

<b>2.2 REFERENCE NO - 22/503623/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of barn from agricultural to B8 storage and distribution use, with associated office space (retrospective).		
<b>ADDRESS</b> Hooks Hole Farm School Lane Borden Kent ME9 8DA		
<b>RECOMMENDATION</b> APPROVE, subject to conditions		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection		
<b>WARD</b> Borden And Grove Park	<b>PARISH/TOWN COUNCIL</b> Borden	<b>APPLICANT</b> Ian Kemsley Farms Ltd <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 28/10/22	<b>PUBLICITY EXPIRY DATE</b> 28/10/22	<b>CASE OFFICER</b> Mandi Pilcher

**Planning History**

18/504063/LDCEX

Lawful Development Certificate for an existing B8 storage or distribution use and access.  
Refused Decision Date: 18.12.2018

SW/09/0998

Variation of condition 3 of planning permission SW/08/0464 to allow a 7am start and to allow the use to operate on Saturday mornings.  
Grand of Unconditional (stat 3yrs) Decision Date: 12.01.2010

SW/08/0464

Change of use of part of agricultural building to commercial use (scaffold storage) with associated parking.  
Grant of Conditional PP Decision Date: 18.07.2008

**1. DESCRIPTION OF SITE**

- 1.1 The application site consists of a large building and associated hardstanding, situated on ground which falls away from Chestnut Street. The building is a large, modern barn which was approved in 2001, under planning reference SW/01/0190. The building measures approximately 60m x 30m In 2008, planning permission for approximately a quarter of the floorspace within the barn to be used for B8 storage use was approved under planning reference SW/08/0464.
- 1.2 The site is located on School Lane and is 1.06km from Borden Village (i.e. the Maypole Inn Public House and St Peter and St Paul's Church). The site can be accessed relatively quickly from the A2 and A249 (via School Lane).
- 1.3 The boundary of the conservation area has changed following a recent review, and now extends to the northeast side of School Lane, inter-alia to include the paddock area to

the northeast of the application site area. As such, although the site is not within the conservation area it sits immediately adjacent to it.

- 1.4 Adjacent to the junction of Chestnut Street and School Lane is a Grade II\* listed building, Hooks Hole, which has a private garden that extends along School Lane. This lies approximately 90m from the closest part of the site.

## 2. PROPOSAL

- 2.1 This application seeks planning permission for retrospective change of use of the building from agricultural to B8 commercial storage and distribution use.
- 2.2 The Planning Statement submitted with the application states that *“The application building was approved as a hay storage barn, under SW/01/0190. The building, originally erected for an agricultural purpose, has been used for the past two years for the storage and distribution of commercial goods. Prior to this, the building has been used solely for agricultural purposes which included the storage of machinery, crops and other agricultural-related items, which generated a reasonable level of vehicle movements. A section of the building was subsequently used for scaffold storage, which had an associated number of vehicle movements.*

*Simply Parcels, the company that has operated from the building since Jan 2021, act as a “courier” for the short-term storage and distribution of items such as sofas, gym equipment and kitchen equipment. These items are relatively large-scale items such that the number of related movements are relatively low. Simply Parcels have confirmed that there has been 6-10 people on site at any one time, and up to 5 no. 7 ½ tonne lorries. There are 2 containers per week unloaded on the site through an articulated HGV, while there are 3-5 vans loaded on site a day to distribute the items that are delivered to the site.*

*Simply Parcels are undertaking a review of its operations and a new operator is in negotiation to take over the site. The new operator will undertake operational improvements and continue to focus upon bulk goods thus requiring no substantive changes to vehicle movements to those reported above and in technical reports forming part of this application”.*

- 2.3 The change of use does not require any external changes to the appearance of the building or any other operational development.
- 2.4 I have queried with the agent as to the reason that the building is no longer required for an agricultural use and received the following response:

*“The barn was erected in 2001 when the farm had 2,000 cattle and was used as a hay barn. The number of cattle increased to 3,000 when they had a case of TB in 2007 and could not move any cattle due to the TB restrictions. As a consequence of TB and the constant testing (every 60 days), the decision to cease beef production was then made.*

*The applicant sold the cows in 2008 and the barn was no longer required for agricultural uses.”*

### 3. PLANNING CONSTRAINTS

- 3.1 Within the setting of Conservation Area Chestnut Street, Borden
- 3.2 Environment Agency Flood Zone 2
- 3.3 Environment Agency Flood Zone 3

### 4. POLICY AND CONSIDERATIONS

- 4.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies

ST1: Delivering sustainable development in Swale

ST4: Meeting the Local Plan development targets

ST5: The Sittingbourne area strategy

CP1: Building a strong competitive economy

CP8: Conserving and enhancing the historic environment

CP4: Requiring good design

DM3: The rural economy

DM6: Managing transport demand and impact

DM14: General development criteria

DM21: Water, flooding and drainage

DM32: Development involving a listed building

DM33: Development affecting a conservation area

- 4.2 Supplementary Planning Guidance (SPG): 'Conservation Areas' & 'Listed Buildings'
- 4.3 NPPF – the followings paragraphs are relevant, 8, 84,85,191,206 and 207

### 5. LOCAL REPRESENTATIONS

None received

### 6. CONSULTATIONS

- 6.1 Borden Parish Council raised objections:

- *“This site is located on a very narrow rural lane which is widely used by pedestrians, cyclists and horse riders. Any extra traffic, especially large vehicles, will increase the risk to these and other road users.*
- *Vehicles emerging or entering this site will have to use all of School Lane to gain entry/exit to the premises thus creating danger to other road users in School Lane.*
- *There will be significant impact on the adjoining conservation area as a result of this development*
- *There is no footpath in School Lane between the bus stop in Chestnut Street and Borden Primary School for children and other walkers to use so any increase in traffic will increase the danger to these users of School Lane.”*

- 6.2 KCC Highways & Transportation made the following comments;

*“A facility of this size could have lawfully been used for multiple purposes including storage of equipment, machinery/vehicles and animal feed. These uses will have been capable of generating multiple movements daily. As a large agricultural barn, the premises was already open to access by regular tractor plus trailer set up, which in size*

*is little different to the HGV deliveries with the proposed use. It should also be remembered that farms also received deliveries by HGV.*

*At 6m wide, the initial section of School Lane is of good width and only narrows approximately 25m from the site entrance. Background traffic movements on Borden Lane are low and as such this section is not considered a problem. Forward visibility between the junction and site access is good.*

*Chestnut Street is a wide road offering very close access to the A249 and A2 for further access to the wider highway network.*

*The junction between School Lane and Chestnut Street has no personal injury crash problem. Numbers of pedestrians in School Lane will be low and the road is wide enough for vehicles to pass safely. The narrower section has good forward visibility allowing drivers time to act accordingly.”*

6.3 SBC Environmental Protection Team made the following comments:

*“The information provided within the application explains no significant changes to the site and that there will not be a material increase in traffic movements. I have no significant concerns that would require a noise, air quality or contaminated land assessment” however, the following conditions [related to a Noise Management Plan] have been included due to the residential setting along the road, up from the application site. The operational hours should also be limited to reduce impacts to nearby residents (this can be included in the noise management plan - condition below). Hard standing surface within the site is not going to be developed, thus does not require a contaminated land assessment. If any construction to the site is considered in the future, we would require a contaminated land condition to applied.”*

## **7. BACKGROUND PAPERS AND PLANS**

7.1 The application was accompanied with a Flood Risk Assessment report, Transport Assessment, Heritage and Planning Statement.

7.2 The Planning Statement states that:

*No operational development is proposed on the site, and no external works to the building are proposed*

*In terms of traffic use on site, the transport statement and tracking has demonstrated this to be acceptable and comparable with the previous agricultural and commercial storage uses.*

*The FRA demonstrates that the proposal is acceptable in flood risk terms*

*This proposal for a change of use complies with relevant policies of the development plan and national policy.*

## **8. APPRAISAL**

8.1 This site is located in the countryside, outside the built-up area of Borden, and adjacent to the Chestnut Street Conservation Area. The building in question was approved under application reference SW/01/0190, is located approximately 70m from School Lane and is substantial in size. Land to the east and west is used for grazing horses

and for agricultural purposes. A previous application for part change of use from agricultural to scaffold storage with associated parking was approved under SW/08/0464.

- 8.2 Whilst the site is located within the countryside, both local and national planning policies support the growth of businesses in the rural area and the diversification of farms. Employment uses (separate from farming) have, as set out above, been previously approved within this building. The NPPF also places significant weight on the need to support economic growth and on the basis of the above I am of the view that the principle of development is acceptable.

1 & 2 Florence Cottages, Chestnut Street, are the closest dwellings and located approximately 100m from the building. In addition, although the site is located in the midst of a farm I have consulted the Council's Environmental Protection Team. They have recommended a condition requiring a Noise Management Plan. In addition to this, I have further discussed hours of use with the Environmental Protection Team and have recommended this is restricted to 7.00am – 17.00 Monday – Friday and 7.00am – 12.00 on Saturdays and at no time on, Sundays and Bank Holidays. This includes vehicle movements to and from the site. These are the same as the previous application SW/09/0998. Subject to these conditions I am of the view that there would not be significant harm to residential amenities.

- 8.3 The site is set well back from both School Lane and Chestnut Street, and the area to the front of the building is used by the farm as a yard for parking. On this basis I do not consider that the use for loading/unloading of vehicles would cause significant harm to the character and appearance of the area. I do note that adjacent to the site access are existing grey galvanised steel barriers. These barriers have a utilitarian appearance and during the consideration of the scheme I was of view that the impact of these should be softened. Having discussed this matter with the agent, a proposal has been put forward to paint the barriers dark green and also plant native climbing plants which will assist in softening this existing part of the site. The agent has provided confirmation of this via an additional drawing and on this basis I believe that this will give rise to visual benefits. To ensure this is carried out I have included relevant conditions.

- 8.4 In addition to the above, I also felt that there were opportunities to provide additional landscaping on the eastern boundary of the site. Due to the scale of the building, I took the view towards it, and towards the conservation area from the east would be softened by the introduction of planting in this location. Having liaised with the agent regarding this I have received a drawing demonstrating that a mixed native hedge will be planted along the eastern boundary of the site. I am of the view that this will give rise to visual and biodiversity benefits and to secure this have recommended a related condition.

- 8.5 I note the concerns of the Parish Council (set out in full above) in respect of highway related matters. In terms of this issue, I have consulted KCC Highways & Transportation, the comments of whom are also set out in full above. I note that they raise no concerns stating that School Lane is of adequate width and the visibility between the junction and site access is good. It is also important to consider that the lawful use of the site would give rise to movements from large vehicles and as such KCC

Highways & Transportation do not believe that this proposal would give rise to any significant harm to highway safety or amenity.

- 8.6 The application lies within both Flood Zone 2 and 3, and therefore a Flood Risk Assessment, as required, has been submitted with the application. I have considered this in line with the Environment Agency's Standing Advice and note that due to the proposal being a change of use the sequential test does not apply. In addition due to the existing and proposed use (which are both classified as 'less vulnerable') that the exception test is not required. On the basis that the sequential and exception tests do not restrict this form of development, and that it a change of use application, I am of the view that the proposal would not give rise to unacceptable risk in terms of flooding and is compliant with local and national policies in this respect.
- 8.7 I also note that the Parish Council raise concerns regarding the impact upon the setting of the adjacent conservation area. Firstly, it is important to note that as this is a change of use application, the physical nature of the site in respect of the building and the surrounding hardstanding will remain unaltered. As such, the impact upon the setting of the conservation would in my view be neutral in this regard. As set out above, I am of the view the painting of the steel barriers and the introduction of a not insignificant amount of landscaping around the site would assist in softening its appearance. On this basis I am of the view that the proposal would satisfy the test of preserving, and in respect of the landscaping, enhancing the setting of the conservation area, in accordance with the requirements of policy DM 33 of the Local Plan.
- 8.8 The application site also lies approximately 90m away from the grade II\* listed building 'Hooks Hole'. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Policy DM 32 of the Local Plan is consistent with this. In this respect, as set out, the appearance of the site will remain unaltered, save for the painting of the barriers and the landscaping will in my view have a positive impact. The Council's Conservation Officer did consider the impact of traffic movements upon the listed building, however, concluded that based upon the estimated number of movements this would not be a serious issue. On this basis, I am of the view that the setting of the listed building would not be unacceptably harmed.

## **9. CONCLUSION**

- 9.1 This application seeks retrospective planning permission for change of use of an agricultural building at Hooks Hole Farm to B8 Storage and Distribution use. On the basis of the discussion above I consider the use to be acceptable in principle and do not envisage harm to visual or residential amenity nor to the setting of the Chestnut Street conservation area or listed building. I recommend that planning permission is granted subject to the conditions below.

## 10. RECOMMENDATION

GRANT Subject to the following conditions:

### CONDITIONS

- (1) The development hereby approved shall be carried out in accordance with the following approved drawing 1464/14 rev B and 1464/15 rev A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (2) The premises shall not be used except between the hours of 7.00am – 17.00 Monday – Friday and 7.00am – 12.00 on Saturdays and at no time on, Sundays and Bank Holidays. This includes vehicle movements to and from the site.

Reason: In the interests of residential amenity.

- (3) Within two months of the date of planning permission being granted, a noise management plan, which includes details related to the control of noise from plant and machinery shall be submitted to the Local Planning Authority. Once approved the plan shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.

- (4) Within two months of the date of planning permission being granted, a detailed soft landscaping scheme shall be submitted to the Local Planning Authority. These details shall be based upon the soft landscaping as shown on drawing 1464/14 rev B and include precise planting details noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (5) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (6) The development hereby approved shall be restricted to the following use - Class B8 Storage and Distribution - and not for any other purpose including any uses otherwise provided for by the operation of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Reason: In the interests of the amenities of the area.

- (7) No external storage shall take place at this site.

Reason: In the interests of residential and visual amenities.

- (8) The area shown on drawing 1464 - 14 B as loading, off loading and parking space shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be carried out on that area of land or in such a position as to preclude vehicular access to this area.

Reason: In the interest of highway safety and convenience.

- (9) Within 2 months of the date of planning permission being granted the galvanised steel barriers, as shown on drawing 1464 - 14 B shall be painted in a dark green colour.

Reason: In the interest of visual amenities.

### **INFORMATIVE**

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expect. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



