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Dover District Council,
Council Offices, Whitfield (Head Office),
White Cliffs Business Park,
Dover,
CT16 3PJ

Our Reference: 07.054.3239

28th February 2024

Dear Planning Department,

CHANGE OF USE OF AGRICULTURAL BUILDING TO DWELLINGHOUSE. AMENDMENTS TO PRIOR APPROVAL SCHEME 23/00271. (AMENDMENTS TO INCLUDE: CHANGES TO EXTERNAL MATERIALS, INCREASE IN EAVES AND RIDGE HEIGHT AND PROVISION OF DEDICATED PARKING FACILITIES AND STORAGE.

This covering letter has been prepared for our client, Mr. D Groombridge, in support of an application for full planning permission to change the use of a former agricultural building to a single residential dwellinghouse. The building already benefits from approval for conversion and a change of use to C3 residential made under Schedule 2, Part 3, Class Q (a and b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), application reference number 23/00271.

This current application seeks to amend the approved scheme to enable minor alterations to the design of the dwelling only, which wouldn't have been allowed under the conditions placed on the Class Q approval. The principle of conversion to a single residential dwelling will remain unaltered.

Proposal

This application seeks full planning permission to change the use of an agricultural building to a residential use with a C3 use class. The proposal seeks a single dwelling only.

The building already benefits from an extant permission for conversion to a single residential dwelling, which was granted under Schedule 2, Part 3, Class Q (a and b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

This former application granted permission for the change of use of a dairy building and land within its curtilage from an agricultural use to a use falling within Class C3 (dwelling house), together with building operations reasonably necessary to convert the building.

Mr Groombridge would now like to apply for changes to the approved design to ensure that the conversion of the building will better meet the new Building Regulation requirements and to ensure

that the design meets the aspirations of Section 12 of the NPPF in relation to achieving the best possible design for the site.

The following changes are proposed.

Changes to roof design:

- Eaves and ridge height of main volume raised by 750mm.
- Roof material to be Zinc.
- Additional roof lights.
- Rear extensions roof amended to be a pitched room with gables.
- Individual external store on Class Q application have their eaves height raised to accommodate external access into the property.

Changes to external elevations:

- Front entrance mirrored with window and opening swapping on front elevation.
- Addition of a stable door to the front elevation.
- Hit and miss timber cladding added to external kitchen area to rear.
- External material changes to include natural timber weatherboard.

Other changes:

- Provision of parking spaces and cycle parking provision.

Site Description

This application relates to a brick-built building located to the south of Westcourt Lane, and to the north of the adjoining farmstead of Westcourt Farm in Shepherdswell.

The site comprises of red brick-work exterior walls, with cement fibre roof, set on a poured concrete base. It lays in an east-west formation, with a cross-gabled extension on its frontage. Further extensions have been added over its working lifetime, which include a concrete blockwork extension, with a butterfly-pitched roof, on its rear elevation.

The formation of the building includes a main central open plan atrium, which would have formed the main milking parlour operational area, with stalls down each side for the cows to stand. The concrete bays are still visible in the building. There are several openings and windows into the building, which have a mix of wooden and steel-framed barn-style doors and crittall metal frames.

The building is currently used as general farm storage, following the demise of the dairy herd. On viewing the building, it is clear that the paraphernalia relating to the dairy remains in situ, including all the remaining milking stalls on each elevation, with other farming implements stored herein. On this basis, the current and most recent use of the building remains agricultural.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the local development plan unless material considerations indicate otherwise.

National Planning Policy Framework:

The most recent National Planning Policy Framework was revised and adopted in December 2023.

Paragraph 7 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

At the heart of the framework there is an assumption in favour of sustainable development. Paragraph 8 highlights three overarching objectives to sustainable development that must be considered:

- a) ***'An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;***
- b) ***A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and***
- c) ***An environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'***

Paragraph 11 insists on the approval of *'development proposals that accord with an up-to-date development plan without delay.'* As well as this, paragraph 38 of the National Planning Policy Framework states that *'Local planning authorities should approach decisions on proposed development in a positive and creative way... Decision-makers at every level should seek to approve applications for sustainable development where possible'*.

NPPF paragraph 135 requires that planning policies and decisions should ensure that developments, will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping amongst other requirements.

Paragraph 180 sets out that planning policies should contribute to and enhance the natural and local environment and provides criteria for which applications should be determined against. In particular, protecting the countryside is an important key feature.

Local Policy:

The local policy for which decisions would be determined against is the Dover District Core Strategy 2010. The new emerging Dover District Local Plan, currently subject to examination is also a material consideration. The following policies are relevant to this scheme: CP1 settlement hierarchy; DM1 Settlement Boundaries, DM11 Location of Development and Managing Traffic Demand; DM14 Parking Provision; DM15 Protection of the Countryside and M16 Landscape Character.

Justification

A key consideration in this regard is whether the site is within a suitable location for a residential dwelling. Paragraph 84 of the NPPF is clear that policies and decisions should avoid the development of 'isolated' homes in the countryside.

Although the building is located within a countryside location and wouldn't normally meet the requirements of Policy DM1 Settlement Boundaries, this site currently benefits from a 'fall-back' position afforded by the granting of prior approval DOV/23/00271. This application granted permission for a single 5-bedroom dwelling through the conversion of an existing agricultural building. This is an important material consideration to which significant weight should be given.

If implemented, this 'fall-back' permission would allow for residential development that would fall within the confines of the existing agricultural building. This additional application is an opportunity to seek enhancements to the approved development by enabling changes to the design and materials. These design improvements would not have been allowed in the original scheme, by virtue of the conditions placed on the Class Q legislation, but by being considered now will enable the development to better meet the scope of Building Regulations and to ensure the design better meets the aspirations of section 12 of the NPPF, '*achieving well-designed and beautiful places*'. The principle of converting the existing agricultural would remain the same and no additional footprint changes are requested.

The scheme is proposing to alter the ridge heights across the building to ensure that Building Regulation Part F, relating to ventilation, and Building Regulation Part L, regarding insulation, can be better achieved within the parameters and scope of the building.

This scheme is proposing changes to the external materials of the building. The roof is now proposed to be zinc and the exterior elevation finish will comprise of 'hit and miss timber cladding added to the external kitchen area and the provision of natural timber weatherboard elsewhere.

Furthermore, by enabling the conversion of the building through a full planning application, the opportunity to provide dedicated parking and cycle/bin storage will be provided.

Further to the full-back position, Dover District Council is currently in the latter stages of preparing a new Local Plan. At the time of preparing this report therefore, policies within in the draft plan are material to the determination of the application, albeit it is considered that they have little weight at this stage and do not materially affect the assessment and recommendation.

It is considered that adopted Core Strategy policies DM1, DM11, DM15 and DM16 could be considered in tension with the NPPF (2023). Policy DM1, which is particularly critical in determining whether the principle of the development is acceptable is considered to be out-of-date and in this case the 'tilted' balance is engaged.

This approach, and engaging the tilted balance, has already been considered within the Dover District, under application reference DOV/21/01926 (*Erection of a detached dwelling (existing agricultural building to be demolished)*). This application utilised the fullback position of a Class Q permission, to enable the original agricultural building to be removed and a new build dwelling provided on the plot.

The 'Plan for Growth' published by HM Treasury in March 2011 recognises that a successful construction industry is vital for sustainable growth in the UK and sets out that this includes the construction and maintenance of homes.

It notes that providing new homes in the right places is vital for future economic competitiveness. Albeit limited, the provision of this single dwelling would provide economic benefits to the local area. It would provide employment opportunities for tradespeople and a need for building materials and supplies, which are likely to be felt at the local level. The provision of a family dwelling would also enable future residents to purchase goods and services in the locality.

The scheme would therefore have no known economic disadvantages which would be comparable to the positive impacts of the proposed development.

This application is not seeking the removal of the building and is purely seeking improvements to the existing approved design. Ultimately, the planning balance needs to consider the benefit of the provision of new housing, balanced again the harm arising from the development and specifically the conflict with the development plan, travel impacts and the limited harm to the character and appearance of the area.

Conclusion

This covering letter has identified the planning policy and guidance relevant to this application. It demonstrates that although the change of use of the agricultural building to C3 residential would not normally be allowed under the provision of DM4. Significant weight should be given to the recent decision (January 2023) that amounts to a 'fall- back' position. It is also acknowledged that the 'tilted balance' approach under paragraph 11 of the NPPF should be applied.

As set out in the report, it is considered that many of the impacts would be more than comparable to the extant permission for a single dwelling on the site, in fact there would be enhancements to

the site if permission was granted including having a dwelling that has a more sustainable design, which better meets building regulations, and design which utilises more high-quality materials.

Set against the requirements of the 'tilted balance', it is not considered the proposal would undermine any key aspects of policy in the NPPF and taking into account the availability of the fall-back position, any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the National and Local Policy, when taken as a whole.

Evidence has been provided within this covering letter that the Local Planning Authority has previously granted a scheme for full planning permission for a new residential in the circumstances of this case.

It is therefore respectfully requested that this application is approved.

If you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely



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