



**Planning, Design and Access Statement**

for

Conversion of circular water tank to residential use with raised side walls and new roof;  
new single storey link to existing barn; change of use of agricultural land to garden land;  
demolition of detached double garage/store, machinery store and raised water tank;  
erection of a cart store garage with associated building works, parking and landscaping.

Minor changes to internal layout of barn and the position of windows in north-east and  
north-west elevations from those permitted by Prior Approval (22/503478/PNQCLA).

at

**The Barn, Dane Lane, Hartlip, Kent**

for

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**Planning, Design and Access Statement**  
**The Barn, Danes Lane, Hartlip, Kent**

**1.0 Introduction**

- 1.1 This statement is submitted in support of a planning application for conversion of a circular water tank to residential use with raised side walls and new roof; new single storey link to the existing barn (which benefits from an unimplemented Class Q Prior Approval); change of use of agricultural land to garden land; demolition of detached double garage/store, machinery store and raised water tank; erection of cart store garage, with associated building works, parking and landscaping at Danes Lane, Hartlip, Kent.
- 1.2 Consent is also sought for minor changes to the barn's internal layout and the position of windows in its north-east and north-west elevations from those permitted under the existing Prior Approval (22/503478/PNQCLA). These changes are required to allow for the integration of the proposed conversion of the water tank and associated new build link within the previously approved scheme design.
- 1.3 Prior Approval was granted on 9<sup>th</sup> September 2022 (22/503478/PNQCLA) under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the barn to a 2-bedroom dwelling (Use Class C3), together with associated building works. The water tanks and outbuildings were excluded from the application.
- 1.4 Provision for alterations to the Prior Approval consent is made under Schedule 2, Part 3, Section W (Procedure for applications for prior approval under Part 3) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which states:
- (12) The Development must be carried out –
- (a) Where prior approval is required, in accordance with the details approved by the local planning authority;

- (b) Where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.

1.5 This statement should be read in conjunction with the following reports which are also submitted in support of the application:

- Preliminary Ecological Report prepared by KB Ecology.
- Structural Appraisal prepared by the Alan Baxter Partnership, Consulting Structural Engineers.

## **2.0 Site Context**

2.1 The application site (the site) is located in Dane Lane, approximately 250m west of Hartlip, a linear style rural settlement located approximately 2 km east of Rainham, which forms part of the Medway urban area. The larger rural settlement of Newington is located approximately 1.9 km to the north-east, while the Sittingbourne urban area is located approximately 4.6 km to the east.

2.2 The site is occupied by a timber barn which has been used as a fruit store in association with the adjacent orchards, together with several other agricultural buildings and structures, which include a circular water tank, detached double garage/store, machinery store and a metal water tank raised on brick piers. A detailed description of the existing buildings and structures is given at Section 5 of this Statement.

2.3 The site also includes an extensive area of hard standing to the front and north-west side of the barn, together with a large area of grass which wraps around the buildings and extends as far as the adjoining orchards. An Aerial photograph of the site is attached as **Appendix A**.

2.4 The site is of a regular shape and extends to an area of approximately 0.10 hectares (area included within the application site curtilage) and is level. The existing vehicular and pedestrian access to the site is from Dane Lane, which is located approximately 10m to the east of the barn.

2.5 To the west on the opposite side of Dane Lane, is farmland and to the north-west is a detached dwelling (Amber Cottage). To the north, east and south are orchards. Approximately 50m to the south, a public footpath (ZR77/1) extends north-west from the Church yard at Hartlip across the orchard to Dane Lane. This extends further west near Amber Cottage, opposite the site entrance. To the north and south beyond the orchards are residential properties (Lower Dene and Cuckoo Orchard). Beyond the orchard land to the east, (approximately 250-260m) are the rear gardens of dwellings that front Dane Close, which forms part of the rural settlement of Hartlip. An aerial photograph of the site and wider area is attached as **Appendix B**.

### **3.0 Planning History**

3.1 Records held by Swale Borough Council indicate the following relevant planning history for the site:

**22/503478/PNQCLA** – Class Q (a) and (b) Prior Approval for change of use of an agricultural building to one No. 2-bedroom dwelling and associated building works. Granted 9<sup>th</sup> September 2022.

### **4.0 Planning Policy Framework**

#### **4.1 The Development Plan**

4.1.1 The Development Plan for the site comprises Bearing Fruits 2031: The Swale Borough Local Plan (SBLP) which was adopted by the Council on 26<sup>th</sup> July 2017. This is intended to provide a strategic and local development management framework for the period 2014 – 2031 and replaces the remaining 'saved' policies of the Swale Borough Local Plan 2008.

4.1.2 When considering the Bearing Fruits Local Plan, The Inspector imposed a five-year period for reviewing the Plan, to ensure that it remained up-to date and commensurate with national policy. That period has now passed and the plan is therefore 'out of date'. In addition, the Council cannot demonstrate a five-year housing land supply.

4.1.3 The Development Plan Proposals Map shows the site located beyond the Hartlip settlement boundary, and it is therefore located in the countryside for planning

purposes, (this generally encompasses all those areas that fall outside the limits of built development as defined on the Local Plan Proposals Map). The site is not subject to any site-specific planning policy designations.

4.1.4 Section 38(6) of The Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

#### 4.2 National Planning Policy Framework

4.2.1 A revised version of the National Planning Policy Framework (NPPF) was published in July 2021. This outlines the government's over-arching planning policy aims and objectives and Paragraph 2 confirms that the NPPF is a material consideration in planning decisions. The NPPF is supplemented by National Planning Practice Guidance (NPPG).

4.2.2 The NPPF re-affirms the need for a positive planning system and notes that at the heart of the planning system is a presumption in favour of sustainable development.

Paragraph 11 states that:

*'For decision-taking this means:*

*approving development proposals that accord with an up-to-date development plan without delay; or*

*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

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

4.2.3 An important element of housing policy as set out in the NPPF, is to support the Government's objective of significantly boosting the supply of homes. In order to be able to do this, the guidance notes that it is important to ensure that there is

sufficient quantity and variety of land coming forward where it is needed, whilst Paragraph 62 of the NPPF notes, that planning policies should reflect the housing needs of different groups in the community.

- 4.2.4 The NPPF also notes that small and medium sized sites can make an important contribution to meeting the housing requirements of an area, as these are often built out relatively quickly. It also includes a series of statements which encourage the re-use of existing resources.

## **5.0 Existing Buildings**

- 5.1 The existing barn comprises a detached single storey timber framed building under a pitched roof with a full-length lean-to structure to its north-west side and was formerly used as a fruit and machinery store in association with the adjacent orchards. The barn is approximately 12.3m long by 5.6m wide (excluding lean-to) and 2.8m to eaves level. It has a ridge height of approximately 5.04m. The lean-to structure has a length of approximately 12.3m, a width of 2.7m and a height of 1.9m to the low eaves.
- 5.2 The exterior walls comprise horizontal timber cladding, brick and corrugated metal sheeting (part of the lean-to) under a profiled fibre cement sheet roof, supported by timber purlins on timber trusses. The principal access is from the front (south elevation), which comprises two full height side hung doors with smaller pedestrian only doors within the north-east and north-west elevations.
- 5.3 The barn is open internally without any divisions, and the internal floor finish is a concrete slab. There is a brick-built pump/plant area to the rear which is accessed via a pedestrian door in the north-east elevation.
- 5.4 To the north-east of the barn is a circular water storage tank, which is currently empty. This is approximately 6.4m in diameter and 2.35m high (above the circular concrete base). This is constructed of galvanised steel sheet (running radially) bolted together, and lined with a Ruberoid membrane.

- 5.5 To the east of the barn, is a double garage/store. This measures approximately 4.6 – 5m long by 5.9m wide and 2 – 2.4m high. This has a timber frame with concrete block infill and galvanised steel sheeting to the roof and south and west elevations. Aerial photographs of the site over the period 1990 – 2015 show this building as considerably larger and extending almost the full length of the barn. This is shown in the aerial photograph dated 2003 attached as **Appendix C**.
- 5.6 Close to the site entrance, adjacent to Dane Lane is a machinery storage shed. This measures approximately 5.5m long by 2.5m wide and 2.1m high. It is a timber framed structure with galvanised steel cladding to the sides and roof. To the north of this is a galvanised steel water tank supported on three brick piers. This measures approximately 3.04m long by 1.50m wide and 3.17m high, including the brick piers. Photographs of the existing buildings are attached as **Appendix D**.

## **6.0 Application Proposals**

### **6.1 Background and Context**

- 6.1.1 As previously noted, Prior Approval (Class Q) was granted in September 2022 (22/503478/PNQCLA) for the change of use of the barn to a 2-bedroom dwelling (Use Class C3), together with associated building works. The water tanks and outbuildings within the site were excluded from the application.
- 6.1.2 The large circular water tank within the site is located approximately 1.45m from the north-east elevation of the barn. In order to make best use of the existing buildings/structures on the site, and to provide additional ground floor living accommodation, it is proposed to incorporate the water tank within the permitted barn conversion by creating a short corridor to link the water tank with the barn. This will provide a separate living area and necessitates some minor changes to the internal layout, and position of windows within the north-east and north-west elevations of the barn, as approved under the Class Q Prior Approval (22/503478/PNQCLA).



6.1.3 The double garage/store to the east of the barn is to be demolished and replaced with an oak cart store style garage. The corrugated machinery store at the entrance and the raised water tank to its rear are to be demolished.

6.1.4 The application proposals seek to provide a sympathetically designed scheme, that respects the setting and character of the surrounding area, whilst providing modern, energy efficient and more spacious accommodation, that is better suited to meeting the applicant's needs.

## 6.2 Use

6.2.1 The proposed residential use is consistent with the existing Class Q Prior Approval for conversion of the barn to a dwelling and the character of the surrounding area. There is a dwelling opposite and Dane Lane includes several other dwellings to the north and south of the application site.

## 6.3 Amount

6.3.1 The application proposals seek the change of use of a water tank and the addition of a short new build corridor to link the water tank to the barn. The water tank and the link corridor have floor areas of approximately 25.95 sqm and 1.97 sqm respectively (gross internal). These combine to provide a total area of 27.92 sqm. The barn has a floor area of approximately 89 sqm (gross internal)

6.3.2 The converted water tank will provide a separate living room. The internal layout of the barn is largely as permitted under the Prior Approval (22/503478/PNQCLA), with the exception of a study and open plan kitchen/dining area. Notwithstanding this, the existing barn's building envelope remains unchanged. The accommodation comprises open plan kitchen/dining area, study, utility, bathroom, two bedrooms, (one with en-suite shower room) and a living room. The previously approved scheme's accommodation comprised kitchen, living/dining area, utility, bathroom, two bedrooms, (one with en-suite shower room).

6.3.3 The other existing outbuildings within the site have the following floor areas/footprints:

Double garage/store	26 sqm.
Machinery store	12 sqm
Raised water tank	5 sqm
<b>Total</b>	<b>43 sqm</b>

6.3.4 The double garage/store is to be replaced by an oak cart store style garage which has a floor area of approximately 26.65 sqm (only 0.65 sqm larger than the existing building). Further details of the overall amount of development is as follows:

Existing buildings/structures on the site	157.95 sqm
Less buildings to be demolished	43.00 sqm
	<b>114.95 sqm</b>
New build (link corridor and cart lodge)	28.62 sqm.
Development retained on site	143.57 sqm
Overall reduction of floorspace	<b>14.38 sqm</b>

6.3.5 The proposals therefore result in the reduction of 14.38 sqm of floor space, together with improvements in the appearance of the buildings retained and the wider landscape setting of the site.

#### 6.4 Layout

6.4.1 The application proposals have been designed to retain and utilise the existing building layout within the site. The existing building envelope of the barn remains unchanged and is no different to the Class Q Prior Approval granted in 2022. The circular water tank is attached to the barn via a short link corridor. The new cart store garage occupies essentially the same foot-print as the existing double garage/store, although its orientation has changed with the opening facing south to allow ease of access for vehicles. The machinery store close to the site entrance and the raised water tank to the rear, adjoining Dane Lane are to be demolished.

6.4.2 The existing site entrance is to be retained and this provides vehicle and pedestrian access to a parking and turning area located in front of the barn and proposed cart store garage. This comprises three parking bays (one within the garage), together with suitable space for vehicle turning.

6.4.3 The existing grass area to the side and rear of the barn, adjoining the orchards provides a suitable area of private amenity space for the dwelling.

## 6.5 Scale

6.5.1 No alterations are proposed to the existing building envelope of the barn. The size and scale of the building will therefore remain as existing and as approved under the Class Q Prior Approval. The existing extent of the circular water tank is also retained. The height has been increased to accommodate a conical style roof. This slopes gently from the centre and has a maximum height of approximately 2.98m, which falls to approximately 2.65m at the perimeter (above the existing concrete plinth). The tank's existing height above the concrete plinth base is approximately 2.35m. The increase in height at the centre is 0.63m, whilst at the perimeter it is 0.3m.

6.5.2 The converted water tank retains its scale and subservient nature in respect of the barn. The adjoining link corridor has a length of approximately 1.47 – 1.61m, a width of 1.47m (including external walls) and a height of 2.65m (above the existing concrete plinth). This is also subservient to the barn and converted water tank in terms of its height and scale.

6.5.3 The existing double garage/store has a length of approximately 4.6 – 5m, a width of 5.9m and a height of 2 – 2.4m. The replacement cart store style garage has a length and width of approximately 6.5m and 4.87m respectively and a ridge height of 3.88m. Whilst it is taller at the ridge, it has a cat slide roof to one side with a lower eaves height of approximately 1.07m, and visually it is more in keeping with the barn and wider landscape setting of the site.

6.5.4 The size and scale of the buildings retained/rebuilt will therefore remain largely as existing and subservient in scale to the barn. The scheme has been designed to

sit comfortably within the site and is considered to be appropriate for the landscape character of the wider area.

## 6.6 Appearance

6.6.1 The link corridor and converted water tank having a brick plinth and vertical wood cladding to their elevations under a standing seam zinc conical style roof that falls gently from the centre (water tank). The link corridor has a widow to each side, whilst the converted water tank has sliding/bifold doors to its north-south-east elevations. The form and appearance of the existing barn is retained (as permitted under the Class Q Prior Approval dated 9<sup>th</sup> September 2022), with the exception of the minor repositioning of windows in the north-east and north-west elevations to facilitate the revised internal layout.

6.6.2 The replacement cart store style garage has a brick plinth, oak frame with timber cladding under a plain clay tile roof. The alterations that are proposed have been designed to respect the character and appearance of the existing property and its wider setting.

## 6.7 Landscaping

6.7.1 The area around the existing building is to be suitably landscaped using appropriate hard and soft finishes. Part of the frontage to Dane Lane and the boundaries of the site with the adjoining orchard are to be planted/reinforced with native hedgerow and trees which will enhance the appearance and bio-diversity of the site.

## 6.8 Access

6.8.1 Pedestrian and vehicular access is from Dane Lane. Parking for three vehicles is provided within the site. An Electric Vehicle charging unit is to be installed at the front of the garage. It is therefore considered that suitable provision exists within the site for off road vehicle parking associated with the proposed residential use.

## **7.0 Planning Considerations**

### **7.1 Introduction**

7.1.1 As noted at Paragraph 4.1.4 of this Statement, Section 38(6) of The Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In assessing the application proposals, it is necessary to have regard to two principal issues. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the policies of the Development Plan (SBLP 2017) is justified, having regard to the presumption in favour of sustainable development as outlined by Paragraph 11 of the NPPF, and secondly, whether the development would cause such harm (as outlined by Paragraph 11 of the NPPF), sufficient to significantly outweigh the benefits of the proposals, and justify a refusal of planning permission.

7.1.2 With regard to relevant material considerations, the Bearing Fruits Local Plan, is now out of date and Prior Approval was granted on 9<sup>th</sup> September 2022 under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the barn to a 2-bedroom dwelling (Use Class C3), together with associated building works. There is, therefore, a legitimate fall back in existence that allows for the implementation of an alternative residential scheme. Paragraph 7.3 of this Statement refers.

### **7.2 Principle of Development**

7.2.1 Notwithstanding that the Local Plan is now out of date, the site is shown on the Proposals Map of the SBLP as being located approximately 250m west of the Hartlip settlement boundary and is therefore located in the countryside for planning purposes. Policy ST 3: *The Swale settlement strategy*, is applicable to all forms of development, such as residential, employment and leisure, albeit, the current application does not seek to create a new dwelling. This notes at Sub-Paragraph 5, that proposals at locations in the countryside will not be permitted unless supported by national policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.

7.2.2 The application proposals are considered to be consistent with national planning policy, since under the sub-heading of 'Rural Housing' Paragraph 80 of the NPPF states that:

*'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- c) *The development would re-use redundant or disused buildings and enhance its immediate setting';*

7.2.3 As previously noted above, whilst the application includes the re-use a redundant building, it does not seek to create a new dwelling.

7.2.4 Paragraph 119 of the NPPF under the heading of '*Making effective use of land*' notes that:

*'Planning policies and 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. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'.*

7.2.5 Paragraph 120 (sub-paragraph d) continues:

*'Planning policies and decisions should:*

- d) *promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)'*

7.2.6 The NPPF clearly seeks to make the most effective use of existing resources, including under-utilised buildings in rural areas. The application proposal comprises the re-use of an existing building, which will be enhanced through upgrading its elevations and roof covering. New native hedge and tree planting is also proposed which will help to enhance the rural character of the site and the traffic generated by the proposal will be de minimis. Whilst the proposed conversion does not seek to create an additional dwelling, the application

proposals are considered to be consistent with national planning policy and therefore accord with Policy ST 3.

7.2.6 Policy DM 3: *The rural economy, supports* the re-use of buildings in the rural area for employment purposes in the first instance.

7.2.7 Policy DM 3 *The rural economy* states that:

*'Planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area. Planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable'.*

7.2.8 The re-use of existing buildings is an essential component of Policy DM 3 to limit the impact of changes that may occur from the introduction of a new use within the rural area. The re-use of an existing building ensures the continued use of an existing resource/asset, which is likely to be more sustainable and reduces pressure for new buildings elsewhere within the rural area.

7.2.9 Given the nature and location of the site together with the existing Prior Approval for conversion of the barn to residential, the use of the converted water tank for employment purposes would be unsuitable and undesirable. The most appropriate use is therefore residential. The application proposals are therefore consistent with Policy DM 3.

### 7.3 Alternative Scheme Fallback

7.3.1 The barn benefits from an existing consent for residential use. As previously noted, Prior Approval under Class Q was granted in September 2022 for the conversion of the barn with associated building works to provide a two-bedroom dwelling. This provides for a 'fallback' position that is a material consideration in respect of the current application proposal.

7.3.2 The acceptability and material impact of a fallback position was confirmed in R (Mansell) v Tonbridge and Malling Borough Council (2017) where it was confirmed that appropriate regard must be had to material planning considerations, including

the permitted development fallback position. The fallback position can only be effective if it meets the three tests which were established in *R v Secretary of State for the Environment and Havering BC (1998)*. These are:

- a) Whether there is the lawful ability to undertake a fallback use;
- b) Whether there is a likelihood or real prospect of such a use occurring;
- c) If the answer to the second question is 'yes', a comparison must be made between the proposed development and the fallback use.

7.3.3 The fallback position tests are met by the current application proposal as follows:

*There is the lawful ability to undertake a fallback use*

7.3.4 Prior Approval consent was granted on 9<sup>th</sup> September 2022 (22/503478/PNQCLA) under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the agricultural building to a 2-bedroom dwelling (Use Class C3), together with associated building works. In this instance an approval exists, it is not a case that there is the possibility of an application being made under permitted development.

*There is a likelihood or real prospect of such a use occurring*

7.3.5 There is a likelihood or real prospect that the Class Q Prior Approval for residential use will be implemented. No alternative scheme or planning approval exists and whilst Use Class E would allow a change of use to employment, such as light industrial, for up to 500 sqm subject to Prior Approval, the permitted residential scheme is likely to yield a higher value. In addition, the existing Class Q Prior Approval has just under two years for the works to be completed, notwithstanding any subsequent application to renew the Prior Approval consent.

*Comparison between the proposed development and the fallback use*

7.3.6 The current application proposal provides for a number of benefits over the existing Class Q Prior Approval. The incorporation of the circular water tank brings a disused building/structure back into beneficial use that would otherwise be left to deteriorate and have a detrimental effect on the landscape setting of the



site. The proposed cladding will improve its appearance so that it is more in keeping with the exterior of the barn and proposed cart store garage.

- 7.3.7 The addition of the converted water tank within the scheme design also provides for a more spacious internal layout allowing for a separate living area (the converted water tank), a larger kitchen-dining area and the addition of a small study. The number of bedrooms remain the same as the Class Q Prior Approval scheme (two).
- 7.3.8 The corrugated metal machinery store and metal water tank raised on brick piers located close to the entrance adjacent to Dane Lane are to be demolished and removed from the site, thereby reducing the extent of built development and improving the appearance of the site, in particular when viewed from the site entrance and Dane Lane.
- 7.3.9 The existing double garage located to the east of the barn is to be replaced with a cart store style garage which has a similar footprint. Whilst this has a pitched roof with a ridge that is higher than the existing garage, it remains subservient to the barn and its design and appearance are more in keeping with the barn and the wider landscape setting of the site.
- 7.3.10 The proposed garden area and entrance driveway, which are essentially the existing grass area and hardstanding around the buildings, as distinct from the adjoining orchards, are to be enclosed with native hedge and tree planting which will enhance the appearance of the site and its bio-diversity.

#### *Summary*

- 7.3.11 The existing Class Q Prior Approval provides for a very tight curtilage around the barn with the outbuildings and much of the open land adjoining the orchards excluded. The current application proposals provide for a more comprehensive approach to the treatment of the site, allowing for the outbuildings and structures to be brought back into beneficial use, replaced or removed from the site. This together with the associated planting and landscape scheme will enhance the appearance and bio-diversity of the site. The current application proposals

therefore include several benefits over the existing Class Q Prior Approval, which are material considerations in the determination of the current planning application.

#### 7.4 Suitability for Conversion

7.4.1 The existing barn benefits from a Class Q Prior Approval (September 2022) for conversion to provide a two-bedroom dwelling. The suitability of the barn for conversion has therefore been established.

7.4.2 The circular water tank to the rear of the barn is a large structure and is considered suitable for conversion to residential use as part of the adjacent barn conversion. Section 336 of the Town and Country Planning Act 1990 states that:

*“Building’ includes any structure or erection, and any part of a building, as so defined, but does not include part or machinery comprised in a building’*

7.4.3 Over the years, a myriad of structures have been deemed to fall within the definition of a ‘building’ for planning purposes and these include septic tanks, large umbrellas, temporary marquees, cricket practice cages and a shelter for a practice tee at a golf club. In *Cardiff Rating Authority and Cardiff Assessment Committee v Guest Keen and Baldwin’s Iron and Steel Co. Ltd (1949)* three criteria were identified for a building:

- Size (with a building usually something that is constructed on site rather than being brought on site already made);
- Permanence; and
- Physical attachment to the ground.

7.4.4 The circular water tank is a substantial structure measuring approximately 6.4m in diameter with a height of 2.35m. Its side walls comprise galvanised steel sheets bolted together radially, which sit on a substantial concrete base. Given its size and building elements, it was clearly constructed on site rather than being brought on site ready-made.

- 7.4.5 Whilst it is unclear when the tank was first built, it is clearly visible in an aerial photograph dated January 2003. It is therefore at least 20 years old, and as such, is considered to be of permanent construction. A copy of the aerial photograph is attached as **Appendix C**. The galvanised steel sheet walling is also of substantial construction, since the tank has a volume capacity for water storage of approximately 106 cubic metres.
- 7.4.6 The water tank is attached to a substantial concrete base, which is sufficient to take the weight of the above-mentioned volume of water and is physically attached to the ground.
- 7.4.7 The water tank therefore meets with the criteria identified in the Cardiff case for the definition of a building.
- 7.4.8 The Structural Appraisal notes that the water tank is in a fair to good condition with vertical sides and little indication of movement or failure of the walls. The Appraisal also notes that the trial hole dug next to the water tank revealed a concrete slab base and the existing foundations are considered suitable to support a load bearing timber or blockwork wall built inside the existing sidewalls.
- 7.4.9 Internally a new timber frame is to be constructed from the existing plinth to support a new conical style roof, wall insulation and breathable membrane, the latter of which is common practice for timber barn conversions. Timber or a similar type of cladding is to be attached to the tank's exterior to be more in keeping with the barn and proposed link corridor.
- 7.4.10 The water tank's size and proximity to the barn make it a logical choice for conversion and incorporation within a revised scheme design. It will make use of an existing building/structure within the site, improving its appearance and creating a visually interesting addition to the barn. Further details are included in the Structural Appraisal prepared by the Alan Baxter Partnership, Consulting Structural Engineers, which is submitted in support of the application.

## 7.5 Change of Use of Agricultural Land to Garden Land

7.5.1 The existing Class Q Prior Approval provides for a relatively small curtilage around the barn which excludes the outbuildings and structures which form part of the current application. Policy DM 13: *Extending the garden of a dwelling in the rural area* notes that planning permission for proposals to extend the garden of a dwelling in the rural area or to use such land as amenity land will be permitted where it can be demonstrated that:

- The proposal would not result in significant harm to the landscape, biodiversity or form of a settlement or inhibit the appropriate management of the land; and
- A scheme of landscaping is provided and implemented that will, as required, conserve, create or restore the character of the landscape concerned.

7.5.2 The existing land immediately around the barn and outbuildings is not in productive agricultural use. It comprises an area of grass which is regularly cut, kept short and has a domestic appearance. The site does not form part of a designated landscape.

7.5.3 The application proposals include the planting on an extensive native species hedge around the perimeter of the site, which together with associated tree planting will enhance the appearance, landscape character and bio-diversity of the site.

7.5.4 Having regard to the above, it is submitted that the application proposals will not result in significant harm to the landscape of the site and a suitable scheme of landscaping is proposed. The application proposals are therefore considered to accord with Policy DM 13.

## 7.6 Landscape and Visual Impact

7.6.1 The application proposals are principally for the re-use of an existing structure/building. No additions (other than a short link corridor) are proposed to the barn's existing building envelope, which benefits from a Class Q Prior

Approval. The circular water tank is an existing structure/building, which is to be retained in situ and re-clad. Its height is to be increased slightly to allow for a conical style roof which slopes gently from the centre. Even with the addition of a roof, the water tank will remain subservient in height to the barn. A short corridor will link the converted water tank to the existing barn. This area is currently covered in vegetation, so it is difficult to see that no such link exists at present. New cladding to the water tank will enhance its appearance and the overall setting of the building.

7.6.2 The corrugated metal clad double garage/store to the east of the barn is to be replaced with a cart store style garage. Whilst this has a catslide style roof with a higher ridge, its design and appearance are more in keeping with the rural character of the site.

7.6.3 The barn and some of the existing ancillary buildings and structure are visible in distant views from the church yard and public footpath to the south-east/south of the site. The application proposals will have little material impact on these views, since the building envelope of the barn is unaltered, the height of the water tank will increase slightly, but its scale will remain largely as existing, even with the attached link corridor and from the east, it will largely be seen against the backdrop of the dwelling beyond on the opposite side of Dane Lane. The tank will be clad in timber enhancing its appearance and will be more in keeping with the existing barn. It is considered that the proposals will enhance distant views of the site from the east/south-east.

7.6.4 The catslide roof to the cart store style garage is higher than the roof to the existing garage/store, but this remains subservient to the barn, and it will be seen as a traditional rural style building within the wider landscape setting of the site. It is considered that this addition will also enhance long distant views of the site from the east/south-east.

7.6.5 Views from the public footpath looking north are largely obscured by the existing orchards. Any glimpses of the buildings that are seen, will be of the front elevation

of the barn and cart store style garage, which have the appearance and scale of traditional rural buildings.

7.6.6 The existing site entrance and access driveway are retained and utilised as part of the application proposal. The frontage to Dane Lane and the side boundaries of the site adjoining the orchards are to be planted/reinforced with native hedgerows and trees, which will further enhance the appearance and bio-diversity of the site. This planting will also help to minimise any views of the converted water tank from Dane Lane, although its re-clad elevations will significantly enhance its appearance.

7.6.7 The submitted layout plan shows that the proposal can be comfortably accommodated within the site without having an adverse visual impact on the surrounding area. The application proposals are therefore considered to be consistent with the character of the existing built form within the site. The proposed development would not appear incongruous in this setting and would not unacceptably erode the openness of the countryside, whilst the visual improvements to the building/structures and associated landscaping will enhance the appearance of the site. Consequently, it is considered that the landscape impact of the application proposals would not be materially harmful to the setting of the site, and therefore the proposals are considered to accord with Policy DM 14: *General development criteria* of the SBLP and the relevant provisions of the NPPF.

## 7.7 Impact on Residential Amenity

7.7.1 The site adjoins farmland (orchards) and the nearest dwelling is on the opposite side of Dane Lane, approximately 28m north-west of the water tank. The barn also benefits from a Class Q Prior Approval for conversion to a two- bedroom dwelling. The residential amenity impact of a similar scheme has therefore already been considered and deemed to be acceptable.

7.7.2 The proposed dwelling is sufficiently distant from existing residential properties to avoid causing any unacceptable impacts on the amenity of their occupiers. The proposed glazing included within the side elevation of the converted water tank

faces towards the adjoining orchards rather than Dane Lane, minimising the potential for any visual intrusion. In summary, the use of the barn with the addition of the converted water tank for residential purposes would not impact adversely on the amenity of any other nearby properties and similarly, the amenity of future occupiers would not be compromised. The incorporation of the water tank within the scheme design is not considered to cause any significant noise impacts.

7.7.3 It is submitted that the application proposals will not lead to unacceptable overlooking of adjoining properties or their rear garden areas. Similarly, it is considered that the proposals will not have an over-bearing impact on the gardens of the adjoining properties and there will be no material overshadowing, loss of daylight/sunlight or noise and disturbance caused. The proposals therefore accord with Policy DM 14: *General development criteria* of the SBLP.

## 7.8 Highways

7.8.1 The site is located approximately 250m to the west of the rural settlement of Hartlip and close to the Medway urban area. The site is located in Dane Lane, approximately 290m from its junction with Meresborough Lane/Place Lane. The site benefits from an established access and the level of traffic generated by the proposed residential use will be on a par or less than when the site was operating as a barn for fruit storage, whilst the nature of the vehicles is likely to be smaller than those associated with farming, (tractors and spraying equipment) and therefore more suited to the local highway network.

7.8.2 The barn benefits from a Class Q Prior Approval for conversion to a two- bedroom dwelling, so the highway impact of a similar scheme has already been considered and deemed to be acceptable. The addition of the converted water tank within the scheme design is unlikely to result in a material increase in vehicle movements.

7.8.3 Having regard to the above matters, it is considered that the proposals will not have an adverse impact on the local highway network. It is therefore submitted that the application proposals will not conflict with Policy DM 6: *Managing transport demand and impact* of the SBLP and Paragraph 111 of the NPPF.

## 7.9 Contamination

7.9.1 The tank has previously been used for the storage of water. It is therefore unlikely that there have been any contaminants which would pose any risk to an end use such as residential. Notwithstanding this, any concerns that do arise could be dealt with by way of appropriate planning condition(s).

## 7.10 Nature Conservation

7.10.1 A Preliminary Ecological Appraisal has been carried by KB Ecology (report dated 5<sup>h</sup> September 2023). This notes that the application site does not form part of, or is directly adjacent to any statutory designated site for nature conservation purposes, and none are located within 1km of the site. A Statutory site of International Importance is located within 3km. The Medway Estuary and Marshes is a Ramsar Site, Special Protection Area and Site of Special Scientific Interest (SSSI). The report notes that the habitats within the site are built up areas and improved grassland arable and horticulture.

### *Amphibians*

7.10.2 The report notes that no ponds are present on the site or within 100m and only one pond is present within 250m. Due to the lack of ponds in the area, it is considered unlikely that great crested newts would be present on the site. No further work is recommended.

### Reptiles

7.10.3 The report notes that the proposed development area consists of grassland, which is species poor, heavily managed, and kept short without a thatch layer. This habitat is considered unsuitable for common reptile species due to a lack of cover from predators and foraging opportunities. No impact is expected.

### Birds

7.10.4 It is considered that the site has high potential to support breeding birds within the trees, hedges and scrub, as well as within the buildings. No signs of barn owl were found during the survey. Whilst a breeding bird survey is not deemed to be necessary, consideration should be given to the timing of any clearance work so this is undertaken outside of the nesting season.



### *Hazel dormouse*

7.10.5 It is considered that the site has negligible potential to support hazel dormouse, due to a lack of connection to suitable woodlands. No impact is expected.

### *Badger*

7.10.6 No setts or signs of badgers were identified during the survey. No impact is expected.

### *Bats*

7.10.7 No bats or signs of bats were found during the internal/external inspection of the buildings. Due to their construction and lack of cavities they were all judged as offering negligible suitability for roosting bats. None of the trees present on the site offered suitability for roosting bats, but the surrounding area is likely to be used by foraging and commuting bats. No impact is expected on bats.

### *Enhancements*

7.10.8 With regard to the range of bio-diversity enhancements recommended by the report, the following provisions are proposed for the site:

- Provision of integrated bat boxes on the building;
- Provision of integrated swift bricks in the building where possible at a height of 4 - 5m above ground;
- Wild flower, tree and hedge planting within the garden and to reinforce existing boundary planting to benefit nesting birds, foraging bats and invertebrates such as bumble bees and butterflies.

7.10.9 The application proposals are therefore considered to accord with Policy DM 28: *Biodiversity and geological conservation*. Further details are included in the Preliminary Ecological Appraisal prepared by KB Ecology, which is submitted in support of the application.

## **8.0 Conclusion**

8.1 The principle of residential development on the site has already been established, since the barn benefits from a Prior Approval consent under Class Q for conversion to a two-bedroom dwelling with associated building works. This acts as a legitimate fall-back option. The current application also includes the other

buildings and structures within the site and provides for a more comprehensive form of development with its associated landscape and environmental benefits.

- 8.2 The application proposals will deliver a two-bedroom dwelling, which will add to the stock of small-scale accommodation within the rural area, that through its cumulative impact with other small sites, will provide a positive contribution to the Council's shortfall in its housing land supply over the current 5-year period.
- 8.3 The proposed development will create employment during the construction stage, and once built, the occupiers of the application site will help to support local services and businesses within and around Hartlip, thereby assisting with the economic stimulus of the wider rural area in accordance with the objectives of the NPPF and NPPG.
- 8.4 The visual impact of the proposed development is unlikely to be significant, as the site is visually well contained. The envelope of the barn is the same as permitted under the Class Q Prior Approval. The circular water tank is an existing structure that will be visually enhanced. The existing double garage /store is to be replaced with a cart store style garage, more in keeping with the character and landscape setting of the site, whilst other buildings and structures are to be removed from the site. The proposed landscaping, including new hedge and tree planting will also help to mitigate any impacts and integrate the scheme within the wider landscape setting of the site.
- 8.5 The proposed development is well contained in landscape and visual terms, and there would be no materially adverse impact on the character of the surrounding area or the wider landscape setting of the site. The proposed addition of the water tank to the barn conversion would not appear prominent or intrusive when viewed from the from Dane Lane, and the surrounding countryside;
- 8.6 The proposals provide suitable amenity space for the occupiers of the proposed dwelling and there will be no materially adverse impact on the amenity of occupiers of adjoining dwellings, through overlooking, loss of daylight, disturbance or by the proposed dwelling being overbearing;

- 8.7 The Preliminary Ecological Appraisal submitted in support of the application does not identify any ecological issues that would preclude the proposed conversion of the water tank to residential use in association with the adjoining barn. The application proposals include several environmental improvements, including significant new hedge and tree planting, which together with the garden associated with the dwelling, will enhance the bio-diversity of the site.
- 8.8 The existing entrance from Dane Lane provides a suitable vehicular and pedestrian access to the site. The increase in vehicle movements associated with the addition of the water tank within the residential scheme is considered to be de minimis. Notwithstanding this, vehicle movements associated with the proposed dwelling are likely to be less than those associated with the agricultural use of the barn and outbuildings. Consequently, the application proposals are considered to meet the required highway standards and are not considered to have an adverse impact on the local highway network.
- 8.9 Following a thorough assessment of the proposals against planning policy guidance, it is concluded that the application proposals represent an acceptable form of sustainable development consistent with the provisions of the Development Plan and the NPPF, that will make continued use of an existing building resource and enhance the appearance and bio-diversity of the site.
- 8.10 Having regard to the above, it is respectfully requested that the Council gives favourable consideration to the application.

**Penshurst Planning  
September 2023**