

PLANNING COMMITTEE MEETING

Date: Thursday 21 April 2022
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Cox, English, Eves, Harwood, Holmes, Kimmance, Munford, Perry (Vice-Chairman), M Rose, Spooner (Chairman), Trzebinski and Young

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 25 April 2022
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 24 March 2022 1 - 10
11. Minutes of the meeting held on 31 March 2022 11 - 14
12. Presentation of Petitions (if any)
13. Deferred Item 15

Issued on Monday 11 April 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	21/506698/FULL - Boughton Mount Farm, Cliff Hill, Boughton Monchelsea, Kent	16 - 33
15.	21/506652/FULL - Boughton Mount Farm, Cliff Hill, Boughton Monchelsea, Kent	34 - 50
16.	21/505105/FULL - River Farm, Chart Hill Road, Staplehurst, Tonbridge, Kent	51 - 56
17.	21/504391/FULL - Mill House, Upper Street, Hollingbourne, Maidstone, Kent	57 - 69
18.	21/504393/LBC - Mill House, Upper Street, Hollingbourne, Maidstone, Kent	70 - 79
19.	21/506570/FULL - Brenchley Gardens, Station Road, Maidstone, Kent	80 - 83
20.	21/506664/FULL - Rosehill, Vanity Lane, Linton, Maidstone, Kent	84 - 97
21.	21/505452/LBC - Mote Park, A20 Ashford Road Junction With Willington Street, Maidstone, Kent	98 - 113
22.	21/505627/FULL - The Green Barn, Water Lane, Hunton, Maidstone, Kent	114 - 129
23.	20/505611/SUB - Dickens Gate, Marden Road, Staplehurst, Tonbridge, Kent	130 - 138
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25.	Enforcement Tracker	141 - 146

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link:

<https://pa.midkent.gov.uk/online-applications/>

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting in person or by remote means, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 20 April 2022. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

If you require this information in an alternative format please contact us, call 01622 602899 or email committee@maidstone.gov.uk

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 24 MARCH 2022

Present: Councillor Spooner (Chairman) and
Councillors Brindle, Cox, English, Harwood, Holmes,
Munford, Perry, Round, Russell and Young

Also Present: Councillors Garten, Mrs Gooch, Hinder, Newton and
S Webb

241. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Eves, Kimmance, M Rose and Trzebinski.

Councillor Perry said that he would need to leave the meeting after consideration of the second application to be considered - 21/503150/FULL (The Old Forge, Chartway Street, East Sutton, Maidstone, Kent).

242. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Round for Councillor Eves
Councillor Russell for Councillor Trzebinski

243. NOTIFICATION OF VISITING MEMBERS

Councillor Garten had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/503063/FULL (The Dreys, Squirrel Woods, Rumstead Lane, Stockbury, Kent), and attended the meeting remotely.

Councillor Mrs Gooch had given notice of her wish to speak on the report of the Head of Planning and Development relating to application 21/505249/REM (Land South West of Hermitage Lane/Oakapple Lane, Barming, Maidstone, Kent), and attended the meeting in person.

Councillor Hinder had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/506626/FULL (Stables at Stud Farm, Dunn Street Road, Bredhurst, Kent), and attended the meeting in person.

Councillor Newton had given notice of his wish to speak on the report of the Head of Planning and Development relating to application

21/503585/FULL (Land West of Church Road, Otham, Kent), and attended the meeting in person.

Councillor S Webb had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/506545/FULL (Wilson's Yard, George Street, Hunton, Kent), and attended the meeting in person.

244. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

245. URGENT ITEMS

The Chairman said that he intended to take the update reports of the Head of Planning and Development and the verbal updates in the Officer presentations as urgent items as they contained further information relating to the applications to be considered at the meeting.

246. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brindle said that, with regard to the report of the Head of Planning and Development relating to application 21/506626/FULL (Stables at Stud Farm, Dunn Street Road, Bredhurst, Kent), the application site was situated in Bredhurst which was in her Ward. However, she had not been present at any meetings when the application was discussed, and she intended to speak and vote when it was considered.

Councillor Round disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 21/503150/FULL (The Old Forge, Chartway Street, East Sutton, Kent). He said that the applicant was known to him personally as a friend and he would leave the meeting when the application was discussed.

247. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

13.	21/505036/FULL – Little Hawkenbury Barn, Hawkenbury Road, Hawkenbury, Tonbridge, Kent	Councillor Round
14.	21/506545/FULL – Wilson's Yard, George Street, Hunton, Kent	Councillors Brindle, Holmes, Spooner, Round and Young
15.	21/503063/FULL – The Dreys, Squirrel Woods, Rumstead Lane, Stockbury, Kent	Councillor Harwood

16.	21/506626/FULL - Stables at Stud Farm, Dunn Street Road, Bredhurst, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, Munford, Perry, Round, Spooner and Young
17.	21/505341/SUB - Land off Farleigh Hill, Tovil, Kent	Councillor Round
18.	22/500414/FULL - South View Lodge, Pilgrims Way, Detling, Maidstone, Kent	Councillor Round
19.	21/503585/FULL - Land West of Church Road, Otham, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, Munford, Perry, Round, Russell, Spooner and Young
20.	21/505249/REM - Land South West of Hermitage Lane/Oakapple Lane, Barming, Maidstone, Kent	Councillors Harwood, Holmes, Round, Russell, Spooner and Young
21.	21/503150/FULL - The Old Forge, Chartway Street, East Sutton, Maidstone, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, Munford, Perry, Round, Spooner and Young
22.	21/506183/FULL - Pinelodge Cottage, Somerfield Road, Maidstone, Kent	No lobbying

248. EXEMPT ITEMS

RESOLVED: That the public be excluded from the meeting if Members wish to discuss the information contained in the exempt Appendix to the report of the Head of Planning and Development relating to application 21/503585/FULL (Land West of Church Road, Otham, Kent) because of the likely disclosure of exempt information pursuant to paragraph 5 of Part I of Schedule 12A to the Local Government Act 1972, having applied the Public Interest Test.

249. MINUTES OF THE MEETING HELD ON 17 FEBRUARY 2022 ADJOURNED TO 24 FEBRUARY 2022

RESOLVED: That the Minutes of the meeting held on 17 February 2022 adjourned to 24 February 2022 be approved as a correct record and signed.

250. PRESENTATION OF PETITIONS

There were no petitions.

251. DEFERRED ITEMS

20/505611/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 18 - FOUL AND SURFACE WATER SEWERAGE DISPOSAL SUBJECT TO

14/502010/OUT - DICKENS GATE, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

The Principal Planning Officer advised the Committee that the additional information and the views of the external consultant had been received. A report would be submitted to the Committee at the earliest opportunity.

21/505452/LBC - LISTED BUILDING CONSENT FOR WORKS TO RE-POSITION/RE-BUILD A SECTION OF RAGSTONE WALL (TO FACILITATE THE A20 ASHFORD ROAD AND WILLINGTON STREET JUNCTION CAPACITY IMPROVEMENT SCHEME) - MOTE PARK, A20 ASHFORD ROAD JUNCTION WITH WILLINGTON STREET, MAIDSTONE, KENT

The Principal Planning Officer advised the Committee that the additional information had been submitted. The Officers needed to consider this before reporting back to the Committee.

252. 21/503585/FULL - SECTION 73 - APPLICATION FOR VARIATION OF CONDITION 30 (TO VARY THE TRIGGER POINT FOR THE DELIVERY OF THE WILLINGTON STREET/DERINGWOOD DRIVE IMPROVEMENTS, TO PRIOR TO OCCUPATION OF 100 UNITS, RATHER THAN PRIOR TO COMMENCEMENT ABOVE FLOOR SLAB LEVEL) PURSUANT TO APPLICATION 19/506182/FULL (RESIDENTIAL DEVELOPMENT FOR 421 DWELLINGS WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, OPEN SPACE AND LANDSCAPING) (ALLOWED ON APPEAL) - LAND WEST OF CHURCH ROAD, OTHAM, KENT

The Committee considered the report of the Head of Planning and Development.

In introducing the report, the Principal Planning Officer advised the Committee that he had received an email that afternoon from the applicant advising that they would be prepared to accept a condition for a 'Construction Safety Management Strategy Plan'. It was the Officers' advice that since the applicant had submitted an appeal to the Planning Inspector on the grounds of non-determination of the application, they should advance that through the appeal process as part of their proposals for suggested conditions.

Councillor Hickmott of Otham Parish Council had given notice of his wish to address the Committee but was unable to attend the meeting due to illness.

Councillor Newton addressed the meeting in person on behalf of Downswood Parish Council and in his capacity as Ward Member.

RESOLVED: That the Planning Inspectorate be advised that the Committee would have granted permission as per the original recommendation contained in the report to the meeting of the Committee held on 17 February 2022 but with an amendment to condition 30 (Off-Site Highway Works) to remove reference to 31 December 2023 for the reasons set out in the report to this meeting.

Voting: 5 – For 0 – Against 6 – Abstentions

253. 21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

Having disclosed an Other Significant Interest, Councillor Round left the meeting whilst this application was considered.

The Committee considered the report of the Head of Planning and Development.

Mr Hawkins addressed the meeting in person on behalf of the applicant.

RESOLVED: That consideration of this application be deferred for further negotiations to secure:

- A fully worked up ecological and sustainable landscaping scheme to include investigation of how the southern parcel of land in the ownership of the applicant can be safeguarded as an ecological area such as a wood pasture, base-line ecological survey work, and details of the boundary treatments in respect of the property at the site frontage with a 10-year replacement period;
- Good quality vernacular materials and detailing;
- Energy efficient measures such as heat source pumps; and
- A wet SUDS solution for ecological gain.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Perry left the meeting after consideration of this application (7.15 p.m.).

254. 21/505249/REM - SECTION 73 - APPLICATION FOR AMENDMENT TO APPROVED PLANS CONDITION 1 (AMENDMENT TO LAYOUT TO FACILITATE A SECONDARY ACCESS) AND VARIATION OF CONDITION 8 (TO AMEND THE EMERGENCY ACCESS ARRANGEMENTS) PURSUANT TO 18/506068/REM (APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE APPLICATION 13/2079 FOR THE ERECTION OF 80 DWELLINGS INCLUDING AFFORDABLE HOUSING, ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND EARTHWORKS) - LAND SOUTH WEST OF HERMITAGE LANE/OAKAPPLE LANE, BARMING, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

In introducing the application, the Principal Planning Officer advised the Committee that, since the publication of the agenda, five further representations had been received but they did not raise any issues that were not already addressed in the report.

Councillor Mrs Gooch (Visiting Member in person) read out a statement on behalf of Mrs Jones of the Give Peas a Chance Group which objected to the application.

Councillor Passmore of Barming Parish Council addressed the meeting in person.

Ms Cottingham, agent for the applicant, addressed the meeting remotely.

Councillor Mrs Gooch (Visiting Member) addressed the meeting in person in her capacity as Ward Member.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report as amended by the urgent update report with an informative requesting that the applicant works with the Highway Authority to bring forward a design for the stretch of carriageway (near to Broomshaw Road) which reduces speed by passive measures such as build-outs or narrowing and which is informed by Home-zone principles. The reason being for the amenity and safety of the residents who live in the properties which immediately abut the highway, which being family homes are likely to have children in them.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the informative.

Voting: 5 – For 3 – Against 2 – Abstentions

255. 21/506626/FULL - CONVERSION OF AN EXISTING STABLE AT STUD FARM TO PROVIDE A NEW TWO BEDROOM DWELLING WITH ASSOCIATED PARKING, LANDSCAPING, PRIVATE AMENITY SPACE AND EXTERNAL STORE (RESUBMISSION TO 21/503146/FULL) - STABLES AT STUD FARM, DUNN STREET ROAD, BREDHURST, KENT

The Committee considered the report of the Head of Planning and Development.

Mr Hill, the Clerk to Bredhurst Parish Council, addressed the meeting in person.

Ms Hood, the applicant, addressed the meeting in person.

Councillor Hinder (Visiting Member) addressed the meeting in person.

The Head of Planning and Development emphasised that the fundamental principle in relation to the assessment of this application was that there should be no harm to the character and appearance of the countryside, and the value placed was very high as the application site was in the AONB. The proposal would cause clear harm to the character of the countryside because a house had a very different character to a stable

block. It would not be invisible in the countryside. Planning decisions should be made in accordance with the Development Plan having regard to the material planning considerations.

During the discussion, it was pointed out that the reference to Boxley Parish Council in section 5 of the report relating to consultations should be amended to refer to Bredhurst Parish Council.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to the application being advertised as a departure from the Development Plan if necessary and no objections being received by the expiry of the public consultation period, the Head of Planning and Development be given delegated powers to grant permission and to settle appropriate conditions to include those mentioned by Members during the discussion. In making this decision, Members did not consider that the proposal would have a harmful impact on the countryside or the AONB subject to the imposition of conditions to ensure that it is acceptable and in accordance with policy.

RESOLVED: That subject to the application being advertised as a Departure from the Development Plan if necessary and no objections being received by the expiry of the public consultation period, the Head of Planning and Development be given delegated powers to grant permission and to settle appropriate conditions to include those mentioned by Members in the discussion relating to:

Materials; the turning head/car parking area; landscaping in general but boundary treatments in particular with a 10-year replacement period; renewables; biodiversity enhancements (bat tubes etc.); and lighting appropriate to the AONB.

Voting: 8 – for 1 – Against 1 – Abstention

256. 21/506545/FULL - SIX DWELLINGS WITH ASSOCIATED ALLOTMENTS, LANDSCAPING, PARKING, COMMUNAL LANDSCAPED AREAS, AND OTHER ASSOCIATED WORKS (PART RETROSPECTIVE) - WILSONS YARD, GEORGE STREET, HUNTON, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report.

Voting: 10 – For 0 – Against 0 – Abstentions

257. 21/503063/FULL - RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND AND FIELD SHELTER TO PROVIDE EVENTS VENUE, INCLUDING ERECTION OF COVERED SEATING AREAS TO REAR AND SIDES OF FIELD SHELTER, ERECTION OF WOODCUTTERS CABIN TO BE USED IN CONJUNCTION WITH EVENTS VENUE, AND USE OF MOBILE FACILITIES INCLUDING 2 NO. STORE ROOMS, 2 NO. MARQUEES, 3 NO. TOILET

BLOCKS, 1 NO. DISABLED WC, 2 NO. SHEPHERDS HUTS, 4 NO. SHIPPING CONTAINERS, WITH ASSOCIATED CAR PARKING AND WOODLAND WALKWAY - THE DREYS, SQUIRREL WOODS, RUMSTEAD LANE, STOCKBURY, KENT

The Committee considered the report of the Head of Planning and Development.

Councillor Garten (Visiting Member) addressed the meeting remotely.

The Democratic Services Officer read out a statement on behalf of Ms Watts, agent for the applicant, who was unable to address the meeting remotely due to connectivity issues.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report, with:

The amendment of condition 6 ii) e) (Woodland Management Plan) to read:

a list of locally appropriate native species, *including pedunculate oak, small-leaved lime and beech*, that will be used in the planting;

The amendment of condition 6 iii) b) (Grassland Management Plan) to read:

grassland plan informed by a detailed ~~botanical~~ survey of *flora and fauna*; and

The amendment of condition 7 (External Lighting) to ensure proper lighting standards in the AONB, including the use of red spectrum lighting to minimise the impact of the development on biodiversity.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended conditions and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting after consideration of this application (9.30 p.m.).

258. 22/500414/FULL - DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF A TWO-STOREY REAR EXTENSION AND REPLACEMENT FRONT PORCH - SOUTH VIEW LODGE, PILGRIMS WAY, DETLING, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

Mrs Zammit, an objector, addressed the meeting remotely.

The Democratic Services Officer read out a statement on behalf of Councillor Bowie of Detling Parish Council who was unable to address the meeting remotely due to connectivity issues.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 3 (Materials) to require materials to match the existing property and no use of render.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 9 – For 0 – Against 0 – Abstentions

259. 21/505036/FULL - PROPOSED CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL AND ERECTION OF DETACHED GARAGE WITH ANCILLARY ACCOMMODATION ABOVE - LITTLE HAWKENBURY BARN, HAWKENBURY ROAD, HAWKENBURY, TONBRIDGE, KENT

The Committee considered the report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 9 – For 0 – Against 0 – Abstentions

260. 21/505341/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 14 (VEHICULAR ACCESS STRATEGY) OF PLANNING PERMISSION 20/502266/FULL - LAND OFF FARLEIGH HILL, TOVIL, KENT

Councillor English said that he was a Member of Tovil Parish Council, but he had not taken part in the Parish Council's discussions regarding this application and intended to speak and vote when it was considered.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That the details be approved with the informatives set out in the report.

Voting: 9 – For 0 – Against 0 – Abstentions

261. 21/506183/FULL - RETROSPECTIVE APPLICATION FOR THE ERECTION OF A SIDE LINK EXTENSION TO GARAGE, CONVERSION OF GARAGE TO GYMNASIUM AND ERECTION OF A SUMMER HOUSE - PINELODGE COTTAGE, SOMERFIELD ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 9 – For 0 – Against 0 – Abstentions

262. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. The Major Projects Manager advised the Committee that two of the decisions were relevant in so far as they were both delegated refusals, both dismissed at appeal and the Inspector in each case supported the Council's view that the proposals represented poor quality over-development and adversely affected the character and appearance of the area. Further, the Inspector in each case did not afford any weight to the contribution of a single dwelling to the Council's housing supply. They did not consider that the benefit of a single unit outweighed the harm to the character of the area.

RESOLVED: That the report be noted.

263. DURATION OF MEETING

6.00 p.m. to 9.55 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 31 MARCH 2022

Present: Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, Munford, Parfitt-Reid, Perry, M Rose, Trzebinski and Young

Also Present: Councillor Garten

264. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Eves.

265. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Parfitt-Reid was substituting for Councillor Eves.

266. NOTIFICATION OF VISITING MEMBERS

Councillor Garten had given notice of his wish to speak on application 18/504836/EIOUT (Binbury Park, Bimbury Lane, Detling, Maidstone, Kent), and attended the meeting in person.

267. URGENT ITEMS

The Chairman said that he intended to take the updates to be included in the Officer's presentation as urgent items as they included further information relating to the application to be considered at the meeting.

268. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

269. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on application 18/504836/EIOUT (Binbury Park, Bimbury Lane, Detling, Maidstone, Kent).

270. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

271. PRESENTATION OF PETITIONS

There were no petitions.

272. 18/504836/EIOUT - OUTLINE APPLICATION (WITH ALL MATTERS RESERVED APART FROM ACCESS) FOR THE ERECTION OF UP TO 1,725 DWELLINGS INCLUDING AFFORDABLE HOUSING, 46,000 SQ.M OF COMMERCIAL SPACE, A HOTEL, A LOCAL CENTRE, A NEW PRIMARY SCHOOL, A PARK AND RIDE FACILITY, STRATEGIC HIGHWAYS IMPROVEMENTS INCLUDING NEW KENT SHOWGROUND ACCESS/EGRESS, ACCESSES/ROADS INCLUDING A NEW BRIDLEWAY BRIDGE, PARKING, ASSOCIATED OPEN SPACE, LANDSCAPING, SERVICES, AND SUSTAINABLE DRAINAGE SYSTEMS. IN ADDITION, THE PROPOSALS INCLUDE A PUBLICLY-ACCESSIBLE COUNTRY PARK INCLUDING THE BINBURY MOTTE AND BAILEY CASTLE SCHEDULED ANCIENT MONUMENT - BINBURY PARK, BIMBURY LANE, DETLING, MAIDSTONE, KENT

Prior to the introduction of the report by the Major Projects Manager, the Head of Planning and Development provided a short strategic overview explaining that:

- The application site was situated within the open countryside and was within the Kent Downs AONB and great weight was afforded to the protection of the AONB in the NPPF.
- The NPPF stated that development within AONBs should be limited, and that permission should be refused for major development other than in exceptional circumstances and where it could be demonstrated that the development was in the public interest.
- Paragraph 177 of the NPPF set out three tests for such applications i.e., the need for the development and the economic consequences arising from an approval or refusal; an assessment of alternative locations; and the environmental effects and the extent to which they could be mitigated.
- In terms of need, it was considered that this was catered for in both the adopted Local Plan and the draft Local Plan Review. The Council had identified that it was able to meet the objectively assessed needs for both housing and employment development as identified in the Local Plan and that as part of the Local Plan Review process it had identified sufficient land to meet needs for the period to 2037.
- There were alternative locations, and they were set out in the Local Plan Review. The application proposals did not form part of the Local Plan Review.
- In terms of environmental impact, there was a clear impact on the character and appearance of the AONB. The site was on the dip slope of the Kent Downs escarpment and contained a dry valley. The proposals would result in the loss of ancient woodland and the NPPF

afforded great weight to ancient woodland. The proposals would also cause harm to non-designated heritage assets.

- In terms of broad environmental harm, it was considered that the site location was unsustainable and that it was not capable of being made sustainable because a number of the uses were car dependent.
- The development did mitigate its own impact and the impact on the wider highway network and there were other benefits such as addressing a shortfall in affordable housing, a new sports hub, a country park and a SEN school. However, the NPPF sets out a very high bar for development such as this on a greenfield site in the AONB and it was not considered that these benefits or any other material considerations were great enough to clear that bar.
- If Members were minded to disagree with the recommendation that the application be refused, a decision could not be made until an 'appropriate assessment' was carried out of the potential effects on the North Downs Woodlands SAC in accordance with the Habitat Regulations.

The Committee then considered the report of the Major Projects Manager.

In introducing the report, the Major Projects Manager advised the Committee that:

- Since publication of the agenda, two further communications had been received as follows:

Comments from the applicant on the proposed reasons for refusal. It was not considered that these comments provided any additional information that had not been considered already in reviewing the report.

An email that afternoon from National Highways which had indicated a holding objection to the application and there was a reason for refusal reflecting this. National Highways were continuing to work positively and at pace with the applicant and their transport advisers regarding the remaining matters not yet agreed. Based on information received over the last few days, they believed that all the not yet agreed matters were resolvable. In effect they were confident that given further time they would be able to agree all outstanding matters with the applicant. Therefore, if the decision was taken to refuse the application, it was highly likely that the Officers would not pursue the reason for refusal relating to highways.

- A pack of drawings had been circulated to Members and published on the Council's website.

Councillor Skinner of Thurnham Parish Council addressed the meeting in person.

Councillor Moody of Stockbury Parish Council addressed the meeting remotely.

Councillor Bowie of Detling Parish Council addressed the meeting remotely.

Mr Kalorkoti addressed the meeting in person on behalf of the applicant.

Councillor Garten (Visiting Member) addressed the meeting in person.

Ms Pearson of Natural England, the Government's Adviser for the Natural Environment, including Areas of Outstanding Natural Beauty, addressed the Committee remotely as a third party pursuant to Council Procedure Rule 17.

During the discussion, in response to questions, the Head of Planning and Development confirmed that if the Committee agreed to grant permission contrary to the Officer recommendation, the application would be referred to the Secretary of State.

The Major Projects Manager reiterated that although the Officers would be unlikely to pursue the reason for refusal relating to highways, it should still stand because there was a holding objection from National Highways.

The Major Projects Manager also said that if Members were minded to refuse permission, he wished to add another reason stating that in the absence of a S106 agreement, there was no mechanism in place to secure affordable housing and other mitigation measures. The Major Projects Manager requested delegated powers to finalise the wording of the additional reason for refusal.

RESOLVED:

1. That permission be refused for the reasons set out in the report with an additional reason for refusal stating that in the absence of a S106 agreement, there is no mechanism in place to secure affordable housing and other mitigation measures.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional reason for refusal.

Voting: 8 – For 3 – Against 2 – Abstentions

273. DURATION OF MEETING

6.00 p.m. to 7.30 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

21 APRIL 2022

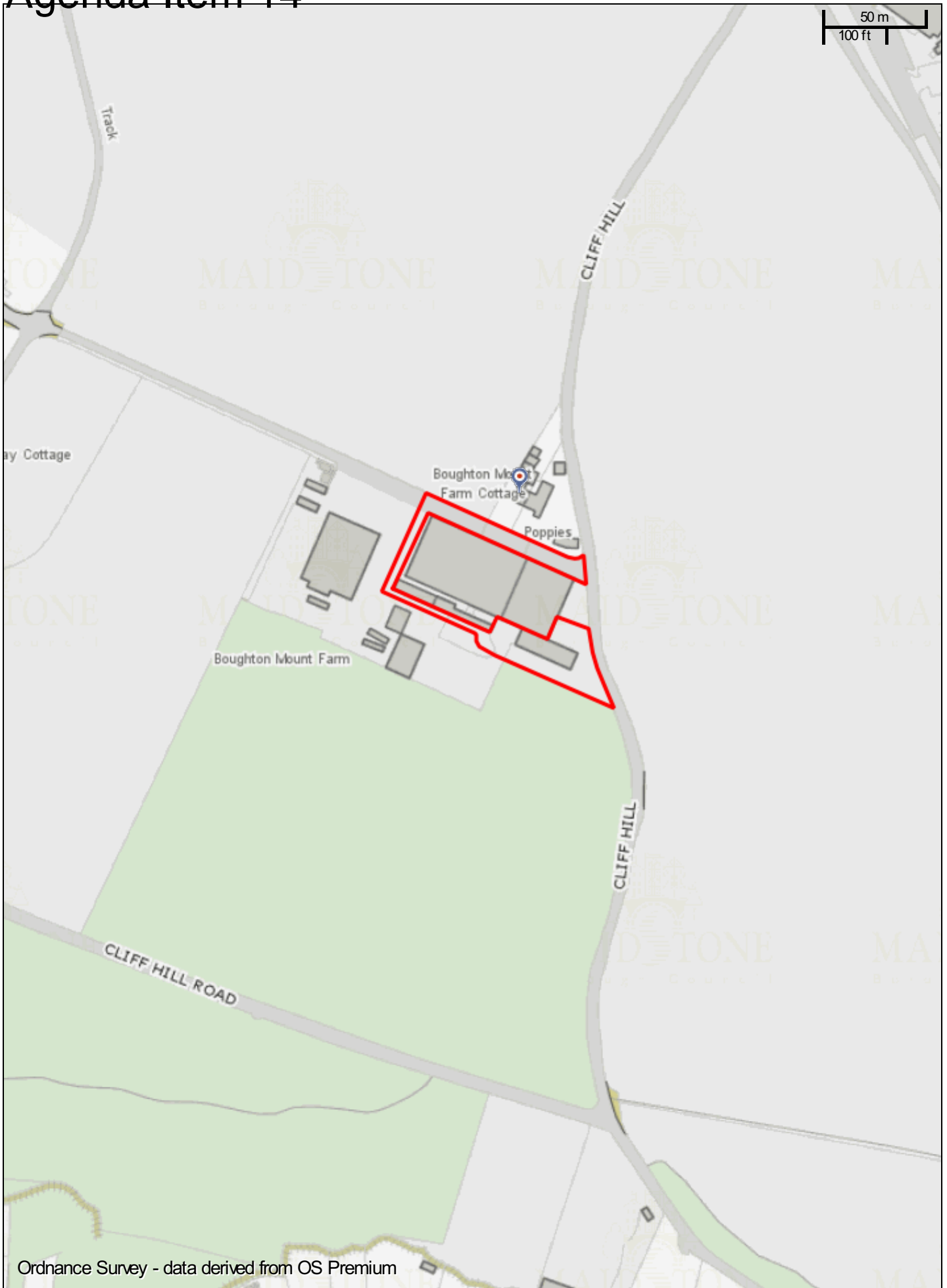
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT</u></p> <p>Deferred for further negotiations to secure:</p> <ul style="list-style-type: none"> • A fully worked up ecological and sustainable landscaping scheme to include investigation of how the southern parcel of land in the ownership of the applicant can be safeguarded as an ecological area such as a wood pasture, base-line ecological survey work, and details of the boundary treatments in respect of the property at the site frontage with a 10-year replacement period; • Good quality vernacular materials and detailing; • Energy efficient measures such as heat source pumps; and • A wet SUDS solution for ecological gain. 	<p>24 March 2022</p>

Agenda Item 14



Ordnance Survey - data derived from OS Premium



21/506698/FULL - Boughton Mount Farm, Cliff Hill, Boughton Monchelsea, Maidstone, Kent ME17 4NB

Scale: 1:2500

Printed on: 7/4/2022 at 10:20 AM by JoannaW

REFERENCE NO - 21/506698/FULL		
APPLICATION PROPOSAL Part demolition and conversion of an existing agricultural building to form 3no. dwellinghouses with associated access, parking and amenity space.		
ADDRESS Boughton Mount Farm, Cliff Hill, Boughton Monchelsea, ME17 4NB		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions, with delegated powers to permit subject to scrutiny by a qualified person of the structural survey and justification for all the changes proposed including the increase in the size of curtilage.		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The proposal is in accordance with Local Plan policies DM1, DM30, DM31 (1ii) to v) and 3iii)), DM33, neighbourhood plan policies RH1 and RH6, the NPPF and the nationally described space standards. Whilst the proposal is contrary to Local Plan policy SP17, DM31 1 i), 3 i) and 3 ii), with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004 there are material considerations present, in the form of the extant prior approval and the opportunity to improve the standard of accommodation that justify this departure. 		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> Request by Parish Council for the reasons set out at paragraph 5.01 Departure from the Local Plan 		
WARD Boughton Monchelsea and Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT AC. Goatham & Son AGENT Bloomfield Chartered Town Planners
TARGET DECISION DATE 03.05.2022		PUBLICITY EXPIRY DATE 13.01.2022

Site Plan showing existing buildings at Boughton Mount Farm



Building 1:

- Permission under 10/0511 for Use Class B1

Building 2:

- Permission under 10/0511 for Use Class B1

Building 3:

- Permission under 10/0511 for Use Class B1
- Extant permission for residential use under 19/502133/PNQCLA and
- Current pending application 21/506652/FULL

Building 4:

- Former packhouse, storage part demolished

Building 5:

- Permission under 10/0511 for Use Class B1
- Extant permission for residential use under 19/501559/PNOCLA
- Current pending application under reference 21/506652/FULL

Building 6:

- Permission under 10/0511 for Use Class B1
- Lawful residential use confirmed, lawful development certificate approved 11/1945

Relevant planning history (with reference to above plan)

Application building (Building 3)

- 19/502133/PNQCLA - Prior notification for change of use of **an agricultural building and land within its curtilage to 3no. dwellinghouses (Class C3)** and for associated operational development. For its prior approval to:
 - Transport and Highways impacts of the development
 - Contamination risks on the site
 - Flooding risks on the site
 - Noise impacts of the development
 - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed
 - Design and external appearance impacts on the building. -Prior Approval Granted

Other nearby buildings

- 21/506652/FULL (Building 5) Conversion of office building to form 1no. dwellinghouse, including erection of single storey front and rear extensions. (Decision pending: separate item on the committee agenda).
- 19/501559/PNOCLA (Building 5) Prior Notification for a proposed change of use of a building from **Office Use (Class B1 (a)) to a dwellinghouse (Class C3)**. For its prior approval to:
 - Transport and Highways impacts of the development
 - Contamination risks on the site
 - Flooding risks on the site
 - Impacts of noise from commercial premises on the intended occupiers of the development.Prior Approval Not Required
- 11/1945 (Building 6) An application for a lawful development certificate for the existing use of property as permanent residential accommodation class C3. Approved 23.12.2011
- 10/0511 (Buildings 1, 2, 3, 5, and 6 but excluding building 4) Change of use of farm buildings to uses within Use Class B1 approved 09.09.2010

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located to the west of Cliff Hill in the countryside and outside any designated settlement boundary. The building comprises a Dutch barn with steel columns and a lattice roof supports and forms part of the agricultural business which is owned and run by AC Goatham & Son.
- 1.02 The building is clad in corrugated tin and has a barrel shaped roof. The building is sited close to larger agricultural buildings in a wider complex which are located to the north and west of the application site. Other residential dwellings are located further to the north. The site levels are relatively even.
- 1.03 The application site is accessed by way of a lane that runs between Boughton Lane to the west and Cliff Hill to the east. The lane currently contains a mixture of commercial and residential uses in close proximity to one another. The residential property called 'Poppies' is located immediately adjacent to the entrance in Cliff Hill with a second residential property called Boughton Mount Farm Cottage sharing boundaries with both 'Poppies' and the access lane. The larger farm site includes an existing mobile home which is located immediately adjacent to an office building that has extant prior approval for residential use. Changes to this office building are the subject of another report on this agenda.
- 1.04 The site lies within the Loose Valley Landscape of Local Value and an area of archaeological importance. The application site is coincident with a safeguarded mineral deposit in the area, that being the Hythe Formation (Ragstone) Limestone.

Photograph of existing building (west elevation)



2. PROPOSAL

- 2.01 The application seeks the conversion of an agricultural building to form 3 two bedroom dwellings. The proposal includes two single level dwellings with the third unit on two levels, ground floor and the roof space of the building.
- 2.02 The current planning application follows an earlier prior notification approval (19/502133/PNQCLA) which was also for the conversion of the existing building to form 3 two bedroom dwellings.
- 2.03 The current proposal seeks to alter the external materials from corrugated cladding to timber boarding. In addition the proposal would provide a larger residential curtilage incorporating an area of adjacent land and scrub to provide amenity space and three parking spaces.
- 2.04 In the submitted Planning Statement the applicant advises "*Full planning permission is being sought for this change of use and the conversion work to allow for slightly larger garden areas than which was approved and is permissible under Class Q for all units...*".(Planning Statement para 2.1) and that the "*... scheme also proposes the use of composite cladding to the external faces of the building, instead of the re-use and replacement, where needed, of the metal sheet cladding. These areas fall outside of the scope of a prior approval application*".(Planning Statement para 2.2)

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017

- SS1 Spatial strategy
- DM1 principles of good design
- DM23 Parking standards
- DM30 Design principles in the countryside
- DM31 Conversion of rural buildings
- DM33 Change of use of agricultural lane to domestic garden land

Boughton Monchelsea Neighbourhood Plan

- PWP1 Ensuring a sustainable and resilient community
- PWP13 Transport Assessments and increased parking provision
- RH1 Location of new residential development
- RH6 Design

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021.

- The Regulation 19 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.
- Policy SP9 of the draft plan has similar goals to policy SP17 stating that: "Development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area". Policy DM31 is to be retained with the "Principle of policy unlikely to change, minor amendments may be justified to reflect NPPF".

Supplementary Planning Documents

- Maidstone Landscape Character Assessment & Supplement (2012 amended 2013)
- Landscape Capacity Survey (2015)

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

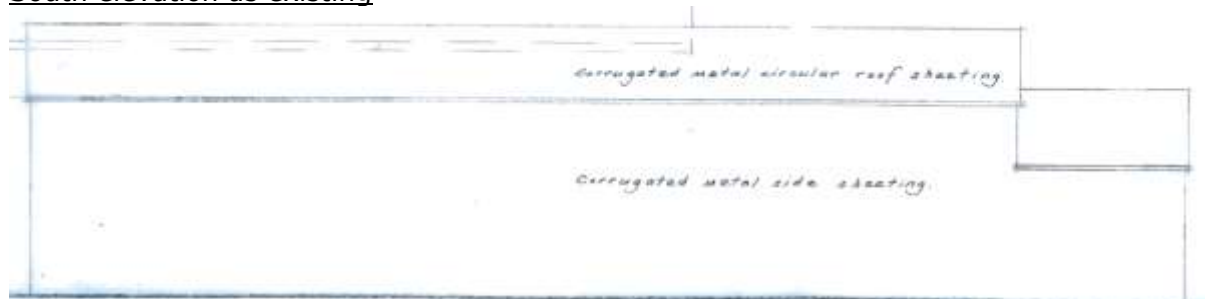
4. LOCAL REPRESENTATIONS

Local Residents:

4.01 No letters of representations have been received from local residents

Comparison drawings existing, 19/502133/PNQCLA & current application.

a) South elevation as existing



b) South elevation approved under extant approval 19/502133/PNQCLA



c) South elevation currently proposed



5. CONSULTATIONS (incl press notice for departure from the local plan)

5.01 Boughton Monchelsea Parish Council

Objection on the following grounds:

- The location is in the open countryside and unsustainable
- Contrary to MBC Local Plan policy DM1
- Design is poor, particularly in relation to its overall surroundings.
- Proposed design quality of the conversion cannot meet NPPF standards
- No arrangements have made for disposal of waste and recycling.
- Contrary to Policy RH1 which states applications for new development must demonstrate how they respond positively to the established local character, including rural character and topography.
- Contrary to Policy RH6 which states that all housing development, whether conversions or new build or redevelopment must be of the highest visual quality appropriate to the area both in itself, and how it impacts on the setting.

5.02 **MidKent Environmental Health**

No objection subject to conditions relating to the following

- Hours of Working
- Internal/External Sound Levels
- Lighting Details
- EV Charging Points
- Land Contamination
- Foul Drainage

5.03 **Kent Fire and Rescue Services**

No objection, made reference to Building Regulations

5.04 **Kent County Council Highways**

The development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

5.05 **Kent County Council Minerals and Waste**

No objection. The County Council has no minerals or waste safeguarding objections or further comments to make regarding this proposal. *"I can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8".*

6. APPRAISAL

Main issues

6.01 Local Plan policy SP17 states (inter alia) that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area. The application was found to be a departure from policy SP17 in that the proposed building results in harm and the proposal is not in full accordance with Local Plan policy DM31 3 i) and 3 ii).

6.02 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it needs to be considered whether material considerations are present that suggest that such a departure would be justified.

6.03 The material considerations include the following:

- Character and appearance of the countryside
- Design
- Conversion of a rural building
- Change of use of existing land
- Standard of accommodation
- Neighbouring residential amenity
- Car Parking and Highways
- Ecology and biodiversity.
- Fallback
- Other matters

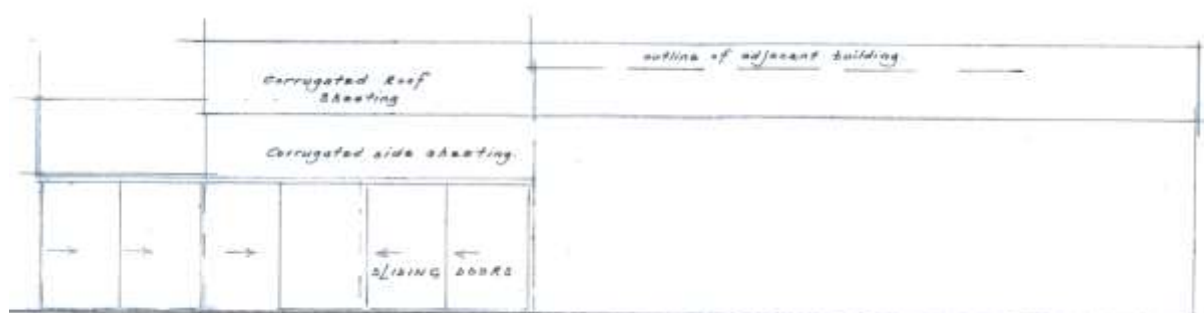
Character and appearance of the countryside

6.04 Local Plan policy SP17 states that development in the countryside will not be permitted unless it accords with other policies in the Local Plan (DM30, DM31 and DM33 are relevant) and does not result in harm to the character and appearance of the area. The distinctive landscape character of the Loose Valley Landscape of Local Value should be conserved and enhanced.

- 6.05 The Maidstone Landscape Character Assessment identifies the application site as falling within the Greensand Fruit Belt (Area 7). The landscape guidelines for this area are to 'IMPROVE' and a summary of actions are as follows:
- Consider the generic guidelines for the Greensand Orchards and Mixed Farmlands
 - Soften views of security fencing with native vegetation
 - Maintain and improve the extent of vegetation cover which restricts views of the urban edge
 - Maintain the mosaic of wildlife habitats at Bridge Nursery
 - Maintain key views of the elevated North Downs
 - Maintain the integrity of the settlements of Barming and Allington, by retaining remaining open space between the two settlements
 - Maintain the linear vegetation belt along the railway line and improve with further native planting to improve ecological connectivity
 - Improve the sense of place by creating positive land uses within unmanaged areas whilst retaining the habitat opportunities for small mammals, invertebrates and birds of prey

Comparison - approval 19/502133/PNQCLA & current application.

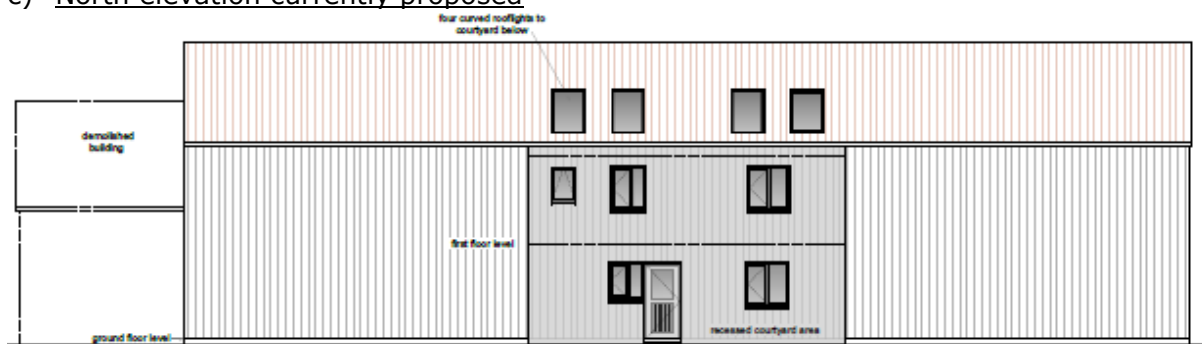
a) North elevation as existing



b) North elevation under extant prior approval 19/502133/PNQCLA



c) North elevation currently proposed



- 6.06 The Landscape Capacity Study (Jan 2015) has the Greensand Fruit Belt as being of 'low' overall landscape sensitivity and 'tolerant of change'.
- 6.07 The application building is located in a complex of existing commercial buildings. The application building is immediately adjacent to a large commercial building located to the north. The application building has an existing circulation and access area to the south and is screened in views from Cliff Hill to the east by mature boundary planting.
- 6.08 The submitted proposal includes the demolition of a section of the existing building at the eastern end (Cliff Hill). The proposal includes the insertion of windows. Whilst there is no change to the overall, height of the building the submitted plans show a lowered eaves height to the retained barrel roof. In the context of the site that has been outlined, its enclosed nature and the limited building changes, the proposal will result in minimal harm to the character and appearance of the area.
- 6.09 One of the principles of the NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* With this considered, a condition is recommended seeking biodiversity enhancements on the site (demonstrating biodiversity net gain). The condition requests enhancements through integrated methods into the design and fabric of the building (i.e. swift bricks; bat tiles/tubes; and bee bricks). With these conditions the submitted proposal is acceptable in relation to ecology.

Design

- 6.10 Policy DM 30 sets out the standards of design in the countryside with a list of criteria that are considered below.
- i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.
- 6.11 Whilst of no architectural or historic significance the proposal retains the character and appearance of the existing building with the demolition of a small part of the building reducing its overall bulk and retention of the barrel roof form. The materials and design of the alterations are in keeping with the appearance of the original building. The site is currently screened from Cliff Hill by existing landscaping and a condition is recommended for additional landscaping to be provided.
- ii. Impacts on the appearance and character of the landscape would be appropriately mitigated.
- 6.12 With the enclosed nature of the site and existing landscape screening, impact on the appearance and character of the landscape would be minimal to zero. Any impact that would be caused will be mitigated by the additional landscaping sought by condition.
- 6.13 As set out below the supporting text to DM33 (paragraph 8.12) advises "*...applicants may seek development that results in the infill of an area between existing clear boundaries to existing built development. Where development constitutes such infilling and is in keeping with the layout of the existing built environment, the impact upon the countryside is likely to be minimised*". Whilst it is accepted that the proposal will result in domestic paraphernalia, the visual impact will be contained and screened from the majority of viewpoints.

iii. Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges.

6.14 The journeys associated with the 3, two bedroom dwellings would be safely accommodated on the local highway network without harm to the character of a rural lane.

6.15 It is highlighted that whilst the site is in an area of archaeological importance, the proposal does not include any 'new' buildings that would break new ground. The proposal does include the demolition of part of the existing building and the provision of garden areas in place of the existing access area.

iv. Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.

6.16 Proposal does not involve new built development. The building to be converted is located adjacent to existing larger buildings, the retained and converted building is unobtrusively located and is well screened by existing vegetation with additional landscaping sought by condition.

v. Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

6.17 There is no building extension proposed and the proposal retains the general shape and form of the original building including the existing barrel roof. The proposed windows are of a simple design and appearance and the overall low quantity of proposed glazing ensures that the altered building does not have an overly domesticated appearance. The design and appearance of the altered building will respect the site context and other nearby buildings.

Conversion of a rural building

6.18 Where proposed through a planning application (as opposed to a prior approval application, where matters to be considered are restricted by legislation) policy DM31 considers the 'conversion' of rural buildings to other uses including residential use. Policy DM31 states "...proposals for the re-use and adaptation of existing rural buildings which meet a number of listed criteria will be permitted. These criteria are considered below.

DM31 1 i) The building is of a form, bulk, scale and design which takes account of and reinforces landscape character

6.19 The application building currently has the functional appearance of a fairly typical agricultural building constructed with corrugated metal cladding and a barrel roof. The building is in a complex of other agricultural buildings that form the backdrop and the building context. The building form, bulk, scale and design is in keeping with the character of the area.

DM31 1 ii). The building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction.

6.20 In support of the prior approval application 19/502133/PNQCLA for the application building a survey of the building structure was carried out in April 2019. The aim of the building survey was to consider the capability of conversion *"...without extension, alteration or rebuilding, without detrimental effect on the building's fabric or character"*.

6.21 The building survey report reported the following:

- Found the existing building *"...to be sound"*(para 9)
- Found *"...no evidence of racking in the frame, settlement or any distortion to the alignment of the building"* (para 9).
- It was found that *"The building offers the opportunity to convert an existing structure without the need to rebuild or add significant structural elements..."*(para 12).
- The report concluded *"...the existing building should be sufficient to take the loading of the upgrading and conversion of the structure"* (para 17). *"There is nothing to indicate from the building inspection that would suggest that the building is not suitable for adaptation and conversion to a residential unit"* (para 18).

6.22 With the evidence provided by the building survey, it is concluded that the proposal is in line with DM31 1 ii) in that the building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction.

DM31 1 iii). Any alterations proposed as part of the conversion are in keeping with the landscape and building character in terms of materials used, design and form

6.23 As set out earlier in this report, there is no building extension proposed and the proposal retains the general shape and form of the original building including the existing barrel roof. The proposed windows are of a simple design and appearance and the overall low quantity of proposed glazing ensures that the altered building does not have an overly domesticated appearance. The design and appearance of the altered building will respect the building character and other nearby buildings.

DM 1 iv) There is sufficient room in the curtilage of the building to park the vehicles of those who will live there without detriment to the visual amenity of the countryside.

6.24 The curtilage shown on the submitted plans is contained (with no encroachment into the 'open' countryside to the south) and is sufficient to provide both car parking and amenity space for future occupiers without detriment to the visual amenity of the countryside. The proposed car parking area is currently used for parking and is screened from the road by existing landscaping.

DM 1 v). No fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it are erected which would harm landscape character.

6.25 With the enclosed and screened nature of the site there is no indication that boundary treatments would harm landscape character. A planning condition is recommended to seek the submission and approval of details of all fencing, walling and other boundary treatments. This condition also seeking gaps at ground level within boundaries to allow the passage of wildlife.

DM31 3 i). Every reasonable attempt has been made to secure a suitable business reuse for the building and DM31 3 ii). Residential conversion is the only means of providing a suitable re-use for a listed building, an unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed building(s), or other

buildings which contribute to landscape character, or which exemplify the historical development of the Kentish landscape.

- 6.26 The applicant has stated that the application building is no longer required for the functioning of the business. Whilst there is no evidence of any attempt to secure a suitable business reuse for the building and the requirements of DM31 3 ii) are not met, the principle of conversion to residential use has been established by the extant prior approval decision 19/502133/PNQCLA. The fallback assessment is considered later in this report.

DM31 3 iii). There is sufficient land around the building to provide a reasonable level of outdoor space for the occupants, and the outdoor space provided is in harmony with the character of its setting.

- 6.27 As set out above, the curtilage shown on the submitted plans is contained (with no encroachment into the 'open' countryside to the south) and is sufficient to provide both car parking and amenity space for future occupiers without detriment to the visual amenity of the countryside. The car parking and amenity space is screened from the road by existing landscaping.

Change of use of existing land to provide car parking and amenity space

- 6.28 LP policy DM 33 permits the change of use of agricultural land to domestic garden land if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land.
- 6.29 The supporting text to DM33 (paragraph 8.12) advises "*...applicants may seek development that results in the infill of an area between existing clear boundaries to existing built development. Where development constitutes such infilling and is in keeping with the layout of the existing built environment, the impact upon the countryside is likely to be minimised*".
- 6.30 The land to be used as domestic curtilage consists of an existing access and circulation area and incidental scrubland located between existing buildings and the road (Cliff Hill).
- 6.31 The land to be used as domestic curtilage is not designated as the best and most versatile agricultural land. The area of land is screened from Cliff Hill by existing mature landscaping. In this context the application would not result in harm to the character and appearance of the countryside and the proposal is in line with policy DM33

Aerial photograph of the site



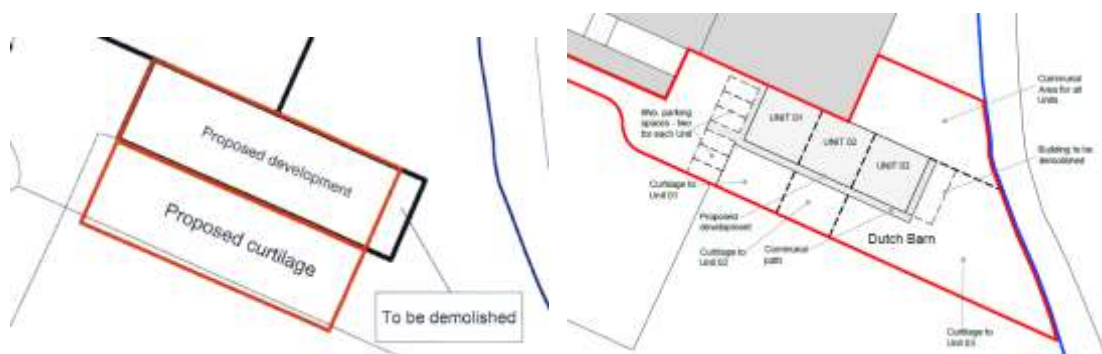
Standard of accommodation

- 6.32 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "...provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise,...air pollution, activity or vehicular movements, overlooking or visual intrusion...".
- 6.33 The submitted application seeks permission for the conversion of the existing agricultural building into 3 two bedroom dwellings. The revised proposal retains the same level of accommodation provided as part of the previous application with each dwelling comprising two good sized double bedrooms.
- 6.34 The guidance set out in the National Space Standards require a minimum internal floor area of 70 m² for a one storey, two bedroom, four person dwelling. The guidance set out in the National Space Standards require a minimum internal floor area of 79 m² for a two storey, two bedroom, four person dwelling.
- 6.35 Units 1 and 3 (one storey) would provide an internal floor space of approx. 75m², (standard is 70m²) whilst unit 2 would be approx. 80m² across two floors (standard is 79m²). As such, the proposed dwellings would meet the requirements of the nationally described space standards for two bedroom dwellings.
- 6.36 The previous prior notification application included a small residential curtilage for each dwelling. The new proposal includes provision of a larger area of private amenity space, particularly unit 3, whilst also providing an area of communal outdoor space. As such, the proposal provides a good and improved standard of accommodation and amenity space when compared to the earlier prior approval.
- 6.37 The proposed location will provide an acceptable level of amenity for future residents with other residential uses nearby and no objection received from the environmental health team. Permission has also been previously granted for use class B1 purposes in neighbouring buildings and by definition these uses were appropriate in residential areas in respect of amenity.
- 6.38 The proposal is in accordance with LP policies DM1, DM30 the NPPF and the nationally described space standards.

Comparison - approval 19/502133/PNQCLA and current application.

a) Prior approval curtilage

b) Currently proposed extended curtilage.



Neighbour amenity

- 6.39 Local Plan policy DM1 states that proposals which would create high quality design and will be permitted where they respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in, or excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking

or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.40 The proposed dwellings would be located approx.135m away from the neighbouring dwellings of 'Boughton Mount Farm Cottage' and 'The Poppies' that are both located to the north of the access on to Cliff Hill. The orientation and location of the proposed dwellings will ensure that the amenity of the occupiers of the converted residential building on this site (Building 6) to the east are protected and the occupiers of Building 5 that has extant permission for residential use.
- 6.41 With the proposed dwellings located within the existing building (with an element of the building demolished) and due to the distance from other development and building orientation, the proposal would be acceptable in relation to residential amenity.

Car parking and highways

- 6.42 The current proposal includes 6 car parking spaces and this provision is considered acceptable for the accommodation that is proposed. The vehicle movements associated with the three units can be safely accommodated on the local road network which will be accessed by way of an existing site access.

Fallback

- 6.43 The fallback position (what could happen if the current planning application was not approved), is a material consideration in the determination of this planning application (see *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*). In determining the materiality of a fallback position as a planning judgement it was found that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice. It was concluded that the clear desire of the landowner to develop, and maximise the value of, the site was sufficient to demonstrate there was a real prospect to the fallback position in this case.
- 6.44 A comparison between the main elevations approved under 19/502133/PNQCLA and those currently proposed are provided in the drawing extracts provided earlier in this report. Legislation requires a prior approval scheme to be 'completed' within 3 years. This differs from a planning application where works need to be 'commenced' within 3 years. The approval under 19/502133/PNQCLA remains implementable up to the 20 June 2022.
- 6.45 In the event that the current prior approval expires, the earlier decision to grant prior approval would be material in the assessment of any resubmitted prior approval application. The consideration of the current application has not raised any reasonable grounds on which the Council could refuse a resubmitted prior approval application in the event that one is submitted.
- 6.46 The residential use of the application building has been established by the earlier prior approval decision and this approval represents a viable fallback position. The changes that are proposed as part of the current planning application (such as additional amenity space) represent an improvement to the proposed standard of accommodation. The change of use of this land to residential garden has been found to be in accordance with policy DM33.

Other matters

- 6.47 The issue of arrangements for the disposal of waste and recycling has been raised. As is with common with other applications a planning condition is recommended seeking details of measures for the disposal of waste and recycling.
- 6.48 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can

only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

- 6.49 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The proposal will result in minimal harm to local character and appearance of due to site context, its enclosed nature, location adjacent to existing larger buildings and existing landscape screening (enhanced by additional landscaping).
- 7.02 Character and appearance of the existing building is retained with the demolition of a small part of the building reducing its overall bulk. The materials and simple design are in keeping with and sensitive to the appearance of the original building.
- 7.03 Sufficient car parking space is provided and vehicle movements can be safely accommodated on the local road network using the existing site access.
- 7.04 With the evidence provided by the building survey, the building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction.
- 7.05 The curtilage shown on the submitted plans is contained (with no encroachment into the 'open' countryside to the south) and is sufficient to provide both car parking and amenity space for future occupiers without detriment to the visual amenity of the countryside.
- 7.06 The land to be used as domestic curtilage is not designated as the best and most versatile agricultural land. The area of land is screened from Cliff Hill by existing mature landscaping. The application would not result in harm to the character and appearance of the countryside and is in line with policy DM33.
- 7.07 The proposed location will provide an acceptable level of amenity for future residents and existing residential occupiers nearby with no objection received from the environmental health team.
- 7.08 The proposal is in accordance with Local Plan policies DM1, DM30, DM31 (1ii) to v) and 3iii)), DM33, neighbourhood plan policies RH1 and RH6, the NPPF and the nationally described space standards.
- 7.09 Whilst the proposal is contrary to Local Plan policy DM31 1 i), 3 i) and 3 ii), with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004 there are material considerations present, in the form of the extant prior approval and the opportunity to improve the standard of accommodation that justify this departure.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers to permit subject to scrutiny by a qualified person of the structural survey and justification for all the changes proposed including the increase in the size of curtilage.

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission
Reason: In accordance with the provisions of Section 91 of the Town and Country

Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The materials to be used in the development hereby approved shall be as indicated on the approved plans.
Reason: To ensure a satisfactory appearance to the development
- (3) The development hereby approved shall be carried out in accordance with the following approved plans and documents:
Application form for planning permission
Planning Statement
2640/01A
2640/02
2640/03 Rev B
2640/04 Rev B
2640/05 Rev B
2640/06 Rev B
2640/07 Rev A
2640/08 Rev C
2640/09 Rev C
Reason: To ensure a satisfactory visual appearance, and to safeguard the amenity of the area.
- (4) Prior to the first occupation of the dwellings hereby approved, details of a scheme of soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:
a) The details shall include the landscaping of the open areas of the site
b) Details of a planting schedule (including location, planting species and size)
c) Retention of boundary trees/hedges as shown on submitted plans.
Only non-plastic guards shall be used for new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and longterm management plan shall include long term design objectives, management responsibilities and a maintenance schedule for the landscaped areas. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.
Reason: To safeguard the character and appearance of the countryside that falls within a landscape of local value.
- (5) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. 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 similar size and species.
Reason: To ensure a satisfactory appearance to the development, and in the interests of residential amenity and biodiversity enhancement.
- (6) Prior to occupation of individual approved dwellings a bin storage enclosures and cycle storage shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority with the approved bin enclosure retained for the lifetime of the development.

- Reason: To safeguard the appearance of the development and the visual amenities of the area
- (7) Prior to occupation of individual approved dwellings a minimum of one electric vehicle charging point shall be installed and operational for the each of the dwellings and shall thereafter be retained for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.
- (8) Prior to occupation of the development hereby approved measures to encourage sustainable travel choices by future occupiers shall have been submitted to and approved in writing by the Local Planning Authority, the measures shall be in place prior to occupation and maintained for the lifetime of the development.
Reason: In the interests of sustainable travel and pollution prevention.
- (9) Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B and E; and Schedule 2, Part 2, Class A, to that Order shall be carried out.
Reason: To ensure a satisfactory appearance to the development.
- (10) Prior to occupation of individual approved dwellings crime prevention measures shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures retained for the lifetime of the development.
Reason: In the interests of amenity.
- (11) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and set out how the lighting meets the Bat Conservation Trust guidelines. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.
Reason: In the interest of amenity and wildlife.
- (12) Prior to occupation of individual approved dwellings details of all fencing, walling and other boundary treatments shall have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife and the development shall be carried out in accordance with the approved details before the first occupation of the relevant dwellings and maintained thereafter.
Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.
- (13) Prior to the end of the first planting season following occupation of the individual approved dwellings ecological enhancements shall be in place (including installation of bat boxes on the elevations of the converted building and integral where possible that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the measures retained for the lifetime of the development
Reason: In the interest of ecology and biodiversity.
- (14) Prior to first occupation of any of the individual dwellings hereby approved foul sewage and surface water disposal measures shall be in place that are in accordance with details that have previously been submitted to and approved in

21 April 2022

writing by the local planning authority. All measures shall be maintained permanently thereafter.

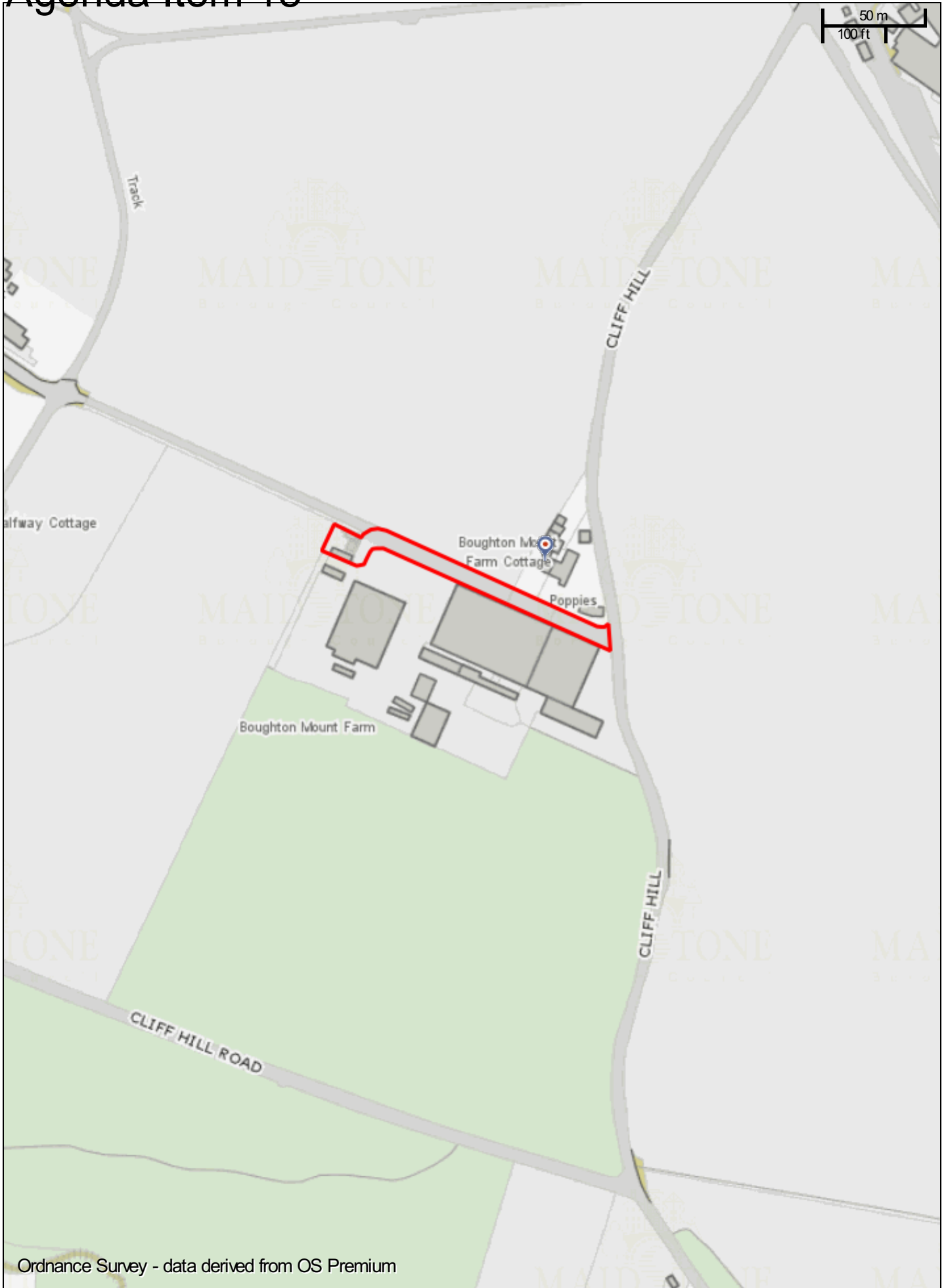
Reason: To ensure adequate foul sewage and surface water disposal arrangements.

INFORMATIVES

- (1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Douglas Wright

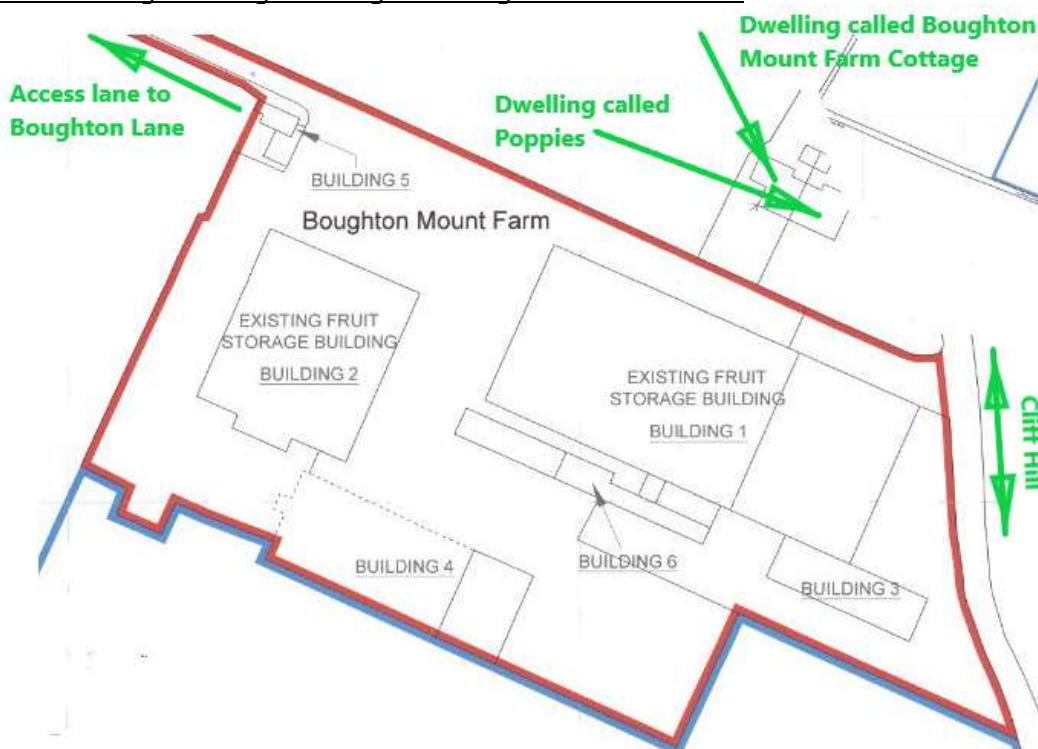
Agenda Item 15



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 21/506652/FULL		
APPLICATION PROPOSAL Conversion of office building to form 1no. dwellinghouse, including erection of single storey front and rear extensions.		
ADDRESS Boughton Mount Farm, Cliff Hill, Boughton Monchelsea, ME17 4NB		
RECOMMENDATION Grant Permission subject to conditions with delegated powers to permit subject to scrutiny by a qualified person of the structural survey and justification for all the changes proposed including the increase in the size of curtilage.		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> The proposal is in accordance with Local Plan policies DM1, DM30, DM31 (1ii) to v) and 3iii)) DM33, neighbourhood plan policies RH1 and RH6, the NPPF and the nationally described space standards. Whilst the proposal is contrary to Local Plan policy SP17, DM31 1 i), 3 i) and 3 ii) in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 there are material considerations present, in the form of the extant prior approval and the opportunity to improve the standard of accommodation that justify this departure. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> Request by Parish Council for the reasons set out at paragraph 5.01 Departure from the Local Plan 		
WARD Boughton Monchelsea and Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT AC. Goatham & Son AGENT Bloomfield Chartered Town Planners
TARGET DECISION DATE 03.05.2022	PUBLICITY EXPIRY DATE 13.01.2022	

Site Plan showing existing buildings at Boughton Mount Farm



Building 1:

- Permission under 10/0511 for Use Class B1

Building 2:

- Permission under 10/0511 for Use Class B1

Building 3:

- Permission under 10/0511 for Use Class B1
- Extant permission for residential use under 19/502133/PNQCLA and
- Current pending application 21/506652/FULL

Building 4:

- Former packhouse, storage part demolished

Building 5:

- Permission under 10/0511 for Use Class B1
- Extant permission for residential use under 19/501559/PNOCLA
- Current pending application under reference 21/506652/FULL

Building 6:

- Permission under 10/0511 for Use Class B1
- Lawful residential use confirmed, lawful development certificate approved 11/1945

Relevant planning history (with reference to above plan)

Application building (Building 5)

- 19/501559/PNOCLA Prior Notification for a proposed change of use of a building from **Office Use (Class B1 (a)) to a dwellinghouse (Class C3)**. For its prior approval to:
 - Transport and Highways impacts of the development
 - Contamination risks on the site
 - Flooding risks on the site
 - Impacts of noise from commercial premises on the intended occupiers of the development.Prior Approval Not Required

Other nearby buildings

- 21/506652/FULL Part demolition and conversion of an existing agricultural building to form 3no. dwellinghouses with associated access, parking and amenity space. PENDING
- 19/502133/PNQCLA - Prior notification for change of use of **an agricultural building and land within its curtilage to 3no. dwellinghouses (Class C3)** and for associated operational development. For its prior approval to:
 - Transport and Highways impacts of the development
 - Contamination risks on the site
 - Flooding risks on the site
 - Noise impacts of the development
 - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed
 - Design and external appearance impacts on the building. -Prior Approval Granted
- 11/1945 (Building 6) An application for a lawful development certificate for the existing use of property as permanent residential accommodation class C3. Approved 23.12.2011
- 10/0511 (Buildings 1, 2, 3, 5, and 6 but excluding building 4) Change of use of farm buildings to uses within Use Class B1 approved 09.09.2010

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located to the west of Cliff Hill in the countryside and outside any designated settlement boundary.
- 1.02 The application building is located at the northwest corner of the wider complex of buildings, with several agricultural buildings located to the southeast. The wider site forms part of the agricultural business which is owned and run by AC Goatham & Son. The existing single storey building with a dogleg shaped footprint currently provides an office use.
- 1.03 The application site is immediately adjacent to a lane that runs between Boughton Lane to the west and Cliff Hill to the east. The lane currently contains a mixture of commercial and residential uses in close proximity to one another. The detached residential property called 'Poppies' is located immediately adjacent to the entrance in Cliff Hill with a second residential property called Boughton Mount Farm Cottage sharing boundaries with both 'Poppies' and the access lane. An existing mobile home located immediately adjacent to the application building will be removed as part of the current proposal.
- 1.04 The site lies within the Loose Valley Landscape of Local Value and an area of archaeological importance. The application site is coincident with a safeguarded mineral deposit in the area, that being the Hythe Formation (Ragstone) Limestone.

Photograph of existing building

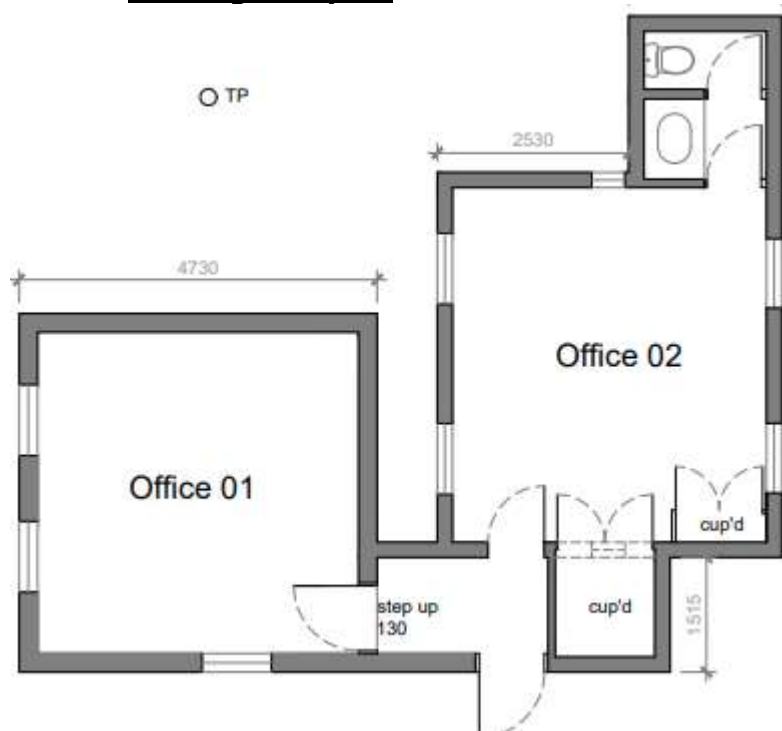


2. PROPOSAL

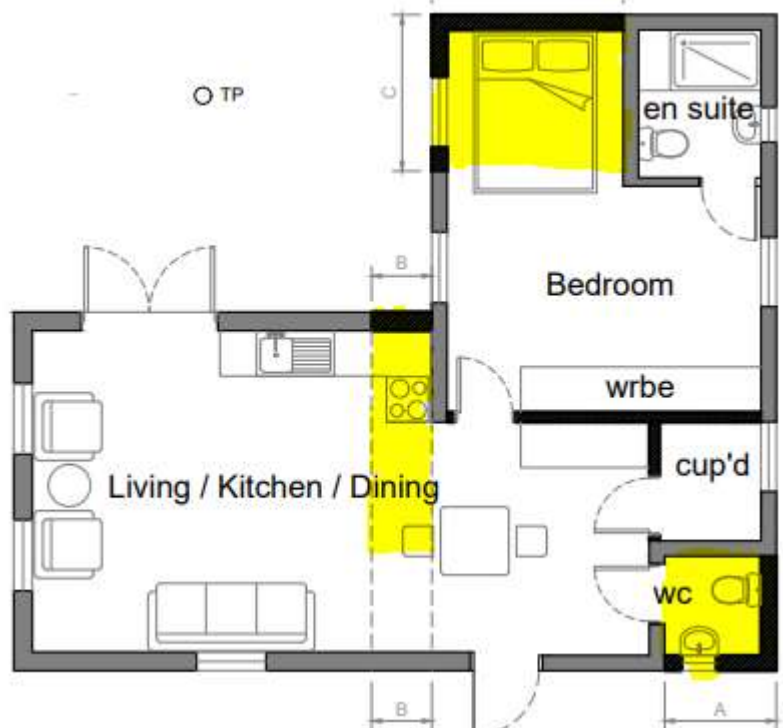
- 2.01 The application seeks the conversion of the existing office building to form a single one bedroom dwelling (as shown on the submitted plans). The proposal includes single storey extensions to the front and rear elevations of the building. These extensions increase the floor area from 46.4m² to 57.5m².
- 2.02 The current planning application follows an earlier prior approval decision (19/501559/PNOCLA) which was also for the conversion of the existing building to form one dwelling. The changes from the prior approval decision include extensions, external design alterations and an increase in the residential curtilage.
- 2.03 The land that is proposed to serve as the residential garden area for the dwelling relates to an existing area of grass between the application building and hedged boundary around the perimeter of the agricultural yard, and a modest area of hardstanding area. These areas are enclosed, in part, from the wider landscape, and are closely associated with Boughton Mount Farm.
- 2.04 In the submitted Planning Statement the applicant advises "*Full planning permission is being sought for the conversion work, to include modest extensions and an increase in the size of residential curtilage, to allow for the residential use of the building to provide a one-bedroom unit as approved under Class O*

permission 19/501559. All associated operational development for the conversion and landscaping works to the site is sought for this application”.

Existing floorplan



Proposed floorplan (location of extensions highlighted)



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017

- SS1 Spatial strategy
- DM1 principles of good design
- DM23 Parking standards
- DM30 Design principles in the countryside
- DM31 Conversion of rural buildings
- DM33 Change of use of agricultural lane to domestic garden land

Boughton Monchelsea Neighbourhood Plan

- PWP1 Ensuring a sustainable and resilient community
- PWP13 Transport Assessments and increased parking provision
- RH1 Location of new residential development
- RH6 Design

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021.

- The Regulation 19 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.
- Policy SP9 of the draft plan has similar goals to policy SP17 stating that: “Development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area”. Policy DM31 is to be retained with the “Principle of policy unlikely to change, minor amendments may be justified to reflect NPPF”.

Supplementary Planning Documents

- Maidstone Landscape Character Assessment & Supplement (2012 amended 2013)
- Landscape Capacity Survey (2015)

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

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No letters of representations have been received from local residents

5. CONSULTATIONS (incl press notice for departure from the local plan)

5.01 Boughton Monchelsea Parish Council

Objection on the following grounds:

- The location is in the open countryside and unsustainable
- Contrary to MBC Local Plan policy DM1
- Proposed design quality is poor the conversion cannot meet NPPF stand
- “The planning statement argues that the proposal is sustainable and well designed as it keeps most of what is there already, while adding modest extensions however the proposal does not seem to add any sustainable features which it cannot easily do without being a total demolition and rebuild, thus negating the idea of conversion under permitted development”.
- Question whether this is compliant with paragraph 130(f) of the NPPF in terms of creating places that are safe, inclusive and accessible, which promote health and well-being, with a high standard of amenity.
- Does not appear that the prior approval delegated report considered siting and design of the conversion and whether this should be subject to separate approval
- The planning statement is inconsistent with the application form in terms of whether the unit has one or two bedrooms.
- Question whether it would meet national minimum space standards
- Question the assessment at Paragraph 5.7 of the planning statement argues that it would not be an isolated home in the countryside
- No indication of how surface and foul water and waste and recycling will be dealt with.
- Planning statement does not mention Boughton Monchelsea Neighbourhood Plan which is a material planning consideration.
- Contrary to Boughton Monchelsea Neighbourhood Plan policies RH1 and RH6

5.02 **Kent County Council Minerals and Waste**

No objection. The County Council has no minerals or waste safeguarding objections or further comments to make regarding this proposal. *"I can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8".*

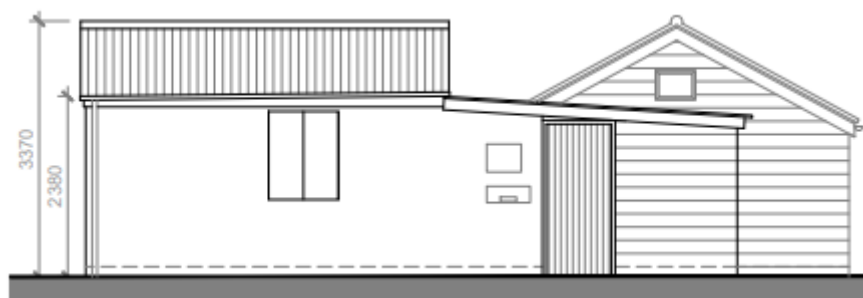
6. APPRAISAL

Main issues

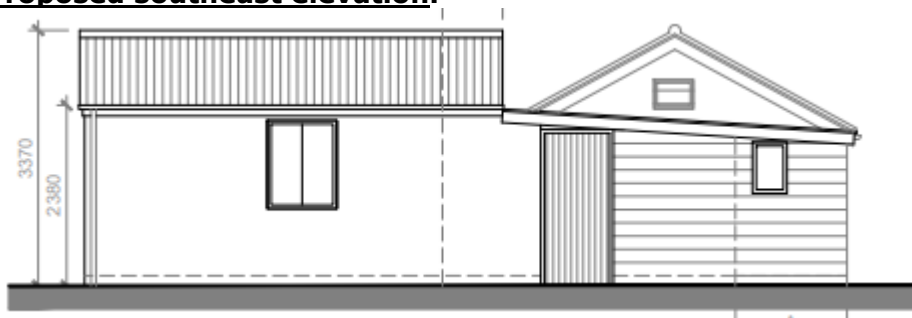
6.01 Local Plan policy SP17 states (inter alia) that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area. The application was found to be a departure from policy SP17 in that the proposed building results in harm and the proposal is not in full accordance with Local Plan policy DM31 3 i) and 3 ii).

6.02 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it needs to be considered whether material considerations are present that suggest that such a departure would be justified.

Existing southeast elevation



Proposed southeast elevation.



6.03 The material considerations include the following:

- Character and appearance of the countryside
- Design
- Conversion of a rural building
- Change of use of existing land
- Standard of accommodation
- Neighbouring residential amenity
- Car parking and highways
- Ecology and biodiversity.
- Fallback
- Other matters

Character and appearance of the countryside

- 6.04 Local Plan policy SP17 states that development in the countryside will not be permitted unless it accords with other policies in the Local Plan (DM1, DM30, DM31 and DM33 are relevant) and does not result in harm to the character and appearance of the area. The distinctive landscape character of the Loose Valley Landscape of Local Value should be conserved and enhanced.
- 6.05 The Maidstone Landscape Character Assessment identifies the application site as falling within the Greensand Fruit Belt (Area 7). The landscape guidelines for this area are to 'IMPROVE' and a summary of actions are as follows:
- Consider the generic guidelines for the Greensand Orchards and Mixed Farmlands
 - Soften views of security fencing with native vegetation
 - Maintain and improve the extent of vegetation cover which restricts views of the urban edge
 - Maintain the mosaic of wildlife habitats at Bridge Nursery
 - Maintain key views of the elevated North Downs
 - Maintain the integrity of the settlements of Barming and Allington, by retaining remaining open space between the two settlements
 - Maintain the linear vegetation belt along the railway line and improve with further native planting to improve ecological connectivity
 - Improve the sense of place by creating positive land uses within unmanaged areas whilst retaining the habitat opportunities for small mammals, invertebrates and birds of prey
- 6.06 The Landscape Capacity Study (Jan 2015) has the Greensand Fruit Belt as being of 'low' overall landscape sensitivity and 'tolerant of change'.
- 6.07 The application building is located in a complex of existing mostly larger commercial buildings, these nearby buildings form the backdrop to the application building in some viewpoints and screen the application building in other view points including in views from Cliff Hill. The application building has an existing circulation and access area to the east. An existing mobile home that is located immediately to the south of the application building will be removed as part of the submitted proposal.
- 6.08 The application seeks the conversion of the existing office building to form a single one bedroom dwelling (as shown on the submitted plans above). The proposal includes single storey extensions to the front and rear elevations of the building. These modest infill extensions that are contained within the existing 'L' shaped footprint will increase the floor area by 11 m² (from 46.4m² to 57.5m²). The extensions reflect the character and form of the existing building appearing as subsidiary to the original building.
- 6.09 Whilst the proposal will result in harm to the countryside, the degree of this harm will be negligible for the reasons that have been set out, in that the site is enclosed with little public views, the extensions are modest in scale and well designed.
- Design**
- 6.10 Policy DM 30 sets out the standards of design in the countryside with a list of criteria that are considered below.
- i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.
- 6.11 The proposal retains the character, appearance and scale of the existing building. The materials and design of the extensions and alterations are in keeping with the

character and appearance of the original building. A condition is recommended for additional landscaping to be provided. Whilst it is accepted that the proposal will result in domestic paraphernalia, the visual impact will be contained and screened from the majority of viewpoints.

- 6.12 Whilst of no architectural or historic significance the proposal provides modest extension to the retained building. The materials and design of the alterations are in keeping with the appearance of the original building. The site is currently screened by existing landscaping to the rear and a condition is recommended for additional landscaping to be provided.

ii. Impacts on the appearance and character of the landscape would be appropriately mitigated.

- 6.13 With the enclosed nature of the site and existing landscape screening, impact on the appearance and character of the landscape would be minimal to zero. Any impact that would be caused will be mitigated by the additional landscaping sought by condition.

iii. Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges.

- 6.14 The journeys associated with a single one bedroom dwelling would be safely accommodated on the local highway network without harm to the character of a rural lane.

- 6.15 Whilst the site is in an area of archaeological importance, the proposal includes only modest extensions on ground that is likely to have been disturbed by the construction of the existing building. `

iv. Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.

- 6.16 Proposal includes the conversion and extension of the retained existing building and does not propose a new building. Notwithstanding this, a condition is recommended that seeks new vegetation that reflects the landscape character of the area.

v. Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

- 6.17 The proposal retains the character, appearance and scale of the existing building. The materials and design of the extensions and alterations are in keeping with the character and appearance of the original building. The proposal retains the general shape and form of the original building including the existing roof. The design and appearance of the altered building will respect the site context and other nearby buildings.

Conversion of a rural building

- 6.18 Where proposed through a planning application (as opposed to a prior approval application, where matters to be considered are restricted by legislation) policy DM31 considers the 'conversion' of rural buildings to other uses including residential use. Policy DM31 states "...proposals for the re-use and adaptation of existing rural buildings which meet a number of listed criteria will be permitted. These criteria are considered below.

DM31 1 i) The building is of a form, bulk, scale and design which takes account of and reinforces landscape character

- 6.19 The application building is of a modest scale and appearance. There is some variety in the appearance and no predominant style in nearby buildings and in this context the existing building does not appear out of place. The building is in a complex of other agricultural buildings that form the backdrop and the building context.

DM31 1 ii). The building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction.

- 6.20 The application building is in use as an office with an extant permission to use the building as a guest house. After a visual inspection, the existing building appears permanent, substantial and sound construction with conversion possible without major or complete reconstruction.

- 6.21 It is concluded that the proposal is in line with DM31 1 ii) in that the building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction.

DM31 1 iii). Any alterations proposed as part of the conversion are in keeping with the landscape and building character in terms of materials used, design and form

- 6.22 As set out earlier in this report, the proposal retains the character, appearance and scale of the existing building. The materials and design of the extensions and alterations are in keeping with the character and appearance of the original building. The proposal retains the general shape and form of the original building including the existing roof. The design and appearance of the altered building will respect the site context and other nearby buildings.

DM 1 iv) There is sufficient room in the curtilage of the building to park the vehicles of those who will live there without detriment to the visual amenity of the countryside.

The curtilage shown on the submitted plans is contained (with no encroachment into the 'open' countryside) and is sufficient to provide both car parking and amenity space for future occupiers without detriment to the visual amenity of the countryside.

DM 1 v). No fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it are erected which would harm landscape character.

- 6.23 With the enclosed and screened nature of the site there is no indication that boundary treatments would harm landscape character. A planning condition is recommended to seek the submission and approval of details of all fencing, walling and other boundary treatments. This condition also seeking gaps at ground level within boundaries to allow the passage of wildlife.

DM31 3 i). Every reasonable attempt has been made to secure a suitable business reuse for the building and DM31 3 ii). Residential conversion is the only means of providing a suitable re-use for a listed building, an unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed building(s), or other buildings which contribute to landscape character, or which exemplify the historical development of the Kentish landscape.

- 6.24 The applicant has stated that the application building is no longer required for the functioning of the business. Whilst there is no evidence of any attempt to secure a suitable business reuse for the building and the requirements of DM31 3 ii) are not met, the principle of conversion to residential use has been established by the extant prior approval decision 19/501559/PNOCLA. The fallback assessment is considered later in this report.

DM31 3 iii). There is sufficient land around the building to provide a reasonable level of outdoor space for the occupants, and the outdoor space provided is in harmony with the character of its setting.

- 6.25 As set out above, the curtilage shown on the submitted plans is contained (with no encroachment into the 'open' countryside) and is sufficient to provide both car parking and amenity space for future occupiers without detriment to the visual amenity of the countryside. The car parking and amenity space is screened from the road by existing landscaping.

Aerial photograph of the site



Change of use of existing land to provide car parking and amenity space

- 6.26 LP policy DM 33 permits the change of use of agricultural land to domestic garden land if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land.

- 6.27 The land to be used as domestic curtilage consists of the residential garden area for the dwelling which is an existing area of grass between the application building and hedged boundary around the perimeter of the agricultural yard, and a modest area of hardstanding area. These areas are enclosed, in part, from the wider landscape, and are closely associated with Boughton Mount Farm.
- 6.28 The land to be used as domestic curtilage is not designated as the best and most versatile agricultural land. In this context the application would not result in harm to the character and appearance of the countryside and the proposal is in line with policy DM33

Standard of accommodation

- 6.29 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "...provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise,...air pollution, activity or vehicular movements, overlooking or visual intrusion...".
- 6.30 The submitted application seeks permission for the conversion and extension of the existing office building into a single, one storey, one bedroom dwelling. The revised proposal would retain the same level of accommodation as per the previous application with the dwelling providing a good sized double bedroom.
- 6.31 The guidance set out in the National Space Standards require a minimum internal floor area of 50 m² for a single storey, one bedroom, two person dwelling. The proposed dwelling would provide an internal floor space of approx. 57.5m². As such, the proposed dwelling would meet the requirements of the nationally described space standards for a one bedroom, one storey, 2 person dwelling.
- 6.32 The application building directly adjoins the access lane that runs between Boughton Lane in the west and Cliff Hill to the east. The lane currently contains a mixture of commercial and residential uses. The relationship between the residential use on the application site and adjacent commercial uses is not uncommon. This is especially the case following the introduction of the prior approval system by central government that has the aim of releasing vacant or underused commercial buildings for residential use.
- 6.33 There are also existing residential properties nearby with the detached residential property called 'Poppies' located immediately adjacent to the entrance in Cliff Hill with a second residential property called Boughton Mount Farm Cottage sharing boundaries with 'Poppies' and the access lane. An existing mobile home located immediately adjacent to the application building will be removed as part of the current proposal.
- 6.34 With suitable planning conditions the application site can provide an adequate standard of residential accommodation including in relation to noise protection. no objection received from the environmental health team in relation to amenity. With the principle of residential use established by the earlier prior approval decision, the current application also provides an opportunity to improve the standard of the accommodation.
- 6.35 The proposal will provide through planning conditions an acceptable level of amenity for future residents. The proposal is in accordance with LP policies DM1, DM30 the NPPF and the nationally described space standards.

Neighbour amenity

- 6.36 Local Plan policy DM1 states that proposals which would create high quality design and will be permitted where they respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in, or excessive

noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.37 The proposed dwellings would be located approx.135m away from the neighbouring dwellings of 'Boughton Mount Farm Cottage' and 'The Poppies' that are both located to the north of the access on to Cliff Hill. The orientation and location of the proposed dwellings will ensure that the amenity of the occupiers of the converted residential building on this site (Building 6) to the south west are protected and the occupiers of Building 3 that has extant permission for residential use.
- 6.38 With the proposed dwellings located within the existing extended building and due to the distance from other residential properties and the building orientation, the proposal would be acceptable in relation to residential amenity.

Car parking and highways

- 6.39 The current proposal includes 1 car parking space and this provision is considered acceptable for the accommodation that is proposed. The vehicle movements associated with the one dwelling can be safely accommodated on the local road network which will be accessed by way of an existing site access.

Ecology and biodiversity

- 6.40 One of the principles of the NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*
- 6.41 With this considered, a condition is recommended seeking biodiversity enhancements on the site (demonstrating biodiversity net gain). The condition requests enhancements through integrated methods into the design and fabric of the building (i.e. swift bricks; bat tiles/tubes; and bee bricks). With these conditions the submitted proposal is acceptable in relation to ecology.

Fallback

- 6.42 The fallback position (what could happen if the current planning application was not approved), is a material consideration in the determination of this planning application (see *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*). In determining the materiality of a fallback position as a planning judgement it was found that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice. It was concluded that the clear desire of the landowner to develop, and maximise the value of, the site was sufficient to demonstrate there was a real prospect to the fallback position in this case.
- 6.43 Legislation requires a prior approval scheme to be 'completed' within 3 years. This differs from a planning application where works need to be 'commenced' within 3 years. The approval under 19/502133/PNQCLA remains implementable up to the 20 June 2022.
- 6.44 In the event that the current prior approval expires, the earlier decision to grant prior approval would be material in the assessment of any resubmitted prior approval application. The consideration of the current application has not raised any reasonable grounds on which the Council could refuse a resubmitted prior approval application in the event that one is submitted.
- 6.45 The residential use of the application building has been established by the earlier prior approval decision and this earlier approval represents a viable fallback position. The current application (for changes such as additional amenity space and extension of internal space that were not permissible as part of the m prior approval submission) represents an opportunity to improve the standard of the

accommodation. The change of use of this land to residential garden has been found to be in accordance with policy DM33.

Other matters

- 6.46 The issue of arrangements for the disposal of waste and recycling has been raised. As is with common with other applications a planning condition is recommended seeking details of measures for the disposal of waste and recycling.
- 6.47 The issue of arrangements for the disposal of foul and surface water has been raised through consultation. As is with common with other applications a planning condition is recommended seeking details of measures for the disposal of foul and surface water. It is highlighted that the application is for the conversion of an existing office building that includes existing provision with rainwater guttering and a WC and basin.
- 6.48 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

- 6.49 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The proposal will result in minimal harm to local character and appearance of due to site context, its enclosed nature, location in context of other development and existing landscape screening (enhanced by additional landscaping).
- 7.03 Character and appearance of the existing building is retained with the modest infill extensions in keeping with and subsidiary to the existing building. The materials and simple design are in keeping with and sensitive to the appearance of the original building.
- 7.04 Sufficient car parking space is provided and vehicle movements can be safely accommodated on the local road network using the existing site access.
- 7.05 A visual inspection found the building of permanent, substantial and sound construction and capable of conversion without major or complete reconstruction.
- 7.06 The curtilage shown on the submitted plans is contained (with no encroachment into the 'open' countryside to the south) and is sufficient to provide both car parking and amenity space for future occupiers without detriment to the visual amenity of the countryside.
- 7.07 The land to be used as domestic curtilage is not designated as the best and most versatile agricultural land. The area of land is screened and the application would not result in harm to the character and appearance of the countryside and is in line with policy DM33.
- 7.08 The proposed location will provide an acceptable level of amenity for future residents and existing residential occupiers nearby with no objection received from the environmental health team.

- 7.09 The proposal is in accordance with Local Plan policies DM1, DM30, DM31 (1ii) to v) and 3iii)) DM33, neighbourhood plan policies RH1 and RH6, the NPPF and the nationally described space standards.
- 7.10 Whilst the proposal is contrary to Local Plan policy DM31 1 i), 3 i) and 3 ii) in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 there are material considerations present, in the form of the extant prior approval and the opportunity to improve the standard of accommodation that justify this departure.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers to permit subject to scrutiny by a qualified person of the structural survey and justification for all the changes proposed including the increase in the size of curtilage.

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The materials to be used in the development hereby approved shall be as indicated on the approved plans.
Reason: To ensure a satisfactory appearance to the development
- (3) The development hereby approved shall be carried out in accordance with the following approved plans and documents:
Application form for planning permission
Planning Statement
2641/07: Proposed Elevations
2641/05: Existing elevations
2641/06: Proposed plans
2641/04: Existing plans
2641/02: Existing block plan
Reason: To ensure a satisfactory visual appearance, and to safeguard the amenity of the area.
- (4) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a [5] year management plan. The details shall include the landscaping of the open areas of the site.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- (5) Prior to the first occupation of the dwellings hereby approved, details of a scheme of soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:
a) The details shall include the landscaping of the open areas of the site
b) Details of a planting schedule (including location, planting species and size)

c) Retention of boundary trees/hedges as shown on submitted plans.

Only non-plastic guards shall be used for new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and long term management plan shall include long term design objectives, management responsibilities and a maintenance schedule for the landscaped areas. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the countryside that falls within a landscape of local value.

- (6) The approved landscaping shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. 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 similar size and species.

Reason: To ensure a satisfactory appearance to the development, and in the interests of residential amenity and biodiversity enhancement.

- (7) Prior to occupation of the approved dwelling a bin storage enclosure and cycle storage shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority with the approved bin enclosure retained for the lifetime of the development.

Reason: To safeguard the appearance of the development and the visual amenities of the area

- (8) Prior to occupation of the dwelling hereby approved a minimum of one electric vehicle charging point shall be installed and operational for the each of the dwellings and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

- (9) Prior to occupation of the dwelling hereby approved measures to encourage sustainable travel choices by future occupiers shall have been submitted to and approved in writing by the Local Planning Authority, the measures shall be in place prior to occupation and maintained for the lifetime of the development.

Reason: In the interests of sustainable travel and pollution prevention.

- (10) Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B and E; and Schedule 2, Part 2, Class A, to that Order shall be carried out.

Reason: To ensure a satisfactory appearance to the development.

- (11) Prior to first occupation of the dwelling hereby permitted crime prevention measures shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures retained for the lifetime of the development.

Reason: In the interests of amenity.

- (12) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and set out how the lighting meets the Bat Conservation Trust guidelines. The development shall thereafter be carried out in accordance with the subsequently

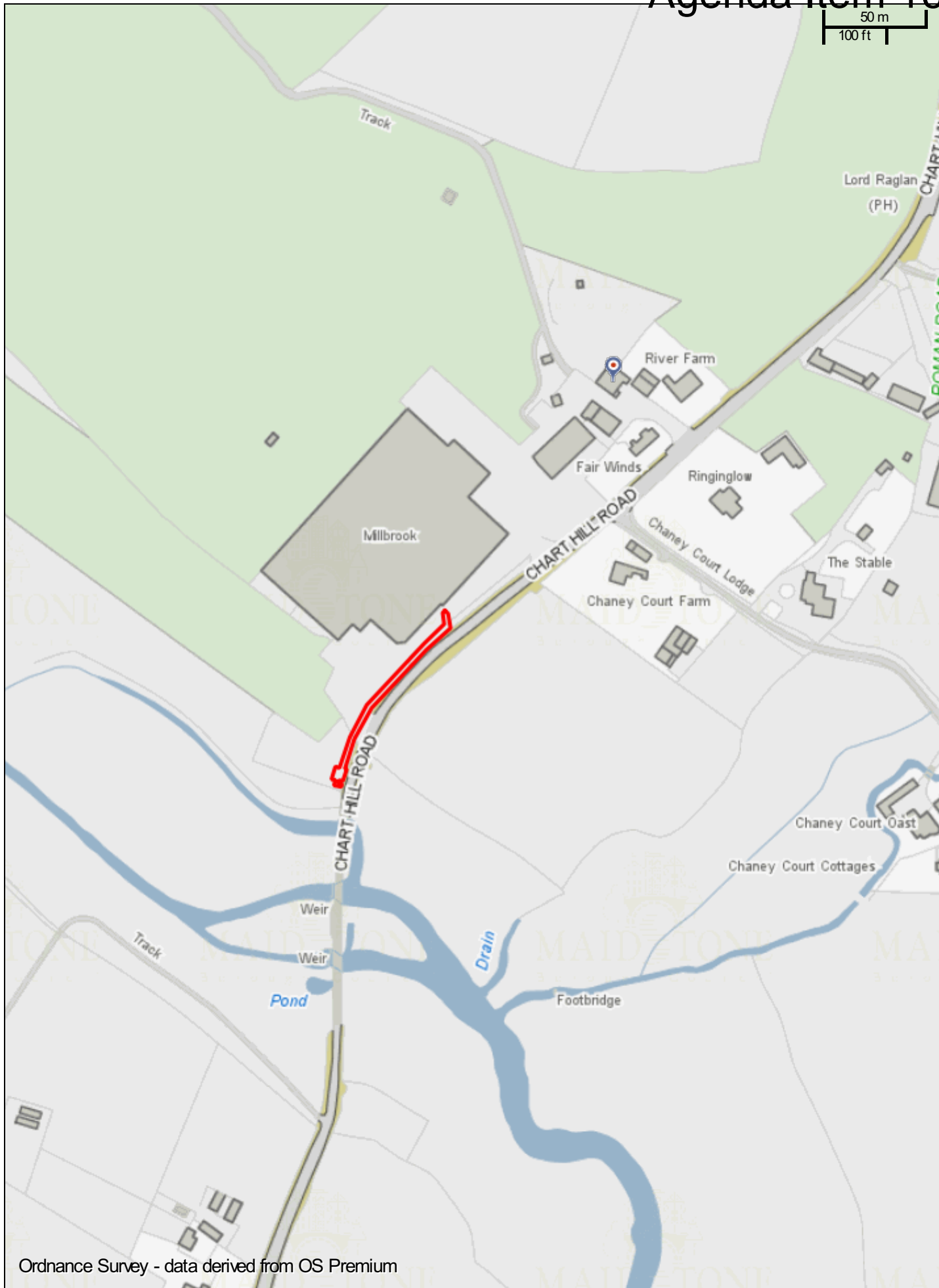
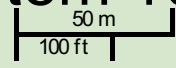
approved details and maintained as such thereafter. Reason: In the interest of amenity and wildlife.

- (13) Prior to first occupation of the dwelling hereby approved fencing, walling and other boundary treatments shall be in place that are in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife and the development shall be carried out in accordance with the approved details before the first occupation of the relevant dwellings and maintained thereafter Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.
- (14) Prior to the end of the first planting season following occupation of the approved dwelling ecological enhancements shall be in place (including installation of bat and bird boxes and bee bricks integral to the new extension) that are in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority with the measures retained for the lifetime of the development
Reason: In the interest of ecology and biodiversity.
- (15) Prior to first occupation of the dwelling hereby approved foul sewage and surface water disposal measures shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. All measures shall be maintained permanently thereafter.
Reason: To ensure adequate foul sewage and surface water disposal arrangements.

INFORMATIVES

- (1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Douglas Wright



Ordnance Survey - data derived from OS Premium



21/505105/FULL - River Farm, Chart Hill Road, Staplehurst, Kent TN12 0RW

Scale: 1:2500

Printed on: 7/4/2022 at 10:31 AM by JoannaW



REPORT SUMMARY

REFERENCE NO - 21/505105/FULL		
APPLICATION PROPOSAL New waste treatment plant to replace and decommission 2 No undersized existing plants. (Resubmission of 21/500721/FULL)		
ADDRESS River Farm Chart Hill Road Staplehurst Tonbridge Kent TN12 0RW		
RECOMMENDATION – Grant Planning Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The development proposal would provide a replacement method for the ongoing treatment and disposal of waste for River Farm • The method of treating the waste is acceptable in relation to the potential impact on the environment and is considered acceptable by the relevant consultees 		
REASON FOR REFERRAL TO COMMITTEE		
Boughton Monchelsea Parish Council has called in to planning committee for the following reasons:		
<ul style="list-style-type: none"> • MBC should ensure that, in flood circumstances, there is no discharge of material/pollution into the nearby watercourse (SSSI River Beult) • Water must not be allowed to discharge across the road • Further justification required for the size of the treatment plant 		
WARD Boughton Monchelsea / Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Bardsley & Sons AGENT Price Whitehead
DECISION DUE DATE 15/11/21	PUBLICITY EXPIRY DATE 08/02/22	OFFICER SITE VISIT DATE

RELEVANT PLANNING HISTORY:

20/503147/FULL – Erection of extension to existing packhouse building, new internal access road, amendments to existing vehicular site access, hardstanding, acoustic fencing, landscaping and creation of an ecological enhancement area – Pending Consideration

16/508285/FULL – Extension to agricultural building to provide office accommodation

15/504713 – Erection of pre-sizer extension

15/504722 – Erection of controlled atmosphere store extension

MA/14/0633 - Prior approval for agricultural building for storage of machinery and fertiliser

MA/14/0575 – Dispatch area and extension to existing controlled atmosphere fruit stores

MA/09/1485 – Ambient receiving and packing area with temperature controlled store

MA/09/1484 – Atmosphere controlled low temperature fruit store

MA/03/2420 – Prior approval for extensions to existing pack house and store

MAIN REPORT

1.0 DESCRIPTION OF THE SITE

1.01 Bardsley Farms Ltd is a fruit farming business. The site is a packing and storage facility that supplies a number of businesses and major retailers and employs 96 full time staff.

- 1.02 River Farm sits in the southern part of the Boughton Monchelsea Parish, just to the north of Staplehurst village, just over 0.5 kilometres east along Chart Hill Road from the A229 and just to the east of the River Beult. The farm complex sits on the north-western side of Chart Hill Road in an area characterised by dispersed individual residential properties, farmlands and orchards. For the purposes of the adopted Local Plan, the proposal site is within the countryside, is not within a Landscape of Local Value and is located within flood zones 2/3.

2.0 PROPOSAL

- 2.01 The proposal is for the installation of an underground sewerage package treatment plant to process wastewater the staff amenities building. The proposal includes associated pipework and equipment.
- 2.02 The proposed treatment plant is located to the south of the River Farm buildings within the existing car park. Two existing treatment plants are located in the centre of the site and would be discontinued should planning permission be granted.
- 2.03 A package treatment plant works in a similar way to a septic tank but uses mechanical parts to treat the liquid to a higher standard before it is discharged.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP17, DM1, DM3, DM30
Supplementary Planning Documents:

4.0 LOCAL REPRESENTATIONS

- 4.01 3 number of representations received from local residents raising the following (summarised) planning issues:
- Works appear to be retrospective
 - Question if the treatment plant is big enough to cope with further expansion of the site
 - Increased HGV movements
 - Noise impacts
 - Flooding
 - Electrical issues as the treatment plant appears to be set below the flood level

5.0 CONSULTATIONS

Natural England – No comments

MBC Environmental Health – No objection

Environment Agency – No objection, subject to conditions

Southern Water – No objection. The EA should be consulted

KCC SUDS – No comment

Boughton Monchelsea PC – Objection – Need to ensure no discharge into the River Beult, no discharge across the road and justification required for the capacity.

Upper Medway Drainage Board – Recommend that the applicant contacts the EA for consent to discharge the treated foul water.

KCC Highways – No objection

6.0 APPRAISAL

Principle of Development

- 6.01 The current method of dealing with foul water on the site is by two small wastewater treatment plants. However, the existing treatment plants are unsuitable for the future capacity required at the site and the proposal is for a new single system to replace the existing two treatment plants. The proposed treatment plant would serve the staff restrooms and W.C facilities and is entirely separate to the water treatment involved for the processing and production of the fruit.
- 6.02 The proposed system consists of a pipe running from the building, along the eastern boundary to the new treatment plant located in the southeast corner of the site. The location for the new treatment plant is currently part of the existing staff car park and is adjacent to a drainage ditch which runs to the River Beult to the south.
- 6.03 With regard to capacity, the site currently employs 96 members of staff, with the new system having a capacity of 142, allowing for future growth in staff numbers.
- 6.04 The Environment Agency has granted a permit and states in the introductory note that “the area is not served by a public foul sewer” so there is a requirement for an alternative means of dealing with wastewater. The permit for the system was granted by the Environment Agency (EA) on 05/01/2022.
- 6.05 The principle of a treatment plant is therefore accepted.

Visual Impact

- 6.06 The application site is screened by mature hedging along the boundary to the east. The main water treatment plant would be below ground with only a modest compressor above ground level, with no adverse visual impacts arising.
- 6.07 Subject to a condition requiring the retention of the hedge along the eastern boundary, it is for these reasons that the proposal is acceptable in relation to visual impact and protecting the openness of the countryside in accordance with policies DM1 and DM30 of the Local Plan.

Residential Amenity

- 6.07 The closest residential property to the site of the water treatment plant is The Pines that is located 168 metres to the northeast.
- 6.08 This separation distance is considered to be acceptable in relation to residential amenity and no objection is raised by the EHO.

Natural Environment

- 6.10 The mature hedging fronting Chart Hill Road frontage to the east provides screening and is considered to be sufficient distance from the works that there would be no direct impact in terms of either ground works or ground water. A condition would be imposed requiring that the hedging is retained, and should any planting be lost, then replacement planting is secured within the first planting season.
- 6.11 The proposed site of the water treatment plant is the existing car park, and in this context the land has little ecological value and so an ecological mitigation strategy is not justified. There is no evidence to suggest that the proposal will cause any harm to flora or fauna.
- 6.12 Neighbour consultation responses and comments from the Parish Council have raised concerns about the potential pollution of water courses from the current proposal. This includes a concern about potential harm to the River Beult SSSI to which this treatment plant will ultimately discharge into via ground water flows. It is worth noting that the existing two treatment plants and properties further north

on Chart Hill Road also currently dispose of their wastewater in this same way. Natural England has been consulted on the proposal and they have no objection to the proposal, including to the discharge of water.

- 6.13 The protection of water courses from pollution is considered outside the planning system by the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2016. The Environment Agency does not object to the planning application and after considering the potential impact, including the siting of the plant and River Beult, they issued a permit on 05/01/2022 for the proposed water treatment plant.
- 6.14 The issued permit includes various conditions. These conditions include that the treatment plant shall have a written management system, competent persons and resources should be used and any complaints considered. In addition, an accessible monitoring point shall be provided and maintained to enable monitoring to be carried out. This is to ensure that the treatment plant does not contain concentrations in excess of 60mg/l of suspended solids.

Other Matters

- 6.16 The application site is located within Flood Zone 3. In order to satisfy the Environment Agency as to the safety of this treatment plant, the levels have been maintained above the historic flood levels. This has required the treatment plant access covers to be situated at a height above the existing ground level.
- 6.17 A discharge pump will be fitted to ensure that gravity is not relied upon to discharge the wastewater into the ditch: rather that the water is lifted above the flood level, to avoid back flow in the event of a flood.
- 6.18 Sewerage treatment plants are considered under the PPG to be less vulnerable development and if adequate measures to control pollution and manage sewage during flooding events are in place the proposal is considered to be appropriate within Flood Zones 3a. The applicant has submitted suitable measures to address any potential risks and there is no objection from the Environment Agency or KCC to the proposal.

Conclusion

- 6.19 The proposal would not result in any unacceptable environmental issues to warrant refusal of the application.
- 6.21 The proposal accords with the development plan. It is recommended that permission is granted subject to the imposition of appropriate planning conditions.

7.0 RECOMMENDATION – GRANT Subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location and Existing Site Plan – R1675
Proposed Site Plan – R1675-DO2
Reason: To clarify which plans have been approved.
- 3) The development permitted by this planning permission shall be carried out in accordance with the approved Design Access and Planning Statement, ref R1675

dated September 2021, submitted and drawing number R675 by Price Whitehead, dated January 2021. 1. The vent inlet pipe is to be installed at 16.245m AOD which is the 1-20year flood design level. This requirement is to be the minimum level this inlet pipe is set at.

Reason: To reduce the risk to the waste treatment plant during a flooding event.

- 4) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

- 5) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved detail.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 6) All existing trees and hedges along the eastern boundary of the site shall be retained, unless identified on the approved plan as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

INFORMATIVES

- 1) Developers should check the .Gov website for Binding Rules information for small scale discharges and requirements for Environmental Permits: Domestic sewage: discharges to surface water and groundwater - GOV.UK (www.gov.uk) Submissions to the LPA should include all relevant information on foul drainage proposals: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

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



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO - 21/504391/FULL			
APPLICATION PROPOSAL Proposed conversion of Mill into a habitable space ancillary to main dwelling. Works to include the renovation of the single storey rear extension, alterations to roof, windows and doors. Erection of a new double garage.			
ADDRESS Mill House Upper Street Hollingbourne Maidstone Kent ME17 1UL			
RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS set out in 8.0			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would result in only a low level of harm to the significance of the listed building. The harm is considered to have been minimised and the proposal is considered to provide the optimum viable use for the listed building. The public benefits, relating to providing a viable use for the building, are considered to outweigh the harm and to warrant the granting of planning permission.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of the Parish Council and they have requested consideration at Planning Committee.			
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Mr And Mrs Stephen Whorlow And Kathryn Seeger AGENT D.C.Husdon And Partner LLP	
DECISION DUE DATE 11/10/21 (EOT until 28/4/22)	PUBLICITY EXPIRY DATE 23/09/21	OFFICER SITE VISIT DATE 01/09/21	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
06/2164	Boundary fence	Approved	02/01/2007
14/500888	Listed Building Consent for wooden pillars on ground floor to support floor and additional purlins	Approved	08/08/2014
20/502392 & 20/502404	Conversion of mill building to additional accommodation to Mill House, together with extensions and alterations to both buildings – Planning Permission and Listed Building Consent	Refused	24/07/2020

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a grade II listed water mill building, and an attached dwelling, also grade II listed. The list description advises that the Watermill building dates from the late 19th century, upon earlier foundations, with the house being added later in the century or early 20th century.

- 1.02 The water mill is constructed of red brick in Flemish bond to the ground floor, with grey bricks introduced towards the top, with the first floor being blended red and grey bricks in English bond. It also includes some elements of rag stone. The mill building is of approximately 2 storey height with attic, with the house being one and a half stories. The heritage statement submitted with the application indicates that the origins of the Watermill date from as early as the Domesday survey, and it retains a well preserved setting, with the building having a strong visual relationship with the mill pond and Millstream. The waterwheel still exists, but is currently in poor condition.
- 1.03 The site also lies within Upper Street Hollingbourne conservation area, to which it makes a strong and important contribution. It also falls within the open countryside and is located in the Kent Downs Area of Outstanding Natural Beauty, again to which it makes a strong and positive contribution to the character and appearance of the landscape.

2.0 PROPOSAL

- 2.01 Planning Permission is sought for the conversion of the water mill building to additional accommodation ancillary to the dwelling, Mill House, together with alterations. These include the renovation of the existing single-storey rear extension to the house, alterations to its roof and alterations to fenestration. A detached double garage is also proposed.
- 2.02 This application is a resubmission of the refused scheme references 20/502392 & 20/502404. Both the Planning Permission and Listed Building Consent were previously refused for a number of reasons which are set out in more detail below.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Local Plan 2017: SP17, SP18, DM1, DM3, DM4, DM30, DM31, DM32, DM23
Supplementary Planning Documents: Residential Extensions
Maidstone Local Plan review (regulation 19), October 2021: LPRSP15, LPRSP14, LPREnv1, LPRQ&D3, LPRTRA4, LPRHou11, LPRQ&D4, LPRQ&D5
Kent Downs Area of Outstanding Natural Beauty Management Plan

4.0 LOCAL REPRESENTATIONS

Site notice posted on 01/09/21, expired on 22/09/21.
No representations received from local residents.

5.0 CONSULTATIONS

- 5.01 Hollingbourne Parish Council: wish to see the application refused and requests that it is considered at Planning Committee. Initial comments were that they had concerns over the change of use of the mill, as it is a listed building and very important to the history of the village. Subsequent comment that the changes would make the mill a separate dwelling in its own right due to the facilities provided.
- 5.02 Historic England: Do not wish to comment.

- 5.03 Conservation officer (summary of comments): suggested amendments. In relation to the cottage, suggested a reduction in the extent of internal demolition of walls, and a reduction in the extent of glazing to the walls and roof of the extension. (Officer comment: amended plans have been submitted in response to these issues).

In relation to the mill, suggested that the residential conversion of the mill be confined to just 2 floors with the other floor not being converted. Considered the spiral stairs to be out of keeping, had some concerns over the doors to the end elevation and considered the conversion should be more sensitive. (Officer comments: it was not considered justified or reasonable to insist upon the suggested changes in relation to the mill. Further commentary upon these issues is given particularly in paragraph 6.16 below).

6.0 APPRAISAL

- 6.01 The key issues for consideration relate to:
- Site Background/Principle of development/Policy context
 - Impact upon the Listed Building and that the Conservation Area
 - Impact upon the Kent Downs Area of Outstanding Natural Beauty
 - Residential amenity
 - Biodiversity
 - Other matters

Site Background/Principle of development/Policy context

- 6.02 The previous applications of specific relevance are planning application 20/502404 and listed building consent application 20/502932. These were refused for the following reasons:

20/502404:

(1) The proposed extensions, external staircase and alterations to fenestration, including rooflights, would harm the significance, simple and industrial form, character and appearance of the grade II listed mill building and the character and appearance of the Mill House building. The public benefits are not considered to outweigh this harm and the proposal is therefore contrary to policies DM4 and SP18 of the Maidstone Local Plan 2017 and paragraphs 184, 190, 192, 193, 194 and 196 of the National Planning Policy Framework.

(2) The proposed rear extension and bridge would harm the significance and setting of the grade II listed Mill and Mill House, by destroying the rustic appearance of the setting, obscuring historic masonry, dominating and harmfully altering key views of the waterwheel and diminishing the appreciation of the water management works and earthworks which are considered fundamental to the significance of the heritage asset. The public benefits are not considered to outweigh this harm and the proposal is therefore contrary to policies DM4 and SP18 of the Maidstone Local Plan 2017 and paragraphs 184, 190, 192, 193, 194 and 196 of the National Planning Policy Framework.

(3) The proposed extensions and external alterations to the mill building and Mill House would harm the character, appearance and significance of the buildings and unacceptably diminish the positive contribution which they currently make to the significance, character and appearance of the Upper Street Hollingbourne conservation area. The public benefits are not considered to outweigh this harm and the proposal is therefore contrary to policies DM4 and SP18 of the Maidstone Local

Plan 2017 and paragraphs 184, 190, 192, 193, 196 and 200 of the National Planning Policy Framework.

(4) The proposed extensions, external staircase and alterations to fenestration including rooflights would be out of character with the existing mill building and would destroy the positive contribution which it currently makes to the scenic quality and historic character of the Kent Downs Area of Outstanding Natural Beauty, contrary to policies SP17, DM30, DM31 and DM1 of the Maidstone Local Plan 2017, paragraphs 170 and 172 of the National Planning Policy Framework and policies SD1, SD2, SD3, SD8, SD9 and HCH1 of the Kent Downs Area of Outstanding Natural Beauty Management Plan.

(5) Insufficient information has been provided to fully assess the impact of the proposed development upon protected species. The proposal is therefore contrary to policy DM3 of the Maidstone Local Plan 2017 and paragraph 170 of the National Planning Policy Framework.

20/502392/LBC:

(1) The proposed extensions, external staircase and alterations to fenestration, including rooflights, would harm the significance, simple and industrial form, character and appearance of the grade II listed mill building and the character and appearance of the Mill House building. The public benefits are not considered to outweigh this harm and the proposal is therefore contrary to policies DM4 and SP18 of the Maidstone Local Plan 2017 and paragraphs 184, 190, 192, 193, 194 and 196 of the National Planning Policy Framework.

(2) The proposed rear extension and bridge would harm the significance and setting of the grade II listed Mill and Mill House, by destroying the rustic appearance of the setting, obscuring historic masonry, dominating and harmfully altering key views of the waterwheel and diminishing the appreciation of the water management works and earthworks which are considered fundamental to the significance of the heritage asset. The public benefits are not considered to outweigh this harm and the proposal is therefore contrary to policies DM4 and SP18 of the Maidstone Local Plan 2017 and paragraphs 184, 190, 192, 193, 194 and 196 of the National Planning Policy Framework.

(3) There is insufficient information to demonstrate that the proposed internal works, including removal of the fireplace and cupboards within the Mill House and fabric within the mill building and tanking works would not harm the significance, character, appearance and longevity of the listed building. The proposal is therefore contrary to policies DM4 and SP18 of the Maidstone Local Plan 2017 and paragraphs 184, 190, 192, 193, 194 and 196 of the National Planning Policy Framework.

- 6.03 Policy DM31 of the local plan relates to the conversion of redundant rural buildings to other uses, including residential, subject to a number of criteria. It requires that firstly, a business reuse is considered before a residential use and secondly, amongst other things, that the building is of sufficient character and quality to warrant its retention. It further advises that the building must be capable of being converted without major or complete reconstruction. In this case, firstly it is considered that a business use would not be appropriate. This is because the mill building is physically attached to the dwelling and one aspect of high significance is its setting. The use of the building for a business use would be likely to necessitate subdivision and boundary treatments, as well as potentially additional parking.

- 6.04 Both the water mill and Mill House have a strong visual relationship with the mill pond and Millstream. There is a Historic England document entitled “Mills” and this indicates that whilst Mills sometimes changed function and had internal refits over time, the water management works probably needed little alteration over the years/centuries. Indeed, it is considered that the water management works, the earthworks, the mill race, the wheel race and the tailrace, are likely to have remained predominantly unchanged for almost 1000 years, since the heritage statement indicates the existence of a water mill in this location in the Domesday survey. Therefore, the earthworks and Millstream are considered of very high significance to the listed buildings and their setting.
- 6.05 Therefore, the addition of a boundary treatments, such as fences, to subdivide the buildings into 2 separate uses is likely to result in clear harm to an aspect of high significance and therefore is likely to be strongly resisted. I am therefore satisfied that in this particular case, no further information is required to demonstrate that a business use would not be viable, since a business use would be very likely to be harmful to the significance and special interest of the listed building.
- 6.06 With regards to the other points within the policy, the building is clearly of sufficient character and quality to warrant its retention – it is a listed building which makes a very strong positive contribution both to the conservation area and the area of outstanding natural beauty. It appears to be in a reasonable state of repair and seems clearly capable of being converted without major or complete reconstruction. I therefore conclude that in principle, the use of the mill building as ancillary accommodation to Mill House is acceptable.
- 6.07 It is further emphasised that the previous application was *not* refused in terms of the principle of the development.

Impact upon the Listed Building and the Conservation Area

- 6.08 Section 66(1) of the Town & Country Planning Act 1990 states:
- “In considering whether to grant planning permission...for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 6.09 Section 72.1 of the Town and Country Planning Act 1990 requires that special regard is given to the question of whether or not the proposed development would either preserve or enhance the special character of the conservation area. There is a presumption that development which would not do so should be refused.
- 6.10 Policies SP18 and DM4 of the local plan seeks to preserve heritage assets in a manner appropriate to their significance. The NPPF similarly seeks this end. Importantly, it is clear that the NPPF does seek to put heritage assets to “viable uses consistent with their conservation”.
- 6.11 The previous refusal included 3 reasons relating to the heritage assets. The areas of the proposed development which were considered to result in harm were the proposed extensions, external staircase, alterations to fenestration, including rooflights, and the proposed bridge.
- 6.12 Firstly, importantly, a number of the previously identified harmful aspects of the development have simply been removed and are no longer proposed. These include

the two-storey front extension to the water mill building, the single storey rear extension to the water mill building, the proposed external staircase, the rooflights and the bridge over the mill stream. All of these proposals, which were considered to be unacceptable in principle and very harmful, have been deleted and no longer forms part of the proposals.

- 6.13 In terms of the remaining aspects, the rear extension to the house is still proposed to be altered, as is fenestration, but changes have also been made to the scheme in relation to these elements to result in a more sympathetic appearance.
- 6.14 It is now considered that this revised scheme, which is *very* significantly different to the refused scheme, would preserve the special interest and significance of the listed buildings. The simple and industrial form and character of the mill building would be preserved – there are no extensions proposed to the mill building and the rooflights, which were considered resolutely residential in character, are again no longer proposed. The external staircase was also considered of residential character and harmful and this has been omitted. A change to the scale in the window opening to the end elevation is proposed, but this would generally retain the simple, functional character of the building it is considered. Although the conservation officer comments refer to this opening as doors, as the external staircase has been removed it would no longer be externally accessible and large-scale details can be sought to ensure a satisfactory appearance which is not inappropriately domestic.
- 6.15 An extension to the Watermill was previously proposed to obscure historic masonry, possibly being the earliest surviving section of the building, but again this is no longer proposed, so the masonry would remain visible. Views of the waterwheel would also be retained through the omission of this extension. Furthermore, in terms of the setting, the formerly proposed bridge was considered to have a heavily engineered and harmful appearance and would have dominated the water management works which, as stated above, are considered fundamental to the significance of the heritage asset. This part of the development is also no longer proposed, so that the mill stream and water management works would remain as existing, with the existing low-level bridge over the millstream being of very low key and retaining the high significance of this area of the site. The changes to the rear extension to the house would not be of a scale or position to significantly harm the appreciation of management works and earthworks and therefore these elements of high significance would be preserved. The garage would be of a sympathetic design to the host building and situated somewhat to one side, so as not to harm key views of the building.
- 6.16 With regard to other issues raised by the conservation officer, the use of only 2 floors and the omission of the internal staircase is considered unreasonable – this would prevent the viable use of the building as a whole and it is not considered reasonable to seek to secure such a scheme. Although the internal changes are considered to result in a low level of harm, it must also be borne in mind that internally significance is considered to be lower - as stated, the Historic England guidance on Mills indicates that they often had internal refits over time, whereas the water management works were generally more historic and therefore are considered of much higher significance. Changes to the cottage has been amended following the conservation officer's comments to retain more of the internal walls and to reduce the amount of glazing. The changes which have been made are considered to have a satisfactory visual appearance and have significantly reduced the extent of glazing to the roof and walls such that it is no longer considered to dominate the cottage. I note that the conservation officer comments did not recommend refusal, but only sought amendments.

- 6.17 In conclusion, with regards to the impact upon the heritage assets, being the listed building and the conservation area, it is concluded that there would be a very low level of harm, particularly resulting from some internal changes to the mill building. However, it is concluded that the harm has been minimised and would be of a very low level, much less than substantial.

Impact upon the Kent Downs Area of Outstanding Natural Beauty

- 6.18 As with the impact upon the heritage assets described above, there are equally considered to be very significant changes to the proposal in terms of its impact upon the Kent Downs Area of Outstanding Natural Beauty. Again, the key harmful elements have all been removed – the extensions, the bridge and the rooflights – areas which all would have harmed the character of this important building which makes a very high contribution to the scenic quality of the AONB. As described above, the external appearance of the changes is now considered sympathetic and to preserve the simple, functional character of the mill building and I am satisfied that this proposal would thereby preserve the scenic quality of the area of outstanding natural beauty. This reason for refusal has therefore been addressed.

Residential amenity

- 6.19 The proposal does not raise any significant residential amenity issues. The Watermill would be used in connection with the existing dwelling, and would not form a separate unit and fenestration would not be in a position to significantly overlook any neighbouring properties. The scale and nature of the proposals are such that there are no significant light or outlook issues for any neighbouring properties. Also, as no additional use or commercial use is proposed, but simply one single residential unit, being comprised of the existing dwelling and the Watermill, there are no significant noise and disturbance issues.

Biodiversity

- 6.20 Previously the application was refused upon the grounds of insufficient information being provided to fully assess the impact of the proposed development upon protected species.
- 6.22 This application is now accompanied by a preliminary ecological appraisal, which has been carried out by qualified professionals. This indicated that further survey work, in the form of bat emergence and re-entry surveys were carried out. It also suggested mitigation measures and ecological enhancements. The further bat surveys suggested in the preliminary appraisal were also carried out and have been submitted.
- 6.23 The bat surveys concluded that although a small number of bats were seen, these must have been simply roosting behind the bargeboard, as there was no access to any other roosting features. The said bargeboard is understood to be retained and the survey concludes that there would be no impact expected upon bats, nor is any mitigation licence expected to be necessary.
- 6.24 With regards to other species, the report suggests mitigation for badgers and hedgehogs during construction works and also for great crested newts. Although there are ponds – the mill pond – in close proximity, the report advises that no further survey work is recommended for them, due to “the unsuitable water bodies present

within the site and the proposals not impacting any suitable great crested Newt terrestrial habitat.

- 6.25 Mitigation is also suggested for nesting birds. The ecological appraisal suggests enhancements, including planting, bat boxes and bird boxes.
- 6.26 In conclusion, sufficient information is considered to have been submitted to conclude that the proposals would not result in any significant loss of important habitat for protected species or significant harm in terms of biodiversity. Mitigation measures and ecological enhancements can be secured by condition and this is considered appropriate and necessary.

Other Matters

- 6.27 The parish council have raised the issue of the accommodation being used as a separate dwelling. Initially, the convoluted and separate layout of the previously refused scheme was referred to within the previous officer report, since the previous refused proposal included a convoluted layout where there was only an access through a proposed extension to link the 2 buildings. This scheme includes internal access, both at ground and first floor level and has been submitted on the basis of providing additional accommodation to the main dwelling. Therefore, the application must be assessed upon that the basis upon which permission has been applied for, which is for ancillary accommodation. A condition can be attached to ensure that the buildings remain in use as a single dwelling and, should the building be used as a separate dwelling at any point in the future, then this would be a matter for enforcement.
- 6.28 With regards to highways, no additional units are being proposed, as the mill would simply be used as additional accommodation to the mill house and therefore there are not considered to be any significant highways issues.
- 6.29 No important trees would be lost it is considered.
- 6.30 With regard to conditions, in the event of a favourable recommendation, conditions regarding the removal of permitted development rights and installation of renewables have been considered. With regards to the removal of permitted development rights, it is considered necessary to attach this, because, besides from the impact upon the listed building, the mill building also has a very important impact upon the Kent Downs Area of Outstanding Natural Beauty and visually is considered a key building which contributes towards its scenic quality. Therefore, the removal of permitted development rights would give control over the impact upon the AONB of any future development.
- 6.31 With regards to renewables, I have considered this but do not, in this case, conclude that a condition is justified or necessary. Firstly, the development is in essence to create ancillary accommodation to an existing dwelling – no additional units would be provided. Moreover, I do not consider it reasonable to require something which would be difficult to install without resulting in harm to the listed building and its setting. For example, the installation of solar panels upon the building is likely to have a high, adverse impact, and even within the setting, freestanding renewables are likely to result in harm. The garage would be prominently located so the addition of solar panels upon this building would also not be considered desirable visually. The issue of appropriate insulation would to some extent be controlled by the impact which it has upon the listed building and this issue can therefore be considered under the concurrent listed building consent. Therefore, considering the great weight which

must be given to the conservation of the heritage asset, I do not consider that to attach a condition requiring renewables would be reasonable or necessary and therefore it would fail to accord with the NPPG.

Balancing exercise

- 6.32 Paragraph 197 of the NPPF advises under point a) that in determining applications, local planning authorities should take account of “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”.
- 6.33 Paragraph 199 requires great weight to be given to the conservation of designated heritage assets. This is irrespective of the amount of harm, whether this be substantial or less than substantial.
- 6.34 Where harm is identified and the level of harm is considered to be less than substantial, paragraph 202 advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.35 In this case, it is considered that the previous reasons for refusal relating to the AONB and biodiversity have been addressed. The level of harm to the heritage assets, being the listed buildings and conservation area are considered to be low.
- 6.36 It is clear from the NPPF that securing viable uses for heritage assets is a very important consideration, providing that such uses consistent with their conservation.
- 6.37 In this case, as explained, the residential use of the mill building as part of one dwelling unit comprising the mill and mill house, is considered likely to be the least harmful use to significance and the most appropriate use. Any use of the building is likely to require some changes clearly in order to make it fit for purpose. It is considered in this case, under this revised scheme, but harm has been minimised and is of a low level. Key elements of the significance of the buildings would be preserved. These include the simple, functional form of the mill building, its setting and water management works, and the simple character of the mill.
- 6.38 Great weight must be given to the conservation of the heritage asset. However, as stated, the key aspects of its significance would be preserved and the level of harm is considered to be low. This proposal is considered likely to secure the optimum viable use of the building. This is a public benefit in terms of providing long-term preservation for the building. In essence, if no use is found, ultimately the building could fall into disrepair and become at risk. This scheme is a generally sympathetic scheme, with harm being minimised and of a low level and is considered to secure the optimum viable use.
- 6.39 Therefore, having regard to give great weight to the asset’s conservation and considering policy and the guidance within the NPPF it is concluded that in this case, the public benefits outweigh the harm and therefore a recommendation of approval is appropriate.

7.0 CONCLUSION

- 7.01 This revised scheme is very significantly different to the previously refused proposal. The key elements resulting in harm has been removed – the extensions to the mill, the bridge, the rooflights and the external staircase. The revised scheme is now

considered to result in only a low level of harm to the listed building and the conservation area. There are not considered to be significant grounds to refuse the application in terms of the impact upon the Kent Downs Area of Outstanding Natural Beauty.

- 7.02 The NPPF requires harm to be balanced against public benefits, including securing the optimum viable use of the building. The proposal is considered to secure the optimum viable use of the building, with harm being of a low level and minimised. It is therefore concluded that in this case, the public benefits to designated heritage assets outweigh the harm and approval is therefore recommended.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

2214/01 Rev E and Seegar_OFD23111 received on 09/08/21 and 2214/05 Rev E and 2214/04 Rev H received on 14/10/21;

Reason: To clarify which plans have been approved and to ensure the quality of the development.

- (3) No development above slab course level relating to the garage hereby permitted shall take place until written details and photographs of samples of the materials to be used in the construction of the external surfaces of the garage building hereby permitted, including rainwater goods and details of the finish of the weatherboarding, have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed using the approved materials with the approved finish and subsequently maintained;

Reason: To ensure a satisfactory appearance and that the historic significance of the listed building is maintained.

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Classes A-H and Part 2 Class A to that Order shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area and the character, appearance and setting of the listed building

- (5) No external lighting shall be installed unless full details of any such lighting have first been submitted to, and approved in writing by, the local planning authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The development shall thereafter be carried out in accordance with the approved details;

Reason: In order to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the Kent Downs Area of Outstanding Natural Beauty and to protect the setting of the listed building.

- (6) The additional accommodation hereby permitted shall only be used as accommodation ancillary to the use of the dwelling known as Mill House, outlined in red on the site location plan and it shall not be used as a separate, independent unit;

Reason: In order to preserve the setting of the listed building and the scenic quality of the Kent Downs AONB, in the interests of sustainability, and in order to provide a satisfactory relationship with the main house.

- (7) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity, and include a planting Spec, a programme of implementation and a 5 year management plan. The scheme shall also show details of all hard surfaced areas and hard surfacing materials. The development shall be implemented in accordance with the approved details;

Reason: In the interests of landscape, visual impact and amenity of the area, in the interests of ecology and to ensure a satisfactory appearance to the development and setting to the listed building.

- (8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the development hereby permitted or the completion of the development, whichever is sooner; and any trees or plants which within a period of five 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 similar size and species, unless the local planning authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development and to preserve the setting of the listed building and in the interests of ecology.

- (9) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through either integrated methods into the design and appearance of the extension by means such as swift bricks, bee bricks, bat tube or bricks, or through provision within the site curtilage such as bird boxes, bat boxes, bee hotels, bug hotels, log piles, hedgerow corridors and native planting. The development shall be implemented prior to occupation in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- (10) The development hereby permitted shall be carried out in strict accordance with all of the mitigation measures in section 11 of the preliminary ecological

appraisal by Native Ecology ref 0673_R01_REV A_PEA unless otherwise agreed in writing by the Local Planning Authority;

Reason: To protect ecology and biodiversity on the site.

INFORMATIVES

The weatherboarding for the proposed garage should be finished in either black or dark brown stain. Rainwater goods should be cast metal.

Ecological enhancement measures should be in accordance with the suggestions in section 12 of the preliminary ecological appraisal.

Details pursuant to the biodiversity condition should show, on a scaled drawing, the positions of the proposed ecological enhancements including, where appropriate, the height above ground level to demonstrate that this would be appropriate for the species for which it is intended. Any bird boxes should face north and bat boxes should face south. Some helpful advice may be found at:

<https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>

<https://www.rspb.org.uk/birds-and-wildlife/advice/how-you-can-help-birds/>

<https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

<https://www.wildlifetrusts.org/actions/how-build-hedgehog-home>

<https://www.woodlandtrust.org.uk/blog/2019/09/how-to-build-a-bug-hotel/>

Case Officer: Louise Welsford

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

Agenda Item 18



REPORT SUMMARY

REFERENCE NO - 21/504393/LBC			
APPLICATION PROPOSAL Listed Building Consent for internal and external alterations.			
ADDRESS Mill House Upper Street Hollingbourne Maidstone Kent ME17 1UL			
RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS set out in 8.0			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would result in only a low level of harm to the significance of the listed building. The harm is considered to have been minimised and the proposal is considered to provide the optimum viable use for the listed building. The public benefits, relating to providing a viable use for the building, are considered to outweigh the harm and to warrant the granting of listed building consent.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of the Parish Council and they have requested consideration at Planning Committee.			
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Mr And Mrs Stephen Whorlow And Kathryn Seeger AGENT D.C.Husdon And Partner LLP	
DECISION DUE DATE 04/10/21 (EOT until 28/4/22)	PUBLICITY EXPIRY DATE 23/09/21	OFFICER SITE VISIT DATE 01/09/21	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
06/2164	Boundary fence	Approved	02/01/07
14/500888	Listed Building Consent for wooden pillars on ground floor to support floor and additional purlins	Approved	08/08/14
20/502392 & 20/502404	Conversion of mill building to additional accommodation to Mill House, together with extensions and alterations to both buildings – Planning Permission and Listed Building Consent	Refused	24/07/20

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a grade II listed water mill building, and an attached dwelling, also grade II listed. The list description advises that the Watermill building

dates from the late 19th century, upon earlier foundations, with the house being added later in the century or early 20th century.

- 1.02 The water mill is constructed of red brick in Flemish bond to the ground floor, with grey bricks introduced towards the top, with the first floor being blended red and grey bricks in English bond. It also includes some elements of rag stone. The mill building is of approximately 2 storey height with attic, with the house being one and a half stories. The heritage statement submitted with the application indicates that the origins of the Watermill date from as early as the Domesday survey, and it retains a well preserved setting, with the building having a strong visual relationship with the mill pond and Millstream. The waterwheel still exists, but is currently in poor condition.
- 1.03 The site also lies within Upper Street Hollingbourne conservation area, to which it makes a strong and important contribution. It also falls within the open countryside and is located in the Kent Downs Area of Outstanding Natural Beauty, again to which it makes a strong and positive contribution to the character and appearance of the landscape.

2.0 PROPOSAL

- 2.01 Listed Building Consent is sought for the conversion of the water mill building to additional accommodation ancillary to the dwelling, Mill House, together with internal and external alterations. These include the renovation of the existing single-storey rear extension to the house, alterations to its roof and alterations to fenestration.
- 2.02 This application is a resubmission of the refused scheme references 20/502392 & 20/502404. Both the Planning Permission and Listed Building Consent were previously refused for a number of reasons which are set out in more detail below.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Local Plan 2017: SP18 DM4
Supplementary Planning Documents: Residential Extensions
Maidstone Local Plan review (regulation 19), October 2021: LPRSP15, LPREnv1,

4.0 LOCAL REPRESENTATIONS

Site notice posted on 01/09/21, expired on 22/09/21.
No representations received from local residents.

5.0 CONSULTATIONS

- 5.01 Hollingbourne Parish Council: wish to see the application refused and requests that it is considered at Planning Committee. Initial comments were that they had concerns over the change of use of the mill, as it is a listed building and very important to the history of the village. Subsequent comment that the changes would make the mill a separate dwelling in its own right due to the facilities provided.
- 5.02 Historic England: Do not wish to comment.
- 5.03 Conservation officer (summary of comments) : Conservation officer: suggested amendments. In relation to the cottage, suggested a reduction in the extent of

internal demolition of walls, and a reduction in the extent of glazing to the walls and roof of the extension. (Officer comment: amended plans have been submitted in response to these issues).

In relation to the mill, suggested that the residential conversion of the mill be confined to just 2 floors with the other floor not being converted. Considered the spiral stairs to be out of keeping, had some concerns over the doors to the end elevation and considered the conversion should be more sensitive. (Officer comments: it was not considered justified or reasonable to insist upon the suggested changes in relation to the mill. Further commentary upon these issues is given particularly in paragraph 6.16 below).

5.04 Council for British Archaeology: Supports the application. Objected to the previous proposal, but considers this proposal to be a great improvement, having much reduced impact on the mill, the conservation area and the area of outstanding natural beauty. Will also ensure the sustainable future of the site. Request a conservation led methodology to deal with issues of damp and thermal efficiency and materials.

5.05 Other 5 national amenity societies: no response.

6.0 APPRAISAL

- 6.01 The key issues for consideration relate to:
- Site Background/Principle of development/Policy context
 - Impact upon the Listed Building

Site Background/Principle of development/Policy context

6.02 The previous applications of specific relevance are planning application 20/502404 and listed building consent application 20/502932. The LBC was refused for the following reasons:

(1) The proposed extensions, external staircase and alterations to fenestration, including rooflights, would harm the significance, simple and industrial form, character and appearance of the grade II listed mill building and the character and appearance of the Mill House building. The public benefits are not considered to outweigh this harm and the proposal is therefore contrary to policies DM4 and SP18 of the Maidstone Local Plan 2017 and paragraphs 184, 190, 192, 193, 194 and 196 of the National Planning Policy Framework.

(2) The proposed rear extension and bridge would harm the significance and setting of the grade II listed Mill and Mill House, by destroying the rustic appearance of the setting, obscuring historic masonry, dominating and harmfully altering key views of the waterwheel and diminishing the appreciation of the water management works and earthworks which are considered fundamental to the significance of the heritage asset. The public benefits are not considered to outweigh this harm and the proposal is therefore contrary to policies DM4 and SP18 of the Maidstone Local Plan 2017 and paragraphs 184, 190, 192, 193, 194 and 196 of the National Planning Policy Framework.

(3) There is insufficient information to demonstrate that the proposed internal works, including removal of the fireplace and cupboards within the Mill House and fabric within the mill building and tanking works would not harm the significance, character, appearance and longevity of the listed building. The proposal is therefore contrary to policies DM4 and SP18 of the Maidstone Local Plan 2017 and paragraphs 184, 190,

192, 193, 194 and 196 of the National Planning Policy Framework.

- 6.03 Policy DM31 of the local plan relates to the conversion of redundant rural buildings to other uses, including residential, subject to a number of criteria. It requires that firstly, a business reuse is considered before a residential use and secondly, amongst other things, that the building is of sufficient character and quality to warrant its retention. It further advises that the building must be capable of being converted without major or complete reconstruction. In this case, firstly it is considered that a business use would not be appropriate. This is because the mill building is physically attached to the dwelling and one aspect of high significance is its setting. The use of the building for a business use would be likely to necessitate subdivision and boundary treatments, as well as potentially additional parking.
- 6.04 Both the water mill and Mill House have a strong visual relationship with the mill pond and Millstream. There is a Historic England document entitled “Mills” and this indicates that whilst Mills sometimes changed function and had internal refits over time, the water management works probably needed little alteration over the years/centuries. Indeed, it is considered that the water management works, the earthworks, the mill race, the wheel race and the tailrace, are likely to have remained predominantly unchanged for almost 1000 years, since the heritage statement indicates the existence of a water mill in this location in the Domesday survey. Therefore, the earthworks and Millstream are considered of very high significance to the listed buildings and their setting.
- 6.05 Therefore, the addition of a boundary treatments, such as fences, to subdivide the buildings into 2 separate uses is likely to result in clear harm to an aspect of high significance and therefore is likely to be strongly resisted. I am therefore satisfied that in this particular case, no further information is required to demonstrate that a business use would not be viable, since a business use would be very likely to be harmful to the significance and special interest of the listed building.
- 6.06 With regards to the other points within the policy, the building is clearly of sufficient character and quality to warrant its retention – it is a listed building which makes a very strong positive contribution both to the conservation area and the area of outstanding natural beauty. It appears to be in a reasonable state of repair and seems clearly capable of being converted without major or complete reconstruction. I therefore conclude that in principle, the use of the mill building as ancillary accommodation to Mill House is acceptable.
- 6.07 It is further emphasized that the previous application was *not* refused in terms of the principle of the development.

Impact upon the Listed Building

- 6.08 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.09 Policies SP18 and DM4 of the local plan seeks to preserve heritage assets in a manner appropriate to their significance. The NPPF similarly seeks this end. Importantly, it is clear that the NPPF does seek to put heritage assets to “viable uses consistent with their conservation”.
- 6.10 The previous refusal included 3 reasons relating to the heritage assets. The areas of the proposed development which were considered to result in harm were the

proposed extensions, external staircase, alterations to fenestration, including rooflights, and the proposed bridge.

- 6.11 Firstly, importantly, a number of the previously identified harmful aspects of the development have simply been removed and are no longer proposed. These include the two-storey front extension to the water mill building, the single storey rear extension to the water mill building, the proposed external staircase, the rooflights and the bridge over the mill stream. All of these proposals, which were considered to be unacceptable in principle and very harmful, have been deleted and no longer forms part of the proposals.
- 6.12 In terms of the remaining aspects, the rear extension to the house is still proposed to be altered, as is fenestration, but changes have also been made to the scheme in relation to these elements to result in a more sympathetic appearance.
- 6.13 Internally there would be some loss of fabric, but the internal area is considered of lower significance. Indeed, the Historic England guidance on Mills states that Mills often had successive internal refits over time, but that the water management works were the area which rarely changed. As such, it is considered the water management works which are of higher significance and the internal fabric of lower significance. With regards to the internal fabric within the house, the fireplace previously shown to be removed is now shown to be retained and more information has been submitted regarding cupboards, which is considered to demonstrate that they are not important to the significance of the building. Previously tanking works were shown to the mill which had the potential to result in much harm, but this has now been amended to state that some repairs to waterproofing to the wall adjacent to the mill pond are proposed. It is considered that a condition can be attached to deal with this issue to ensure that any works which are carried out are sensitive to the fabric and character of the building and do not result in significant harm to longevity.
- 6.14 It is now considered that this revised scheme, which is *very* significantly different to the refused scheme, would preserve the special interest and significance of the listed buildings. The simple and industrial form and character of the mill building would be preserved – there are no extensions proposed to the mill building and the rooflights, which were considered resolutely residential in character, are again no longer proposed. The external staircase was also considered of residential character and harmful and this has been omitted. A change to the scale in the window opening to the end elevation is proposed, but this would generally retain the simple, functional character of the building it is considered. Although the conservation officer comments refer to this opening as doors, as the external staircase has been removed it would no longer be externally accessible and large-scale details can be sought to ensure a satisfactory appearance which is not inappropriately domestic.
- 6.15 An extension to the Watermill was previously proposed to obscure historic masonry, possibly being the earliest surviving section of the building, but again this is no longer proposed, so the masonry would remain visible. Views of the waterwheel would also be retained through the omission of this extension. Furthermore, in terms of the setting, the formerly proposed bridge was considered to have a heavily engineered and harmful appearance and would have dominated the water management works which, as stated above, are considered fundamental to the significance of the heritage asset. This part of the development is also no longer proposed, so that the mill stream and water management works would remain as existing, with the existing low-level bridge over the millstream being of very low key and retaining the high significance of this area of the site. The changes to the rear extension to the house would not be of a scale or position to significantly harm the appreciation of

management works and earthworks and therefore these elements of high significance would be preserved. Garage would be of a sympathetic design to the host building and situated somewhat to one side, so as not to harm key views of the building.

- 6.16 With regard to other issues raised by the conservation officer, the use of only 2 floors and the omission of the internal staircase is considered unreasonable – this would prevent the viable use of the building as a whole and it is not considered reasonable to seek to secure such a scheme. Although the internal changes are considered to result in a low level of harm, it must also be borne in mind that internally significance is considered to be lower - as stated, the Historic England guidance on Mills indicates that they often had internal refits over time, whereas the water management works were generally more historic and therefore are considered of much higher significance. Changes to the cottage has been amended following the conservation officer's comments to retain more of the internal walls and to reduce the amount of glazing. The changes which have been made are considered to have a satisfactory visual appearance and have significantly reduced the extent of glazing to the roof and walls such that it is no longer considered to dominate the cottage. I note that the conservation officer comments did not recommend refusal, but only sought amendments.
- 6.17 In conclusion, with regards to the impact upon the heritage assets, being the listed building and the conservation area, it is concluded that there would be a very low level of harm, particularly resulting from some internal changes to the mill building. However, it is concluded that the harm has been minimised and would be of a very low level, much less than substantial.

Other Matters

- 6.18 The parish council have raised the issue of the accommodation being used as a separate dwelling. This is a planning issue which is dealt with in the report for the concurrent planning application.

Balancing exercise

- 6.19 Paragraph 197 of the NPPF advises under point a) that in determining applications, local planning authorities should take account of “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”.
- 6.20 Paragraph 199 requires great weight to be given to the conservation of designated heritage assets. This is irrespective of the amount of harm, whether this be substantial or less than substantial.
- 6.21 Where harm is identified and the level of harm is considered to be less than substantial, paragraph 202 advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.22 In this case, it is considered that the level of harm to the heritage assets, being the listed buildings and conservation area are considered to be low.
- 6.23 It is clear from the NPPF that securing viable uses for heritage assets is a very important consideration, providing that such uses consistent with their conservation.

- 6.24 In this case, as explained, the residential use of the mill building as part of one dwelling unit comprising the mill and mill house, is considered likely to be the least harmful use to significance and the most appropriate use. Any use of the building is likely to require some changes clearly in order to make it fit for purpose. It is considered in this case, under this revised scheme, but harm has been minimised and is of a low level. Key elements of the significance of the buildings would be preserved. These include the simple, functional form of the mill building, its setting and water management works, and the simple character of the mill.
- 6.25 Great weight must be given to the conservation of the heritage asset. However, as stated, the key aspects of its significance would be preserved and the level of harm is considered to be low. This proposal is considered likely to secure the optimum viable use of the building. This is a public benefit in terms of providing long-term preservation for the building. In essence, if no use is found, ultimately the building could fall into disrepair and become at risk. This scheme is a generally sympathetic scheme, with harm being minimised and of a low level and is considered to secure the optimum viable use.
- 6.26 Therefore, having regard to give great weight to the asset's conservation and considering policy and the guidance within the NPPF it is concluded that in this case, the public benefits outweigh the harm and therefore a recommendation of approval is appropriate.

7.0 CONCLUSION

- 7.01 This revised scheme is very significantly different to the previously refused proposal. The key elements resulting in harm has been removed – the extensions to the mill, the bridge, the rooflights and the external staircase. The revised scheme is now considered to result in only a low level of harm to the listed building.
- 7.02 The NPPF requires harm to be balanced against public benefits, including securing the optimum viable use of the building. The proposal is considered to secure the optimum viable use of the building, with harm being of a low level and minimised. It is therefore concluded that in this case, the public benefits to designated heritage assets outweigh the harm and approval is therefore recommended.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The works to which this consent relates must be begun before the expiration of three years from the date of this consent;

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The works hereby permitted shall be carried out in accordance with the following approved plans:

2214/01 Rev E received on 09/08/21 and 2214/05 Rev E and 2214/04 Rev H received on 14/10/21;

Reason: To clarify which plans have been approved and to ensure the quality of the development.

- (3) The works shall not commence until written details and photographs of samples of the materials to be used in the construction of the external surfaces of the works hereby permitted, including rainwater goods, have been submitted to and approved in writing by the Local Planning Authority and the works shall be completed using the approved materials;

Reason: To ensure a satisfactory appearance and that the historic significance of the listed building is maintained.

- (4) The works shall not commence until full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-
- a) All new external and internal joinery in the form of large scale drawings. This shall include detailed drawings to scale 1:5 and 1:1 of typical details of all new joinery, in addition, sections, mouldings and glazing bars shall be to a scale of 1:1 or 1:2 and will show means of fixing glazing. Details of finishes shall also be included.
 - b) The proposed new staircase in the form of large scale drawings,
 - c) All new balustrading including any railing to the proposed doors to the north east side elevation,
 - d) 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roof insulation where proposed,
 - e) 1:10 scale section through all external walls (masonry or timber framed) which is proposed to alter the existing details to achieve better insulating, weatherproofing or for other purposes.

The works shall be carried out in accordance with the approved details;

Reason: To ensure a satisfactory appearance and that the historic significance of the listed building is maintained.

- (5) No works to the existing water wheel shall take place unless and until full details of any such works, and the methodology for any such works, have first been submitted to, and approved in writing by, the local planning authority. The works shall thereafter be undertaken strictly in accordance with the approved details;

Reason: In order to preserve the special interest and significance of the listed mill building.

- (6) No works to the area of sloped wall to the secondary kitchen area (for entertaining) shown on drawing number 2214/04 Rev H shall take place until full details of any such works, including methodology, have been submitted to, and approved in writing by, the local planning authority. The works shall thereafter be undertaken strictly in accordance with the approved details;

Reason: In order to preserve the significance and longevity of the listed building.

- (7) Any hidden historic features revealed during the course of works to the walls, floors, ceilings shall be retained in situ, with work to be suspended in the relevant areas of the building and the local planning authority notified immediately and given the opportunity to inspect. Prior to the commencement of any further works, details including a schedule of works, drawings and annotated photographs as appropriate shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with these approved details.

Reason: To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building.

INFORMATIVES

Rainwater goods should be cast metal.

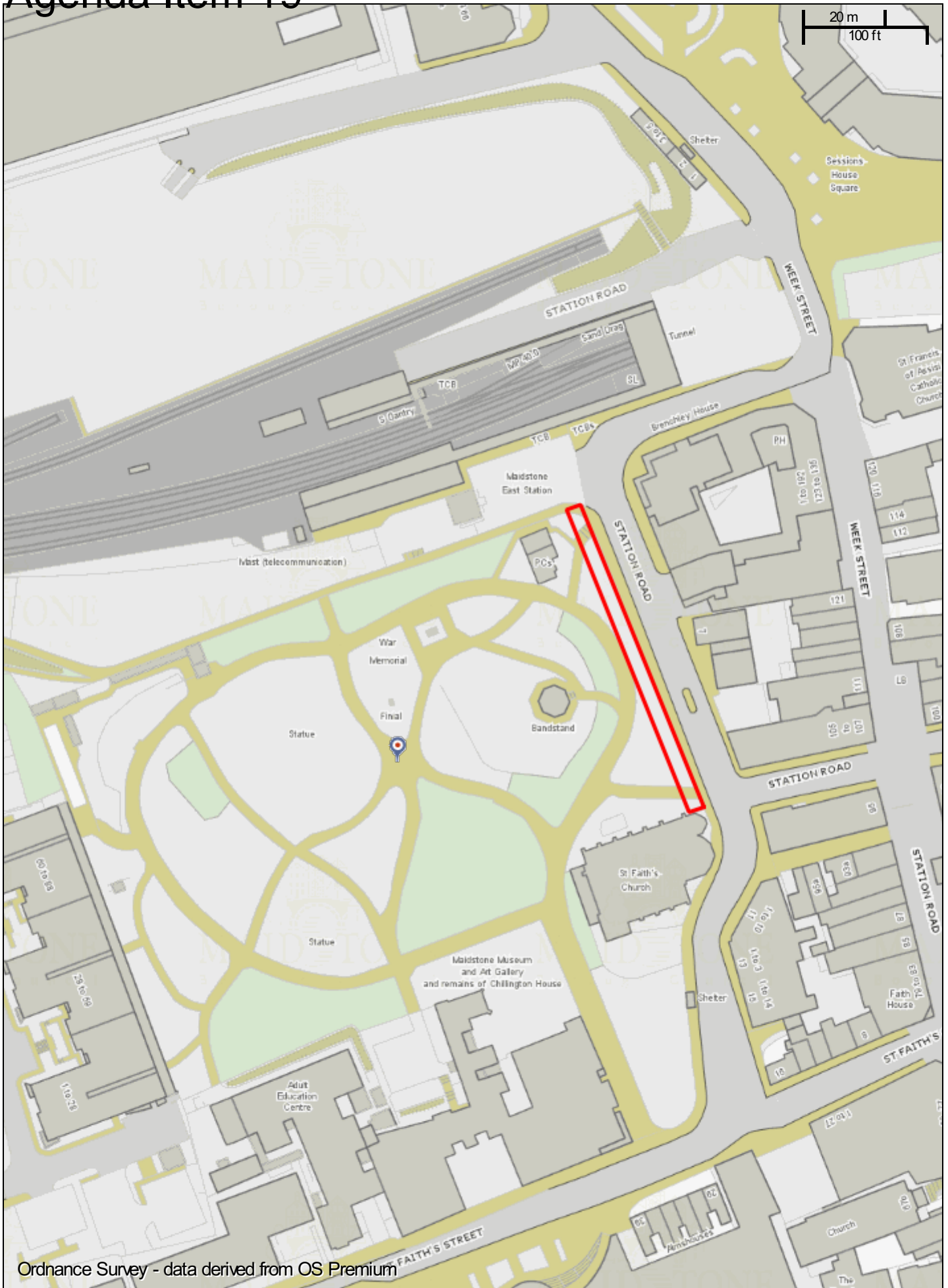
Fenestration within the mill building should be single glazed and timber. Secondary glazing could additionally be considered if required.

Any railing to the proposed doors to the North East side elevation should have minimal visual impact and should avoid a domestic appearance.

Case Officer: Louise Welsford

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

Agenda Item 19

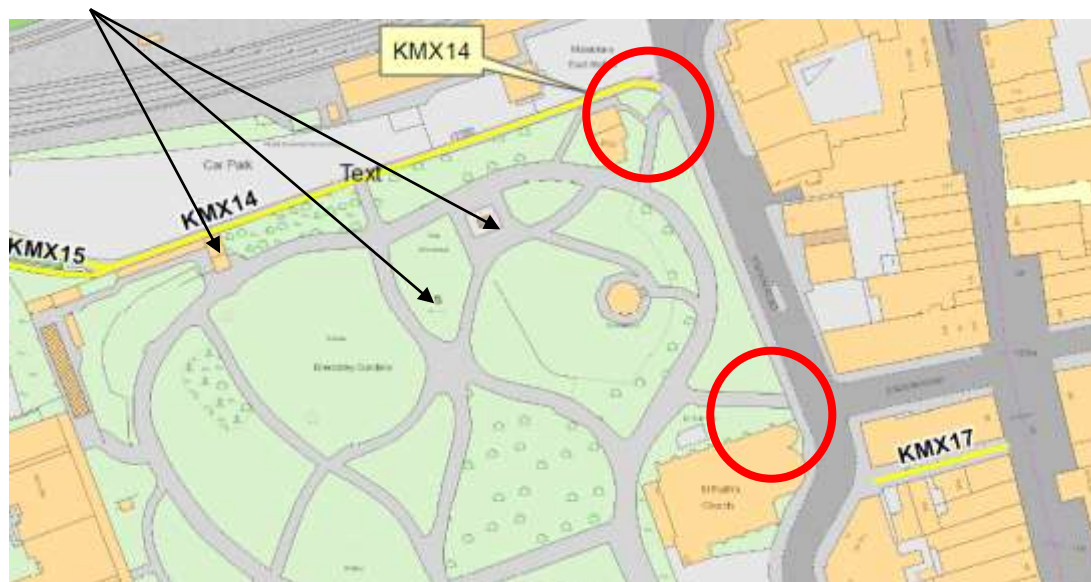


Ordnance Survey - data derived from OS Premium

REFERENCE NO - 21/506570/FULL		
APPLICATION PROPOSAL: - Installation of 2 no. gates (church entrance and the steps opposite the Maidstone East railway station).		
ADDRESS Brenchley Gardens Station Road Maidstone Kent ME14 1QJ		
RECOMMENDATION Grant Planning Permission		
SUMMARY OF REASONS FOR RECOMMENDATION: - The works are minor in nature and in keeping with the existing and will allow the Council to secure the Gardens when necessary.		
REASON FOR REFERRAL TO COMMITTEE: - MBC Application		
WARD High Street	PARISH/TOWN COUNCIL	APPLICANT Maidstone Borough Council
TARGET DECISION DATE 24/03/22	PUBLICITY EXPIRY DATE 24/02/22	

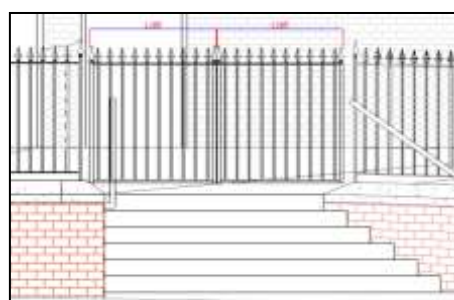
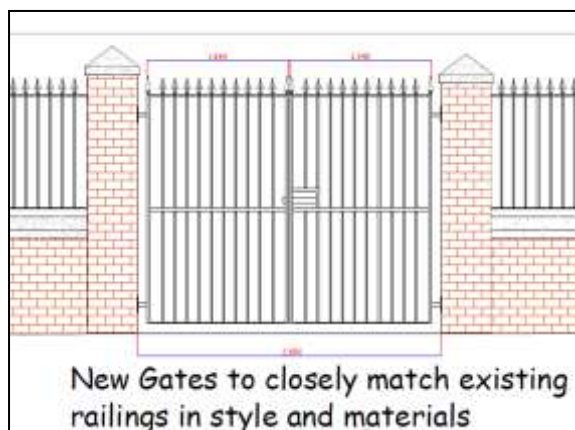
1. DESCRIPTION OF SITE

- 1.01 Benchley Gardens lie in the heart of the town centre, with direct access for pedestrians off Station Road
- 1.02 There are a number of heritage assets within or adjacent to the park including The GII listed Museum/Chillington House, the Kent Regiment Cenotaph, Finial and Statue. The Gardens are also a conservation area.



2. PROPOSAL

- 2.01 There are two un-gated pedestrian accesses off Station Road as indicated on the plan above.
- 2.02 The proposals seek to insert gates into the two openings, in a railing form to match the existing railings that site above the boundary wall.



3. POLICY AND OTHER CONSIDERATIONS

The proposals do not raise any Local Plan policy considerations.

4. LOCAL REPRESENTATIONS

No representations received from local residents or businesses.

5. CONSULTATIONS

KCC PRoW

Confirm that the proposals do not affect the adjacent PRoW KMX14.

KCC Highways

No highways considerations arise.

6. APPRAISAL

- 6.01 The Gardens have been subject to a number of anti-social behaviour events. The installation of the gates will allow the Council to manage the area in a more effective manner, for example, during evening periods.
- 6.02 The gates are designed to match the existing railings that sit atop the boundary wall.
- 6.03 There are no adverse impacts upon the character of the area and no impact upon the setting of heritage assets.
- 6.04 It is therefore considered that these minor works are acceptable.

- 6.05 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

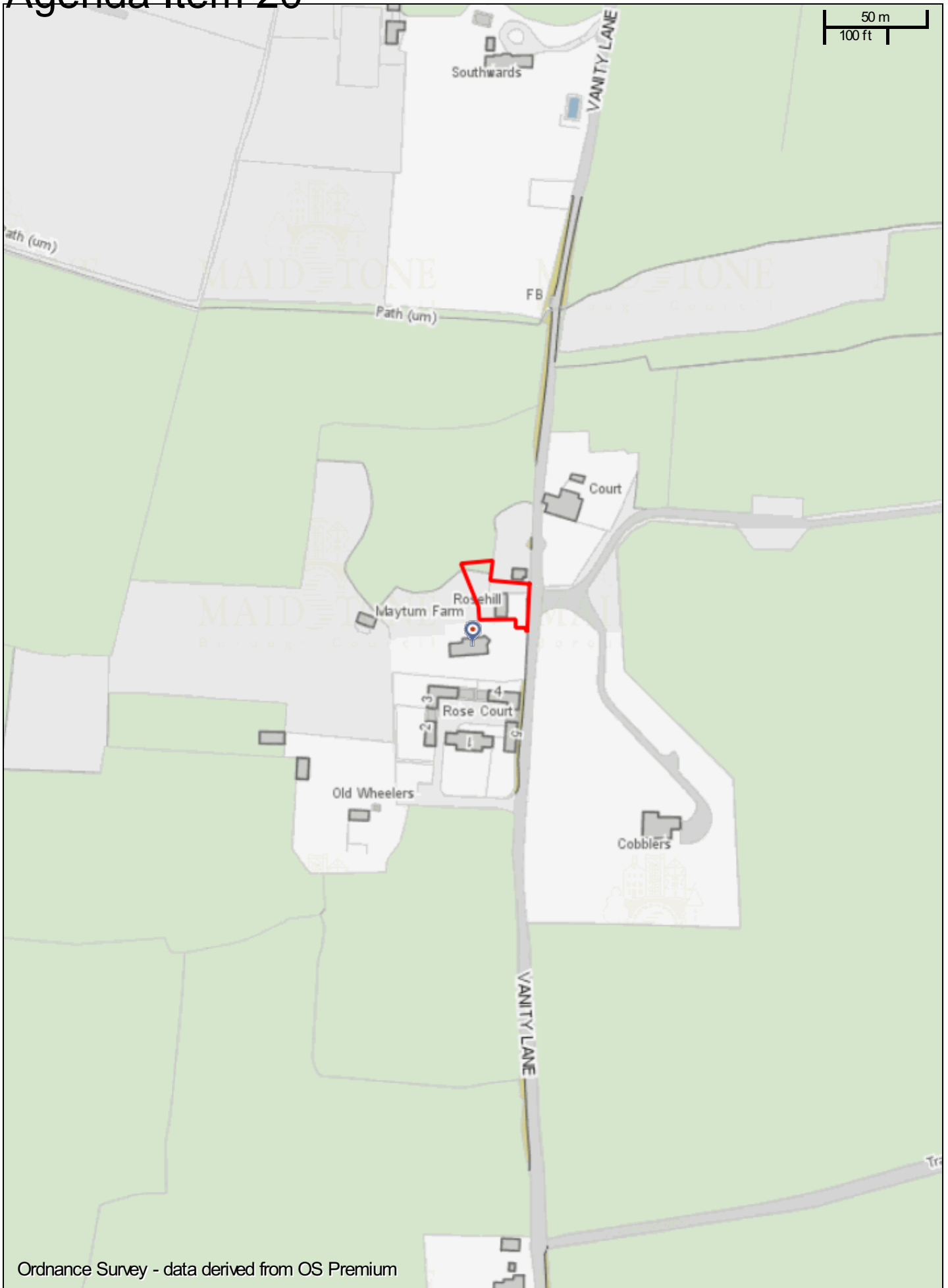
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The gates shall be made of materials to match the existing boundary railings and finished in a similar manner.

Reason: In order to ensure that the character and appearance of the area is maintained.

Case Officer: Austin Mackie

Agenda Item 20



Ordnance Survey - data derived from OS Premium

REFERENCE NO – 21/506664/FULL		
APPLICATION PROPOSAL Demolition and rebuilding of the existing barn to provide a 3 bedroom dwelling including rear pavilions linked by glass link. Re-routing of existing road access to allow separate access to house and barn and new underground electric cabling. Alterations to the access. Installation of underground electric cabling		
ADDRESS Rosehill, Vanity Lane, Linton, Maidstone ME17 4BP		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions and subject to no new issues being raised as a result of the departure press notice expiring on the 28 April 2022.		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> Whilst an unsustainable location for a new dwelling and contrary to established policy in that it is a 'rebuild' as opposed to a policy compliant conversion, this departure is outweighed by the public benefits of the proposal that include visual, landscape, and ecological improvements, and the preservation and reuse of the fabric of an important historic barn. 		
REASON FOR REFERRAL TO COMMITTEE The proposed new dwelling is a departure from local plan policy SP17 because it causes some harm to the character and appearance of the countryside particularly from the creation of a new independent curtilage and the associated extra residential paraphernalia and it is clearly not a conversion rather a replacement building and so contrary to policy DM31		
WARD Coxheath and Hunton	PARISH/TOWN COUNCIL Linton	APPLICANT Mrs Naomi Connell AGENT Altaras Architecture Ltd.
TARGET DECISION DATE 29/04/2022 (EOT)		PUBLICITY EXPIRY DATE 18/2/2022

Relevant planning history:

03/2207: Change of use and conversion of existing old coach house/store to self-contained holiday accommodation Approved 23.03.2004

Figure 1: Photo of the barn and grade II listed Rosehill

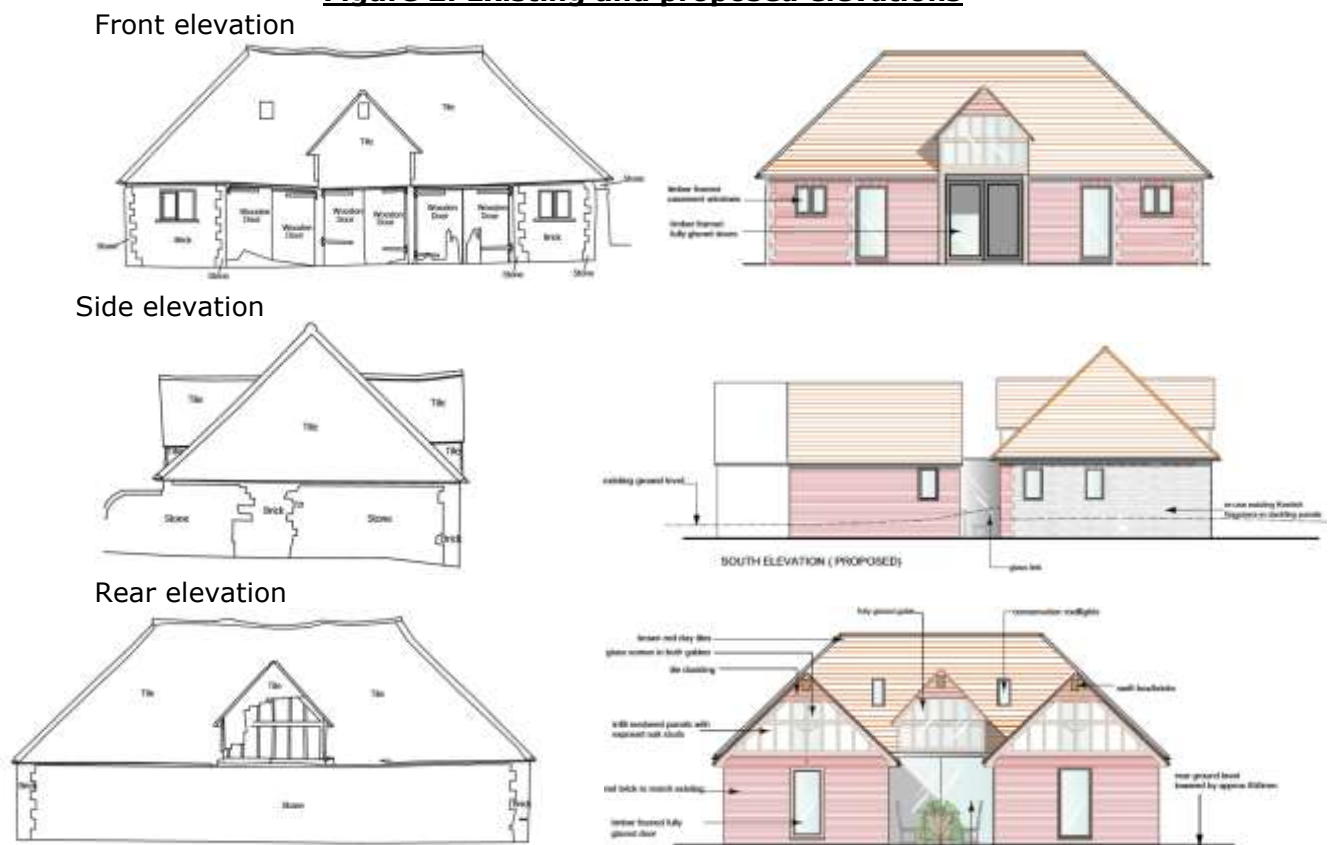


MAIN REPORT

1. DESCRIPTION OF SITE

- 1.02 The proposal site is a derelict barn within the residential curtilage of the grade II listed building Rosehill. The curtilage listed barn (circa 1800-1850) appears to be a former coach house to Rosehill.
- 1.03 The single storey barn has a hipped clay tiled roof with Kentish Stone and brick aisled. The front elevation of the barn has two equal brick section with modern timber casements and 3 full height carriage gates with decorative iron hinges. The other three elevations are all stone with some brick quoins and a brick infill. Photo of the subject barn is shown in Figure 1.
- 1.04 The site is in the countryside on the west side of Vanity Lane and within a Landscape of Local Value (Greensand Ridge). Public right of way (PROW) KM135 is the front of the building and connected via this section of Vanity Lane to PROW KM136 situated approximately 85m to the south. Two grade II listed building, namely Court Lodge and Rose Court are circa 40m to the north-east of the site opposite and south of the host dwelling respectively.

Figure 2: Existing and proposed elevations



2. PROPOSAL

- 2.01 The proposal includes the demolition of the existing barn. The barn has been found through a building survey to be structurally unsound, and incapable of being retained and repaired. In place of the barn the proposal includes the construction of a replacement building with rear extensions, in the same location as the barn, to provide a 3 bedroom dwelling.
- 2.02 The main part of the replacement building seeks to replicate the form and shape of the existing barn. The new building will reuse as many of the existing building materials as

possible including ragstone and brick, with replacement materials also seeking to match existing materials. The existing and proposed elevations are shown below in Figure 2.

2.03 The proposal includes moving the existing front access, laid with re-claimed brick paving, closer to the retained dwelling to align with the driveway and the access. The proposed dwelling would have a front garden with a hedge and iron gates with the retention of the existing ragstone boundary wall along the front boundary. Two grass grid parking spaces are proposed to the north of the new building. Private external amenity space is proposed to the side of the new building that includes a wild garden, and rainwater ponds.

2.04 The new building includes the following:
Front elevation:

- Fully glazed gables with oak mullions at same centres as existing studwork and small section of vertical tiles cladding to match the clay roof tiles
- Insertion of two timber framed double glazed casement windows of same dimensions as existing
- Insertion of two full height glazed screens on both sides of the main door (behind the replacement coach gates)

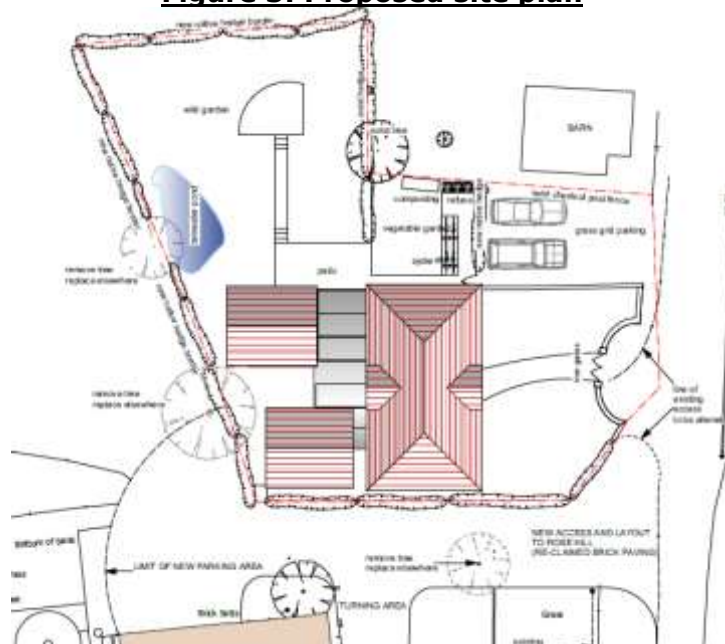
Rear elevation:

- Erection of two rear pavilions with glass link to the main building and fully glazed gable.

Side elevations and roof:

- Insertion of timber framed casement window and rooflights on the rear roof slope.

Figure 3: Proposed site plan



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SS1- Maidstone borough spatial strategy

SP17- Countryside

SP18 Historic environment

DM1- Principles of good design

DM3- Natural environment

DM4- Development affecting designated and non-designated heritage assets

DM8- External lighting

DM23- Parking standards

DM30- Design principles in the countryside

Supplementary Planning Documents:

Maidstone Landscape Character Assessment (2012-amended 2013)
Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021.

- The Regulation 19 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

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

4. LOCAL REPRESENTATIONS

4.01 No representations received from local residents.

5. CONSULTATIONS (including departure from the LP press notice)

5.01 Linton Parish Council (consulted 13.01.2022)
No response

5.02 MBC conservation officer
Support, subject to conditions relating to a method statement, samples of materials, details of mortar mix, large scale joinery details of windows and doors, details of conservation roof lights and a detailed record of the barn should be made before demolition. It was found that the building was incapable of conversion based on its structural condition as evidenced by the submitted structural survey and this is an important historic barn it is worthy of preservation in the proposed rebuilt form.

The demolition of the existing barn and the proposed extension would result in some harm, but the harm would be at the lower end of the spectrum of less than substantial. In line with the NPPF, it is necessary to weigh the harm against the public benefit. As identified at the pre-application stage, the public benefit will be the reuse of an important historic barn.

5.03 KCC Minerals and Waste
No objections

6. APPRAISAL

Main issues

6.01 Local Plan policy SP17 states (inter alia) that development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area.

6.02 The application was found to be a departure from policy SP17 in that the proposed building results in harm to the countryside. The application involves a new residential dwelling in an unsustainable location, the proposal is not covered by Local Plan policy DM31 in that it is not a conversion and not covered by DM32 as the existing building is not currently in residential use.

6.03 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it needs to be considered whether material considerations are present that suggest that such a departure would be justified.

- 6.04 The material considerations include the following:
- Sustainability of location
 - Conversion or demolition and replacement.
 - Heritage
 - Character and appearance of the countryside
 - Residential amenity
 - Highway safety implications

Sustainability of location

- 6.05 The application site is located in the open countryside. The nearest settlement is the local plan designated 'larger village' of Coxheath which is approximately 0.8km away. Vanity Lane does not have a pavement and so is not suitable for pedestrian use.
- 6.06 For these reasons future occupiers of the proposed dwelling would be reliant on the use of private vehicle for their daily needs. As such, the application site is not in a sustainable location and not in a location where further residential development would normally be supported. Whilst unsustainable, the location of the site is not isolated with Court Lodge located to the north on the opposite side of Vanity Lane and with Rose Court, Old Wheelers and Cobblers located to the south.
- 6.07 Whilst an unsustainable location for a new dwelling, this departure is outweighed by the public benefits of the proposal that are set out below.

Conversion or demolition and replacement.

- 6.08 Policy DM31 considers the conversion of rural buildings where they amongst other criteria reinforce landscape character and where they are of sound construction and capable of conversion without major or complete reconstruction. The application barn does reinforce landscape character. The application fails to meet the second criteria on structural condition and as a result in other situations permission would be refused for the submitted proposal. The approval of planning permission is recommended on exceptional grounds relating to heritage and this assessment follows below.

Heritage

- 6.09 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.10 The application relates to the demolition of a derelict barn. The barn is curtilage listed due to its relationship with the grade II listed building called Rosehill. In this context, the heritage impact of the demolition of the curtilage listed building needs to be considered. The proposal includes rebuilding using the same materials and as a result the heritage impact of that new building also needs to be considered.
- 6.11 A decision maker is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
- 6.12 The NPPF advises "*In determining applications, local planning authorities should take account of...the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (para 197)*". "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*" (para 202).

- 6.13 The residential property called Rosehill was formally known as Maytum Farmhouse and the Historic England listing is as follows:
"VANITY LANE TQ 75 SW LINTON (West Side) 2/162 Maytum Farmhouse GV II Farmhouse. C17. Timber framed. Ground floor red and grey brick in Flemish bond, first floor tile-hung. Plain tile roof. Lobby entry plan. 2 storeys and garret on brick plinth. Eaves of left gable end slightly jettied on ovolo-moulded bressumer. Half-hipped roof. Central multiple brick ridge stack. Regular 2-window front of 3-light casements. Central ribbed door under flat floating hood. Short timber-framed rear return wing to right and another to centre, both with half-hipped roofs. Interior: not inspected, but said to have chamfered stone fireplaces".

Demolition of the existing building

- 6.14 The submitted building survey found that the existing curtilage listed barn is structurally unsound and incapable of being retained and converted as it currently stands. The survey recommendation is that the barn is demolished and rebuilt on new foundations.
- 6.15 The Council's conservation officer agrees with the findings of the building survey that demolition and rebuilding is the best outcome. The conservation officer making the following comments at pre-application stage: *"The roof structure will have to be dismantled as the front and rear walls need to be taken down and rebuilt on new foundations. There will need to be some replacement timbers when the roof structure is re-assembled. The only elements that currently can remain standing are the end walls and even these will need to be underpinned. Even if this can be achieved there is evidence of the failure of the mortar. I think it would be a better solution to also take down these walls and rebuild them using Ragstone".*
- 6.16 The loss of the existing barn is regrettable in heritage terms. Other than allowing the building to ultimately collapse, with the potential loss of the building and existing materials, and the visual impact of this, if a building is to be retained in this location as there has been historically, demolition and rebuilding appears as the only viable option.
- 6.17 It is concluded that the proposal for the demolition and rebuilding of the barn will lead to less than substantial harm to the significance of the grade II listed building Rosehill. This harm has been weighed up against the public benefits of the proposal including the potential future visual harm of a derelict building in this location and the retention of a building in this location that reuses existing building materials and securing its optimum viable use.
- 6.18 The NPPF at paragraph 205 advises that *"Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact".* A planning condition is recommended that requires the applicant to provide a photographic record of the barn prior to its demolition.

Replacement building

- 6.19 The current application is for the rebuilding of the main original barn building to the same dimensions (with a lower ground level), in the same location with the aim of using identical facing materials. In addition, the proposal includes new additional floorspace to the rear in what the applicant refers to as two 'pavilion' extensions. The body of these extensions will be of solid construction, but they will have glazed links back to the main building.
- 6.20 The single storey extensions will appear as subordinate to the main barn building and the glazed links (in a manner common with other listed building extensions) will provide visual separation and as a result will reduce potential impact on the main building (see frameless glass link image on preceding page). The design of the extensions that are mostly screened from the road by the rebuilt barn are in keeping with the existing form of the barn.

Figure 4: Replacement materials palette



① reclaimed clay tiles



② oak framed glazed gable



③ reclaimed red brick and ragstone walls



④ reclaimed ragstone walls with brick quoins



⑦ oak barn shutters/doors with cast steel hinges



⑥ "frameless" glass link



⑤ oak framed casement windows and screens

- 6.21 It is concluded that the rebuilding of the barn and the extensions will lead to less than substantial harm to the significance of the grade II listed building Rosehill. This harm has been weighed up against the public benefits of the proposal including the provision of sufficient internal space for a three bedroom family dwelling. In terms of securing its optimum viable use, the need for a viable development is also a relevant, with the proposal involving the additional work and cost of demolition prior to construction work commencing.

Character and appearance of the countryside

- 6.22 Local Plan policy SP17 states that development in the countryside will not be permitted unless it accords with other policies in the Local Plan (SP18, DM1, DM4, and DM30 are relevant) and does not result in harm to the character and appearance of the area.
- 6.23 The application site is located in the Greensand Ridge Landscape of Local Value and SP17 states that the distinctive landscape character of this area should be conserved and enhanced. Policy SP17 states that development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape.
- 6.24 The Maidstone Landscape Capacity Study sets out that this area has a high overall landscape sensitivity, and in particular of high visual sensitive due to its extensive, panoramic views across the Low Weald to the south from this elevated landscape. Development potential is limited to within and immediately adjacent to existing settlements and farmsteads.
- 6.25 The application involves the demolition of the existing building and its rebuilding to the same dimensions, although slightly lower in the ground when compared to existing. In this context the impact of the main barn is neutral. The proposal includes new extensions to the rear of the rebuilt barn building. The single storey extensions are modest in scale and with the glazed links to the main building, the extensions will take the general appearance of outbuildings. With the extensions designed in this manner, the fact that the proposal is adjacent to the existing residential property of Rosehill and with screening provided by proposed new landscaping, the visual impact of the extensions on the countryside is acceptable.
- 6.26 The application building is in the curtilage of the existing residential property of Rosehill and as a result there is currently potential for a certain level of domestic paraphneilia around the building. It is accepted that this potential will increase with the provision of a new dwelling, however this additional visual harm is in this instance not sufficient to refuse planning permission and it will be mitigated by new landscaping.
- 6.27 The submitted application includes a landscape plan that provides an indication of what is proposed for the application site. Whilst the submitted plan is considered generally acceptable, a planning condition is recommended seeking further details of this landscaping including details of plant quantities, planting arrangements and plant maturity.
- 6.28 One of the principles of the NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*
- 6.29 The application is supported by a Preliminary Ecological Appraisal and concludes that no protected species are present on site. There is no indication that the proposal will lead to the loss of wildlife habitat. The submitted details are acknowledged however a planning condition is recommended to ensure that biodiversity enhancement includes bird boxes, bat boxes/tubes and bee bricks are provided and retained and that they are integral to the building fabric.
- 6.30 The submitted application is supported by an arboricultural report. The report states that to facilitate the development 2 trees would need to be removed, a mature mulberry tree and

a young weeping willow. The mulberry tree was found to have limited visibility as it is located behind the barn and hidden in most views. The willow tree due to its age also has limited value in the wider landscape. A replacement tree is proposed on the site in an alternative location. A planning condition is recommended seeking tree protection measures for the retained trees on the site

Residential amenity

- 6.31 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they *“respect the amenities of occupiers of neighbouring properties...by ensuring that development is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties”*.
- 6.32 In relation to the amenity of neighbours, the nearest existing residential property is the grade II listed building Rosehill on the application site (at the closest point corner to corner separation of 11 metres), followed by Court Lodge (45 metres to the north on the opposite side of Vanity Lane). The residential buildings called Rose Court, Old Wheelers and Cobblers are located further away to the south. With the separation distances and the building orientation, the submitted proposal is acceptable in relation to the amenity of nearby existing residential occupiers
- 6.33 In relation to the proposed standard of accommodation for future occupiers, the submitted floor plans show that the dwelling would provide 3 bedrooms. All the proposed rooms are of sufficient size for daily activities and served by a window to provide adequate natural light. The proposal includes an adequate quantity and standard of amenity space for a family dwelling.

Highway safety and parking

- 6.34 The proposal involves re-routing of existing road access to adjacent land aligning with the driveway of the parent dwelling, and the creation of a new access for the parking of two vehicles adjacent to the new dwelling.
- 6.35 Given that Vanity Lane is not a classified road, that there is no other vehicle access in close vicinity and that there is an existing access in this location, the proposal will not result in any significant impact upon highway safety and adequate parking space is provided for the development.

7. CONCLUSION

- 7.01 Local Plan policy SP17 states (inter alia) that development proposals in the countryside will not be permitted unless they accord with other policies in this plan, and they will not result in harm to the character and appearance of the area. The application was found to be a departure from policy SP17 in that the proposed building results in harm to the countryside.
- 7.02 The application involves a new residential dwelling in an unsustainable location. The application barn does meet the criteria in policy DM31 of reinforcing landscape character but fails to meet the second criteria on structural condition and as a result in other situations permission would be refused for the submitted proposal. The proposal is not covered by Local Plan policy DM32 as the existing building is not currently in residential use.
- 7.03 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it needs to be considered whether material considerations are present that suggest that such a departure would be justified.
- 7.04 As set out in submitted structural survey, the structural condition of the existing building makes it incapable of being converted. The conservation officer has expressed strong support for this replacement building and the structural survey shows that the building is incapable of conversion and all the original materials can be re-used to provide a replacement building as a good copy of the original.

- 7.05 It is highlighted that the proposal will result in a degree of landscape harm including to the Landscape of Local Value, however this harm must be seen in context of the modest nature of the extensions, the existing larger neighbouring residential use and the proposed landscaping.
- 7.06 Whilst the site is located in an unsustainable location for new dwelling, given the visual, landscape improvement, and the reuse of an important historic barn, it is concluded on balance, that the public benefits of the proposal outweigh the harm of unsustainable form of development.
- 7.07 For the reasons set out in this report in relation to the heritage value of preserving a building in this location, the proposal overall will provide a benefit for this location. It is recommended that planning permission is granted subject to conditions and no new issues being raised as a result of the press notice that expires on the 28 April 2022

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to conditions and subject to no new issues being raised as a result of the press notice that expires on the 28 April 2022:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing Barn Survey, NC/RH/P/EX02 received on 14 Dec 2021
Proposed Floor Plans, NC/RH/P02 received on 14 Dec 2021
Proposed Elevations, NC/RH/P03 received on 14 Dec 2021
Existing and Proposed Sections, NC/RH/P04 received on 14 Dec 2021
Existing Site Plan, NC/RH/P/EX01 received on 14 Dec 2021
Proposed Site Plan, NC/RH/P01 received on 14 Dec 2021
Landscape Scheme received on 14 Dec 2021
Proposed Materials NC/PH/P07
Reason: To clarify which plans have been approved.
- (3) The development hereby approved shall not commence until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record.
Reason: To ensure that any evidence of historic significance is appropriately recorded.
- (4) The development hereby approved shall not commence until tree protection in accordance with the current edition of BS 5837 have been installed on site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- (5) The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to,

and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of measures to avoid dust nuisance, storage of materials to be reused, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety.

- (6) After the demolition works hereby approved have been undertaken and prior to the commencement of any rebuilding works, the following details shall be submitted to and approved in writing by the local planning authority:

a) Written record of salvaged external materials salvaged from the demolished building that will be reused in the development hereby approved.

b) Scaled plans showing where the salvaged external materials will be reused.

The development hereby approved shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development and to protect the fabric, appearance, character and setting of the heritage assets.

- (7) A minimum of 90% of all original building materials shall be re-used in the replacement building.

Reason: This is not a conversion and so contrary to the Local Plan, but an 'authentic' replacement is deemed acceptable if an overwhelming amount of materials are re-used appropriately.

- (8) After the demolition works hereby approved have been undertaken and prior to the commencement of any rebuilding works, the following details shall be submitted to and approved in writing by the local planning authority:

a) Methodology statement for rebuilding of walls, to include proposed materials, finish, colour, treatments (bedding details, mortar mix, pointing etc.)

b) Sample brick panel (including decorative work such as corbeling) to be erected on site and retained there until substantial completion

The development hereby approved shall be constructed using the approved materials and maintained as such thereafter.

Reason: To ensure a high quality appearance to the development and to protect the fabric, appearance, character and setting of the heritage assets.

- (9) The replacement materials to be used in the development hereby approved shall be as indicated on the approved document number NC/PH/P07 'Proposed Materials'.

Reason: To ensure a satisfactory appearance to the development.

- (10) Notwithstanding details on drawing NC/RH/P05, the rebuilding of the barn hereby approved shall not commence until large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority

1. Reused and new internal joinery

2. Reused and new external joinery

3. Conservation rooflights and method of fixing

The development shall be carried out in accordance with the approved details

Reason: To ensure the appearance and the character of the building are maintained.

- (11) The construction of the barn hereby approved shall not commence above ground level until a strategy to deal with foul and surface water is submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with the NPPF.

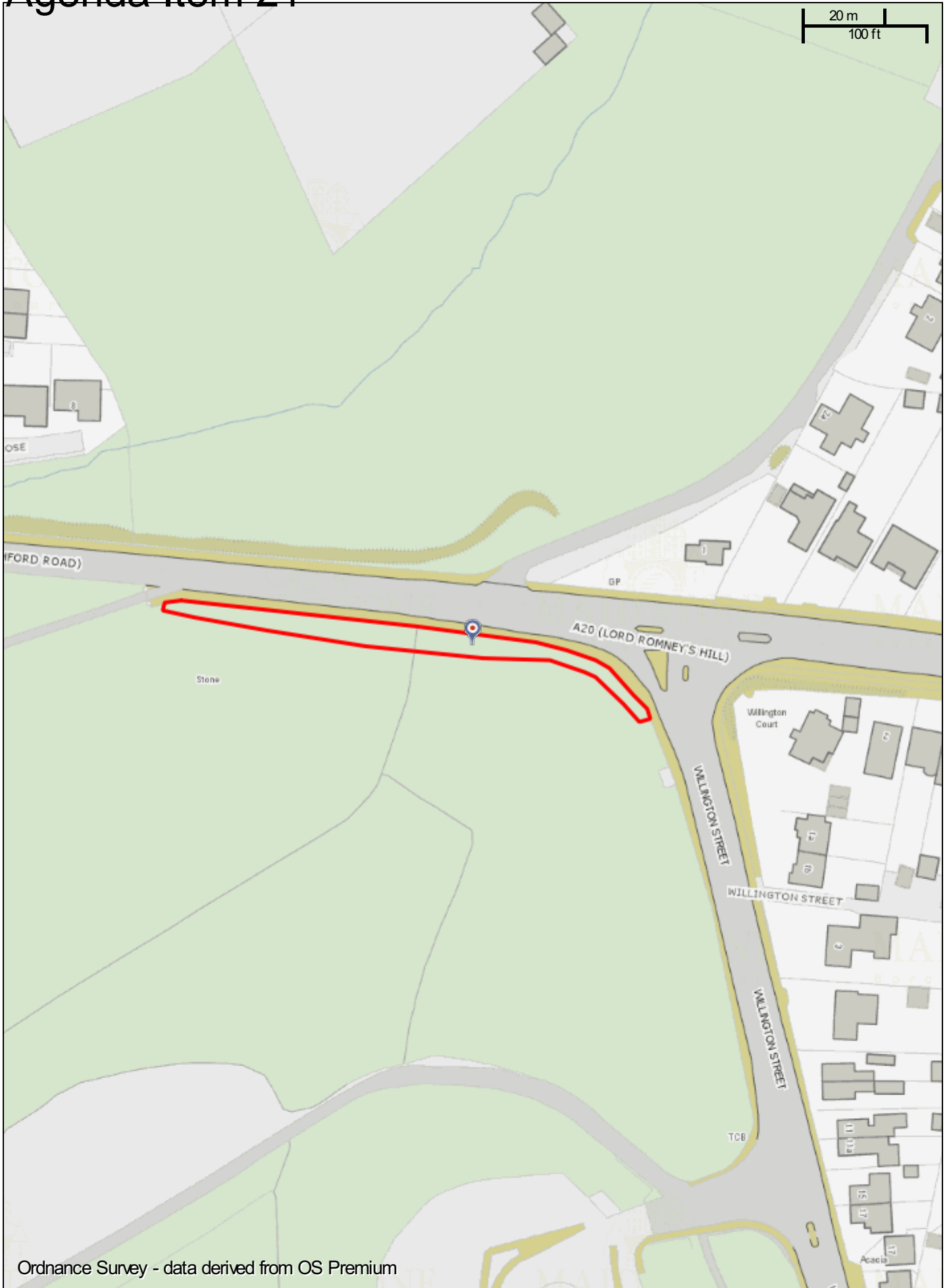
- (12) The construction of the barn hereby approved shall not commence above ground level until details for a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the building structure including bat and bird nest boxes and bee bricks. The development shall be implemented in accordance with the approved details prior to first occupation of the approved dwelling and all features shall be maintained thereafter. The development shall proceed in accordance with the conclusions of the submitted preliminary ecological appraisal.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- (13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.
Reason: In the interests of amenity
- (14) Notwithstanding the submitted details, the construction of the barn hereby approved shall not commence above ground level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use all native species as appropriate, no sycamores and no plastic guards, and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It should demonstrate the ragstone wall to the front of the dwelling to be retained and materials reused. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically detail the tree line which is proposed to be retained and expanded as indicated by the applicants supporting statement and provide screening where possible to the dwellings to the north].
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- (15) The approved landscaping scheme shall be in place at the end of the first planting and seeding season (October to February) following first occupation of the building hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first use of the building, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- (16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.
Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).

21 April 2022

- (17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority.
Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.
- (18) The areas shown on the submitted Proposed Site Plan, No. NC/RH/P01, as a turning area, car parking spaces and driveway for the new dwelling hereby approved shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.
Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.
- (19) Prior to first occupation of the dwelling hereby approved one electric vehicle charging point shall have been installed for the benefit of the occupier of that dwelling with the charging point thereafter retained for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

Case officer Michelle Kwok.

Agenda Item 21



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 21/505452/LBC		
APPLICATION PROPOSAL Listed Building Consent for works to re-position/re-build a section of ragstone wall (to facilitate the A20 Ashford Road and Willington Street Junction Capacity Improvement Scheme)		
ADDRESS Mote Park, A20 Ashford Road Junction with Willington Street, Maidstone		
RECOMMENDATION – APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The proposals will result in a relatively low level of 'less than substantial' harm to the listed wall through its physical removal but mainly because the historic boundary of the Park here would be lost. • The works are required in connection with planned improvements to the A20/Willington Street junction to achieve additional capacity which is identified as a key and critical scheme in Maidstone Council's Infrastructure Delivery Plan; is identified within Kent County Council's Local Transport Plan as part of the 'Maidstone Integrated Transport Package'; is largely funded by the Government's 'Local Growth Fund'; and which has been endorsed by Maidstone Council and Kent County Council through the Joint Transport Board. • The economic and social public benefits associated with the planned junction improvements, which will provide improved capacity at a key junction in the Maidstone urban area and assist in accommodating general background traffic growth and increased traffic from new employment and housing sites in the Local Plan, are considered to outweigh the relatively low level of heritage harm identified. This is in accordance with the NPPF and policy DM4 of the Local Plan. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> • The application site falls upon land owned by Maidstone Borough Council and so in the interest of transparency. 		
WARD Shepway North	PARISH – N/A	APPLICANT Kent County Council (Transportation and Waste) AGENT WSP
TARGET DECISION DATE 10/12/21		PUBLICITY EXPIRY DATE 18/11/21

1.0 BACKGROUND

1.01 This application was recommended for approval to the Planning Committee on 16th December 2021 and the original committee report is attached at the **Appendix**. The Committee resolved as follows:

That consideration of this application be deferred to:

- a) Seek clarification on why the listed wall needs to be re-positioned to accommodate the junction works;***
- b) Request a KCC Highways Officer to attend Planning Committee to clarify the predicted capacity improvements; and***
- c) Clarify further the public benefits of the proposal.***

1.02 The application as provide additional information responding to all three points. KCC Transport Planners who attend Planning Committee's (not the applicant) have been asked if they can attend the committee meeting and have declined this stating,

"The current position is that KCC Highways officers only attend Planning Committee meetings when there are large, strategically significant items on the agenda. This listed building application does not therefore warrant our attendance and we do not intend to have an officer present at the meeting when it is debated."

2.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SP18, DM4
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

3.0 APPRAISAL

3.01 Members are reminded that this is a listed building consent application and so the only issue is the impact to the listed wall and weighing this against the public benefits. For the reasons set out in the original committee report, officers consider that the proposals will result in a relatively low level of 'less than substantial' harm to the listed wall and this is outweighed by the economic and social public benefits associated with the planned junction improvements (for which the works to the listed wall are required). This report relates to the reasons for deferral and additional information submitted by the applicant.

- a) Seek clarification on why the listed wall needs to be re-positioned to accommodate the junction works**

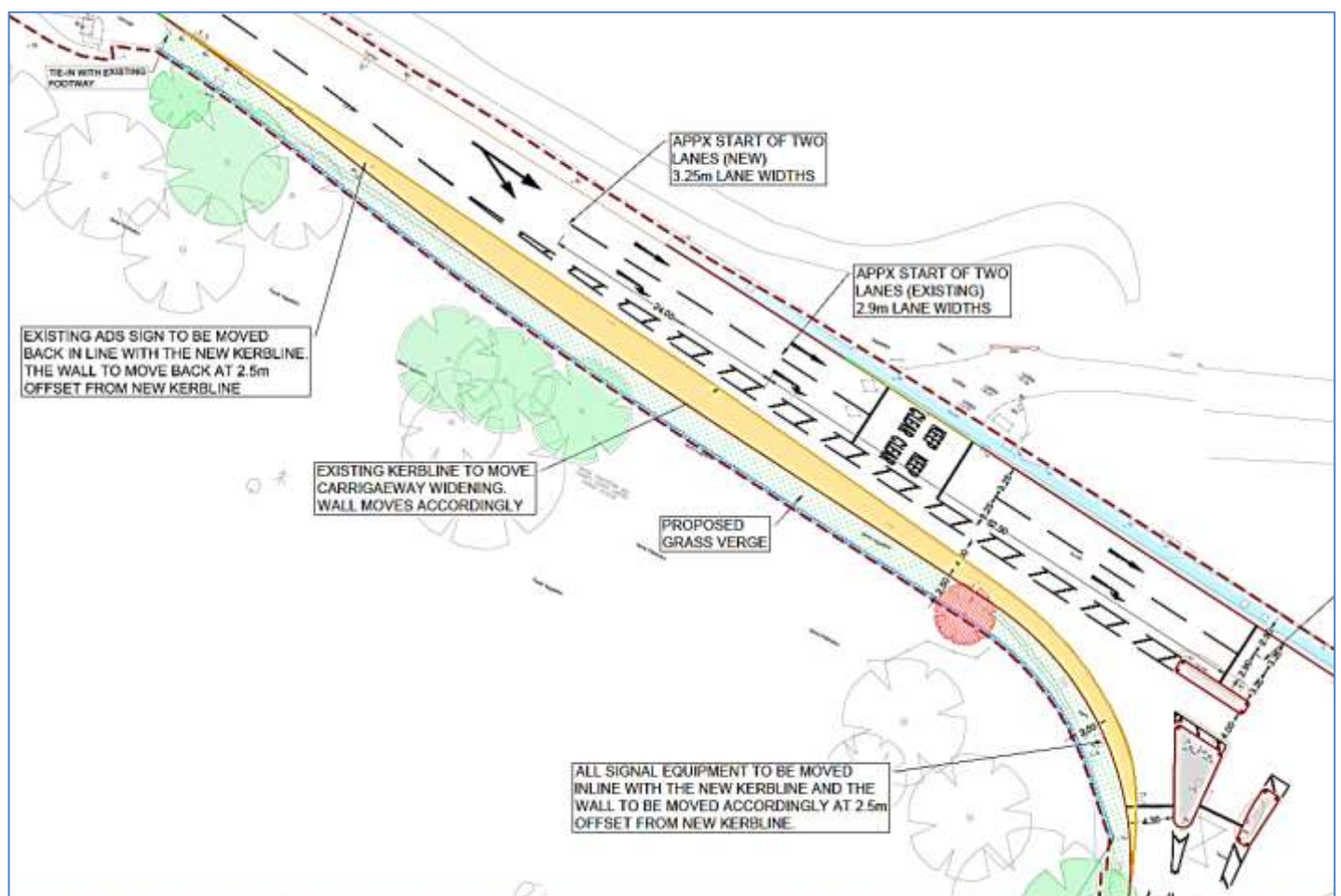
3.02 The applicant has stated as follows:

"The listed wall needs to be repositioned due to the carriageway widening required to improve both the lane widths and lengths on the Eastbound Approach to the junction. The proposed geometry increases the capacity of the existing eastbound approach in that the right turn lane is extended by 25m and both lanes are widened to 3.25m easing the current conflict with straight ahead and right turning traffic."

3.03 Therefore the proposed re-positioning of the listed wall is required to provide space to extend the eastbound right turn lane by approximately 25m and widen both eastbound approach lanes. This is illustrated below where the yellow area is the current road edge/grass verge on the south side, and so this space would be gained to allow for the extended and wider lanes. There are also currently utilities and highway street furniture including road signs, lamp columns and a digital sign in the existing grass verge which all need to be relocated into the 'new' verge for safety reasons and to minimise the impact of any future maintenance works as set out at paragraph 2.03 of the original report.

3.04 The widening also provides for improvements on the westbound approach with the applicant stating as follows:

"The westbound approach is improved by increased lane width of 3.25m and the introduction of a short left-turn flare lane. The junction has also been improved by the introduction of controlled pedestrian facilities on the westbound arm."



Proposed Changes to Eastbound Approach

b) Request a KCC Highways Officer to attend Planning Committee to clarify the predicted capacity improvements

3.05 KCC Transport Planners who attend committee meetings (not the applicant) have declined this for the reasons set out at paragraph 1.02.

3.06 The applicant has also provided additional information on the predicted capacity improvements. They have stated that the improvements outlined in KCC's consultation document and quoted in the original committee report at paragraph 6.10 are now out of date and have been superseded. The applicant has therefore provided updated data on the predicted improvements.

3.07 In summary, this predicts that without the junction works, both Ashford Road arms will be over design capacity (100%) in the AM and PM peaks in 2027. With the junction works, all arms would be within capacity apart from Ashford Road East in the AM peak, which would be just over. Officers consider this still provides a level of improvement and associated public benefits that outweigh the low level of harm to the listed wall. The full information is set out in the table below.

Predicted Junction Impacts 2027

Year	Peak	Junction Arm	Degree of Saturation	
Without Junction Improvement				
2027	AM	A20 West	109.8%	
2027	AM	A20 East	108.6%	
2027	AM	Willington Street	95.1%	
2027	PM	A20 West	104.6%	
2027	PM	A20 East	102.2%	
2027	PM	Willington Street	98.0%	
With Junction Improvement				Improvement
2027	AM	A20 West	99.5%	10.3%
2027	AM	A20 East	101.0%	7.6%
2027	AM	Willington Street	97.7%	-2.6%
2027	PM	A20 West	92.5%	12.1%
2027	PM	A20 East	93.6%	8.6%
2027	PM	Willington Street	86.4%	11.6%

3.08 KCC Transport Planners have been consulted on this additional information and state the following,

"The proposals involve the widening of the carriageway to create additional roadspace for road users on the approaches to the junction. I would expect this to achieve a more efficient operation as it increases the rate at which road users can move through the junction, thereby reducing queuing and delay. The capacity modelling results confirm this in how the DoS (Degree of Saturation) is shown to reduce across both peak periods once the proposals

are implemented. The proposals will therefore be beneficial to traffic conditions on this part of the road network."

c) Clarify further the public benefits of the proposal

3.09 The public benefits are outlined in the original committee report at paragraphs 6.09 to 6.11. The information above provides fine detail of the percentage improvements at each arm of the junction, which demonstrates the junction works would reduce congestion and thus journey times. More broadly and as stated in the original committee report, the junction works are required in connection with planned improvements to the A20/Willington Street junction to achieve additional capacity, which is identified as a key and critical scheme in Maidstone Council's Infrastructure Delivery Plan; is identified within Kent County Council's Local Transport Plan as part of the 'Maidstone Integrated Transport Package'; is largely funded by the Government's 'Local Growth Fund'; and have been endorsed by Maidstone Council and Kent County Council through the Joint Transport Board.

4.0 CONCLUSION

4.01 The proposals will result in a relatively low level of 'less than substantial' harm to the listed wall through its physical removal but mainly because the historic boundary of Mote Park here would be lost.

4.02 The works are required in connection with planned improvements to the A20/Willington Street junction to achieve additional capacity (that has been quantified) which is identified as a key and critical scheme in Maidstone Council's Infrastructure Delivery Plan; is identified within Kent County Council's Local Transport Plan as part of the 'Maidstone Integrated Transport Package'; is largely funded by the Government's 'Local Growth Fund'; and which have been endorsed by Maidstone Council and Kent County Council through the Joint Transport Board.

4.03 The economic and social public benefits associated with the planned junction improvements, which will provide improved capacity at a key junction in the Maidstone urban area and assist in accommodating general background traffic growth and increased traffic from new employment and housing sites in the Local Plan, are considered to outweigh the relatively low level of heritage harm identified. This is in accordance with the NPPF and policy DM4 of the Local Plan.

5.0 RECOMMENDATION

Approve Listed Building Consent subject the conditions set out below:

Conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

70075920-PA-0100-001 Rev 1 (Site Plan)
A20-WSP-ZZ-00-DR-S-001 Rev P2 (New Wall Alignment Plan and Section)
A20-WSP-ZZ-00-DR-S-003 P1 (Existing and Proposed Elevations)

Reason: To clarify which plans have been approved and to ensure the replacement wall is of sufficient quality.

3. The works to the listed wall shall not commence until a timeframe for carrying out the works to the wall and commencing the junction improvements has been submitted to and approved in writing by the local planning authority. The works to the wall shall be carried out in accordance with the approved details.

Reason: To ensure the works only take place in connection with the junction improvements as the associated public benefits are the only justification for the approved works.

4. The demolition of the existing wall shall not commence until a Historic England Level 2 Historic Building Recording of the wall has been undertaken and submitted to and approved in writing by the local planning authority.

Reason: To record the character, appearance and alignment of the existing wall which is of historical significance.

5. Works on rebuilding the wall shall not commence until a sample panel for the new wall has been constructed on site for inspection and approval in writing by the local planning authority. The wall re-build shall be undertaken in accordance with the approved details.

Reason: To ensure the appearance and construction of the replacement wall is acceptable.

6. The demolition of the existing wall and construction of the replacement wall shall be carried out in accordance with the Heritage Method Statement dated November 2021.

Reason: To ensure the appearance and construction of the replacement wall is acceptable.

Informatives:

1. The applicant should ensure the landscaping scheme as shown on drawing no. 70075920-DD-A20-3000-001 Rev P01 is carried out in the first available planting season following completion of the approved works.

2. The applicant should ensure that wildlife legislation, and any relevant ecological surveys and recommendations are adhered to, and works should proceed under Precautionary Methods of Working to prevent any risks to protected species.
3. The applicant should ensure the biodiversity enhancements as outlined at paragraph 3.1.15 of 'Planning, Design and Access Statement' are carried out following completion of the approved works.
4. The applicant should agree with the Council's Parks & Open Spaces Section an Arboricultural Method Statement including a tree protection plan to ensure retained trees are suitably protected.

REFERENCE NO - 21/505452/LBC		
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WARD Shepway North	PARISH – N/A	APPLICANT Kent County Council (Transportation and Waste) AGENT WSP
TARGET DECISION DATE 10/12/21		PUBLICITY EXPIRY DATE 18/11/21

1.0 DESCRIPTION OF SITE

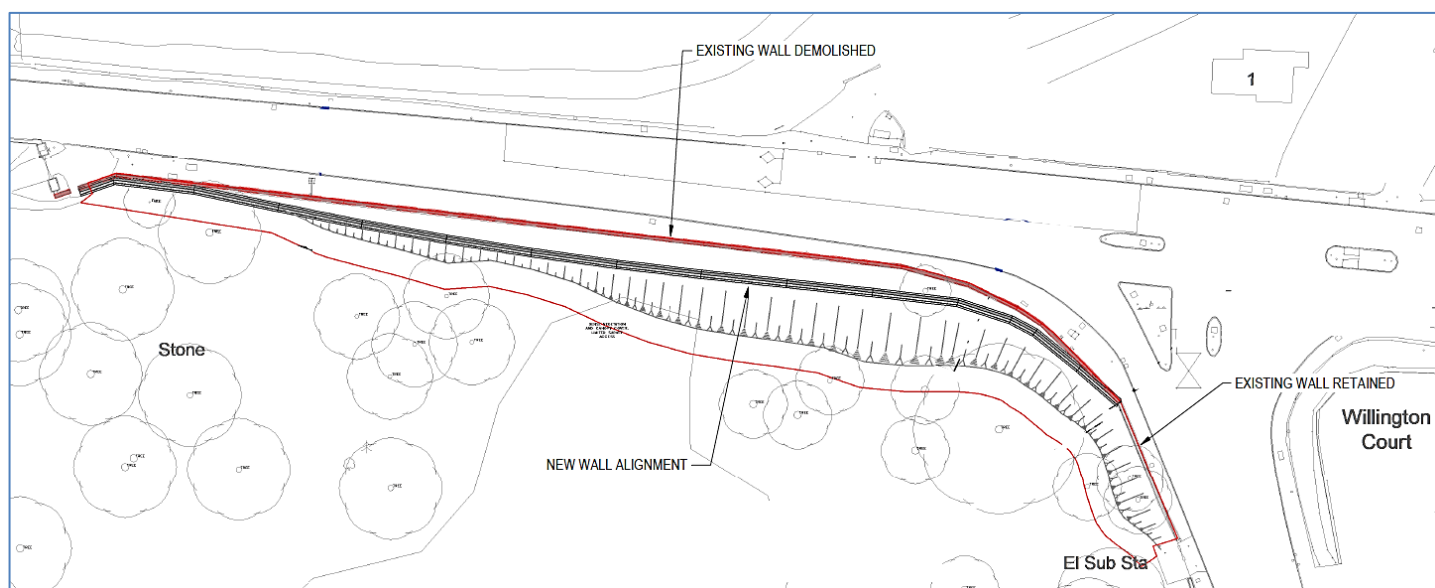
1.01 The application site relates to a parcel of land on the south side of the A20 west of its junction with Willington Street and includes a listed ragstone wall. The land falls within the grounds of Mote Park and extends approximately 125m from Willington Street westwards to the gated entrance to the Park.

1.02 The focus of this listed building consent application is the listed wall which in places retains the land behind, is relatively low in height at the east end by the junction, and then increases in height as it heads west. Behind the wall the land is mainly overgrown with scrub and trees.

1.03 The wall is listed by virtue of it being a structure within the curtilage of the Grade II* listed Mote House, the curtilage of which is considered to be the grounds of Mote Park. Mote Park itself is a 'Grade II registered Park and Garden' and the majority of the wall and application site falls within its boundaries.

2.0 PROPOSAL

2.01 The application seeks listed building consent to re-position/re-build a section of the listed wall further back from its current position as shown below. The length of wall that would be re-positioned is approximately 130m and the maximum set-back is 3m in the centre.



2.02 The reason for the proposal is to accommodate planned works to the A20/Willington Street junction to improve capacity and reduce traffic congestion. The junction works themselves, which includes the engineering works required to move the wall back, do not require planning permission and can be carried out under the Highway Authorities permitted development rights.

2.03 In order to ensure the minimum works necessary are proposed the applicant has been questioned as to why the extent of works/set-back of the wall is required as a grass verge would be left in front of the re-positioned wall. The applicant has advised that the widening of the carriageway requires the kerb line to be moved to the south, such that it would coincide with or be slightly behind the current wall location. The underground services, signal equipment, street lighting, and the digital message sign (that are in the existing grass verge) would then be within/under the widened road and so

would need to be relocated into a new verge. The verge width of 2.5m is the minimum required to accommodate all the services and sign, which have to be safely accessible for inspection and maintenance. The 'Design Manual for Roads and Bridges' also seeks such verges in the interest of safety. This is considered reasonable to justify the extent of proposed works to set-back the listed wall.

2.04 The applicant has submitted a Method Statement for re-building the wall which outlines that it will be carefully dismantled and re-built using the existing stone where feasible and with an appropriate lime mortar mix. New reinforced footings will be used to ensure the long-term stability of the wall.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: SP18, DM4
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** No representations received.

5.0 CONSULTATIONS

5.01 **Historic England:** Do not wish to offer any comments and suggest seeking the views of our specialist conservation adviser.

5.02 **MBC Conservation Officer: No objections subject to conditions.**

"I agree with the assessment made by the applicant that taking down the wall and relocating it will cause harm to the wall and I would also agree that the harm is at a level of less than substantial. The NPPF requires the applicant to explain why there is a public benefit in moving the wall and to ensure that any harm is kept to an absolute minimum."

6.0 APPRAISAL

6.01 The only considerations for listed building consent applications are the architectural or historic interest of the listed building and its setting. So, the assessment relates to the impact upon the listed wall and the setting of Mote House and no other matters can be taken into account. If harm is caused, then any public benefits of the proposals should be weighed against this harm.

Impact upon the architectural or historic interest of the listed wall

6.02 The wall is constructed of Kentish ragstone and the applicants Heritage Statement states that the wall, *"was constructed in the 1790s when the park was enlarged by the 3rd Baron Romney. The section of the boundary wall within the Site, which is proposed to be relocated, is likely to be a combination of the original boundary wall along the western stretch, and a*

rebuilt section dating circa 1940s/50s along the eastern stretch, where OS maps show a reconfiguration."

6.03 The condition assessment carried out by a qualified surveyor concludes that, *"although overall the wall is in a fair structural condition, there are areas which require attention. There are a few cracks and areas of damage and/or loss of stone along the wall, most of which has been caused by vegetation and tree roots growing into the wall, pushing on its structure. The vegetation in general is encroaching on the wall in some areas, which will eventually lead to more damage."*

6.04 The applicant has described the 'significance' of the listed wall as required by the NPPF stating that, *"The Ragstone Boundary Wall is an integral and historic part of Mote Park dating from the late-18th century and is of medium significance. The wall is split into two distinct halves, one which has been rebuilt and one which is in original condition. The section of ragstone boundary wall located within the western half of the Site is original, does not appear to have been altered or rebuilt, and for this reason is an asset of medium significance derived from its historic and aesthetic values."*

"The section of ragstone boundary wall located within the eastern half of the Site comprises a rebuilt corner section and the section along the southern side of Ashford Road terminating just before the historic gate. This section of the wall, is of low heritage significance, as derived from its limited evidential, historical and aesthetic value. The relocation and rebuilding of the wall has reduced its significance, but it still continues to mark the corner boundary of the park providing a continuation of the historic wall. Furthermore, this section of wall is at the very distant edge of the park, far away from the historic core where the key landscape features and other designated assets are situated. Its immediate setting adjacent to the busy Ashford Road also impacts on its significance."

6.05 I would agree that the main significance and value of the wall is the fact that it defines the historic boundary of the Park. I also consider that it's prominence as the boundary of the Park is important. Whilst broken in places by entrances, it continues alongside the A20 for approximately 1km west towards Maidstone town centre and approximately 1.3km south alongside Willington Street and is in the main, highly visible. However, the section of wall to which this application relates includes parts that were rebuilt in the 20th century and just under half (61m) is low in height (around 0.8m) and so this part does not contribute as positively as the higher section, which at the application site is around 1.6m high.

6.06 It is considered that the proposals will inevitably result in harm to the listed wall through its physical removal but mainly as it would be moved and so the historic boundary of the Park here would be lost. However, I agree with the applicant and Conservation Officer that this level of harm would be 'less than substantial'. I consider it would be a relatively low level of such harm because it would only relate to a very small section of the Park's overall historic boundary, relates in part to a re-built and low section of walling, and it would be only be moved by a maximum of 3m.

Public Benefits

- 6.07 Paragraph 200 states that, *"Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification."* The works are proposed to accommodate the planned junction improvements, and these is considered to represent a sound justification for some heritage impact.
- 6.08 Paragraph 202 states that where there is 'less than substantial harm' this should be weighed against the public benefits of the proposal. The only reason for the proposed works and thus the associated public benefits are those which arise from the junction improvement.
- 6.09 The junction improvement is identified as a key and critical scheme in Maidstone Council's Infrastructure Delivery Plan and is identified within Kent County Council's Local Transport Plan as part of the 'Maidstone Integrated Transport Package', a project approved by the South East Local Enterprise Partnership and which is largely funded by the Government's 'Local Growth Fund'. Improvements at this junction to achieve additional capacity have also been endorsed by Maidstone Council and Kent County Council through the Joint Transport Board.
- 6.10 The junction currently operates over capacity in the AM and PM peaks and KCC's consultation document on the scheme estimates considerable improvements to congestion in region of 35% in the AM and PM peaks and states:
- "The key objectives for this scheme are to:*
- *Improve the efficiency of the junction thereby reducing congestion.*
 - *Improve journey times and the reliability of journey times.*
 - *Improve Road Safety.*
- Achieving these will unlock other benefits including:*
- *Increasing capacity on the network to better accommodate further development.*
 - *Improve air quality."*
- 6.11 For these reasons, there are clear public benefits from such a critical scheme, which will provide improved capacity at a key junction in the Maidstone urban area and assist in accommodating general background traffic growth and increased traffic from new employment (Woodcut Farm) and housing sites in the Local Plan. This will deliver economic and social benefits by supporting such housing and employment growth and these benefits are considered to attract significant weight. So, whilst giving great weight to the conservation of heritage assets in line with the NPPF, it is considered that there is sufficient justification for the works to facilitate junction improvements, and the associated public benefits are sufficient to outweigh the relatively low level of heritage harm identified. This is in accordance with the NPPF and policy DM4 of the Local Plan.

Impact upon the Setting of Mote House

6.12 Whilst it is considered that the wider registered Park and its boundaries form part of its setting, in view of the small section of the Park's overall historic boundary that would be altered and the distance from the building (0.5km), it is considered that the proposals would not result in any harm to the setting of Mote House itself.

Conditions

6.13 Conditions are attached requiring that the Method Statement, which was amended on request of the Conservation Officer, is adhered to. Other conditions will ensure the works only take place in connection with any junction improvements, historic recording of the wall, and a sample panel of new walling.

Other Matters

6.14 As stated earlier in the report, under listed building consent only the architectural or historic interest of listed buildings and their settings can be taken into account. However, the applicant is conscience that moving the wall and the subsequent engineering operations (which do not require planning permission) will result in other impacts including the removal of lower grade trees, and on ecology. They have carried out ecological appraisals and liaised with MBC's Parks & Open Spaces Team to agree some replacement tree planting and new landscaping (woodland edge and grassland planting), wildlife boxes, and log piles which would provide some ecological benefits. These have been provided for information purposes and informatives are attached to request that these are carried out.

7.0 CONCLUSION

7.01 The proposals will result in a relatively low level of 'less than substantial' harm to the listed wall through its physical removal but mainly because the historic boundary of the Park here would be lost.

7.02 The works are required in connection with planned improvements to the A20/Willington Street junction to achieve additional capacity which is identified as a key and critical scheme in Maidstone Council's Infrastructure Delivery Plan, is identified within Kent County Council's Local Transport Plan as part of the 'Maidstone Integrated Transport Package', is largely funded by the Government's 'Local Growth Fund', and which have been endorsed by Maidstone Council and Kent County Council through the Joint Transport Board.

7.03 The economic and social public benefits associated with the planned junction improvements, which will provide improved capacity at a key junction in the Maidstone urban area and assist in accommodating general background traffic growth and increased traffic from new employment and housing sites in the Local Plan, are considered to outweigh the relatively low level of heritage harm identified. This is in accordance with the NPPF and policy DM4 of the Local Plan.

8.0 RECOMMENDATION

Approve Listed Building Consent subject the conditions set out below:

Conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

70075920-PA-0100-001 Rev 1 (Site Plan)
A20-WSP-ZZ-00-DR-S-001 Rev P2 (New Wall Alignment Plan and Section)
A20-WSP-ZZ-00-DR-S-003 P1 (Existing and Proposed Elevations)

Reason: To clarify which plans have been approved and to ensure the replacement wall is of sufficient quality.

3. The works to the listed wall shall not commence until a timeframe for carrying out the works to the wall and commencing the junction improvements has been submitted to and approved in writing by the local planning authority. The works to the wall shall be carried out in accordance with the approved details.

Reason: To ensure the works only take place in connection with the junction improvements as the associated public benefits are the only justification for the approved works.

4. The demolition of the existing wall shall not commence until a Historic England Level 2 Historic Building Recording of the wall has been undertaken and submitted to and approved in writing by the local planning authority.

Reason: To record the character, appearance and alignment of the existing wall which is of historical significance.

5. Works on rebuilding the wall shall not commence until a sample panel for the new wall has been constructed on site for inspection and approval in writing by the local planning authority. The wall re-build shall be undertaken in accordance with the approved details.

Reason: To ensure the appearance and construction of the replacement wall is acceptable.

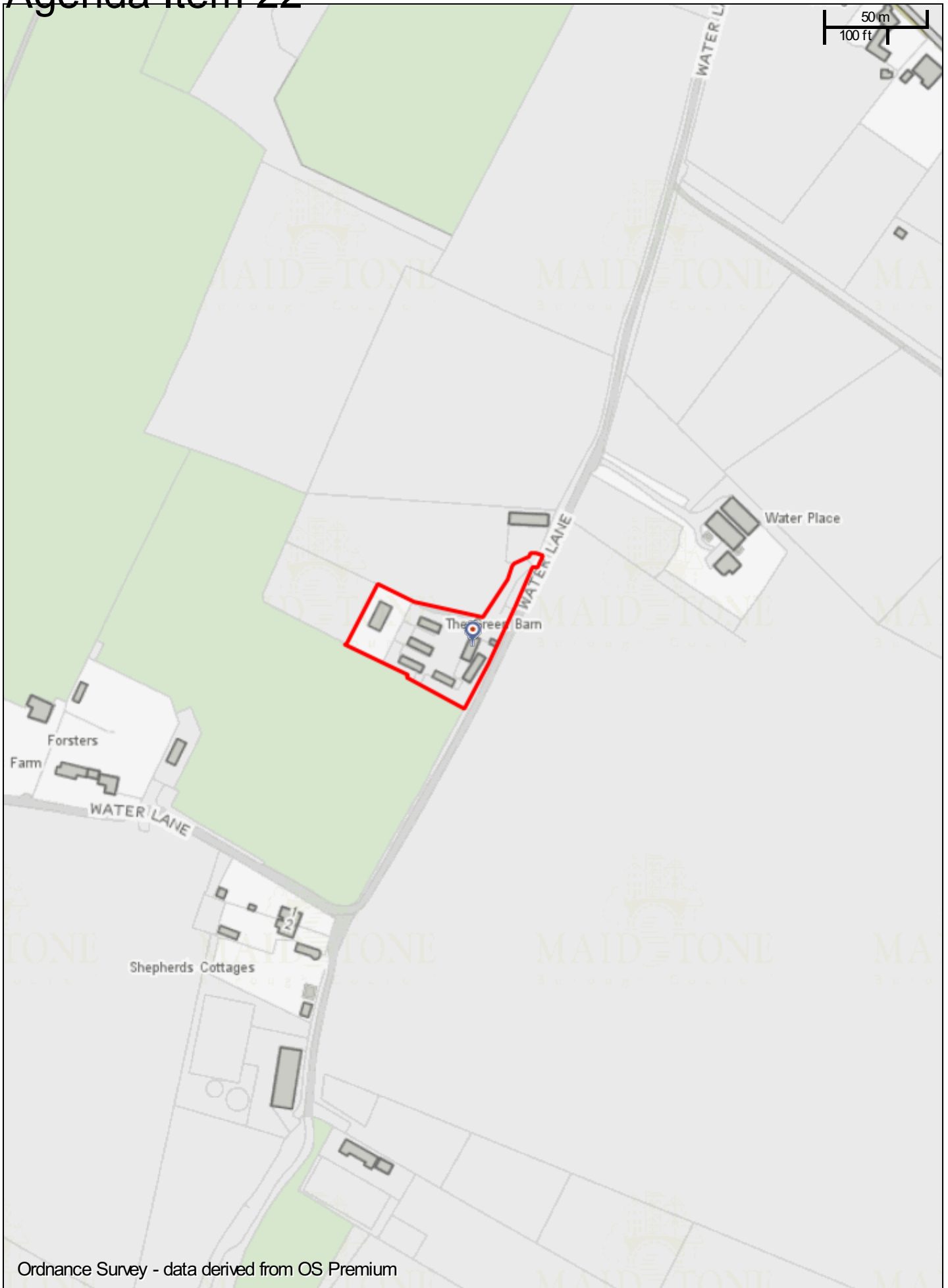
6. The demolition of the existing wall and construction of the replacement wall shall be carried out in accordance with the Heritage Method Statement dated November 2021.

Reason: To ensure the appearance and construction of the replacement wall is acceptable.

Informatives:

1. The applicant should ensure the landscaping scheme as shown on drawing no. 70075920-DD-A20-3000-001 Rev P01 is carried out in the first available planting season following completion of the approved works.
2. The applicant should ensure that wildlife legislation, and any relevant ecological surveys and recommendations are adhered to, and works should proceed under Precautionary Methods of Working to prevent any risks to protected species.
3. The applicant should ensure the biodiversity enhancements as outlined at paragraph 3.1.15 of 'Planning, Design and Access Statement' are carried out following completion of the approved works.
4. The applicant should agree with the Council's Parks & Open Spaces Section an Arboricultural Method Statement including a tree protection plan to ensure retained trees are suitably protected.

Agenda Item 22



Ordnance Survey - data derived from OS Premium

REFERENCE NO: 21/505627/FULL		
APPLICATION: Permission is sought for extra capacity on existing Gypsy site to include, 4(no) additional static caravans, 3(no) additional touring caravans, with parking, a dayroom and infrastructure (part retrospective).		
ADDRESS: The Green Barn Water Lane Hunton Maidstone Kent ME15 0SG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant		
REASON FOR REFERRAL TO COMMITTEE: Hunton Parish Council has requested application is considered by Planning Committee if officers are minded to approve application. This request is made for reasons outlined in the consultation section below.		
WARD: Coxheath & Hunton	PARISH COUNCIL: Hunton	APPLICANT: Mrs D. Mendham AGENT: BFGC
TARGET DECISION DATE: 25/04/22		PUBLICITY EXPIRY DATE: 22/03/22

RELEVANT PLANNING HISTORY

- 19/505670 - Vary conditions 1 & 2 of appeal decision for MA/02/1380 to allow additional 4 mobile homes (total 5 Static caravans on site) – Declined to determine because Section 73 cannot be used here (*Finney v Welsh Ministers [2019] EWCA Civ 1868*).
- 18/501120 – Vary conditions 1 & 2 of MA/02/1380 for 4 additional mobile homes (totalling 5 mobile homes) – Refused (on grounds of unjustified development in this location in absence of sufficient information pertaining to Gypsy and Traveller status). Application was dismissed at appeal because Inspector concluded that to change description would be beyond powers conferred by Section 73 (*Finney*).
- 16/506436 – Vary conditions 1 & 2 of MA/02/1380 for additional 3 mobile homes – Refused (on grounds of unjustified development in this location in absence of sufficient information pertaining to Gypsy and Traveller status)
- 16/500393 – Enforcement case: Addition of mobile homes on site – Case open
- MA/03/2043 – Retention of existing pole barn - Approved
- MA/02/1380 – (Retro) Change of use from agriculture to agriculture and residential including stationing of mobile home for gypsy family - Refused (Allowed at appeal)
- MA/01/1894 – Retention of pole barn (Resubmission of MA/99/1880) - Refused
- MA/99/1880 – Retention of pole barn and new barn – Refused (dismissed at appeal)
- MA/75/0302 - Mobile caravan - Refused

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The application site is located on the western side of Water Lane, some 355m to the south of the junction with Bishop’s Lane. There are public footpaths in the vicinity of the site, including one (KM91) that runs in a general east/west direction, through the northern part of the site; and there are listed properties in the locality, including a Grade II listed building at Water Place (to the east of the application site) and other properties to the south and south-west of the site. For the purpose of the Local Plan the application site is within the designated countryside that falls within the Low Weald Landscape of Local Value. The application site mostly falls within Flood Zone 2, with the front part of the site falling in Flood Zone 3; an area of archaeological potential; and a KCC Minerals Safeguarding Area.

2.0 BACKGROUND INFORMATION

2.01 The appeal decision for MA/02/1380 allowed for one mobile home and one touring caravan (to be used only for purposes ancillary to the residential use of the mobile home) to be stationed on the site at any time, that is only to be occupied Mr Lance Mendham and/or Mrs Donna Marie Mendham and their dependent children. Condition 1 of the appeal decision stipulates that when the site ceases to be occupied by those named above, the permitted uses shall cease and the mobile home and all associated residential structures and paraphernalia should be removed from the land and the land restored to its former condition. For reference, the application site for MA/02/1380 is:



3.0 DEVELOPMENT DESCRIPTION

3.01 The application is described as: *Permission is sought for extra capacity on an existing Gypsy site to include, 4 additional static caravans, 3 additional touring caravans, with parking, a dayroom and infrastructure (part retrospective).*

3.02 The main element of the application that appears to not be retrospective is the proposed dayroom that is to be sited close to the front (eastern) boundary of the site. This building would measure some 13.5m by 4.7m in footprint (63.5m²); it would stand some 3.9m in height; and it would have a front canopy.

4.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan (2017): SS1, SP17, DM1, DM3, DM8, DM15, DM23, DM30
National Planning Policy Framework (2021) & National Planning Practice Guidance
Landscape Character Assessment (2013) & Supplement (2012)
Landscape Capacity Study: Sensitivity Assessment (2015)
Planning Policy for Traveller Sites (2015)
Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
Gypsy & Traveller & Travelling Showpeople Accommodation Assessment (2012)
Regulation 19 Local Plan

4.01 Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met.

4.02 The Maidstone Landscape Character Assessment (2012 amended 2013) identifies the application site as falling within the Low Weald – Yalding Farmlands (Area 38). The landscape guidelines for this area is to 'CONSERVE' and a summary of relevant actions is as follows (summarised):

- Consider generic guidelines for the Low Weald
- Conserve orchards and traditional small scale field pattern
- Conserve largely undeveloped rural landscape and remote quality of existing development
- Conserve rural setting of traditional buildings and farmhouses
- Conserve distinctive ragstone walling
- Conserve undeveloped character of the landscape
- Soften the visual prominence of large agricultural barns through native planting

- 4.03 Within the Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015), the overall landscape sensitivity of the Yalding Farmlands Landscape Character Area is 'HIGH' and is 'sensitive to change'.
- 4.04 The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed; and section 12 of the NPPF refers to achieving well-designed places. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 4.05 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision), and it acknowledges that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside. In terms of broad principles, Local Plan policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.
- 4.06 The Council's Regulation 19 Local Plan was submitted to the Planning Inspectorate on 31st March 2022 and whilst this document is a material planning consideration, at this time it is not apportioned much weight.

5.0 LOCAL REPRESENTATIONS

- 5.01 Mr Summersgill (Parish Councillor), has raised comments relating to: Flood risk on site (including safe access and egress); submitted FRA is out of date; foul sewage disposal as roadside ditch appears to have odorous sewerage at times.

6.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 6.01 **Hunton Parish Council:** Wish to see application refused and reported to Committee if officers are minded to recommend approval for following (summarised) reasons:
- *Cannot give application due consideration as it does not appear to be valid. There is no Design & Access Statement; plans are inaccurate; and very little info is provided about application.*
 - *FRA is out of date and a new FRA needs to be prepared.*
 - *Current sewage facility is inadequate - In summer, nearby ditch is foul and is a health issue.*
- 6.02 **Environment Agency:** Raise no objection (see main report).
- 6.03 **Environmental Protection Team:** Raise no objection to application.
- 6.04 **Landscape Officer:** Has been unable to take a landscape view.
- 6.05 **KCC Minerals Safeguarding Team:** Has no minerals or waste safeguarding objections or comments to make regarding this application.
- 6.06 **KCC Public Rights of Way Officer:** Confirms PROW KM91 footpath runs along northern boundary of site and should not affect application.
- 6.07 **KCC Archaeology Officer:** No representations received.

7.0 APPRAISAL

Main Issues

7.01 The key issues for consideration relate to: Need for Gypsy sites; supply of Gypsy sites; Gypsy status/personal circumstances; location; visual impact; flood risk; and then other matters.

Need

7.02 The Maidstone Local Plan is adopted and there are policies relating to site provision for Gypsies and Travellers. Local planning authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans.

7.03 The Gypsy & Traveller and Travelling Showpeople Accommodation Assessment: Maidstone (January 2012) provides the evidence of the need for Gypsy & Traveller pitches in the borough for the Local Plan period (October 2011 to March 2031).

7.04 The Assessment drew on existing information about sites in the borough (including caravan count data, information from stakeholders and council information about the planning status of sites) and used the results of face to face interviews with Gypsies & Travellers (and Travelling Showpeople) residing in the borough. To help encourage participation, the interview team included two members of the Gypsy & Traveller community. Interviews were undertaken with 37% of the estimated resident population in the borough, considered to be sufficient as a sample of the total Traveller population across all the accommodation types.

7.05 The GTAA Assessment found that there is a need for a total 187 additional permanent pitches in the borough 2011-31, broken down in phases as follows:

Oct 2011 – March 2016 - 105 pitches

Apr 2016 – March 2021 - 25 pitches

Apr 2021 – March 2026 - 27 pitches

Apr 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 = 187 pitches

7.06 The target of 187 additional pitches is included in policy SS1 of the Maidstone Local Plan. The Assessment was undertaken prior to the change to the definition of Gypsy & Travellers in the Planning Policy for Traveller sites (PPTS) in August 2015 to exclude those who have permanently ceased travelling. At the Local Plan Examination some representors (parish councils; residents) argued that this meant it was outdated. The Inspector specifically considered this and concluded that the changed definition would result in relatively little change to the needs figure. He confirmed that the assessment provides an adequate evidential basis for the Local Plan.

7.07 A new GTAA is being prepared to support the Local Plan Review. Survey work on the new GTAA commenced in 2020 but has been delayed due to Covid 19. The new GTAA will outline the current and future need for gypsy, traveller and travelling showpeople provision for Maidstone Borough until 2037 and will form the evidence base for a dedicated Gypsy, Traveller and Travelling Showpeople DPD.

7.08 The adopted Local Plan (MBLP) provides for the 187 pitch requirement through:

- *The permanent planning consents which have already granted*
- *Specific site allocations in policy GT1(1)-(16) for 41 pitches (some been granted permission)*
- *Application of Policy DM15 for applications on windfall sites*

- 7.09 The Local Plan Inspector was satisfied with the Plan's policy approach to meeting needs (Inspector's Report paragraphs 245-246). He drew on information in the Gypsy & Traveller Topic Paper which the Council had prepared as a background document for the Examination to explain its approach. In particular, the Topic Paper explains why the Council's partial reliance on the delivery of windfall sites to meet needs is sound (see pages 12-15 and Appendix B of the Topic Paper). The Inspector noted that the Local Plan Review will be the time to make further site allocations should windfall sites not come forward as expected.
- 7.10 As set out earlier, the Council's Regulation 19 Local Plan was submitted to the Planning Inspectorate on 31st March 2022 and whilst this document is a material planning consideration, at this time it is not apportioned much weight. This said, please note that within this Plan it states that there is a potentially significant emerging need for Gypsy & Traveller accommodation. The Local Plan review seeks to meet the identified need to 2031; and a separate Gypsy, Traveller and Travelling Showpeople DPD will be produced to manage the emerging need for the period until 2037. This is in its early stages and a call for sites exercise ran from 1st February - 31st March 2022.

Supply

- 7.11 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside. Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 28th February 2022):

Permanent non-personal – 247

Permanent personal – 30

Temporary non-personal – 0

Temporary personal – 9

- 7.12 A total of 277 pitches have been granted permanent consent since October 2011. These 277 pitches exceed the Local Plan's 187 pitch target. This illustrates that the rate at which permanent permissions have been granted in the first 10 years of the plan period is ahead of the rate of need by the GTAA. Furthermore, the sites allocated through Policy GT1 in the Local Plan, sites granted permanent permissions on suitable windfall sites (in accordance with policy DM15), and pitch turnover on the two public Gypsy & Traveller sites in the borough, will continue to increase the number of pitches in the borough.
- 7.13 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate 6.2yrs worth year supply of Gypsy and Traveller sites at the base date of 1st April 2021. As the Council considers itself to be in a position to demonstrate more than a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

Gypsy status/personal circumstances

- 7.14 The Government's PPTS (August 2015) sets the planning definition of 'gypsies & travellers', and this excludes those who have ceased to travel permanently. The current definition is as follows (Annex 1):

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus people travelling together as such.'

- 7.15 The definition still includes those who are of a nomadic habit of life, and those who have ceased to travel temporarily because of their own, or their dependants, health or education needs, or old age.
- 7.16 The submission confirms the following occupation:
- *Lawful mobile home is occupied by Mr Lance Mendham and Mrs Donna Mendham and their daughter and her 2 children. The children attend nursey and secondary school.*
 - *Mobile home 2: Mr Lee Mendham (brother of Lance Mendham). The brothers usually travel together for work purposes.*
 - *Mobile home 3: Ms Lisa Mendham and her 2 children who attend secondary school/6th form.*
 - *Mobile home 4: Ms Kelly Mendham (daughter of applicants) and her 2 children who attend primary school.*
 - *Mobile home 5: Mr Tommy Mendham and Mr Tony Mendham (sons of Kelly Mendham) who are both over 18yrs of age.*
- 7.17 It is understood that the family are principally involved in recycling, small building works and property maintenance, horse and equine related trading, and dealing vehicles etc. around different fairs, drives, events and sites across the country; and they travel to do their trading and to find work and to trade.
- 7.18 The application confirms that all of the family continue to travel for work purposes, at different times either separately or together as a single group. Further information stipulates that in 2019, after a family bereavement, the family attended and traded at several horse fairs (Stow, Appleby and Peterborough); networked and canvassed at steam fairs in Dorset and St Albans; traded horses in Chichester; and worked in and around the New Forest on several occasions. The submission also details that the family worked in and around the New Forest in Jan-Feb 2020. There is little information after this date, but clearly Covid-19 would have interrupted travelling and working.
- 7.19 Further to this, the submission also includes a lengthy list of other horse fairs, fairs and that the family have attended in recent years where they trade and do networking; and it is evident that the family travel to attend cultural events, such as horse drives, and family events throughout the year, to different sites and to various locations across the UK for networking and trading.
- 7.20 With everything considered, it is reasonable to say that the occupants of the site continue to travel for work purposes to make a living; and it is accepted that the Gypsy status has been met in accordance with the provisions of the Government's PPTS. Such occupation of the site can be controlled by way of condition.
- 7.21 With regards to other relevant personal circumstances, it is accepted that the uncertainty of not currently having a permanent home can causes a great deal of stress and that all persons require good access to healthcare. The children on the site are in education; one child has additional medical needs; and it is recognised that the support of a family unit is important.

Location

- 7.22 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision), and it acknowledges that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside. In terms of broad principles, Local Plan policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.

Visual impact

- 7.23 Guidance in the Planning Policy for Traveller Sites (PPTS) states that local planning authorities should very strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact has been outlined however this is addressed in the relevant Local Plan policies and the NPPF. Specifically, policy DM15 of the Local Plan allows for Gypsy accommodation in the countryside provided certain criteria are met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area. There is also specific reference in DM15 to existing landscape features, stating that permission will be granted for development that "*...is well screened by existing landscape features and there is a reasonable prospect of such features' long term retention*".
- 7.24 The site benefits from one lawful mobile home (with associated hardstanding) that is located in the south-eastern corner of the site; there is a barn in front of this mobile home that appears to have been on the site in excess of ten years (and mentioned by the Planning Inspector in 2002); and there is a lawful pole barn in the north-eastern corner of the wider site. The existing access gate is slightly set back from the road, with the driveway up to the site largely screened by the mature roadside hedge.
- 7.25 The development has seen mobile homes and associated paraphernalia encroach further into the countryside and this has changed the character of the site, when compared to what was allowed under the 2002 appeal. However, it is considered that the development is still relatively well contained to the southern corner of the land owned by the applicants, whilst allowing for a reasonable amount of space between the mobile homes, with the wider site remaining undeveloped. Furthermore, the mobile homes themselves are of a typical style and appearance; they appear to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960); and the palette of external materials is not objectionable. In addition to this, the dayroom (that is some 65.5m² in footprint and some 3.9m in height), would provide the family with basic amenities/services that are considered proportionate for a large family occupying the site; and on this basis, it is considered to be reasonably necessary and overall it would not harmfully dominate the main living accommodation. The day room's scale, siting and design is also not objectionable in visual amenity terms.
- 7.26 There is other sporadic development in the area and given how well screened the application site is, it does not appear entirely incongruous or visually dominant on the landscape (even in the winter). Indeed, given the established planting along Water Lane and the surrounding area, and around the application site itself, public views of the development from Water Lane are largely limited to possible glimpses through the site's access; and then these views are limited to the tops of the mobile homes, given the existing boundary planting and fencing around the application site. Public views of the site from the public footpath that runs close to the northern boundary of the site are again restricted given the site's existing boundary treatments; and once passed through the land that the applicant owns, there is little to no view of the site. There appears to be no other clear public views of the site and so it is considered that it is only visible from short range vantage points. Furthermore, there is the opportunity to plant additional and native hedgerow planting around the northern and western boundaries of the site, to help supplement existing landscaping in and around the site. To further safeguard the amenity of the surrounding landscape, external lighting can be restricted by way of an appropriate condition.

- 7.27 Whilst the Council's Landscape Officer comments that they find it difficult to take a landscape view, they do state that any new planting should be of mixed native hedgerow, in accordance with the Council's landscape guidelines. After visiting the site, it has been possible to take a view on the landscape impact of the development (as set out above); and as previously mentioned, a suitable condition would be recommended to secure new appropriate landscaping. It is not considered necessary to seek the removal of any existing landscaping.
- 7.28 The occupants are considered to meet the Government's definition of Gypsy status. With everything taken into account, including the retention of existing landscaping and the potential for mitigation/further planting, it is considered that the development would cause harm to the character and appearance of the countryside hereabouts, but that in landscape terms it would be in accordance with Local Plan policy DM15 as this harm to the landscape and rural character of the area is not considered to be significant.

Flood risk

- 7.29 The four additional mobile homes are located in Flood Zone 2. The NPPF states (para. 159 & 167):

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

When determining planning applications, LPAs should ensure flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific FRA. Development should only be allowed in areas at risk of flooding where, in light of this assessment (and sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates SUDs, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access/escape routes included where appropriate, as part of agreed emergency plan.*

- 7.30 In accordance with the NPPF and its Technical Guidance, mobile homes intended for permanent residential use are classified as 'Highly Vulnerable' and such development in Flood Zone 2 can be acceptable subject to the Sequential and Exception Tests being undertaken. Furthermore, local planning authorities should also ensure that flood risk is not increased elsewhere, and should only consider development in flood risk areas to be appropriate where informed by a site-specific Flood Risk Assessment (FRA).
- 7.31 An FRA (dated 2nd March 2022) has been submitted as part of this application. The Environment Agency (EA) has reviewed the application and has raised no objection subject to a recommended condition to set finished floor levels at no lower than 14.41m AOD, which is 600mm above the flood design level of 13.81mAOD.
- 7.32 The EA, whilst not within their direct remit or expertise, also comment that the local authority need to be satisfied that, where appropriate, safe access and egress can be achieved from site during a flood event.
- 7.33 The submitted FRA demonstrates (referring to the EA's flood map for surface water), that the site is at 'very low' risk of surface flooding, meaning that the probability of flooding in any given year is less than 1 in 1000 (0.1%). Further to this, appropriate finished floor levels can be secured by way of condition; and as set out in the FRA, the static caravans can be anchored to avoid becoming buoyant in an extreme flood event; the occupants can sign up to the EA Flood Warning Service; and a flood plan

can be put in place. In the event of having to evacuate the site, egress to Flood Zone 1 is also available some 360m to the north of the site (along Water Lane). With these flood risk measures in place, the FRA considers the development to be acceptable in flood risk terms, without increasing flood risk elsewhere.

7.34 The NPPF seeks to steer new development to areas at the lowest probability of flooding by applying a Sequential Test. The site already benefits from permission for the stationing of one mobile home for permanent residential use and there is no known alternative land within the applicant's ownership for the development. It is also noted that the four additional mobile homes are sited out of Flood Zone 3 and in an area that is appropriate for such a development provided the Exception Test is carried out and met.

7.35 Paragraph 164 of the NPPF states that for the Exception Test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

7.36 The Council's position is that it can demonstrate 6.2yrs worth year supply of Gypsy and Traveller sites at the base date of 1st April 2021. However, it must also be considered that there is still an unmet need for such sites in the borough, and perhaps most importantly, the submitted FRA also sets out how the development will be safe for its lifetime and the EA has not stated that it would unacceptably increase flood risk elsewhere. It is therefore considered that the NPPF's Exception Test is passed.

7.37 Whilst the issue of safe access and egress is a balanced issue, given the precautionary measures and mitigation set out in the FRA and the available EA flood warning service, it is considered that future occupants of the site would be safe and have time to evacuate the site if necessary, avoiding the need of emergency egress and access. It is also worth noting that as there is no internal flooding objection, there is also the potential for future occupants to safely 'sit-out' any flood. Subject to suitable conditions being imposed, it is therefore considered that the development would be appropriately flood resistant and resilient to flood risk.

7.38 It should also be noted that at the time of the 2003 appeal on this site (for MA/02/1380), the Inspector considered the implications pertaining to flood risk and concluded that there was no unacceptable risk on the basis that the mobile units were raised off the ground and that projected flood waters would be unlikely to rise above the floor levels of the mobile units and would not occur rapidly without warning. Furthermore, the Inspector commented that the likelihood of site inhabitants requiring the assistance of the emergency services in time of flood, would be minimal.

Other matters

7.39 The development makes use of the existing access for The Green Barn and this is not considered to raise a highway safety objection; there is ample parking/turning provision on the site; and the traffic generation as a result of the additional mobile homes would not have a severe impact upon the local road network.

7.40 Given the separation distances of the development from any dwelling, and given that a residential use is not generally a noise generating use, this development would not have an adverse impact upon the living conditions of any neighbouring resident, including in terms of general noise and disturbance. It is also considered that the development would not have an unacceptable impact upon the existing residential

community, when considered on its own merits and then cumulatively with other lawful gypsy sites in the vicinity.

- 7.41 It is accepted that the development is unlikely to have had an adverse impact upon any protected species, and so no objection continues to be raised in this respect. Notwithstanding this, one of the principles of the NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* On this basis, if the application were to be approved a suitable condition could be imposed to seek biodiversity enhancement on the site.
- 7.42 The Environmental Protection Team has raised no objection to the application in terms of: Land contamination; radon; air quality; lighting; odour; accumulations; noise; amenity; sewage and potable water; and private water supplies. The submission has also provided details in terms of foul sewage disposal and the Package Sewage Treatment Plant that is used. On this matter the Environmental Protection Team is satisfied that the tank provides adequate capacity for the site. If approved, an informative will be added to remind the applicant that a discharge consent may be required from the Environment Agency.
- 7.43 The KCC Minerals Safeguarding Team and the KCC Public Rights of Way Officer have raised no objections to the submission; the provision of electric vehicle charging points is not considered reasonable or necessary; there is no arboricultural objection to the application; and given the separation distances of the development from any listed building, it does not cause harm to the significance or setting of any heritage asset.
- 7.44 Part of the site does fall within an area of archaeology potential. The KCC Archaeology Officer has made no representations and so it is assumed that they have no comments to make on the submission; and given the nature of the development no further details will be requested in this respect.
- 7.45 Regard should be given to the Human Rights Act 1998 and rights under Articles 3 and 8, and the Public Sector Equality Duty under the Equality Act 2010. This protects the right of an individual to, amongst other things, a private family life and home; there is a duty to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it; and the courts have held that the best interest of the children shall be a primary consideration in planning decisions concerning children, including requiring a settled base. In addition to this, race is one of the protected characteristics under the Equality Act 2010 and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and his family who occupy the caravans, and it is considered that the requirements of the PSED have been met and approving this development would not undermine the objectives of the Duty.
- 7.46 In accordance with national planning policy, the issue of intentional unauthorised development has been a material consideration in the determination of this retrospective application and this does weigh against the development. In terms of EIA Screening the development is not schedule 2 development and it is not sited within an AONB.
- 7.47 If approved, the applicant will be reminded that it would be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted.

7.48 The representations made by Hunton Parish Council and all other responses received have been considered in the assessment of this application. Please note here that there is considered to be sufficient information to make a recommendation on this application, and a Design and Access Statement is not a validation requirement for such a development.

8.0 CONCLUSION

8.01 In Local Plan policy terms, there is resistance to residential caravans in the countryside. As an exception to this general policy constraint, Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area.

8.02 In this instance, Gypsy status has been established in accordance with the Government's planning definition and there is no reasonable justification to object to the development on sustainability grounds in terms of location. Furthermore, the development is not considered to cause unacceptable harm to the character and appearance of the countryside; it is considered to be acceptable in flood risk terms; and there are no other planning objections raised to the development.

8.03 Under MA/02/1380, the appeal decision stipulated that the allowed mobile home was only to be occupied Mr Lance Mendham and/or Mrs Donna Marie Mendham and their dependent children, given their personal circumstances at the time (July 2003). Since this time, the current Local Plan has been adopted and policy DM15 allows such development to cause some harm to the landscape and rural character of the area, provided it is not significant; Gypsy status has been established; and the report sets out why the development is considered to be acceptable. It must also be highlighted again that the Council's Regulation 19 Local Plan states that there is a potentially significant emerging need for Gypsy & Traveller accommodation. On this basis, it is not reasonable to again restrict who can occupy the lawful mobile home and the recommendation is to allow the five mobile homes to be permanent and restricted only by a gypsy and traveller occupation condition.

8.04 With everything considered, the development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is therefore made on this basis, subject to the suggested conditions.

9.0 RECOMMENDATION: GRANT planning permission subject to following conditions:

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: BP-03-2021; SC-01-2021; DR-01-2021; and LP-01-2018

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

(2) The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or any subsequent definition that supersedes that document).

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

- (3) No more than 10 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time, of which no more than 5 shall be static caravans or mobile homes. The caravans shall be positioned on the site as set out on the submitted drawings and the 5 touring caravans shall only be used for the purposes ancillary to the residential use of the mobile homes hereby approved.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

- (4) If the lawful use of the site ceases, all caravans, structures, equipment and materials brought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

- (5) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site, and not more than 6 vehicles shall be stationed, stored or parked on the site at any one time.

Reason: To safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value.

- (6) No commercial activities shall take place on the land, including the storage of materials.

Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and in the interests of residential amenity.

- (7) No manure or waste materials shall be burned on the land within the application site.

Reason: In the interests of residential amenity.

- (8) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans).

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and in the interests of residential amenity.

- (9) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vii) below:

- (a) Within 3 months of the date of this decision a scheme, hereafter referred to as the Site Development Scheme, shall have been submitted for the written approval of the local planning authority. The Site Development Scheme shall include details of:
- (i) the materials to be used in the construction of the external surfaces of the approved dayroom;
 - (ii) in accordance with submitted Flood Risk Assessment (WtFR Ltd ref: WtFR-FRA-2022/01/Q02 dated: 2nd March 2022), details of flood resistant design measures to static caravans to include details of how approved mobile homes

- will be anchored to avoid becoming buoyant in extreme flood event;
- (iii) in accordance with submitted Flood Risk Assessment (WtFR Ltd ref: WTFR-FRA-2022/01/Q02 dated: 2nd March 2022), details of a Flood Plan;
 - (iv) all existing external lighting (whether temporary or permanent);
 - (v) a scheme for the enhancement of biodiversity on the site;
 - (vi) landscaping scheme (in accordance with the principles established in the Council's adopted Landscape Character Assessment) that shall include details of species, plant sizes, proposed numbers and densities, planting plans and arrangements for maintenance; the retention of the existing roadside (eastern) and southern boundary planting; and new 100% mixed native hedgerow planting along the northern and western boundaries immediately surrounding the mobile homes hereby approved. Any planting which fails to establish or any trees or plants which, within five years from the date of this permission hereby approved, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme; and
 - (vii) a timetable for implementation of the Site Development Scheme.
- (b) If within 11 months of the date of this decision the local planning authority refuse to approve the Site Development Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (c) If an appeal is made in pursuance of above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.
- (d) The approved Site Development Scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved Site Development Scheme specified in this condition, that Scheme shall thereafter be maintained/retained as such thereafter. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: To protect future occupants at times of flood risk; to prevent inappropriate development and safeguard the amenity, character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and in the interests of ecological enhancement/biodiversity gain.

- (10) The finished floor levels of the four mobile homes hereby approved shall be set no less than 14.41m AOD, which is 600mm above the flood design level of 13.81mAOD.

Reason: In order to reduce the risk to occupants from flooding.

- (11) Within 1 month of the date of this decision, the occupants of the development hereby approved shall sign up to the Environment Agency's Flood Warning Service, and shall remain registered thereafter. Evidence of this registration shall be made available at all reasonable times upon request to the local planning authority.

Reason: To protect future occupants at times of flood risk.

- (12) Notwithstanding the existing external lighting details required in condition 9 of this permission, no future and additional external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the 2005 Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity.

Informatives:

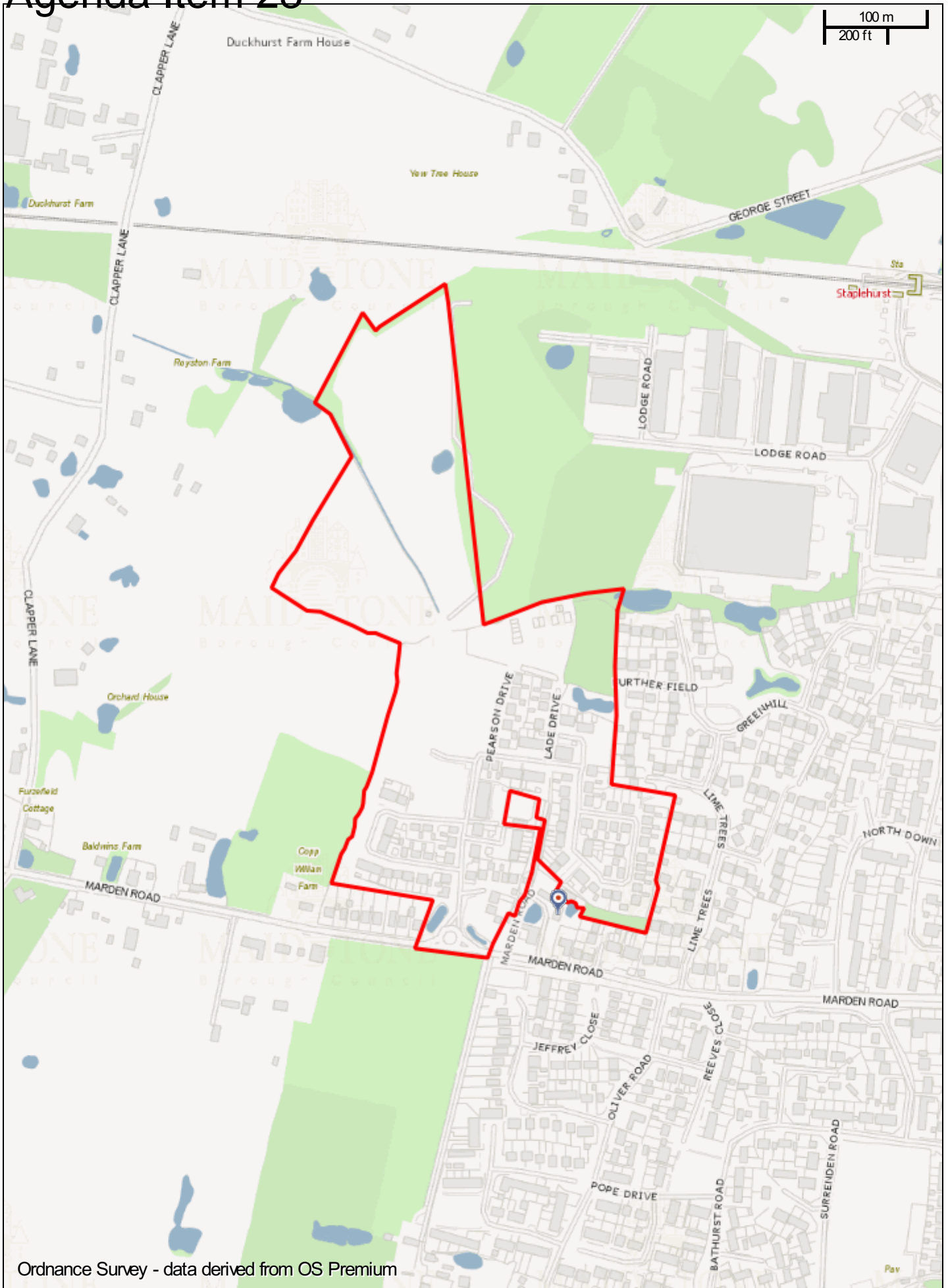
- (1) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Maidstone Housing & Communities Support Team in respect of a licence or apply online at:
<https://www.gov.uk/apply-for-a-licence/caravanand-camping-site-licence/maidstone/apply-1>
- (2) Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highwayland/highwayboundary-enquiries>
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (3) The granting of planning permission confers no other permission or consent on applicant. It is therefore important to advise that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of 6wks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

- (4) In relation to foul sewage disposal, please contact the Environment Agency to establish whether a discharge consent is required from them. Further information on how to apply for an environmental permit and general binding rules applicable to small discharges of domestic sewage effluent is available on the gov.uk website.

Case Officer: Kathryn Altieri

Agenda Item 23



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 20/505611/SUB			
APPLICATION PROPOSAL Submission of Details to Discharge Condition 18 - Foul and surface water sewerage disposal subject to 14/502010/OUT.			
ADDRESS Hen & Duckhurst Farm, Marden Road, Staplehurst (Dickens Gate Development)			
RECOMMENDATION – APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION The statutory undertaker (Southern Water) has now installed the off-site sewer/tank to provide foul drainage capacity specifically for the development and advises it will provide sufficient capacity. In line with the committee’s resolution, further information has been provided by the applicant and the foul drainage details have been assessed by a qualified external consultant who advises the condition should be discharged. For these reasons it is recommended that the details are approved.			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Councillor Perry has requested the application is considered by the Planning Committee for the reasons set out in his comments (in the original committee report). 			
WARD Staplehurst	PARISH COUNCIL Staplehurst	APPLICANT Barratt Homes AGENT Barratt Homes	
DECISION DUE DATE: 22/01/21	PUBLICITY EXPIRY DATE: N/A	SITE VISIT DATE: 05/07/21	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
14/502010	Outline application for the Erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.	APPROVED	03/02/17
17/506306	Approval of reserved matters application for the erection of 250 dwellings (Appearance, Landscaping, Layout and Scale being sought) and details of Conditions 5, 7, 9, and 10 relating to phasing, landscaping and ecology, pursuant to 14/502010/OUT (Outline application for the erection of residential development for up to 250 dwellings with	APPROVED	15/06/18

	access and garaging with access considered at this stage and all other matters reserved for future consideration.)		
18/505338	Submission of details pursuant to Condition 17: Sustainable surface water drainage scheme and condition 18 (foul and surface water sewerage disposal) for the first 50 dwellings only (original application ref: 14/502010/OUT).	APPROVED	17/02/19
19/506336	Submission of Details to Discharge Condition 18 (Foul Water Sewerage Disposal) for 192 houses subject to 14/502010/OUT	APPROVED	14/09/20
20/501035 /HEDGE	Hedgerow removal notice - To establish access and working area for southern water sewer connection for a development	Hedgerow Retention Notice Issued	03/07/20
21/500117 /HEDGE	Hedgerow Removal Notice - Temporarily fully remove a 6m section of hedgerow, partly adjacent to the southern side of Marden Road and partly from an adjoining track with associated peripheral hedgerow plants to enable temporary construction access	Hedgerow Retention Notice Issued	05/03/21

1.0 **BACKGROUND**

1.01 This application to discharge a foul drainage condition for 250 houses at the site and was recommended for approval to the Planning Committee on 22nd July 2021 and the original committee report is attached at the **Appendix**. The Committee resolved as follows:

That consideration of this application be deferred:

(1) To ask the applicant to provide further information to clarify:

(a) The foul drainage flows from the site; and

(b) The volume of capacity being provided (by the holding tank) and how it will be maintained to ensure that it retains such capacity.

(2) For the additional information to be reviewed by an independent expert drainage consultant. This is to satisfy the Committee that the volume of flows will be accommodated by the proposed works

1.02 The applicant submitted additional information in September 2021 providing the foul drainage flows from the development (which are calculated by Southern Water using a design standard formula); the capacity volume of

the now installed off-site attenuation sewer/tank (which is approximately 3 times the volume flows for the development); and the maintenance regime for the sewer/tank (Southern Water specification). This information has been assessed by a qualified external consultant (Charles & Associates) on behalf of the LPA, with their advice provided in February 2022.

2.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SP10, ID1, H1(48)
- Staplehurst Neighbourhood Plan: PW1, H4
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

3.0 APPRAISAL

3.01 The details have been assessed by the Council's consultant who advises that the condition should be discharged, and their conclusions are set out in full below:

"Following a review of all the information provided in respect of this planning condition the following observations are noted:

The figure of 344 litres per house per day quoted as the design flow from this development is considered reasonable as it is calculated using Southern Water's modelling criteria published on their website, see Appendix B. The total daily flow from the full development of 250 dwellings is therefore 86,000 litres or 86m³.

The storage tank as constructed has a total storage capacity of 282m³. This is more than 3 times the daily flow from the development.

This storage tank constructed to provide additional capacity for this development acts independently of the existing public sewer network and provides dedicated capacity for the full 250 dwelling development on Hen and Duckhurst Farm, not just the additional 58 dwellings, the subject of this review.

There is no specific reference within Southern Water's submission as to how this tank will be maintained. It will however form part of the public sewer network and therefore will be maintained in accordance with Southern Water's standard maintenance procedures.

Following the review of all the available information in relation to discharging of this final part of condition 18 of the planning permission for the development, it is considered that the remainder of the condition can now be discharged for the following reasons:

- *Flows from the development to the tank sewer have been designed in accordance with Southern Water's standard modelling criteria.*

- *The capacity of the tank sewer is more than 3 times the predicated daily flow volume from the fully permitted development, i.e. 250 dwellings.*
- *Flows from the development connect directly to the tank sewer rather than into the local sewer network.*
- *The tank sewer forms part of the Southern Water public sewer network and will be maintained in accordance with their maintenance procedures.”*

4.0 CONCLUSION

4.01 The statutory undertaker (Southern Water) has now installed the off-site sewer/tank to provide foul drainage capacity specifically for the development and advises it will provide sufficient capacity. In line with the committee’s resolution, further information has been provided by the applicant and the foul drainage details have been assessed by a qualified external consultant who advises the condition should be discharged.

4.02 On this basis it is recommended that the details are in accordance with the relevant Local Plan and Neighbourhood Plan policies and should be approved.

5.0 RECOMMENDATION

Approve the details submitted to discharge condition 18.

REFERENCE NO - 20/505611/SUB			
APPLICATION PROPOSAL Submission of Details to Discharge Condition 18 - Foul and surface water sewerage disposal subject to 14/502010/OUT.			
ADDRESS Hen & Duckhurst Farm, Marden Road, Staplehurst (Dickens Gate Development)			
RECOMMENDATION – APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION The statutory undertaker (Southern Water) is proposing a scheme to provide foul drainage capacity for the development and is advising that it will provide sufficient capacity. On this basis it is recommended that the details are approved.			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> Councillor Perry has requested the application is considered by the Planning Committee for the reasons set out in his comments. 			
WARD Staplehurst	PARISH COUNCIL Staplehurst	APPLICANT Barratt Homes AGENT Barratt Homes	
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App No	Proposal	Decision	Date
14/502010	Outline application for the Erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.	APPROVED	03/02/17
17/506306	Approval of reserved matters application for the erection of 250 dwellings (Appearance, Landscaping, Layout and Scale being sought) and details of Conditions 5, 7, 9, and 10 relating to phasing, landscaping and ecology, pursuant to 14/502010/OUT (Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.)	APPROVED	15/06/18
18/505338	Submission of details pursuant to Condition 17: Sustainable surface water	APPROVED	17/02/19

	drainage scheme and condition 18 (foul and surface water sewerage disposal) for the first 50 dwellings only (original application ref: 14/502010/OUT).		
19/506336	Submission of Details to Discharge Condition 18 (Foul Water Sewerage Disposal) for 192 houses subject to 14/502010/OUT	APPROVED	14/09/20
20/501035 /HEDGE	Hedgerow removal notice - To establish access and working area for southern water sewer connection for a development	Hedgerow Retention Notice Issued	03/07/20
21/500117 /HEDGE	Hedgerow Removal Notice - Temporarily fully remove a 6m section of hedgerow, partly adjacent to the southern side of Marden Road and partly from an adjoining track with associated peripheral hedgerow plants to enable temporary construction access	Hedgerow Retention Notice Issued	05/03/21

1.0 DESCRIPTION OF SITE

1.01 This application to discharge a planning condition relates to the 'Hen and Duckhurst' approved housing development on the west edge of Staplehurst and to the north of Marden Road. The development of 250 houses is under construction with some properties occupied and is known as 'Dickens Gate'. The site is allocated for housing under policy H1(48) of the Local Plan.

2.0 PROPOSAL

2.01 This application is seeking approval for Condition 18 of the original outline permission relating to foul drainage. Foul drainage has been approved for up to 192 houses so far under applications 18/505338/SUB and 19/506336/SUB using the current capacity/infrastructure but with controlled flows and this submission seeks approval for the full 250 houses.

Condition 18 states:

The development hereby permitted shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Southern Water. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features and shall be completed in full prior to the first occupation of the dwellings hereby permitted.

Reason: To ensure that foul and surface water is satisfactorily managed and disposed of from the site and in the interests of protection of local wildlife.

2.02 The proposals for foul drainage have been worked up with the statutory undertaker (Southern Water) and involve the installation of a below ground

attenuation tank near to the existing pumping station to the southwest of the site on the south side of Marden Road. The attenuation tank would provide additional capacity to mitigate the pumping station being overwhelmed and provide full capacity for the 250 houses.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SP10, ID1, H1(48)
- Staplehurst Neighbourhood Plan: PW1, H4
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 3 representations received raising the following (summarised) points:

- Of the opinion that the applicant can do no more with regards to the resolving problems with sewage and so raise no objections.

4.02 **Councillor Perry** requests the application is considered by the Planning Committee and states as follows:

"In the light of the major issues with foul water dispersal that were experienced by residents on the Hen and Duckhurst site and in the Marden Road area, a meeting took place between Helen Grant and the Chief Executive of Southern Water to discuss how this can be resolved. As a result, Southern Water has agreed to undertake an urgent review in which all options will be considered. As one of the Ward Members I would wish this application to be brought before the Planning Committee for a decision if Officers were minded to approve."

5.0 CONSULTATIONS

5.01 **Southern Water:** Have outlined their proposals to provide foul drainage capacity and recommend that the submitted details are approved.

6.0 APPRAISAL

6.01 This is a condition discharge application where the only consideration is whether the proposals to provide foul drainage capacity for the 250 houses are acceptable or not. The reason for the condition is to ensure foul water is satisfactorily managed and disposed of from the site.

6.02 Relevant to foul drainage, the site allocation policy (H1(48)) in the Local Plan states permission will be granted if:

13) A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.

6.03 The site allocation policy (H4) in the Neighbourhood Plan states that the site can be developed for up to 250 houses provided:

8) The development makes provision for an adequate sewerage connection and for the protection of existing sewers on the site or their diversion, in accordance with the requirements of Southern Water.

6.04 Southern Water (SW) are the statutory undertaker/service provider who have an obligation to provide foul drainage capacity for the new development. They have decided that an attenuation tank on the opposite side of the road is appropriate to provide foul drainage capacity and prevent the pumping station from being overwhelmed. They have advised that this will be sufficient to accommodate foul drainage from the development, and officers have no grounds or evidence to disagree with this solution. The proposals therefore provide a connection to the local sewerage system at the nearest point of adequate capacity (with the proposed improvements) in collaboration with the service provider (SW), in accordance with criterion 13 of the Local Plan site policy and criterion 8 of the site policy in the Neighbourhood Plan.

6.05 SW are currently carrying out these upgrade works and anticipate them to be completed by January 2022. SW are statutorily obliged to provide this, have proposed measures to accommodate the development, and are in the process of providing this capacity.

6.06 Members will be aware that two hedgerow removal notices were sought by SW in order to install the attenuation tank and these were not allowed. SW have clarified that because of this they used an alternative access route into the field off a private track (where an access already exists) which avoided the hedge, and the attenuation tank has been moved further away from the hedge alongside Marden Road. To ensure the connection sewer from Marden Road into the culvert can be made, SW will tunnel deep under the hedge for this section of sewer to be installed.

6.07 Finally, the applicant has confirmed that wildlife friendly drainage gullies have been used at the site in line with the condition.

7.0 CONCLUSION

7.01 The statutory undertaker (Southern Water) has proposed and is providing a scheme to provide capacity for the development and is advising that it will provide sufficient capacity. On this basis it is recommended that the details are in accordance with the relevant Local Plan and Neighbourhood Plan policies and should be approved.

8.0 RECOMMENDATION

Approve the details submitted to discharge condition 18.

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 21st April 2022**

APPEAL DECISIONS:

- 1. 19/504442/FULL** Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works. (RESUBMISSION OF 18/500346/FULL)

APPEAL: DISMISSED

Land East Of Gleaming Wood Drive
Lordswood
Kent

(Delegated)

- 2. 20/504166/FULL** Erection of a new build flat development comprising of 6 no. self-contained units. (Resubmission of 19/505262/FULL)

APPEAL: DISMISSED

85 Upper Stone Street
Maidstone
Kent
ME15 6HE

(Delegated)

- 3.** Change of use of land and erection of structures
19/500346/CHANGE (Plot 12)
19/500347/CHANGE (Plot 13)
19/500350/CHANGE (Plot 15)
19/500351/CHANGE (Plot 16)
19/500351/CHANGE (Plot 16)
19/500352/CHANGE (Plot 17)
19/500354/CHANGE (Plot 19)
19/500356/CHANGE (Plot 20)
19/500361/CHANGE (Plot 24)
19/500366/CHANGE (Plot 26)
19/500366/CHANGE (Plot 26)
19/500367/CHANGE (Plot 27)

APPEALS: DISMISSED

Plots at Riverside Area Off Unicomes Lane
Maidstone
Kent

19/500367/CHANGE (Plot 27)
19/500367/CHANGE (Plot 27)
19/500369/CHANGE (Plot 28)
19/500369/CHANGE (Plot 28)
19/500369/CHANGE (Plot 28)
19/500370/CHANGE (Plot 29)
19/500370/CHANGE (Plot 29)
19/500370/CHANGE (Plot 29)
19/500371/CHANGE (Plot 30)
19/500371/CHANGE (Plot 30)
19/500371/CHANGE (Plot 30)
19/500371/CHANGE (Plot 30)

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

21ST APRIL 2022

REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Sue King

1. FORMAL ENFORCEMENT ACTION TRACKER

1.1 Report content

1.1.1 The Enforcement tracker report is intended to be brought to Planning Committee each quarter. The report provides the current status of enforcement cases that have had formal notices served.

1.1.2 The report sets out the case reference, address and brief description of the breach. The notice type column indicates the type of formal action carried out and three key dates:

Issue date – Date Notice was served

Effective date – Date the Notice takes effect from

Compliance date – Date the Notice is due to be complied with. This may change according to an appeal being lodged, which if the appeal is dismissed and the Notice is upheld the Inspector will impose a new compliance period from the date of the decision. This is also held in abeyance if a planning decision is pending.

1.1.3 A legend is supplied which shows five levels of status, being:

Blue – Decision reached - case closed

Red – Assessment or preparation for the next step of formal action;

Amber - Awaiting planning application/appeal decisions

Green - Awaiting set compliance

White - Contentious cases that are being monitored i.e. sites with injunctions and Temporary Stop Notices.

1.1.4 Table showing QTR 4 cases received/closed/live cases for 2021 and 2022 comparison.

1.1.5 Chart showing QTR 4 formal notices for 2021 and 2022 comparison

FORMAL ENFORCEMENT ACTION TRACKER

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance status	Action
ENF/8320	SK	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Unauthorised development consisting of engineering, mining and building operations and unauthorised COU of land to recreational fishing lakes	EN	30.4.08	30.4.08	appeal in progress	
15/500852	JB	Yalding	The Three Sons, Hampstead Lane, Nettlestead, ME18 5HN	Unauthorised G & T deveelopment in Green Belt	EN	02.10.15	06.11.15	01.06.17	
					INJ	24.04.19	24.7.19	Ongoing	Injunction remains on the land
15/500852	SK	Yalding	The Three Sons, Hampstead Lane, Nettlestead, ME18 5HN	The laying of hardstanding and the construction of fences and gates	EN	13.09.21	26.10.21	appeal in progress	
ENF/11798	SK	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Erection of new dwelling in the woodland	EN	19.05.16	23.06.16	23.01.17	
16/500815	SK	Yalding	Green Tops Symonds Lane Yalding	PP expired - 10/0504 for occupation of the site for 3 years only. Further planning application at appeal	EN	27.04.17	01.06.17	appeal in progress	
17/500611	SK	Headcorn	Acers Place, Lenham Road	Unauthorised change of use G&T site	EN	04.10.17	15.11.17		complied with - CLOSED
15/501259	SK	Otham	Bramley, Otham Street, Otham, ME15 8RL	Extension on North Elevation not being built in accordance with planning permission.	EN	06.11.17	11.12.17		planning decision issued - CLOSED
15/500395	SK	Detling	Roseacre, Scragged Oak Road, Detling	Unauthorised change of use G&T site	EN	26.01.18	02.03.18	planning app in progress	
14/500560	PDV	Yalding	The Stables, Wagon Lane, Paddock wood, Tonbridge	Breach of personal occupancy condition	EN	03.07.18	07.08.18	07.11.18	
16/501199	SK	Headcorn	Land rear of The Meadows Lenham Road Headcorn	Expired temporay permission and expansion of G&T site	EN x 4	16.08.18	20.09.18	appeal in progress	5 day Inquiry 28th March 2022
18/500572	PDV	Ulcombe	Caravan 2 Hawthorn Farm, Pye Corner, Ulcombe	Unauthorised change of use G&T site	EN	11.10.18	15.11.18	15.5.19	
18/500001	SK	Headcorn	Smiths Cottage, Lenham Road, Headcorn, Kent, TN27 9LG	Unauthorised siting of two additional caravans	EN	16.10.18	20.11.18		Notice withdrawn - CLOSED
16/501147 16/501251 17/500291	SK	Marden	Tanner Farm Caravan Park Goudhurst road Marden, TN12 9ND	Change of use of land for holiday/residential	EN	17.10.18	24.01.22		Notice withdrawn - re-issued below
19/500384	SK	Ulclombe	Land to the rear of Neverend Farm, Ulcombe	Unauthorised change of use G&T site.	INJ	21.05.19	21.5.19		granted at appeal - CLOSED
					TSN	07.05.19	07.05.19		
					EN	27.11.19	08.01.20		

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance status	Action
19/500346	SK	Fant Ward	Plot 12 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500347	SK	Fant Ward	Plot 13 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500350	SK	Fant Ward	Plot 15 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500351	SK	Fant Ward	Plot 16 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500352	SK	Fant Ward	Plot 17 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500354	SK	Fant Ward	Plot 19 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500356	SK	Fant Ward	Plot 20 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500357	SK	Fant Ward	Plot 21 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	1 month	
19/500361	SK	Fant Ward	Plot 24 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500366	SK	Fant Ward	Plot 26 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500367	SK	Fant Ward	Plot 27 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500369	SK	Fant Ward	Plot 28 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500370	SK	Fant Ward	Plot 29 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500371	SK	Fant Ward	Plot 30 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
18/500234	SK	Coxheath & Hunton	Riverside Hse, West Street, Hunton	Unauthorised raised platform	EN	28.08.19	13.11.21	2 months	Complied- CLOSED
19/500330	SK	Harrietsham	Chestfields, Marley Road, Harrietsham	Unauthorised change of use G&T site	EN	17.09.19	18.10.19	appeal in progress	Hearing set 18.06.22

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance status	Action
16/500477	SK	Boxley	Cosington Farm North, Bell Lane Boxley	Unauthorised building	EN	19.02.20	24.03.20	28.03.21	
19/500452	SK	Coxheath	S&B car & van hire, Forstal Farm, Forstal Lane, East Farleigh	Change of use of the land to car & van hire	EN	01.06.20	07.07.20	01.07.22	Notice upheld
19/500073	DAPR	Bearsted	Lested Farm, Plough Wents Road, Chart Sutton ME17 3SA	Breach of Conditions re an Anaerobic digester - Planning app submitted.	BCN	20.10.20	20.10.20	14.12.20	
19/500469	SK	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised building	SN	06.12.20	06.11.20	06.11.2020	Site being monitored
19/500469	SK	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised change of use G&T site	EN	06.12.20	11.12.20	appeal in progress	Hearing set 24.05.22
20/500334	SK	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised change of use G&T site	EN	06.12.20	11.12.20	appeal in progress	Hearing set 24.05.22
18/500016	SK	Collier St	Land at Tanner Farm park, Goudhurst Rd, Marden	Multiuse building not in accordance	EN	24.02.21	24.01.22	24.09.22	Notice upheld
21/500040	SK	Collier St	Land at Tanner Farm park, Goudhurst Rd, Marden	unauthorised operational works in preparing land for development	TSN	24.02.21	24.02.21	24.03.21	Site being monitored
21/500338	DAPR	High Street	The Barge Riverside Restaurant, River Medway R/O Archbishops Palace, Undercliff, Maidstone,	Construction of a hoarding and pergola on the quayside, COU of site to use for the storage of a barge and floating pontoon	EN	12.07.21	16.08.21		Notice complied with - CLOSED
21/500443	SK	Detling & Thurnham	Land at Land South Of Sutton Road, Langley, Kent	Breach of condition re landscaping - Application submitted.	BCN	30.07.21	30.07.21	10.09.21	
19/500819	JB	Yalding	The Three Sons, Hampstead Lane, Nettlestead, ME18 5HN	The construction of two outbuildings	EN	13.09.21	26.10.21	Appeal in progress	
21/500328	DAPR	Marden	Land to the North of Copper Lane, Marden Tonbridge, Kent, TN12 9DH	COU of the land to use as a permanent motocross track, including practicing, with integral operational development consisting of earthworks to alter levels and gradients	EN	24.09.21	29.10.21	29.11.21	notice complied with - CLOSED
21/500869	SK	Ulcombe	Water Lane, Ulcombe, Maidstone	Removal of TPO trees and COU of land for G&T residential site.	TSN	06.11.21	06.11.21	06.11.21	Injunction breached - 2 month committal success, £5000 fine, LPA costs & further 6 mth suspended sentence for 18 mths. Further Formal action continuing
					INJ	08.11.21	08.11.21	08.11.21	
19/500944	DP	Harrietsham	Willow Banks, (Formerly Lake House) Church Road Harrietsham ME17 1AP	The development having commenced and progressed beyond slab levels the following conditions not complied with	BCN	17.01.22	17.01.22	14.02.22	
16/501147	SK	Collier St	Tanner Farm Caravan Park, Goudhurst Rd, Marden TN12 9ND	Breach of condition (v) of 87/1718 and condition 07. of 97/1450 - no permanenantly stationed caravans	EN	04.02.22	09.03.22	Appeal in progress	Inquiry date 11.10.22
18/500016	SK	Collier St	Tanner Farm Caravan Park, Goudhurst Rd, Marden TN12 9ND	Without planning permission, the change of use of land to a recreational use (Sui Generis)	EN	04.02.22	09.03.22	Appeal in progress	Inquiry date 11.10.22

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance status	Action
				Decision reached - case closed					
				Awaiting compliance					
				Awaiting planning application/appeal start dates/decisions/court hearings/- out of Enforcement control					
				Next step of formal action being considered					
			XXXXXXXXXX	Cases that are being monitored i.e. sites with injunctions and BCNs					

Month	Cases Closed	Cases received	Live Cases
Jan 2021	29	43	301
Feb 2021	26	39	314
March 2021	36	41	319
Jan 2022	29	27	408
Feb 2022	40	32	400
March 2022	75	48	379

