

**D04**

**F/TH/20/0451**

**PROPOSAL:** Change of use from existing stable to single dwelling and the insertion of new windows and roof light

**LOCATION:** Stables Land North West Of Down Barton Road  
BIRCHINGTON Kent

**WARD:** Thanet Villages

**AGENT:** Mr D Brown

**APPLICANT:** Mr M Walker

**RECOMMENDATION:** Defer and Delegate

Defer and delegate the application to officers for approval subject to the receipt of a satisfactory legal agreement within six months of the date of this resolution securing the required planning contribution and the following safeguarding conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND;**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered MW/20/3/1, MW/20/3/2 and MW/20/3/3

**GROUND;**

To secure the proper development of the area.

3 No further alterations to the building, or the erection of garden buildings, or erection of boundary or internal fences or means of enclosure, whether permitted by Classes A, B, C, D, or E of Part One or Class A of Part Two of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 or not, shall be carried out without the prior permission in writing of the District Planning Authority.

**GROUND:**

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy D1 of the Thanet Local Plan.

4 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

o species, size and location of new trees, shrubs, hedges and grassed areas to be planted.

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway.
- o walls, fences, other means of enclosure proposed.

shall be submitted to, and approved in writing by, the Local Planning Authority.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

#### **GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

#### SITE, LOCATION AND DESCRIPTION

The application site relates to an 'L' shaped parcel of land on the northern side of Down Barton Road, St Nicholas at Wade. The site is to the north west of Downbarton Farm Cottages. At present the site has at its northern side a detached 'U' shaped single storey stable building, associated with the keeping of horses and sand school on land to the east of the application site. The building has a tiled roof and has timber cladding to the external walls. The boundary treatment to the road comprises timber post with wire mesh fencing, to the west and part north boundary is a conifer hedge.

The site is within designated countryside as defined by both the Local Plan and emerging Local Plan.

#### RELEVANT PLANNING HISTORY

F/TH/20/0061 Change of use from existing mixed use barn (sui-generis) to 1No 2bed dwelling (use class C3) with the relocation of the external front wall to below current line of eaves and the insertion of new windows and rooflights. Refused 11/03/2020

This application was refused for the following reasons:

The site is outside the built up area boundary of any settlement and, as such, represents an unsustainable and isolated form of development within the countryside, and being reliant on a private car contrary to Policies H1 and CC1 of the Thanet Local Plan and Paragraphs 103 of the National Planning Policy Framework.

The proposed dwelling, by virtue of its location, external alterations including proposed associated curtilage, would impact upon long and wide views of the former Wantsum Chanel, and detract from the open and undeveloped rural character of the area, severely detrimental to the appearance of the Landscape Character Area, whilst failing to protect the

intrinsic character and beauty of the countryside, contrary to Thanet Local Plan Policies CC1, CC2 and D1 and paragraphs 127, 130 and 170 of the National Planning Policy Framework.

The proposed development will result in additional pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraphs 176 and 177 of the National Planning Policy Framework.

F/TH/15/0293 Change of use and conversion from stable to dwelling with external alterations. Refused 18/06/15 Appeal dismissed

F/TH/09/0406 Change of use of land for keeping of horses together with erection of stable building, sand school, fencing, manure store and associated access for domestic purposes. Granted 09.09.09

### PROPOSED DEVELOPMENT

Full planning consent is sought for the change of use from stable to single dwelling and the insertion of new windows and roof light. The proposal would provide an open plan living room/kitchen, separate shower room and bedroom at ground floor within the roof space there would be a further bedroom, bathroom and dressing room. Part of the building would retain the tractor store but this could only be accessed externally and not through the proposed dwelling.

External alterations to facilitate the conversion comprise alterations to the fenestration and some internal alterations. This proposal does not extend the existing building, unlike the earlier refusal this year.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan (2006 Saved Policies)**

CC1 - Development in the Countryside  
CC2 - Landscape Character Areas  
H1 - Residential Development Sites  
D1 - Design Principles  
D2 - Landscaping  
SR5 - Play Space  
TR12 - Cycling  
TR16 - Car Parking Provision

#### **Draft Local Plan (2020)**

SP22 - Type and Size of Dwellings  
SP24 - Development in the Countryside  
SP25 - Safeguarding the Identity of Thanet's Settlements

SP26 - Landscape Character Areas  
SP27 - Green Infrastructure  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP37 - Climate Change  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible Locations  
H01 - Housing Development  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
CC02 - Surface Water Management  
SE04 - Groundwater Protection  
SE07 - Light Pollution  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site and the application publicised in a local newspaper.

Seven representations (including Parish Council comments) were received, of which three support the application. The concerns can be summarised as follows:

- Affect local ecology
- Conflict with local plan
- Increase in traffic
- Increase of pollution
- Traffic or Highways
- Out of keeping with character of area
- Strain on existing community facilities
- General dislike of proposal
- Inadequate public transport provisions
- Over development
- Set a precedent
- The New Local Plan states St Nicholas at Wade has exceeded its original quota and goes on to say the Inspector even recommends "a lower level of housing in the first 5 years of the plan" across Thanet.
- Previous refusal and appeals on the site for similar schemes
- Development represents unsustainable and isolated form of development within the countryside, reliant of a private car

- The dwelling my virtue of its location would appear visually divorced and isolated within open
- landscape which is characteristic of the area, resulting in unacceptable harm to the character and appearance of the area.

The proposed development will result in additional pressure on the Thanet coast and Sandwich Bay & Hacklinge Marshes site of special scientific interest and is contrary to paragraphs 176 and 177 of the National Framework.

The supportive comments state:

- The applicants our long term residents and won't to keep their family together within the village
- No additional traffic movements as the daughter of the applicant already parks here
- The building is already there

**St Nicholas Parish Council:** Concern has been raised regarding the insufficient infrastructure in this part of the village which is felt is not appropriate for any further residential development, in particular the narrowing of the road around this junction and lack of pedestrian pavement. The application does not satisfy any of Policy SP21 Development in the Countryside, nor the NPPF Section 5, Rural Housing point 79.

The Parish Council therefore object to the proposal and would appreciate their comments taken into account when considering this application.

## CONSULTATIONS

**KCC Archaeology:** Given the very limited groundworks involved I can confirm that no archaeological measures are required in connection with the proposal.

**Southern Water:** Recommend an informative relating to connection to the public foul sewer

**Environment Agency:** Drainage may be restricted in a source protection zone or over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible.

**Natural England:** On the basis of the appropriate financial contributions being secured to the relevant scheme. NE concurs with your authority's conclusion that this is suitable mitigation, as such the proposed developments will not have an adverse effect on the integrity of Thanet Coast and Sandwich Bay SPA and Ramsar site.

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr Pugh to enable members to discuss whether the proposal will make better use of the land and whether it complements its surroundings.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

## **Principle**

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The application site lies within an area designated as countryside as defined by the Thanet Local Plan and is therefore contrary to Policy H1 of the Thanet Local Plan, which requires that new residential development should be on previously developed land within the urban confines. It is also confirmed that the proposal is outside the village envelope in the emerging Local Plan (boundary to the western boundary of the house known as 'Orpen' and no. 2 Jubilee Cottages).

Policy H01 of the Draft Thanet Local Plan states that permission for new housing development will be granted on non-allocated sites within the confines of the urban area and villages. The proposal falls outside of the village confines, and is therefore contrary to Policy H01 of the Draft Thanet Local Plan.

Policy CC1 of the Thanet Local Plan states that within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact upon the countryside, sustainability of the site, character and appearance of the proposed development and highway safety.

It is confirmed that a full allocation of housing for the plan period has been identified within the Draft Local Plan, which in addition to the properties built, granted planning permission, empty properties to be brought back into use, and windfall sites, will exceed the Council's requirement of 17,140 of residential units during the plan period up until 2031. The Draft Local Plan has been through examination and full consultation, and modified in response to the Inspector's comments (final report published 3rd April 2020). The Council's Cabinet has approved the recommendation to adopt the Local Plan, and has recommended adoption to Full Council, which is currently expected to take place in July. It is therefore considered that the Draft Local Plan can be given substantial weight in decision making.

In terms of housing need, the inspectors have not amended any of the figures put forward by the Council within their report, and therefore based upon the information contained within the Draft Local Plan, and supported by the Inspectors' report (para 160-177), specifically paragraph 174 where the Inspector accepted that 'the number of dwellings expected to come forward in the first five years from adoption (7,015) exceeds the five-year housing

requirement (6,084)', it is considered that the Council do have a 5 year housing supply equating to 5.77 years (with a 20% buffer)."

Policy SP24 of the Draft Local Plan considers development within the countryside, and provides a list of development within the countryside that is permitted through the policy. The redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings is permitted by the policy if the development is of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The application site is a brownfield site, and therefore supported in principle by this policy; however, due to the lack of need, there are only limited economic and social benefits from providing this single dwelling, which needs to be weighed against the environmental harm resulting from the proposal.

### **Landscape Character & Environmental Dimension**

Policy CC2 relates to the Landscape Character Area and this site lies within the Wantsum Channel North Shore Area where the policy states development will only be permitted that would not damage the setting of the Wantsum Channel. This landscape is very open with few features and from the upper slopes it affords extensive views across the whole of the former Wantsum Channel to the slopes on the opposite banks and in many places to the sea. The former shoreline provides St Nicholas with its unique setting.

Policy SP26 of the Draft Local Plan states that development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness. The policy further advises that development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas, as detailed in the Landscape Character Assessment (LCA).

The site is currently grazing land for horses and a modest stable building and provides a break in the built form and provides clear separation between the main village and the more sporadic development that continues along Summer Road and toward Down Barton Farm. The development within the village confines is linear street frontage development characterised by predominantly two-storey semi-detached and terraced dwellings.

The application site falls outside of the village confines, and is surrounded by open countryside. The site is visible from within the village, in views across the fields, and from Down Barton Road. Although there is an existing stable building on the site (the subject of this application), its appearance suits its use, as a stable block and ancillary facilities. Whilst physical alterations to the building will change its character, the building will only require modest alterations to facilitate the proposed use, thereby limiting the impact upon the character of the area.

The application site is enclosed on two sides by some vegetation varying in form and height and open to the other boundaries, particularly to the road. This open nature allows clear views from and to the site.

In terms of the siting of the stables, the Inspector noted at paragraph 13 of the 2015 appeal, that the position of the stables towards the rear corner of the site is such that it would appear divorced and somewhat isolated from the settlement of St. Nicholas. He stated further:

"...the site is more closely related to the countryside than the settlement and its existing rural use and appearance reinforces this aids visual assimilation, particularly in exposed views from the south and east."

The Inspector concluded that the change of use of the building would (paragraph 14) "result in a material change to its character and appearance, which would likely to be compounded by associated external domestic paraphernalia. Consequently, the proposal would result in development that would be significantly more visually intrusive and damaging to this countryside location."

The Inspector concluded that the proposal would fail to recognise the intrinsic character of the countryside, which could not be mitigated against through the imposition of conditions.

Following this appeal decision, things have changed in that a decision was made by members to approve the erection of a dwelling within Huckleberry Farm, which is further from the village, and the weight to be applied to the Draft Local Plan has changed, with more weight now being given to policies within the Draft Local Plan (since 3rd April when the final report incorporating the Inspector's comments was published), one of which supports the development of previously developed land.

When considering the proposal to the previous refusal, changes have also been made in that the external alterations to the building have been significantly reduced, with the main form of the stable block remaining the same, and the only alterations now being the insertion of a few additional windows and rooflight within the north elevation. The scheme refused earlier this year had more domestic style windows and also an extension to provide a hall to link the rooms at the front. These more modest and sensitive changes to the stable building would retain the appearance of this rural building and therefore assimilate with the wider area.

It is noted that the site frontage from Down Barton Road is quite open at present. The submitted plans indicated that a hedge is proposed between the boundary of the stable and that of the sand school, this would restrict views of the domestic equipment that could be sited within the curtilage.

Officers consider that there has been a material change in circumstances both in terms of the amended proposal (less physical and more sympathetic alterations) and that greater weight can be placed on the emerging policies of the Local Plan which is nearing adoption and particularly policy SP24. Taking this into account as well as the recent approval for a dwelling at Huckleberry Farm the proposed conversion of this stable building with the

modifications made since the previous refusal to residential use, is, on balance, considered acceptable.

## **Living Conditions**

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The proposed development is in an isolated location away from any nearby neighbouring properties and therefore there will be no loss of light, outlook or privacy for neighbouring occupiers.

Local Plan policy SR5 requires new dwellings with two bedrooms or more to provide safe doorstep play space for young children. The application block denotes a private amenity space which would provide a safe play space and space for clothes drying, refuse storage and storage facilities. This area would need to be enclosed by fencing in order to make it private and safe.

In terms of the living conditions of the future occupiers of the proposed dwellings, the Council's Draft Local Plan to 2031 has now been submitted and Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Policy D1 of the Thanet Local Plan requires development to provide a high quality layout and paragraph 127 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms. The proposed dwelling meets all of these criteria in terms of the overall floor space and window provision to habitable rooms.

The impact upon the neighbouring and future occupiers of the development is therefore considered to be acceptable and in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

## **Transportation**

Paragraph 108 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for

the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 110). These aims are reflected in the Council's Local Plan policies.

It is noted that by the nature of the application site, it would be likely to be reliant on the use of private vehicles to gain access to most services and facilities, although it is considered that some facilities would be within walking and cycling distances, along rural and unlit roads.

The site is located on Down Barton Road, but separated from other residential development by paddock land. The Inspector looked at this aspect in the 2015 appeal and considered that in physical terms the site was relatively close to the edge of the settlement, it was isolated by the intervening stretch of Down Barton Road and the distance to main services and facilities. Concluding that sustainable travel patterns would be unlikely (noting no footpaths or public lighting in an earlier paragraph) and therefore the proposal would not meet social objectives of sustainability. It is considered that this situation has not altered since the time of the appeal. Weight, however, needs to be attached to recent decisions made by the Council; the adjacent site for a dwelling (OL/TH/19/0523) is further outside of the defined village and also two houses were allowed in the farm that is further still. If these were considered acceptable by Members it is considered that it would be difficult to sustain this reasoning if an appeal was lodged. This also needs to be balanced in making the decision.

The site currently has vehicular access and leads to a parking area associated with the existing building and use. A proposed parking area is not shown for both the proposed dwelling and the existing use. An area shown on the block plan as green to the west of the building could be utilised. If this area were to remain as grass/soft landscaping it would also mean that the tractor, if contained within the tractor store would have to cross over part of this to access it. The demarcation of the spaces has not been shown within the application nor the turning space for the tractor, although it is appreciated that the tractor may be of a modest size giving the space required for parking. Nevertheless it is considered that the site could accommodate vehicle parking for the use.

The permission for the stable and sand school prohibits it to be used on a commercial basis, therefore, no additional traffic and therefore a need for parking would be created.

The impact upon highway safety is therefore considered to be acceptable.

## **Contributions**

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the

decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

This application does not include a Unilateral Undertaking (UU) to provide the required financial contribution for the two bedroom residential unit to mitigate the additional recreational pressure on the SPA area.

## **Conclusion**

The proposed development would provide an additional dwelling through the conversion of a stable building, outside of the village confines of St. Nicholas. It would give rise to only very modest economic benefits through the construction process and the contribution of this to the local economy; along with very modest social benefits from the provision of a single dwelling, for which there is no overriding need. However, when considering the environmental impact, the proposal will result in the re-use of an existing building, with only minor external works. Whilst there will be a change in character from the existing agricultural use to a residential use, the location of the site within close proximity of existing residential properties, along with the limited visual impact that would result when taking into account the mitigation planting along the northern and eastern boundaries, and the retention of the rural appearance of the building, it is considered that on balance, the social and economic benefits would outweigh the environmental harm, in accordance with Policy SP24 of the Draft Thanet Local Plan.

It is therefore recommended that members defer and delegate the application for approval, subject to safeguarding conditions and the submission of a signed unilateral undertaking securing the SPA contribution, within 6 months of the committee date.

## **Case Officer**

Gill Richardson

TITLE: F/TH/20/0451

Project Stables Land North West Of Down Barton Road BIRCHINGTON Kent

