environmental Protection Laws.
- 10.42 There were comments received about an amended planning statement being received after the valid date of the application. However this statement was received on the 17<sup>th</sup> July 2019, when the site notices for the application were put up on the 17<sup>th</sup> July, therefore a longer consultation period was not necessary.

### **Conclusion**

- 10.43 In conclusion it is considered that the proposal meets with the requirements of Local Plan Policy H13 and NPPF paragraph 14. There are overall social and economic benefits to the proposal and with this in mind, it is considered on balance that the proposal comprises sustainable development in NPPF terms. It is considered that the social and economic benefits from the proposal outweigh the limited environmental harm. Having regard to the presumption in favour of sustainable development and the requirements of paragraph 14 of the NPPF, planning permission should therefore be granted unless any other material considerations indicate otherwise.

### **11.0 RECOMMENDATION – GRANT Subject to the following conditions**

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- (2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

Combined proposed site plan, drawing number 19010-PL-01, received 14/06/19  
Terrace A - Proposed site plan, drawing number 19010-PL-11, received 14/06/19  
Terrace A - Proposed plans and elevations, drawing number 19010-PL-12, received 14/06/19  
Terrace A - Area diagram, drawing number 19010-PL-30 rev A, received 14/06/19

Reason: To clarify which plans have been approved

- (3) The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity

- (4) The use or occupation of the dwelling hereby permitted shall not commence until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on and immediately adjacent to, the site and indicate whether they are to be retained or removed. The planting specification shall also show the planting size and species of the planting and shall be planted no later than the first planting season (October to February) following the completion of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of ecological value/biodiversity and to enhance the character and appearance of the site.

- (5) Prior to the first occupation of the dwelling hereby permitted, details of all boundary treatments including elevations and sections shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To safeguard the character of the area and the appearance of building.

- (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A, B, C, D, E, G and H of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

Reason: In the interests of protecting the character and amenities of the locality.

- (7) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the associated condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the associated condition, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the associated condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (8) No external lighting shall be installed on the building without the prior written permission of the Local Planning Authority.

Reason: To protect and enhance the wider landscape by controlling the use of artificial lighting.

## INFORMATIVES

1. As the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice document is expected.
2. All waste/recycling required bins/containers to be purchased through Tunbridge Wells Borough Council.

Case Officer: Charlotte Oben

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.