

# PLANNING COMMITTEE MEETING

Date: Thursday 18 July 2024  
Time: 6.00 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Cleator, Cox, Harwood, Jeffery, M Naghi, Riordan, Spooner, Summersgill (Vice-Chairman), M Thompson, S Thompson, Trzebinski, Wilby (Chairman) and D Wilkinson

*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.*

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## AGENDA

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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 Items withdrawn from the Agenda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 July 2024
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 20 June 2024 and 27 June 2024 - to follow
11. Presentation of Petitions (if any)
12. 23/502572/FULL - Fourayes Farm, Church Lane, Bicknor, Kent, ME9 8BJ 1 - 13

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**Issued on Wednesday 10 July 2024**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

13.	24/500068/FULL - Sunny Hill View Equestrian Stables, Sandway Road, Sandway, Kent, ME17 2LU	14 - 26
14.	24/501356/FULL - Elmscroft Cottage, Charlton Lane, West Farleigh, Kent, ME15 0NY	27 - 36
15.	24/501629/FULL - Land Adjacent To Neverend Farm, Pye Corner, Ulcombe, Kent, ME17 1EF	37 - 44
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19.	Planning Committee Training	62 - 69

#### **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, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. on Wednesday 17 July 2024. 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.**

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**REPORT SUMMARY**

<b>REFERENCE NUMBER:</b> 23/502572/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use of existing building to B8 (storage and distribution) for temperature-controlled fruit storage (retrospective).		
<b>ADDRESS:</b> Fourayes Farm, Church Lane, Bicknor, Sittingbourne, ME9 8BJ		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions and a s106 legal agreement.</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• Application is only assessing the potential impact from a change in the origin of stored apples and the building location is acceptable in terms of neighbour impact and public viewpoints.</li> <li>• Appearance of the existing building has been found to be acceptable in previous applications in relation to visual impact including on the Kent Downs NL.</li> <li>• No open storage is proposed on red line application site with a restrictive planning condition recommended.</li> <li>• Application is in accordance with the statutory duty in the Levelling Up and Regeneration Act, in accordance with Local Plan Review policy LPRSP9 and with NPPF advice.</li> <li>• Impact on the road network from any associated vehicle movements would not be severe (NPPF test).</li> <li>• Use of planning conditions and a s106 legal agreement will ensure consistency across storage and processing operations and that impact caused to the road network is mitigated.</li> <li>• Application is acceptable in relation to the site access, highway safety and parking.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in from Stockbury Parish Council and Hollingbourne Parish Council for the reasons given in section 4 of this report.		
<b>WARD:</b> North Downs	<b>PARISH COUNCIL:</b> Bicknor	<b>APPLICANT:</b> Mr. Lee Burnside <b>AGENT:</b> DHA Planning Ltd
<b>CASE OFFICER:</b> Francis Amekor	<b>VALIDATION DATE:</b> 29/06/23	<b>DECISION DUE DATE:</b> 30/07/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant planning history**

- 94/0853 Two storey office/canteen and removal of existing portable office and canteen buildings. Approved 30.09.1994.
- 96/0133 Erection of apple preparation and storage building. Approved 21.03.1996.
- 01/0028 Retention and extension to an apple preparation and storage building, including a 3-bay extension, lean to plant room and steam pit and provision of a ramp with associated landscaping (Part retrospective). Approved 21.06.2001.
- 04/0956 Demolition of existing agricultural storage building and erection of replacement building Approved 14.07.2004.
- 07/0048 Erection of extension to provide chilled despatch facilities, chilled storage of dry goods and additional toilets, changing, canteen and training facilities to comply with customer health and safety requirements. Approved 29.03.2007.
- 16/500180/FULL Demolition of an existing building and the construction of a steel framed building purposely designed to support 4 No. controlled atmosphere stores. Approved 27.07.2016. (EIA Screening Opinion: 16/500296/ENVSCR No further action required 09.02.2017.
- 17/500167/FULL Erection of a steel framed machinery store. Approved 09.08.2017. (EIA Screening Opinion: 17/500270/ENVSCR No Further Action Required 26.01.2018).
- 18/504002/FULL Proposed construction of membrane bioreactor (MBR) extraction unit to serve the existing apple processing plant/factory at Fourayes Farm. Approved 30.10.2018.

- 20/500328/AGRIC Prior notification for proposed portal framed agricultural building for temperature-controlled fruit storage Siting, design, and external appearance. Prior Approval Not Required 25.02.2020.
- 22/500920/AGRIC Prior notification for erection of enclosed portal framed Agricultural building for temperature-controlled fruit storage with canopy. Siting, design, and external appearance. Prior Approval Granted 25.03.2022.

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site (0.24 hectares) is in the countryside, on the east side of Church Lane, and in the Kent Downs National Landscape (formally AONB).
- 1.02 The existing agricultural building on the application site is located to the north-east of the larger group of Fourayes Farm buildings (with hardstanding areas and all buildings the total area covers circa 1.7 hectares). This larger group of Fourayes Farm buildings, that separate the application building from Church Lane, are mainly of utilitarian agricultural design, and include storage, processing sheds, workshops, associated chilled despatch and loading facilities and offices.
- 1.03 The application building and other Fourayes Farm buildings are occupied and run by Puratos – Fourayes. Puratos – Fourayes are well established growers and processors of apples. Apples grown on the farm and sourced from other English growers are processed on the wider site into various food products for the dessert and bakery sectors of the food industry.
- 1.04 Local character is mainly agricultural with fields to the north, east and south, Church Wood (ancient woodland) is along the southeast boundary of the wider farm. A dwelling ('Hawthorns') is adjacent to the northern site boundary of the main Fourayes site with two further dwellings (Walnut Tree Farm and Bramley Lodge) on the opposite (west) side of Church Lane. A public footpath (KH159) runs through the Fourayes Farm buildings in a southwest- northeast alignment and to the south of the application site.
- 1.05 Fourayes Farm is in the Bicknor Parish. The boundary with Stockbury Parish is to the west and northwest (Kennel Barn Road). The boundary with Hollingbourne Parish is to the south (circa 1.85km). At the closest point the borough boundary with Swale and Bredgar Parish is 390 metres to the northeast. Sittingbourne Road (A249) is circa 2.4 miles to the north. The M20 (junction 8) is 5.2 miles to the southwest. Church Lane runs into South Green Lane north of site and north of the junction with Kennel Barn Road.

Aerial photograph



## **2.0 PROPOSAL**

- 2.01 The current retrospective application is to change the use of existing agricultural building to B8 (storage and distribution) for temperature-controlled fruit storage.
- 2.02 The majority of agricultural buildings do not require full planning permission, however permitted development rights set out in national legislation require an application to be made for the Council's prior approval. Considerations as part of a prior approval submission are restricted to siting, design, and external appearance. A prior approval application also requires the proposed building to be reasonably necessary for the purposes of agriculture, as well as meeting other criteria in Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 2.03 The Council gave prior approval in February 2020 (20/500328/AGRIC) for an agricultural building on the application site. A further prior approval was given in March 2022 (22/500920/AGRIC) for a larger replacement agricultural building for temperature-controlled storage of fruit. The prior approval decisions were made on the basis that building was agricultural as storing fruit originating from Fourayes Farm. The retained building is 30 metres in length, 22 metres in width, with a maximum height of 7.7 metres and located adjacent to the southeast boundary of the existing main Fourayes Farm complex.
- 2.04 A planning enforcement investigation found that the building at least in part, was being used for the temperature-controlled storage of fruit which did not originate from Fourayes own orchards but from partner growers. With this change representing an industrial use, the application has been submitted to regularise the planning position.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

### Maidstone Borough Local Plan Review (2024)

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. Strategic level legal challenges were made to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Maidstone Borough Local Plan 2017 policies are therefore now superseded. The relevant LPR policies are as follows:

Policy LPRSS1- Maidstone Borough Spatial Strategy  
Policy LPRSP9- Development in the Countryside  
Policy LPRSP15- Principles of Good Design  
Policy LPRSP11 - Economic Development  
Policy LPRSP14(A) - Natural Environment  
Policy LPRQD4 - Design principles in the Countryside  
Policy LPRSP11(B) – Creating new Employment Opportunities  
Policy LPRCD6 - Expansion of existing businesses in rural areas  
Policy LPRQD 2 - External lighting  
Policy LPRTRA4 – Parking  
Policy LPRTRA2 - Assessing the Transport Impacts of Development

### The National Planning Policy Framework (2023):

Section 2 – Achieving Sustainable Development  
Section 4 – Decision Making  
Section 6 - Building a strong, competitive economy.  
Section 12 – Achieving well Designed Places

### National Planning Practice Guidance (NPPG):

### Supplementary Planning Documents:

Maidstone Landscape Character Assessment  
Kent AONB Management Plan

#### 4.0 LOCAL REPRESENTATIONS

##### Local residents

4.01 25 representations received objecting to the application for the following (summarised) reasons:

- Surrounding rural road network is unsuitable for increased HGV traffic.
- South Green Lane is a single-track road with limited passing places.
- The lorries are damaging road verges.
- Business use is unsuitable in an area designated as National Landscape
- HGV traffic decreases highway safety for drivers and pedestrians.
- Noise, dust, fumes, and safety hazards from HGV movements
- Light and noise pollution as well as a lake and river of strongly smelling effluent.

4.02 Response from a planning consultant instructed by a local resident makes the following points:

- South Green Lane and the surrounding road network are single track roads. They have limited forward visibility due to the curve in the road alignment, limited passing opportunities and the site access sight lines are below recommended standards.
- Access to the site via A249 is generally steep and very much steeper from the Hollingbourne area from the A20.
- With average road width of just over 3m no opportunity for oncoming cars or HGV's to turn or pass resulting in need to reverse potentially over 100m. Reversing in inclement, icy, wet conditions increases risk to highway safety.
- The application should be refused as application does not accord with Local Plan and NPPF policies as traffic impacts are severe including in relation to employees and associated site related operational traffic.

##### Stockbury Parish Council

4.03 Objection and committee call in for the following reasons:

- Significant increase in HGV traffic has harmed local character and the fragile road network.
- The single lane narrow road access has resulted in property damage and harm to amenity.
- Growth from small local farm minor fruit processing to the industrial scale of one of the country's largest soft fruit processors has harmed the AONB.
- Harm to the wider rural community in an AONB.

##### Hollingbourne Parish Council

4.04 Objection and committee call in.

##### Patrick Garten (former ward councillor)

4.05 Requested the application is reported to the planning committee if the case officer is minded to recommend approval.

##### Bredgar Parish Council (Borough of Swale)

4.06 Objection for the following reasons:

- Narrow local lanes are increasingly overburdened with HGV traffic, with significant detrimental impact on local traffic, pedestrians, and quality of life.
- Associated noise and light pollution have a negative impact on the AONB.
- Any decision should take account of a full traffic assessment.
- Support for comment from Stockbury PC

#### 5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where necessary)

##### KCC Ecology

5.1 No objection

##### Forestry Commission

5.2 No objection

##### KCC Highways

5.3 No objection subject to the following planning conditions (pre-existing controls imposed on HGV movements for the entire farm complex) and s106 planning obligations:

- 5.4 Recommended planning conditions
- A maximum of 3 HGV Movements (*number of vehicles*) shall take place between 1800hrs and 2000hrs Monday to Friday during September and October.
  - A maximum of 2 HGV Movements (*number of vehicles*) shall take place between 1800hrs and 1900hrs Monday to Friday during November to August
  - A maximum of 2 HGV Movements (*number of vehicles*) shall take place between 0600hrs and 1900hrs on Good Friday.
  - A written record of all HGV movements to and from the development shall be kept and made available for inspection by the Local Planning Authority at their reasonable request.
- 5.5 Recommended s106 planning obligations.
- A routing agreement to formalise and control HGVs routes travelling to and from the site.
  - Maximum average limit of 24 HGV (defined as a vehicle of 7.5 tonnes or above) movements per day from the whole farm complex over any calendar month.
  - Completion of road condition surveys and remedial works to rectify any damage to the local highway in accordance with a method statement that has been agreed by the planning and highway authorities.

KCC Public Right of Way Team

- 5.6 No objection.

**6.0 APPRAISAL**

- 6.01 The key issues are:
- Expansion of an existing business in a rural area
  - Character and appearance
  - Road network and vehicle movements
  - Site access, highway safety and parking.

**Expansion of an existing business in a rural area**

- 6.02 Policy LPRCD6 of the Local Plan Review (2024) states that planning permission will be granted for the sustainable growth and expansion of rural businesses in the countryside subject to the list of criteria that are considered below:

New buildings and proposed access are appropriate in scale and resultant development as a whole is appropriate in scale and can be satisfactorily integrated into the local landscape (LPRCD6 -1i).

- 6.03 This application does not involve a new building or a new access. The application is for the change of use of an existing agricultural building (temperature-controlled fruit storage for Fourayes Farm) to include temperature-controlled fruit storage for other farms (Use Class B8 - storage and distribution). The requirements of (LPRCD6 -1i) is not relevant for the current application. Site access is considered later in the traffic and transport section of this report.

Floorspace increase would not result in unacceptable traffic levels/ traffic (LPRCD6 -1ii).

- 6.04 Traffic and transport are considered later in this report.

New development, together with the existing facilities will not result in an unacceptable impact on amenity with emphasis on assessing impact on nearby properties and appearance from public roads (LPRCD6 -1iii).

- 6.05 The lawful use of the existing application building is the storage of apples. The current application does not change the use of the building from the storage of apples. The only proposed difference is that the stored apples will come from a wider area. The proposals will not increase floorspace or the external building dimensions.

- 6.06 The application building is set back behind an agricultural field and located circa 124 metres from the closest residential property ('Hawthorns') and set back circa 145 metres from Church Lane. In this context the views of the building are heavily screened from neighbours and by roadside hedges from the public road.

- 6.07 The application building will be visible from the public right of way that runs to the south of the application site. The building appearance and relationship with the public right of way was found to be acceptable as part of the earlier prior approval assessment, the change in the origin of the stored apples does not change these conclusions. There has been no objection raised by the KCC Public Right of Way team. Similarly, the impact on neighbour amenity was found to be acceptable and this conclusion has been reached again.

No open storage of materials permitted (LPRCD6 -1iv).

- 6.08 The applicant has confirmed "No open storage is associated with the building in question". A planning condition is recommended to ensure that there is no open storage provided on the application site (0.24 hectares). It is highlighted that the application is a small part of the wider site (total area circa 1.7 hectares), and the planning condition will not apply to this wider site.

- 6.09 In summary:

- Application does not involve a new building or a new or altered site vehicle access.
- Application is only assessing the potential impact from a change in the origin of stored apples.
- Use of the building supports the wider fruit processing use and could allow this use to operate more efficiently.
- Building location is acceptable in terms of neighbour impact and public viewpoints.
- No open storage proposed on red line application site with a restrictive planning condition recommended.

**Character and appearance**

- 6.10 The application site is in the Kent Downs National Landscape (formerly AONB). Section 245 of the Levelling Up and Regeneration Act (Dec 2023) states "*In exercising or performing any functions in relation to, or so as to affect, land in [a National Landscape] ... a relevant authority ... must seek to further the purpose of conserving and enhancing the natural beauty of the [National Landscape]*".
- 6.11 The NPPF states "*Great weight should be given to conserving and enhancing landscape and scenic beauty in [a National Landscape] ... which have the highest status of protection in relation to these issues*" (para 182). Policy LPRSP9 of the Local Plan Review advises "*Great weight should be given to the conservation and enhancement of the Kent Downs National Landscape*".
- 6.12 The visual impact of the building on the application site is not a relevant consideration with the current planning application. The visual impact of the building was previously considered as part of a permitted development right provided in national legislation and found to be acceptable.
- 6.13 The change to the origin of the apples that are stored has no bearing on the visual impact of the building. Planning conditions are recommended to seek details of existing external lighting associated with the application building and for details of any future lighting to be submitted for approval.
- 6.14 Consultation responses have referred to the negative impact of HGV movements on local roads and character and appearance of the Kent Downs National Landscape. The Fourayes Farm fruit processing operation is well established and whilst the application site is adjacent, the current application only relates to a change in the nature of the existing storage use. As set out later in this report planning conditions and a s106 legal agreement is recommended to mitigate impact from the proposed change.
- 6.15 In summary and in relation to the application building:
- There is no change to the appearance of the existing building on the application site which has been found to be acceptable in a previous application in relation to visual impact.
  - The proposed change to the origin of the stored apples has no bearing on the visual impact of the building.



- The application is in accordance with the statutory duty in the Levelling Up and Regeneration Act, in accordance with Local Plan Review policy LPRSP9 and with NPPF advice.

### **Road network and vehicle movements**

- 6.16 Policy LPRTRA2 of the Local Plan Review states "*...development proposals must demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual highway safety or capacity impacts*". Policy LPRSP15 advises that proposals should "Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network...". A requirement of policy LPRCD6 is that any floorspace increase should not result in unacceptable traffic levels or traffic types.
- 6.17 The current application is for the change of use of a lawful agricultural building (temperature-controlled fruit storage for Fourayes Farm) to include temperature-controlled fruit storage for other farms (Use Class B8 - storage and distribution). The application provides additional floorspace to the fruit processing operation that takes place on the wider site.
- 6.18 The existing lawful use of the wider Fourayes Farm site includes the storage and processing of fruit both from Fourayes Farm and from other off-site farms. The diversification of farming operations to process produce and to take produce from other farms is part of a wider trend (River Farm, Chart Hill Road). *The Kent Downs Management Plan describes "...an increase in the changing nature of farm holdings in the Kent Downs...There has been a move to larger 'contract' farming and cooperative farming ventures, ...to achieve economies of scale...".* These larger processing operations grow piecemeal on farm sites and whilst generally close to the source of the produce, the locations are rarely ideal for HGV access.
- 6.19 The applicant states "*...the highway network is typical of that in agricultural areas throughout the county, where farm vehicles including tractors, milk tankers and combine harvesters are commonplace throughout the year*". The applicant has also highlighted crossing places of a suitable size for HGVs.
- 6.20 It is acknowledged that large vehicles and farm equipment commonly use narrow rural lanes. The issue raised in consultation responses (including by the highways authority) is the 'frequency' of HGV trips on narrow country lanes that are associated with the Fourayes Farm site.
- 6.21 The applicant's Transport Statement indicates that the whole farm operation generates an average of 24 HGV movements per day (Monday – Friday) during the seasonal peak. This is the equivalent of 2 HGV movements per hour if an even spread through the day. With reference to the planning condition restricting the hours of operation, a day is assumed as 07:00 – 19:00.
- 6.22 In the interests of neighbour amenity and consistency between the application building and wider site operations, it is recommended that the following two planning conditions attached to the planning permission MA/12/0239 are reapplied. These conditions are as follows:
- On site activities (including loading and unloading to and from vehicles) shall not take place outside the hours of 0600 and 2200 Monday to Friday, 0600 and 1300 on Saturdays, and at no times on Sundays or any public holidays except Good Friday and one other nominated public holiday where the use shall not operate outside the hours of 0600 and 1300.
  - No deliveries shall be received or despatched outside the hours of 0700 and 1900 Monday to Friday November to August inclusive, and 0700 and 2000 Monday to Friday during September and October; 0700 and 1300 on Saturdays, and at no times on Sundays or any public holidays except Good Friday and one other nominated public holiday outside the hours of 0600 and 1300.
- 6.23 The applicant states "*...HGV movements to and from the farm are dictated by the amount of fresh fruit being transported from partner farms and other associated movements and deliveries together with products being dispatched to customers. The building itself sits within the wider Fourayes operation and does not therefore directly generate any movements itself*".

- 6.24 In response to the applicant, the flexibility in the use of the storage offered by the current planning application allows increased storage capacity and allows the wider site processing to operate more efficiency. With the storage building part of the wider operation, this greater efficiency could result in an increase in the number of HGV trips to the site.
- 6.25 With these conclusions it is recommended that a permission is subject to a s106 legal agreement that includes a HGV routing agreement to formalise and control HGVs routes travelling to and from the site and a requirement that existing vehicle movements are maintained at a maximum average limit of 24 HGV movements (defined as a vehicle of 7.5 tonnes and above). It is also recommended that to monitor compliance there is a requirement for the applicant to keep a written record of all HGV movements and their routes and for this to be available to the Local Planning Authority upon request.
- 6.26 KCC Highways also recommend a third a106 planning obligation relating to road condition surveys and remedial work for any road damage. Planning obligations are required to meet following legal tests.
- necessary to make the development acceptable in planning terms.
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 6.27 With reference to KCC Highways comments, public roads are used to access the application site and these roads can be used by large vehicles and HGV's unrelated to the application site. In this context any damage to local roads cannot be proven to be directly related to the development and would not be fairly and reasonably related.

Vehicle passing bays on the local highway network (Submitted Transport Statement)



**Site access, highway safety and parking.**

- 6.28 Policy LPRSP15 advises that proposals should "Safely accommodate the vehicular and pedestrian movement generated by the proposal ....through the site access". Policy LPRTRA2: states that proposals must. "Demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual highway safety or capacity impacts".
- 6.29 The current application does not provide any new floorspace for fruit processing and there are no additional staff. The current application does not involve a new or altered site access on to the highway. The existing access is suitable for the vehicle movements generated by the application building and the wider use including in relation to driver sightlines and highway safety.

- 6.30 The Fourayes farm site also has capacity for onsite turning allowing HGV entry and egress in a forward gear. KCC Highways have no objection to the continued use of the site access "...on account of the generous width of the access (approximately 30m) and low vehicle speeds likely to be present on the Church Lane approaches to the access junction".
- 6.31 As highlighted by KCC Highways, this section of Church Lane has no recorded crashes over the period 01.04.2018 to 31.03.2023. The current application does not result in any additional staff and there are no changes proposed to onsite parking arrangements which are acceptable. The applicant's Transport Statement acknowledges the width of the carriageway to/from the A249 is constrained but highlights the opportunities for opposing vehicles to pass with several passing bays.
- 6.32 In summary, NPPF guidance states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*" (Paragraph 115).
- Current application does not involve a new building only a change in the use of existing floorspace, the impact on the road network from any associated vehicle movements would not be severe.
  - The use of planning conditions and a s106 legal agreement will ensure consistency across storage and processing operations and that impact caused to the road network is mitigated.
  - The application is acceptable in relation to the site access, highway safety and parking.

Existing site access from Church Lane (Google Streetview)



**Biodiversity net gain**

- 6.33 Unless in the list of specified exemptions, biodiversity net gain is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).
- 6.34 The current planning application is a non-major application but was made before the commencement date of the 2 April 2024. The development is as a result exempt from statutory biodiversity net gain requirements. A planning condition is recommended seeking ecological enhancements which is a separate requirement.

## **PUBLIC SECTOR EQUALITY DUTY**

- 6.35 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.

## **7.0 CONCLUSION**

- 7.1 The application is only assessing the potential impact from a change in the origin of stored apples and the building location is acceptable in terms of neighbour impact and public viewpoints. The appearance of the existing building on the application site has been found to be acceptable in previous applications in relation to visual impact including on the Kent Downs NL. No open storage is proposed on red line application site with a restrictive planning condition recommended. The application is in accordance with the statutory duty in the Levelling Up and Regeneration Act, in accordance with Local Plan Review policy LPRSP9 and with NPPF advice.

- 7.2 The impact on the road network from any associated vehicle movements would not be severe (NPPF test). The use of planning conditions and a s106 legal agreement will ensure consistency across storage and processing operations and that impact caused to the road network is mitigated. The application is acceptable in relation to the site access, highway safety and parking.

- 7.3 A recommendation of approval of the application is made on this basis.

- 8.0 RECOMMENDATION – GRANT PLANNING PERMISSION Subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated powers to the Head of Development Management to be able to settle or amend any necessary Heads of Terms, planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.**

### HEADS OF TERMS:

1. The completion of a HGV routing agreement between the applicant, Maidstone Borough Council and KCC to formalise and control the routes used by HGVs on the local highway network travelling to and from the application site.
2. The maximum average number of HGV (defined as a vehicle of 7.5 tonnes or above) vehicle movements per day from the whole complex over any calendar month shall be 24 HGV movements.
3. Applicant to maintain a written record of all HGV movements to and from the development which shall be kept and made available for inspection by the Local Planning Authority at their reasonable request.

### CONDITIONS:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan
  - Existing and Proposed Block Plan
  - Existing/Proposed Floor and Elevations
  - Planning Statement
  - Transport StatementReason: For the avoidance of doubt and in the interests of proper planning.
- 2) On site activities (including loading and unloading to and from vehicles) shall not take place outside the hours of 0600 and 2200 Monday to Friday, 0600 and 1300 on Saturdays, and at no times on Sundays or any public holidays except Good Friday and one other nominated public holiday where the use shall not operate outside the hours of 0600 and 1300.  
Reason: To safeguard the visual amenity, character, and appearance of this countryside location.
- 3) No deliveries shall be received or despatched outside the hours of 0700 and 1900 Monday to Friday November to August inclusive, and 0700 and 2000 Monday to Friday during September and October; 0700 and 1300 on Saturdays, and at no times on Sundays or any

public holidays except Good Friday and one other nominated public holiday outside the hours of 0600 and 1300.

Reason: To safeguard the visual amenity, character, and appearance of this countryside location.

- 4) No open storage shall take place on the application site including, plant, materials, produce or waste

Reason: To safeguard the visual amenity, character, and appearance of this countryside location.

- 5) The application building shall only be used for the storage of fruit in connection with the fruit processing taking place in the adjacent Fourayes Farm buildings.

Reason: To safeguard the visual amenity, character, and appearance of this countryside location.

- 6) The use hereby permitted shall cease and all brought onto the land for the purposes of such use shall be removed within 6 weeks of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:

i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include:

a) details of measures to enhance biodiversity at the site (see condition 7).

b) existing external lighting on the boundary of and within the site (see condition 8); and,

c) a timetable for implementation of the scheme including a) and b) with all details implemented in accordance with the agreed timetable and all details retained and maintained for the lifetime of the development.

ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the 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.

iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.

iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character, and appearance of the open countryside location.

- 7) The enhancement of biodiversity on the site, required by condition 6 shall include the installation of a minimum of one bat tube on the approved building and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details by the end of a two-month period following approval and all these features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 8) The details of existing lighting required by condition 6 shall:

a) show that the existing lighting is in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.

b) include a layout plan with beam orientation.

c) include a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).

d) include an ISO lux plan showing light spill.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 9) Any future 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. The submitted details shall:

a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.

- b) include a layout plan with beam orientation.
- c) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- d) an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

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

50 m  
100 ft



Ordnance Survey - data derived from OS Premium

**Urgent Update: Planning Committee 18 July 2024**

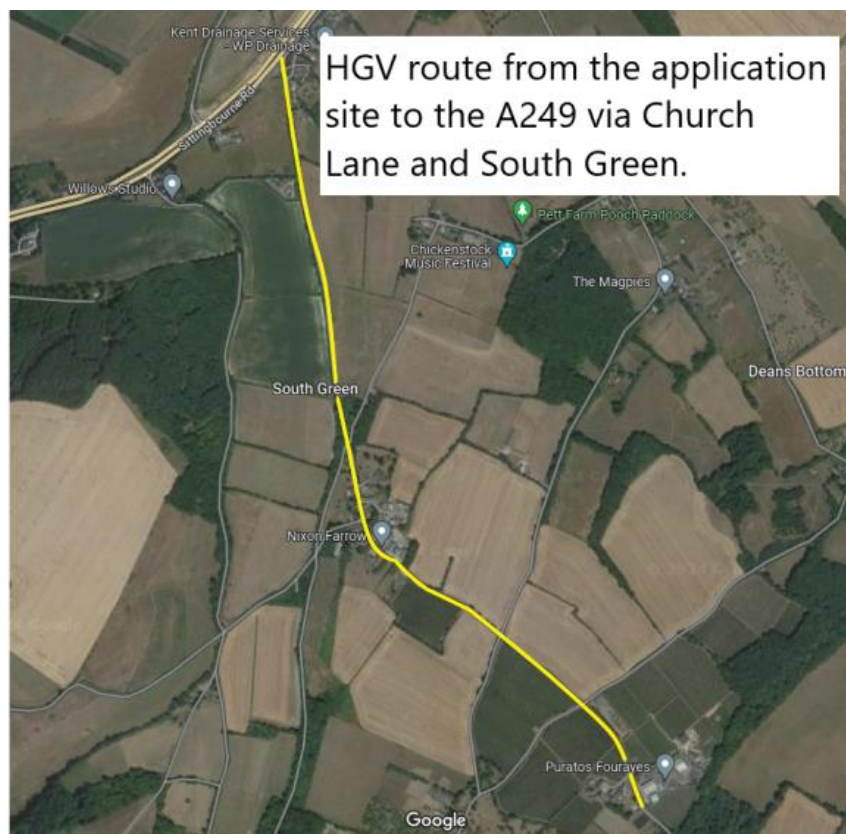
**Item 12 Pages 1 to 12**

**APPLICATION: 23/502572/FULL Fourayes Farm, Church Lane, Bicknor, ME9 8BJ**

**Page 7 paragraph 6.20**

In addition to the main agenda, it is highlighted that the submitted Transport Statement sets out:

- *"The applicant requires all commercial vehicles travelling to and from the site do so via a prescribed route from the A249 Sittingbourne Road via South Green and Church Lane. This represents the quickest and least disruptive route between the farm and the main customer base to the north and west of Kent, avoiding the villages of Bicknor and Hollingbourne". (Paragraph 5.3.3)*
- *"A two-way radio system is in place between the farm and the commercial vehicle drivers, which enables drivers to give advance warning that they are approaching on the A249, during which time no commercial vehicles are permitted to leave the site. This reduces the risk of two large vehicles meeting on South Green and Church Lane" (Paragraph 5.3.3).*



**Page 8 paragraph 6.26 and 6.27**

It is reiterated that under the planning system, a s106 obligation cannot be used that requires an applicant to repair damage to a public road that results from development. The applicant's Transport Statement advises *"...several other fruit farms and agricultural operations are also located in the site vicinity and as such, only a proportion of the goods vehicles that utilise the local highway network are associated with operations at Fourayes Farm"* (Paragraph 5.3.4)

Whilst under the planning system an obligation cannot be placed on the applicant, the submitted Transport Statement sets out that the applicant has a separate agreement with the local highways authority outside the planning system. The statement sets out that the



applicant has "...taken responsibility for the maintenance of the route between the farm and the A249 in liaison with KCC H&T, ensuring that hedgerows are trimmed during appropriate periods of the year, that snow and other obstructions are cleared promptly and that carriageway defects are reported to the Local Highway Authority. This provides further evidence of the importance that the business places on minimising its external impacts and delivering wider community benefits" (Paragraph 5.3.5).

**Page 10 s106 head of term 1** (additions underlined – deletions crossed through).

- ~~The completion of a HGV routing agreement between the applicant, Maidstone Borough Council and KCC to formalise and control the routes used by HGVs on the local highway network travelling to and from the application site. "Securing appropriate HGV routing arrangements on the local highway network travelling to and from the application site."~~

**Page 10 condition 1** (additions underlined – deletions crossed through).

- Amend Condition 1 to provide greater identification of the approved plans (additions to the wording in the main agenda underlined).
    1. *The development hereby permitted shall be carried out in accordance with the following approved plans:*
      - *Site Location Plan (Ref: WM/651/125 Rev1 dated 12.01.2022)*
      - *Existing and Proposed Block Plan (Ref: WM/651/500RA dated 29.06.2023)*
      - *Existing/Proposed Floor and Elevations (Ref WM/651/01 dated 23.01.2020)*
      - *Planning, Design and Access Statement (Ref DCH/AD/30404 dated May 2023)*
      - *Transport Statement (Ref PL/LC/32069 dated January 2024)*
- Reason: For the avoidance of doubt and in the interests of proper planning.*

## REPORT SUMMARY

<b>REFERENCE NUMBER:</b> 24/500068/FULL		
<b>APPLICATION PROPOSAL:</b> Part change of use of land for siting of 1no. mobile home to provide rural worker's accommodation ancillary to the existing business and part change of use of land to commercial equestrian with erection of 2no. stable buildings (retrospective).		
<b>ADDRESS:</b> Sunny Hill View Equestrian Stables, Sandway Road, Sandway, ME17 2LU		
<b>RECOMMENDATION:</b> <b>GRANT PLANNING PERMISSION subject to planning conditions in Section 8 below.</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• The stables building and the change of use from agriculture to equestrian use (0.15 hectares) are acceptable and in accordance with adopted policy LPRCD7.</li> <li>• Existing boundary landscape screening will be supplemented by additional landscaping achieved by condition. The stables and caravan will be seen in context of sporadic development on the site and on other land in this area. In this perspective the application is acceptable in relation to local character and appearance.</li> <li>• With the separation distance from the closest neighbour, the scale of the caravan and stables and intervening field boundary landscaping, there is no identified impact on neighbour amenity.</li> <li>• The application is acceptable on the basis that the permission is granted on a temporary basis for a three year period.</li> <li>• A recommendation of approval of the application is therefore made on this basis.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in from Lenham Parish Council for reasons given in section 4 of this report.		
<b>WARD:</b> Harrietsham And Lenham	<b>PARISH COUNCIL:</b> Lenham	<b>APPLICANT:</b> Mr Paul Collins <b>AGENT:</b> Equine Commercial-Legal
<b>CASE OFFICER:</b> Francis Amekor	<b>VALIDATION DATE:</b> 31/01/24	<b>DECISION DUE DATE:</b> 30/07/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

### Relevant planning history

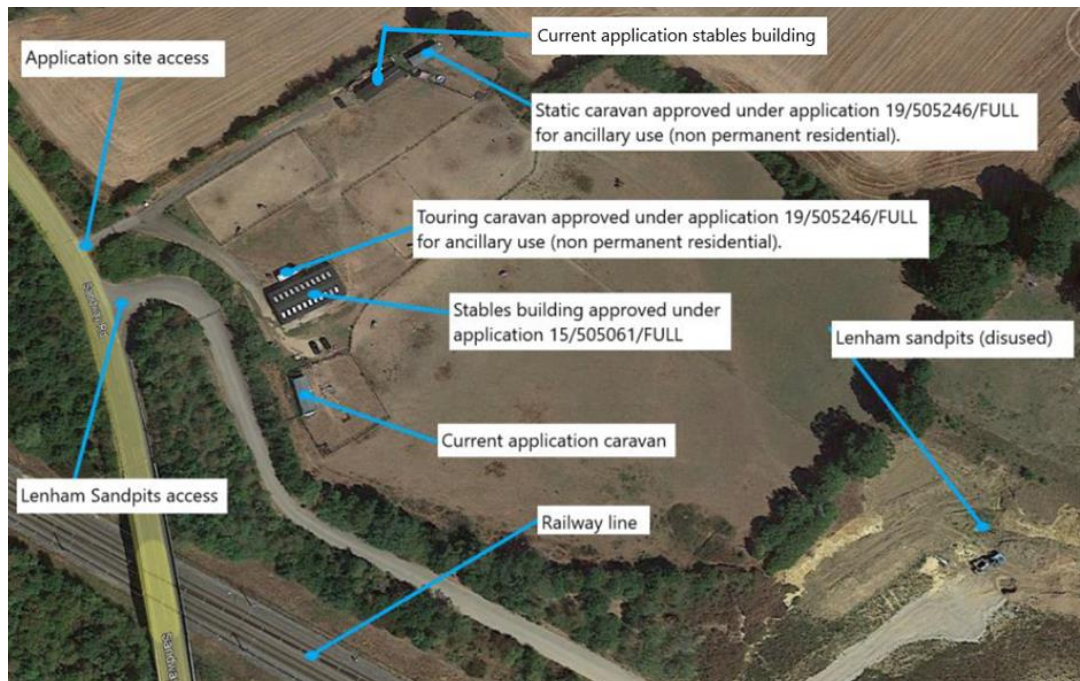
- 14/0549 Certificate of Lawfulness application for the use of land for equestrian purposes. Approved 28.05.2014.
- 15/505061/FULL Erection of a stable building and laying of hardstanding. Approved 26.10.2015.
- 19/503697/FULL Temporary change of use of land (until 13.09.22) for stationing of static mobile home to be used for residential purposes in association with the business operations of Sunny Hill View Equestrian Stables. Approved 13.09.2019 (*Officer note: current application seeks permission for retention of this caravan*).
- 19/505246/FULL Retrospective application for the siting of 1no. additional caravan and 1no. touring caravan ancillary to the commercial equestrian use. Approved 23.12.2019.
- 20/500875/FULL Creation of outdoor riding arena ancillary to commercial equestrian use of the site. Approved 27.04.2020.
- 22/505066/FULL Change of use of land for permanent siting of the mobile home to provide rural worker's accommodation ancillary to the existing business.

*(Officer note: Application 22/505066/FULL was on the published committee agenda for the 20.07.23 meeting with officer recommendation for approval. Application was withdrawn*

30.10.2023, following officer request for current resubmitted application and for this application to include:

- retention of the stables building at the northern end of the site.
- change of use of the small area of land (0.15 hectares) at the southern end of the site that was excluded from the earlier Certificate of Lawfulness (14/0549) granted for the equestrian use
- up to date business and financial information).

#### Anotated site aerial photograph



### **MAIN REPORT**

#### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site (3.2 hectares) is in the countryside, outside of any Local Plan designated settlement and circa 1.2 km from Harrietsham. The site is to the east of Sandway Road, with the access road to Lenham Sandpits separating the site from the Channel Tunnel Railway Link to the south.
- 1.02 The Maidstone Landscape Character Assessment identifies the wider area as falling within 'area 6' of the 'Leeds Transport Corridor' which is characterised by mixed farmlands with a few orchards. The landscape guidance for this area is to 'reconstruct'. The site is also identified as falling within 'area 7' of the 'Harrietsham Vale' Character Area on the Borough Wide Character Area map. This area is identified as being of poor condition with moderate sensitivity to change, with a guidance to restore and improve.
- 1.03 The site is in equestrian use with the level grazing land divided into paddocks. There are currently eleven horses on site of which six are full liveries. A certificate of lawfulness application is in place for the use of most of the land for equestrian purposes (14/0549). The site has landscaping around all boundaries with a wider belt to the east and south. A public footpath (KH414B) runs around the southern site boundary. The site is in the KCC Minerals Safeguarding Area.
- 1.04 In relation to the Habits Regulations and the Stodmarsh protected sites east of Canterbury, the application site is not in the Stour River catchment, so there would be no 'direct' potential impact from the current application. The site is in an area that could have a potential 'indirect' impact on the Stour River catchment. This indirect impact would be if waste water from the site is processed at Lenham Wastewater Treatment works within the catchment which discharges into the Stour River.

## 2.0 PROPOSAL

2.01 The current application seeks the following:

- Retrospective change of use of an additional area of land (0.15 hectares) to the south of the site from agriculture to equestrian use (see plan on next page). It is highlighted that most of the site (3.05 hectares) has an existing lawful equestrian use.
- The retention of the existing static caravan on western side of the site – previous temporary permission for the caravan 19/503697/FULL has expired. Caravan footprint 12 metres by 4 metres, flat roof at 3 metres high.
- The retention of the stables at the northern end of the site (provides 4 stables and storage in a building with footprint of 16.5 metres by 3.6 metres, dual pitch roof with eaves at 2 metres and ridge at 2.5 metres high).

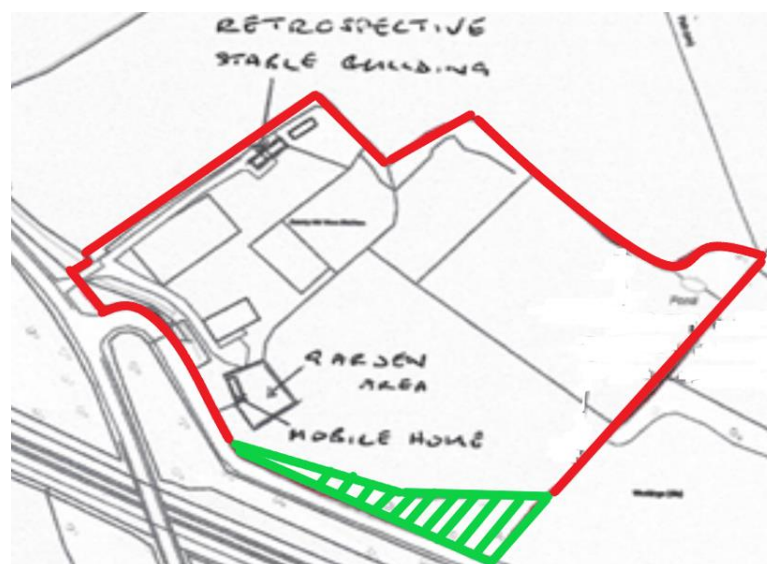
2.02 In addition to that set out above, the following are also currently located on the application site:

- Static caravan,  
Northern end of the site, ancillary to commercial equestrian use as rest room for staff and clients - permanent permission (19/505246/FULL) on basis that equestrian stables are retained.
- Touring caravan  
Western side of the site, ancillary to commercial equestrian use as storage for equipment, supplies and machinery - permanent permission (19/505246/FULL) on basis that equestrian stables are retained.
- Stables in a barn  
Western side of the site, ancillary to commercial equestrian use. Barn provides 7 stables with permanent permission (15/505061/FULL) with barn footprint 11 metres by 21 metres.
- Outdoor riding arena  
Ancillary to commercial equestrian use, permanent permission under 20/500875/FULL.

2.03 The current application does not include:

- any additional buildings or caravans on the site.
- any changes to the appearance of existing buildings or caravans.

Current application site with additional land shown as hatched.



### 3.0 POLICY AND OTHER CONSIDERATIONS

#### Maidstone Borough Local Plan Review (2024)

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. Strategic level legal challenges were made to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Maidstone Borough Local Plan 2017 policies are therefore now superseded. The relevant LPR policies are as follows:

Policy LPRSP9 Countryside  
Policy LPRSP14 - Environment  
Policy LPRSP14(A) - Natural environment  
Policy LPRSP15 – Principles of good design  
Policy LPRSS1 - Spatial strategy  
Policy LPRTRA2 - Assessing transport impacts.  
Policy LPRQ&D2 - External lighting  
Policy LPRCD3 Accommodation for rural workers  
Policy LPRCD7 Equestrian development

#### The National Planning Policy Framework (2023):

Section 2 – Achieving Sustainable Development  
Section 4 – Decision Making  
Section 6 - Building a strong, competitive economy.  
Section 12 – Achieving well Designed Places

#### National Planning Practice Guidance (NPPG):

#### Supplementary Planning Documents:

Maidstone Landscape Character Assessment

### 4.0 LOCAL REPRESENTATIONS

#### Local residents

4.01 4 representations received objecting to the application for the following (summarised) reasons:

- Existing caravans and site are untidy, in very poor condition and visible from the footpath and road. (*Officer comment: The stables are of a typical timber clad design, In accordance with policy LPRCD7 (2) the stables do not have the permanence to be converted to other uses.*)
- Approving would set a precedent. (*Officer comment: each planning application is considered on its merits*)
- Site not fit for keeping horses and contrary to British Horse Society (BHS) guidelines. (*Officer comment: No information is provided on what aspect of the BHS guidelines they are referring to. The BHS in any event states that guidelines are flexible as they are dependent on a variety of different circumstances.*)
- Horses at risk from crop spraying on adjacent land (*Officer comment: All equestrian uses are generally in the countryside and therefore likely to in proximity to agricultural uses. Equestrian use has existed for over 10 years*).
- Land only allowed for equine grazing and not for any type of accommodation, temporary or permanent. (*Officer comment: Adopted LPR policy permits rural worker accommodation subject to the factors assessed in this report*).
- The applicant is a self-employed plumber and has no business requiring rural workers (*Officer comment: The submitted planning statement sets out the nature of the business and this information is considered in this report*).

#### Lenham Parish Council

4.02 Objection and committee call in for the following reasons:

- Landowner has said that the applicants do not have permission for these changes. (*Officer comment: Landowners permission is not required to submit a planning application. The submitted planning statement also disputes consultation responses relating to land ownership*).

- Development is inappropriate for this site (*Officer comment: The submitted proposal is assessed in the following report*).
- Site has been subject to multiple applications in effect salami slicing towards a significant establishment. (*Officer comment: Submission of one comprehensive application is always the preference, however there is nothing to prevent separate applications and all applications are assessed on their individual merits*).

## 5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where necessary)

### KCC Ecology

- 5.1 No objection subject to a planning condition on ecological enhancement, net gains for biodiversity gain and new native planting.

### Mid Kent Environmental Health

- 5.2 No objection subject to foul drainage and external lighting conditions.

### KCC Minerals and Waste

- 5.3 No objection.

### Southern Water

- 5.4 No objection

### Kent Police

- 5.5 No objection - outside remit

### KCC Public Right of Way Team

- 5.6 No objection.

### UK Power Networks

- 5.7 No objection.

### Council's Rural Planning Consultants.

- 5.8 No objection for the following reasons:
- Satisfied that the functional test is met with an essential need to live on site.
  - Profit for years ending March 2021, 2022, and 2023 shows the financial test is met.
  - Figures show that the business can fund the operators unpaid labour, together with enabling a return on investment or a sinking fund for future re-investment. Also, the existing mobile unit is only modest in size.
  - Profit for the most recent financial year 2023/2024 will increase following the recovery post covid.

## 6.0 APPRAISAL

- 6.01 The key issues are:
- Justification for a residential dwelling in the countryside.
  - Retention of stables and change of use of land from agriculture to equestrian.
  - Character and appearance
  - Residential amenity
  - Trees, landscaping, and biodiversity

### **Justification for a residential dwelling in the countryside.**

- 6.02 The application site is in the countryside and new dwellings are not generally allowed in the countryside.
- 6.03 As an exception to this normal constraint, policy LPRCD3 of the Local Plan Review allows accommodation for rural workers in the countryside in certain circumstances (NPPF also allows homes in the countryside where "...there is an essential need for a rural worker" (paragraph 84))
- 6.04 Policy LPRCD3 lists criteria that apply separately to:
- temporary rural worker dwellings (generally a caravan permitted for 3 years linked to a new rural business becoming established with unproven viability) and

- permanent dwelling (generally bricks and mortar dwelling for a rural business that has been established for 3 years with proven need and viability).

The current application requests the permanent retention of a temporary mobile home. Policy LPRRCD3 refers to temporary accommodation provided for 3 years only whilst a rural business becomes established. As such, the current application is assessed under the 'temporary accommodation' part of policy LPRRCD3 as follows:

Dwelling is essential for development and running of the enterprise (functional test LPRRCD3-1a).

Need for full-time worker accommodation (LPRRCD3-1b).

- 6.05 A statement in support of the current application from the agent (BSc Equine Welfare with Business Management, LLdip Law degree and PgC Agricultural Law) provides the following information:
- "...currently 11 horses on site, ranging from in foal breeding mares, foals, youngstock, two young stallions and riding horses".
  - "...the number and particularly the type of horses on site creates a functional need for 24-hour supervision".
  - "The breeding mares need close supervision prior to foaling, both for their own welfare and that of their foals. The mares are put in foal again shortly after foaling. The foals continue to need close supervision and are then weaned".
  - "Foals are always stabled during the weaning process. If turned out into the paddocks in the early stages, they would injure themselves in their attempt to find their mothers. The process of weaning can be extremely stressful for foals. It is important that they are well supervised to prevent injury, not just because of the welfare implications but because these foals will be destined for the show ring".
  - "Without constant monitoring the welfare of such horses could be seriously compromised. Horses stabled for long periods are predisposed to developing colic, becoming cast, or choking, all of which require immediate attention".
  - "If any horse belonging to a client suffered an injury or illness that was not identified sufficiently early, confidence in the business would be severely undermined. A client would not return their horse to the yard. This would seriously impact on the viability of the enterprise".
  - "The applicants now have two young stallions that will be used for breeding with their own mares, as well as other mare owners", "Stallions require very close supervision and expert handling".
  - "The provision of skilled supervision around the clock is essential, not only for the welfare of the horses, but to ensure the continuation of the business. It is imperative that clients have complete confidence in the supervision of their horses at all times".
- 6.06 The functional policy test requires assessment as to the specific need for a new dwelling in the countryside in connection with a rural enterprise and for a 24-hour site presence. An application needs to demonstrate a requirement for a full time worker in connection with the rural enterprise.
- 6.07 After consideration of the information submitted in the planning statement and associated monitoring requirements, it is concluded that the functional test for a 24 hour presence provided by a dwelling on the site has been met. The information supplied by the applicant including the extent and nature of the tasks involved with the rural enterprise the need is for accommodation for a full-time worker (LPRRCD3 1b).
- 6.08 In previously granting a 3-year temporary planning permission, the delegated report for 19/503697/FULL concluded "*The proposal has justified the essential need for a full-time worker to be on site (and not elsewhere) for the efficient running of the rural enterprise*". The published committee report in July 2023 (for withdrawn application 22/505066/FULL) concluded that the functional policy test had been met and that there was a need for a full-time rural worker, there has been no significant change in circumstances since these conclusions were reached.
- 6.09 Policy LPRRCD7 (Equestrian development) advises "*For proposals of 10 stables or more, adequate provision is made for the security of the site in terms of the location of the proposed development in relation to the manager or owner of the animals*". The application

site provides stabling for 11 horses and policy LPRRCD7 is therefore also supportive of the current application with the dwelling providing site security.

Enterprise has a sound financial basis with intention and ability to develop (financial test LPRRCD3-1c).

- 6.10 Policy LPRRCD3 allows temporary worker accommodation in the countryside for a period of 3 years. A new rural enterprise is expected to achieve sufficient growth and profit in that initial 3 year period to absorb the financial cost of constructing a permanent dwelling. Policy LPRRCD3 does not support the permanent retention of temporary accommodation in the countryside.
- 6.11 Submitted evidence demonstrates that the equestrian use has been established for over 3 years. Financial information shows a net profit in the financial years of 2019/20, 2020/21, 2021/22 and 2022/23. Whilst in profit, the submitted information does not demonstrate sufficient profit to fund the construction of a permanent dwelling. The Council's Rural Planning Consultants also acknowledge that the enterprise is in profit, however they refer to the modest size of the temporary caravan and that profit for the most recent financial year 2023/2024 will increase following the recovery post covid.
- 6.12 Whilst meeting the policy test for a temporary dwelling, the proposal does not provide sufficient confidence and does not meet the financial test for a permanent dwelling in the countryside. The information provided by the applicant including further post covid future recovery indicates a prospect of greater profitability in the future. It is concluded that a further 3 years temporary permission would provide a further period for the business to grow and to allow the caravan to be replaced with a permanent dwelling.

No other housing accommodation is already available locally (LPRRCD3-1d).

Accommodation cannot be provided by the conversion of a building on the holding (LPRRCD3-1e).

Accommodation is sited with other group of rural buildings on the holding (LPRRCD3-1f).

- 6.13 In the Court of Appeal judgement, Wealden District Council v SSE and Colin Day 1987 it was concluded that a caravan could represent an ordinary piece of equipment on an agricultural unit. It was found that uses such as storing and mixing of feed, some office work and the taking of shelter could be carried out in such a caravan and as a result this court ruling found the caravan ancillary to the agricultural use of the land.
- 6.14 As ancillary to the commercial equestrian use, permission was granted for a static caravan and a touring caravan on the application site (December 2019 - 19/505246/FULL, with current application total of 3 caravans 2 statics and a tourer).
- 6.15 The second static caravan is used as a rest room for staff and clients, but not connected to mains water or electricity. At times, staff may stay overnight to closely supervise horses. The touring caravan is used to store equipment and supplies associated with the enterprise. In this context these caravans are ancillary to the wider equestrian use and are not available for permanent residential occupation as an alternative to the current application.
- 6.16 The caravan used as a residential dwelling that is the subject of the current application is located on the western side of the site in the vicinity of the stables barn (15/505061/FULL). The caravan is separated from the main road by the Lenham Sandpits access road and two belts of landscaping. There are no other buildings available on the site that could be converted to provide the residential dwelling and there is no other suitable accommodation available.
- 6.17 In summary, as an exception to this normal constraint, policy LPRCD3 allows accommodation for rural workers in the countryside. This includes temporary accommodation for 3 years to allow an enterprise to achieve sufficient growth and profit to support a permanent dwelling. The enterprise on the site (with the applicant refers to the impact of covid on the business) has not achieved this growth and in this situation, it is recommended that a further 3-year temporary permission is given for the existing residential caravan.
- 6.18 With reference to the applicant's planning statement, advice from the agricultural advisor officer, conclusions reached for 19/503697/FULL (earlier temporary permission), and 22/505066/FULL (withdrawn from published committee agenda) it is concluded that the



residential caravan meets the functional test and the other requirements of policy LPRCD3-1.

- 6.19 Planning conditions are recommended to ensure that the residential caravan meets the requirements of LPRCD3-2). In addition to the 3 year temporary period these conditions will limit occupation to a rural worker, require the removal of the caravan within 3 months of the expiry of the 3 years and the restoration of the site.

**Retention of stables and change of use of land from agriculture to equestrian.**

- 6.20 In addition to the residential caravan, the current application seeks retention of the stables building at the northern end of the site and retrospective change of use of an additional area of land (0.15 hectares) to the south of the site from agriculture to equestrian use.

- 6.21 Policy LPRCD7 permits commercial equestrian stables or associated equestrian development in the countryside subject to criteria considered below.

Conversion of existing buildings is preference over new build (LPRCD7-1)

- 6.22 A stable building has been present in this location since at least 2014 with the building extended around 2021/2022. There are no other buildings that could provide these stables.

Where possible stables are grouped with existing buildings and stables do not have the permanence to be converted to other uses. (LPRCD7-2)

Cumulative impact considered, and where appropriate mitigated. (LPRCD7-3)

- 6.23 The stables are adjacent to the existing static caravan (19/505246/FULL) that provides a rest room for staff and clients. The visual impact on the landscape is mitigated by existing trees and vegetation along the site boundaries which assists in screening the development from wider views.

Design sympathetic in scale, materials, and colour (LPRCD7-4)

- 6.24 The stables are in a single storey timber clad building. The scale of the stables building is comparable to the adjacent static caravan and the stables are appropriate in their scale and design and sympathetic to the surrounding countryside.

Lighting only where proven necessary (LPRCD7-5)

Integral landscaping reflecting local landscape character (LPRCD7-6)

Facilities for soiled bedding materials, foul and surface water drainage (LPRCD7-7)

- 6.25 Planning conditions are recommended seeking:

- details of any existing lighting on the site
- details of any future lighting to be submitted and approved prior to installation.
- submission and approval of a landscape scheme.
- submission and approval of facilities for dealing with soiled bedding materials, foul and surface water drainage.

Horse safety and comfort, size of building and land for grazing and exercising (LPRCD7-8)

Easy access to bridleways and/or the countryside (LPRCD7-9)

- 6.26 The application site is large enough to accommodate these requirements in terms of exercising, and grazing. The site is in the countryside and is ideally located to access bridle paths.

For proposals of 10 stables or more, adequate security is provided in relation to the manager or owner of the animals. (LPRCD7-10)

- 6.27 The retention of the static caravan as part of this current application will provide the necessary security for the 11 horses on this site.

- 6.28 In summary, the stables building and the change of use from agriculture to equestrian use (0.15 hectares) are acceptable and in accordance with adopted policy LPRCD7.

### **Character and appearance**

6.29 The Maidstone Landscape Character Assessment identifies the wider area as falling within 'area 6' of the 'Leeds Transport Corridor' which is characterised by mixed farmlands with a few orchards. The landscape guidance for this area is to 'reconstruct'. The site is also identified as falling within 'area 7' of the 'Harrietsham Vale' Character Area on the Borough Wide Character Area map. This area is identified as being of poor condition with moderate sensitivity to change, with a guidance to restore and improve.

6.30 A stable building has been present on the site since at least 2014 with the building extended around 2021/2022. The residential caravan has been in place since 2019. The current application does not include any additional buildings or caravans or any changes to the appearance of existing buildings or caravans.

In public views from Sandway Road and from the nearby railway bridge to the south, the mobile home and stables are screened by substantial bands of landscaping. The site and the existing static caravan and stables are visible from the public right of way (KH414B) that crosses east to west to the south boundary of the application site.

6.31 The level of visual harm is minimised as the residential caravan will be seen in the context of the larger stables building on the west side of the site. The stables building to the north of the site will be seen in the context of the static caravan used as a rest room in this location. A planning condition is recommended to seek additional landscaping to supplement and strengthen the existing boundary landscaping to further mitigate visual impact.

### **Residential amenity**

6.32 Policy LPRSP15 encourages new development to respect the amenities of neighbouring properties in terms of noise, odour, air pollution, activity, or vehicular movements, overlooking or visual intrusion.

6.33 The closest neighbour is Keepers Cottage which is 330 metres to the west of the residential caravan located. With this separation distance, the scale of the caravan and stables and intervening field boundary landscaping, there is no identified impact on neighbour amenity.

### **Trees, landscaping, and ecology**

6.34 Policy LPRSP15 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as trees, hedges worthy of retention within the site.

6.35 The applicant has confirmed that the application does not involve any works to trees. It is recommended that planning conditions are attached to this permission that require new landscape screening and ecology enhancement.

### **Biodiversity net gain**

6.36 Unless in the list of specified exemptions, biodiversity net gain is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).

6.37 The current planning application is a non-major application but was made before the commencement date of the 2 April 2024. The development is as a result exempt from statutory biodiversity net gain requirements.

### **Other matters**

6.38 The application is acceptable in relation to waste and minerals and no objection has been raised by Waste and Minerals Planning Policy Team.

6.39 Certain planning applications must consider nitrates and phosphates in wastewater in relation to potential impact on nationally and internationally designated protected sites at Stodmarsh Lakes, east of Canterbury. These planning applications are as follows:  
a) 'new' overnight accommodation in the Stour River catchment area and, or  
b) 'new' overnight accommodation that use Lenham Wastewater Treatment Works.

- 6.40 On point 'a' it can be argued that the residential use is not 'new' as it is existing, however as the caravan does not have planning permission for the purposes of this assessment it is being treated as 'new' accommodation.
- 6.41 The application site is not in the Stour River catchment area but is within a wider area that in terms of point 'b' has the potential to use Lenham Wastewater Treatment Works (which in turn discharges into the Stour River catchment). The applicant has indicated that wastewater goes to a septic tank (not to Lenham Wastewater Treatment Works). In this context and with a planning condition relating to foul water the proposal is acceptable.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.42 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.

#### **7.0 CONCLUSION**

- 7.1 The application is in accordance with policy LPRCD3 in terms of the temporary residential accommodation for rural workers in the countryside and functional need for a full-time worker.
- 7.2 The stables building and the change of use from agriculture to equestrian use (0.15 hectares) are acceptable and in accordance with adopted policy LPRCD7.
- 7.3 Existing boundary landscape screening will be supplemented by additional landscaping achieved buy condition. The stables and caravan will be seen in context of sporadic development on the site and on other land in this area. In this perspective the application is acceptable in relation to local character and appearance.
- 7.4 With the separation distance from the closest neighbour, the scale of the caravan and stables and intervening field boundary landscaping, there is no identified impact on neighbour amenity.
- 7.5 The application is acceptable on the basis that the permission is granted on a temporary basis for a three year period. A recommendation of approval of the application is therefore made on this basis.

#### **8.0 RECOMMENDATION – GRANT PLANNING PERMISSION Subject to the following conditions - with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan
  - Site Plan Stable Building
  - Site/block plan
  - Floor and Elevation Plans Equestrian Stables
  - Site/Block Plan Mobile Home
  - Drawing No. DHA/13192/04 dated August 2018 (Proposed Mobile Home Elevations)Reason: For the avoidance of doubt and in the interests of proper planning.
- 2) The occupation of the single static caravan in residential use shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 (1) of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, and to any resident dependants.  
Reason: The site is in an area where new residential development is not normally permitted unless essentially required for the proper functioning of the enterprise concerned.
- 3) From the date when the business ceases to operate, or at the end of three years from the date of this decision, whichever shall first occur, the caravan and all associated structures, equipment and materials bought onto the land for the purposes hereby permitted including

hardstanding shall be removed within 3 months and the land shall be restored to its condition before the development took place within 12 months.

Reason: To safeguard the character and appearance of the countryside.

- 4) No more than one touring caravan and two static mobile homes and as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, with only one static caravan used as a residential dwelling and the second used as a staff and client rest room. No further caravans shall be placed at any time anywhere within the site. The external amenity areas shall be laid out and the static mobile home shall be stationed only in the positions shown on the plan (site/block plan) hereby approved and retained and maintained as such.

Reason: To safeguard the visual amenity, character, and appearance of this countryside location.

- 5) 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 re-enacting 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, and in the interests of residential amenity.

- 6) 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 6 weeks of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:

i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include:

- a) a detailed site layout showing how hardstanding and parking areas are the minimum area necessary.
- b) details of the permeable construction of hardstanding areas and measures to deal with surface water run off within the site boundaries.
- c) details of existing landscaping.
- d) details of proposed landscaping (see condition 8).
- e) details of measures to enhance biodiversity at the site (see condition 10).
- f) details of the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal (see condition 11).
- g) existing external lighting on the boundary of and within the site (see condition 12); and,
- h) a timetable for implementation of the scheme including a) to g) with all details implemented in accordance with the agreed timetable and all details retained and maintained for the lifetime of the development.

ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the 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.

iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.

iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character, and appearance of the open countryside location.

- 7) The landscaping required by condition 6 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The detailed landscaping drawings shall include:

- a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
- b) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) *with new hedging at approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree*
- c) a timetable of implementation of the approved scheme and

d) a five [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

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

8) All approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, 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.

9) The enhancement of biodiversity on the site, required by condition 6 shall include the installation of a minimum of one bat tube on the approved mobile homes and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details by the end of a two-month period following approval and all these features shall be maintained as such thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

10) The details of foul and surface water drainage required by condition 6 shall include the size of the septic tank and any other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation with regard to nutrient neutrality and the Stour catchment area). The details shall demonstrate that waste water from the site will not be treated at Lenham Wastewater Treatment Works.

Reason: In the interests of amenity and nutrient neutrality.

11) The details of existing lighting required by condition 6 shall:

- a) show that the existing lighting is in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
- b) include a layout plan with beam orientation.
- c) include a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- d) include an ISO lux plan showing light spill.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

12) Any future 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. The submitted details shall:

- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
- b) include a layout plan with beam orientation.
- c) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- d) an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

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

100 m  
200 ft



Ordnance Survey - data derived from OS Premium



24/500068/FULL Sunny Hill View Equestrian Stables, Sandway Road, Sandway, Kent, ME17 2LU

Scale: 1:5000

Printed on: 5/7/2024 at 10:57 AM by RebeccaB1



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**Urgent Update: Planning Committee 18 July 2024**

**Item 13 Pages 14- 26**

**Sunny Hill View Equestrian Stables, Sandway Road, Sandway, ME17 2LU**

**APPLICATION: 24/500068/FULL**

**Update to Conditions**

The trees and vegetation within the site and along its boundaries constitute valuable elements in terms of biodiversity of the site, as well as contributing towards the overtly natural appearance of the site and surrounding area. Concerns have been expressed the proposals would increase pressure for these trees to be removed. A planning condition is recommended to protect existing trees on the site.

**Condition 13**

All existing trees within the submitted red line application site boundary (including trees shown on the submitted site location plan on land hereby approved as an extension to the existing equestrian use). In the root protection areas of existing trees, there shall be no changes to ground levels and no excavation without the written consent of 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.

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 24/501356/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing yurt and erection of single storey round room in curtilage of Elmscroft Cottage.		
<b>ADDRESS:</b> Elmscroft Cottage, Charlton Lane, West Farleigh, ME15 0NY		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions, a s106 legal agreement and no additional material considerations being raised following the departure site notice and press notices (expire on 02.08.2024).</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>		
<ul style="list-style-type: none"> <li>The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, require that planning applications “<i>must be determined in accordance with the development plan, unless material considerations indicate otherwise</i>”.</li> <li>In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.</li> <li>The proposal is acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impact, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.</li> <li>It is concluded that whilst the application is not in accordance with the development plan (a departure) the material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Departure from the Local Plan.		
<b>WARD:</b> Coxheath And Hunton	<b>PARISH COUNCIL:</b> West Farleigh	<b>APPLICANT:</b> Dandelion Time <b>AGENT:</b> Felix Lewis Architects Ltd
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 30/04/24	<b>DECISION DUE DATE:</b> 02/08/2024
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

### Relevant planning history

- 19/505820/FULL Use of dwelling, outbuildings, and land for purposes under class D1 of use classes order 1987 and carrying out associated development including alterations to existing buildings, erection of small buildings and structures and stationing of a mobile home. Approved 06.04.2020.
- 20/504461/NMAMD Non-material amendment: to change the sedum covered flat roof of the main stable block to a pressed zinc roof (original application ref: 19/505820/FULL). Approved 16.11.2020.
- 22/504104/FULL Demolition of existing Yurt and erection of single storey round house within the curtilage of Elmscroft Cottage. Refused 16.11.2022 for the following reasons:  
  

*“The proposed replacement outbuilding by reason of its additional size, bulk, and prominent location distant from the main building and visible from Charlton Lane would cause harm to the character and appearance of the countryside including in terms of loss of openness and sprawl. The outbuilding would be contrary to Policies SP17 and DM30 of the Local Plan (2017) ...”*
- 23/502128/FULL Demolition of existing Yurt and erection of single storey round house within the curtilage of Elmscroft Cottage (Resubmission 22/504104/FULL). Approved 01/09/2023.



## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The site is within a countryside location outside of any settlement boundaries. The site is not within a conservation area or subject to any form of other designation. Approximately 130 metres to the south of the application site is the Grade II listed building Elmscroft House.
- 1.02 The site is located east of Charlton Lane in the far north-eastern corner of the garden of Elmscroft Cottage which is approximately 100 metres away to south west. A canvas yurt was previously situated in the location of the currently proposed building. Whilst the application is described as involving demolition, the tent would simply have been 'removed' from the site. The round timber base of the yurt remains.
- 1.03 The site is located within the Farleigh Greensand Fruit Belt, the landscape character assessment notes that this landscape is in "Good" condition and of "High" sensitivity. Guidelines are to conserve this landscape.
- 1.04 In terms of the character of the area, it is rural, the 'wider site' is open but there are various 'utility' buildings such as sheds and chicken coups etc placed around the site which are associated with the uses taking place at Elmscroft Cottage.

View towards application site from Elmscroft Cottage



- 1.05 The buildings visible in the above photo the application seeks to replace (and other 'incidental buildings elsewhere on site) were granted permission under 19/505820/FULL.

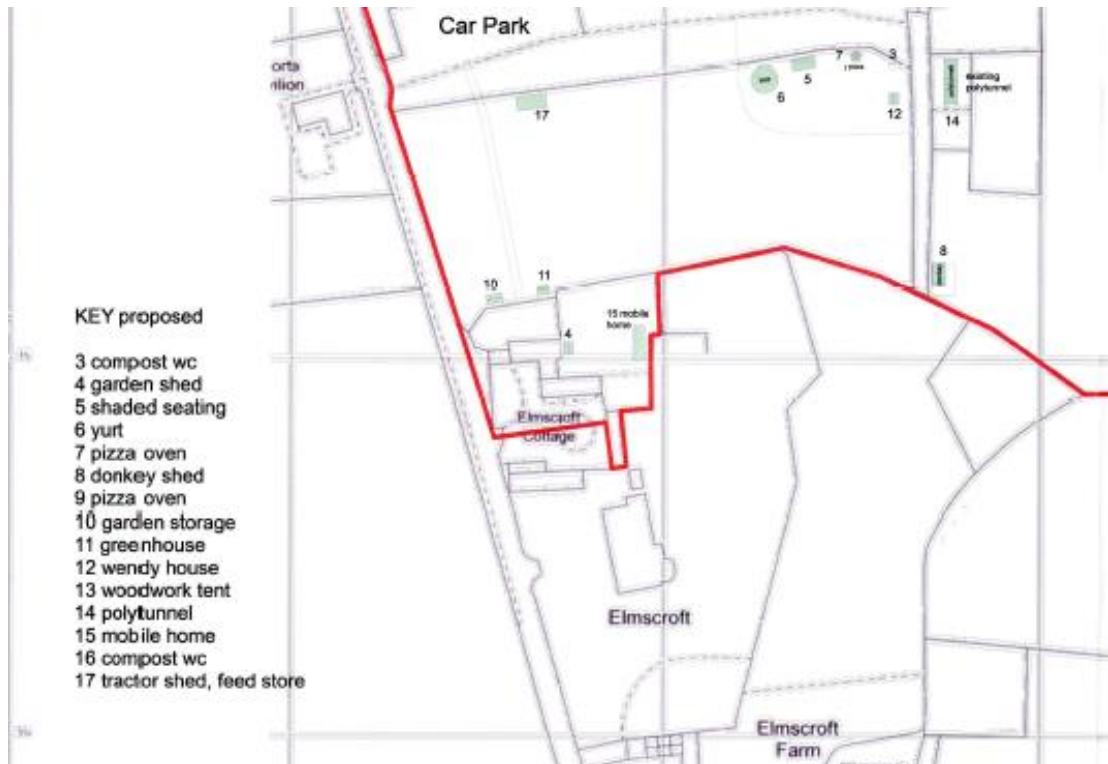
### **2.0 PROPOSAL**

- 2.01 The application site is occupied by the charity, Dandelion Time. Dandelion Time provides a therapeutic programme of activities for small groups of children and their families. These activities include craft, cooking, gardening and care of animals. Creative activities are also offered such as art, drama, and music. Counselling is also provided as required. After school and some holiday activities are provided less frequently for children and families.
- 2.02 Dandelion Time currently employs 24 members of staff and 58 volunteers. Referrals are received from education, health, and social services agencies. Central to the therapeutic work of Dandelion Time is engagement with nature-based activities, particularly growing food, caring for animals and outdoor rural crafts. Children and families work with wood, wool, clay, and other natural materials. These guided activities are used therapeutically to help repair family relationships following traumatic life experiences.
- 2.03 The proposed outbuilding would contain a single room. The single storey round room would be timber clad with a sedum planted roof. The footprint of the building now proposed is smaller than the previously permitted application (23/502128/FULL - 45m<sup>2</sup> compared to 60m<sup>2</sup>), and the maximum height has reduced from just over 6 metres to 4 metres. The

proposed building features a 'shelter' over the entrance which projects 2.7m from the building.

- 2.04 This submission follows the previously approved application (23/502128/FULL). This permission also involved removal of the existing yurt (only Yurt base currently remains) and a replacement single storey circular outbuilding which would mimic the shape of the existing yurt.

Site Plan for original planning permission (19/505820/FULL)



### 3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review (2024)

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. Strategic level legal challenges were made to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Maidstone Borough Local Plan 2017 policies are therefore now superseded. The relevant LPR policies are as follows:

- LPRSS1 Maidstone Borough Spatial Strategy
- LPRSP9 Development in the Countryside
- LPRSP15 Design
- Policy LPRSP14(A) - Natural Environment
- Policy LPRQD4 - Design principles in the Countryside
- Policy LPRQD 2 - External lighting
- Policy LPRTRA4 - Parking
- Policy LPRTRA2 - Assessing the Transport Impacts of Development

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents:

- Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006.
- Maidstone Landscape Character Assessment 2013.

#### **4.0 LOCAL REPRESENTATIONS**

Local residents

4.01 No response

West Farleigh Parish Council

4.02 No objections

#### **5.0 CONSULTATIONS**

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where necessary)

KCC Minerals & Waste

5.01 No objection

Natural England

5.02 No objection. No significant adverse impacts on statutorily protected nature conservation sites or landscapes.

MBC Landscape Officer

5.03 No objection subject to conditions relating to species used and tree protection details.

KCC Archaeology

5.04 No objection subject to a condition requiring the applicant to carry out an archaeological assessment.

5.05 The site is in the historic farm complex of Elmscroft, identifiable as a 19th century or earlier farm and associated remains may survive on the site.

#### **6.0 APPRAISAL**

6.01 The National Planning Policy Framework (NPPF) highlights that the planning system is planned. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".

6.02 There are no policies in the development plan that support the current application for development in the countryside. Whilst a departure from the development plan, this report considers whether other material considerations indicate that planning permission should be approved. The relevant material considerations in this case include the following:

- Character and appearance
- Heritage
- Residential amenity
- Access, parking, and transport
- Landscaping
- Biodiversity

##### **Character and appearance**

6.03 The Maidstone Landscape Character Assessment notes that "*Views across Medway Valley to opposite valley side*" are one of the key characteristics of the local landscape.

6.04 The application building is located on the northeast side of the plot. The significant landscape views from Charlton Lane are to the west and as such the application building has no impact on the important views across the Medway Valley detailed by the Landscape Character Assessment.

6.05 Policy LPRSP15 states that development proposals will be expected to respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage- incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.

- 6.06 Policy LPRQD4 states that where new built development is proposed, there should be no existing building or structure suitable for conversion or re-use. Any new buildings should be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.
- 6.07 The proposed single storey round outbuilding would introduce a permanent building in place of the former yurt. Whilst the former yurt was a canvas tent, it still was a feature in the landscape. It is understood that there are no other existing buildings that could provide the proposed floorspace.

Google Street View (2021) Yurt building highlighted.



- 6.08 A previous application (22/504104/FULL) was refused as it was found the building was in an isolated location “clearly” visible from Charlton Lane. As such the assessment concluded that the proposed building was inappropriately located causing harm to the openness of the countryside.
- 6.09 Whilst it is accepted that the proposed building is some distance from Elmscroft Cottage, it will not be prominent in views from Charlton Lane as it is 120m from the road. The proposed building will also be seen from the road against the backdrop of an existing polytunnel. The current application includes a reduction in the building height which would further reduce its prominence. The sedum roof would disguise some of the built form when viewed from a distance.
- 6.10 The chosen design for a permanent, single storey and single room round outbuilding with a pitched roof would have a similar character to the previous yurt. The scale and massing of the outbuilding would be subservient to Elmscroft Cottage. The chosen design would also use materials that would be in keeping with Elmscroft Cottage.
- 6.11 In summary, the former Yurt was a feature in views of the application site. The building now proposed is lower in height and is 120m from the road. The building will be viewed against the backdrop of an existing polytunnel. As detailed below landscaping is proposed which would further screen the building. The proposed building does not harm local views that the landscape character assessment seeks to maintain.
- 6.12 The applicant has submitted a landscaping scheme in support of the application. This landscaping shows new trees planted between the proposed building and Charlton Lane. These trees would restrict views of the proposed building from the road. An existing hedgerow has also been planted immediately around the building. The MBC landscape officer has suggested conditions relating to tree protection measures and landscape species.
- 6.13 The proposed building does result in harm to the character and appearance of the area overall contrary to SP9, however in terms of other material considerations, the level of harm is found to be acceptable for the reasons that have been outlined.

### **Heritage**

- 6.14 The current application site is 100m to the northeast of Elmscroft House. Elmscroft House is a grade II listed 15th century Wealden Hall property. Elmscroft House was recently granted permission (19/505951/FULL) to return to its original use as a single residence.
- 6.15 The proposed building is single storey and is separated from Elmscroft House by landscaping, boundary walls and other buildings. In this context, the development would not have a harmful impact upon this heritage asset.

### **Residential amenity**

- 6.16 Policy LPRSP15 states proposals should respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in 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.
- 6.17 In summary, with the 100m separation distance from Elmscroft Cottage the proposed building is acceptable in relation to noise, activity or vehicular movements, overlooking and visual intrusion. There is no issue with respect of privacy or light enjoyed by the occupiers of nearby properties. The application is acceptable in relation to neighbour amenity and would accord with policy LPRSP15 of the Maidstone Local Plan Review (2024).

### **Access, parking, and transport**

- 6.18 The application site is located approximately 1 mile south of Maidstone urban area and just over 1 mile west of Coxheath. Whilst there are bus stops approximately 100m to the south of the application site, these stops are not well served. This location as a result is not considered to be a sustainable location.
- 6.19 Local Plan Review policy QD4 details how proposals must not result in unacceptable traffic levels on nearby roads. Whilst not a sustainable location, the proposed building would not generate additional vehicle movements to those generated by the original yurt. Users of the proposed building would most likely be users of the other facilities at the application site. The application site has an off road parking area with an existing access, both are acceptable for existing and future demands.
- 6.20 In summary, the development would not increase traffic movements over those previously generated by the site. The development would not have a harmful impact upon parking in the area or on the wider highway network.

### **Biodiversity net gain**

- 6.21 Unless in the list of specified exemptions, biodiversity net gain is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).
- 6.22 The national biodiversity net gain requirement is 10%. In accordance with local policy LPR14(A), applications for new residential development only received after the above commencement dates are required to provide a total of 20% biodiversity net gain (inclusive).
- 6.23 The current planning application is a non-major application received after the 2 April 2024. The development is not in the list of exemptions and the application does not include residential accommodation. The development therefore will have to achieve 10% biodiversity net gain.
- 6.24 A planning condition is automatically applied to relevant planning permissions (i.e., does not appear in the condition list in this report) that requires the applicant to submit a 'Biodiversity Gain Plan to the local planning authority and for this is to be approved by the local planning authority before development is commenced (paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990).

- 6.25 The determination of the Biodiversity Gain Plan (post planning application decision) under this condition will confirm whether the development meets the biodiversity gain objective. In this context it would generally be inappropriate for decision makers, when determining a planning application, to refuse an application on the grounds that the biodiversity gain objective will not be met.
- 6.26 The applicant has submitted a Statutory Biodiversity Metric and a Biodiversity gain statement with the application which indicate that the proposal could meet the 10% biodiversity net gain. This biodiversity net gain is shown as being achieved through on site provision in the categories of 'native hedgerow' and 'species-rich native hedgerow with trees'.
- 6.27 In line with legislation (Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990) a s106 legal agreement is necessary to ensure that onsite habitat enhancements are maintained for at least 30 years after the development is completed and to cover the financial cost of relevant monitoring.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.28 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 Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, require that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 7.02 In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.
- 7.03 The proposal is acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impact, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.
- 7.04 It is concluded that whilst the application is not in accordance with the development plan (a departure) the material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.

- 8.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions, a s106 legal agreement and no additional material considerations being raised following the departure site notice and press notices (expire on 02.08.2024) with delegated powers to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.**

#### HEADS OF TERMS:

1. Securing a Habitat Management and Monitoring Plan
2. Securing a Biodiversity Gain Land Monitoring Contribution towards the Council's costs of monitoring compliance with the Habitat Management and Monitoring Plan

#### 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 shall be carried out in accordance with the following approved plans and documents:  
Application for planning permission

351(P)010 Rev 0 Pre-Existing Ground Floor and Roof Plans  
351(P)015 Rev 0 Pre-Existing Elevations  
Heritage Statement  
Biodiversity Report  
A1543(02)AP001 Rev P3 Proposed Site Plan  
A1543(02)AP002 Rev P2 Roof Plan  
A1543(02)AP003 Rev P2 Floor Plan  
A1543(02)AP004 Rev P2 Elevations 01 and 02  
A1543(02)AP005 Rev P2 Elevations 03 and 04  
A1543(02)AP006 Rev P2 Proposed 3D Views  
A1543(01)AP001 Rev P4 Location Plan  
A1543(02)AP002 Rev P4 Existing Site Plan

Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.

- 3) 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
- 4) The development hereby approved shall not commence until details of protection for trees and new areas of structural planting in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. 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 above ground level until a hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall
  - (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012)
  - (b) 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,
  - (c) provide details of new on-site planting in a planting specification (location, spacing, species, quantity, maturity).
  - (d) provide landscape implementation details and timetable
  - (e) provide a [5] year landscape management planReason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) The building hereby approved shall not be occupied until all the planting shown on the submitted landscaping plan is in place. All such landscaping shall be carried out during the planting season (October to February). Any trees or hedging plants which, within five years from the first occupation of the building are removed, 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 unless the local planning authority gives written consent to any variation.  
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure
- 7) The development hereby approved shall not be occupied until details for the enhancement of biodiversity on the site has 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 building structure by means such as swift bricks, bat tube or bricks as well as enhancements on nearby land such as bird boxes and insect habitats.  
Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 8) The building shall be used for Class E. (e Medical services not attached to the residence of the practitioner) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: Unrestricted use of the building and land would cause demonstrable harm to the character, appearance and functioning of the surrounding area.

- 9) 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. The submitted details shall:

a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.

b) be in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

c) include a layout plan with beam orientation.

d) provide a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).

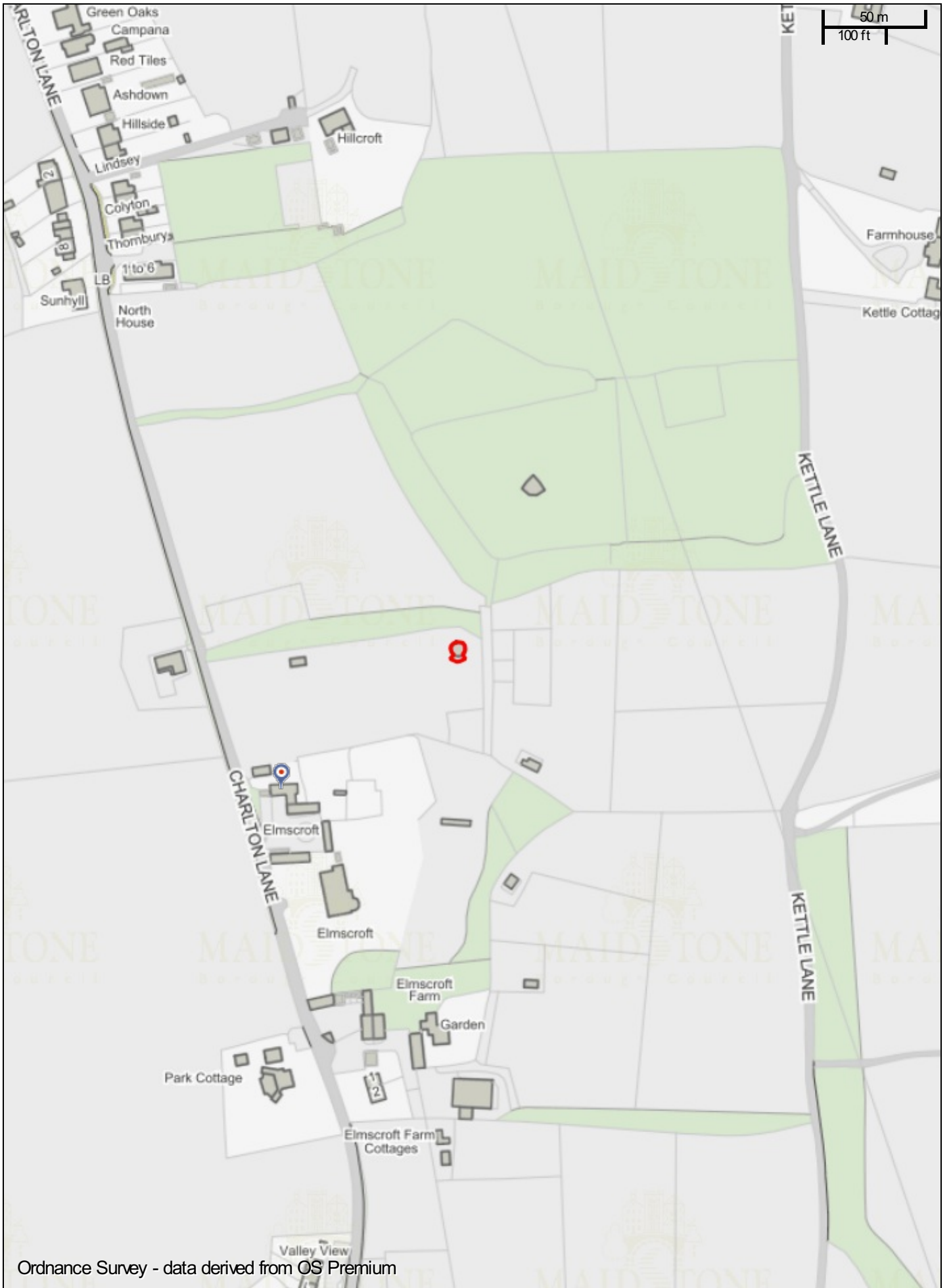
e) provide an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 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

**24/501356/FULL Elmscroft Cottage, Charlton Lane, West Farleigh, Kent, ME15 0NY**

Scale: 1:2500

Printed on: 5/7/2024 at 11:08 AM by RebeccaB1

Agenda Item 14, pages 27 - 36

24/501356/FULL

Elmscroft Cottage, Charlton Lane, West Farleigh, Kent, ME15 0NY

**Consultee Comments**

Discussions have been taking place with KCC Ecology who have issued comments on the application.

They advise that the proposed development has limited potential to result in significant ecological impacts.

Having reviewed proposals they consider the application to be exempt from mandatory biodiversity net gain, so that mandatory biodiversity net gain of 10% will not apply.

Officer recommendation remains unchanged.

## REPORT SUMMARY

<b>REFERENCE NUMBER:</b> 24/501629/FULL		
<b>APPLICATION PROPOSAL:</b> Section 73 - Application for removal of condition 8 (Holiday accommodation occupation period) pursuant to 22/504521/FULL for - Use of land for the stationing of holiday log cabins (13 twin unit caravans) and associated bases, roads, lighting, and drainage details, plus use of existing vehicular access on to Pye Corner.  Submission of details relating to conditions 3 (site management plan), 4 (ecology) and 5 (lighting) of planning permission 22/504521/FULL (allowed at appeal) for use of land for holiday lodges.		
<b>ADDRESS:</b> Land adjacent to Neverend Farm, Pye Corner, Ulcombe, ME17 1EF		
<b>RECOMMENDATION: GRANT PERMISSION subject to planning conditions.</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• Condition 8 (together with condition 7) does not meet the statutory test as the condition is not necessary or reasonable.</li> <li>• A single amended condition wording to replace condition 7 is suitability robust, meets the relevant tests and will more adequately prevent the issues that were given for the original condition 8.</li> <li>• It is recommended that condition 8 is deleted and condition 7 amended to reflect the standard condition wording given in this report.</li> <li>• The submitted details for conditions 3, 4 and 5 are acceptable and amended conditions are recommended requiring compliance with the submitted details.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in by Ulcombe Parish Council for the reasons in section 4 of this report.		
<b>WARD:</b> Headcorn and Sutton Vallence	<b>PARISH COUNCIL:</b> Ulcombe	<b>APPLICANT:</b> Mr J Gilham <b>AGENT:</b> Graham Simpkin Planning Ltd
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 18/04/24	<b>DECISION DUE DATE:</b> 26/07/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

### Relevant planning history

- 20/505988/LAWPRO Lawful Development Certificate (Proposed) for use of agricultural field as a small 5no. pitch caravan and motorhome site. Approved 15.02.2021.
- 21/506746/FULL Erection of a two-storey side extension. Approved 16.02.2022.
- 22/504521/FULL Use of land for the stationing of holiday log cabins (13 twin unit caravans) and associated bases, roads, lighting, and drainage details, plus use of existing vehicular access on to Pye Corner. Refused 03.03.2023 for the following reasons:
  - "...harmfully consolidate sporadic and urbanising development in the countryside, resulting in a development that would cause harm to the character and appearance of the countryside hereabouts and fail to recognise the intrinsic character and beauty of the countryside...contrary to policies SP17, SP21, DM1, DM30, and DM38 of the Maidstone Local Plan (2017) ...".
  - "...proposal fails to demonstrate that the development would not have a harmful impact upon the highway network and as such the development is not in accordance with policy DM1 of the Maidstone Borough Local Plan (2017)...".

- Appeal against refusal of 22/504521/FULL Allowed 02.02.2024 (costs application refused). The appeal Inspector makes the following conclusions:
  - "...would not be unduly harmful, having regard to the enclosed nature of the existing site. The development would not result in harm to the character and appearance of the area, given it would provide a relatively small development between the existing structures..."
  - "...proposed site access would be acceptable in highway safety terms, with particular regard to the adequacy of the proposed visibility splays and adequate turning facilities within the site..."

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is in the countryside and in the Low Weald Landscape of Local Value. The site is in the Ulcombe Mixed Farmlands Landscape Character Area, as designated in the Maidstone Landscape Character Assessment. The character assessment concludes that the landscape is in 'Very Good' condition and that it has 'Very High' sensitivity.
- 1.02 The site in the southeast corner of Neverend Farm in Ulcombe and accessed via a gated service route from the south side of Pye Corner. The site is largely enclosed by a tall and well-established hedgerow limiting views from public vantage points.
- 1.03 The surrounding area has a strong rural character, largely comprising agricultural land with some woodland and sporadic agricultural/commercial buildings.

### **2.0 PROPOSAL**

- 2.01 The application is for the removal of a condition (8). Condition 8 was attached by the planning inspectorate as part of the decision to allow the appeal against Council's refusal of application 22/504521/FULL.
- 2.02 Application 22/504521/FULL was for holiday log cabins (13 twin unit caravans) and associated bases, roads, lighting, and drainage details, plus use of existing vehicular access on to Pye Corner.
- 2.03 Condition 8 restricted the occupation of the accommodation to "...a period not in excess of 28 days and not for more than 112 days in any calendar year".
- 2.04 In addition to the removal of condition 8, the application also includes submission of details relating to conditions 3 (site management plan), 4 (ecology) and 5 (lighting) of planning permission 22/504521/FULL (allowed at appeal) for use of land for holiday lodges.
- 2.05 The applicant has submitted the following documents in support of the conditions discharge:
- 4053-01 Site Management Plan [condition 3]
  - 4053-02 Lighting Scheme Plan [condition 5]
  - Ecological Enhancement and Mitigation Plan (Native) [condition 4]
  - Ecology District Level Licence Form [condition 4]
  - Lighting Horizontal Illuminance [condition 5]
  - Lighting Report [condition 5]
  - Lighting Strategy [condition 5]
  - Planning Statement

### **3.0 POLICY AND OTHER CONSIDERATIONS**

#### Maidstone Borough Local Plan Review (2024)

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. Strategic level legal challenges were made to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Maidstone Borough Local Plan 2017 policies are therefore now superseded. The relevant LPR policies are as follows:

Policy LPRSS1- Maidstone Borough Spatial Strategy  
Policy LPRSP9- Development in the Countryside  
Policy LPRSP15- Principles of Good Design  
Policy LPRSP11 - Economic Development  
Policy LPRSP14(A) - Natural Environment  
Policy LPRQD4 - Design principles in the Countryside  
Policy LPRQD 2 - External lighting  
Policy LPRTRA4 – Parking  
Policy LPRTRA2 - Assessing the Transport Impacts of Development  
Policy LPRTLR2: Holiday Lets, Caravan and Camp Sites

The National Planning Policy Framework (2023):

Section 2 – Achieving Sustainable Development  
Section 4 – Decision Making  
Section 6 - Building a strong, competitive economy.  
Section 12 – Achieving well Designed Places

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents:

Maidstone Landscape Character Assessment

#### **4.0 LOCAL REPRESENTATIONS**

Local residents

4.01 2 representations received objecting to the application for the following (summarised) reasons:

- Lack of physical infrastructure (drainage)
- Matters raised in the appeal decision.
- Impact upon neighbouring occupants.

In response to the above, the application has already been 'approved' by the appeal decision. The applicant has submitted the same drainage and flood risk assessment which the inspectorate has previously accepted.

Ulcombe Parish Council

4.02 Objection, committee call and recommend refusal for the following reasons:

- not an isolated condition but fundamental reason why the Inspector agreed the Appeal.
- If Condition 8 is removed, then the whole Appeal is surely negated.
- The Inspector states that the condition is necessary to restrict the occupation of the units to support the tourism industry and prevent their occupation as permanent dwellings.
- Condition 7, by itself, has no specific measures to restrict occupation and prevent permanent dwellings.

#### **5.0 CONSULTATIONS**

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where necessary)

Forestry Commission

5.1 No objection

KCC Highways

5.2 No objection

KCC Ecology

5.3 No objection

Kent Police

5.4 No objection

## 6.0 APPRAISAL

6.01 The key issues are:

- Impact of removing condition 8 on preventing permanent occupation.
- Condition 3 attached to 22/504521/FULL – Construction Management Plan.
- Condition 4 attached to 22/504521/FULL - wildlife management plan.
- Condition 5 attached to 22/504521/FULL – external lighting.

### Impact of removing condition 8

6.02 Condition 8 attached to the allowed appeal reads *"The holiday accommodation hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and not for more than 112 days in any calendar year"*.

6.03 Condition 7 attached to the allowed appeal reads *"The development hereby permitted shall be occupied for holiday purposes only and no such accommodation shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all future occupants, and this information shall be made available at all reasonable times upon request to the Local Planning Authority"*.

6.04 All planning conditions need to meet 6 tests set out in the NPPF. These tests state that planning conditions should be:

- 1) Necessary
- 2) Relevant to planning
- 3) Relevant to development permitted.
- 4) Enforceable
- 5) Precise, and
- 6) Reasonable in all other respects.

6.05 In the consideration of planning applications for holiday lets, the correct approach is found to be the imposition of the following single planning condition:

*"The accommodation hereby permitted shall not be occupied as a person's sole or main place of residence, the accommodation shall be occupied for bona fide holiday purposes only and shall accord with the following:*

- (i) The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all future occupants of the approved accommodation.*
- (ii) Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the site, who will keep the register (referred to at (i)) and make it available for inspection, shall also be submitted to the local planning authority (planningenforcement@maidstone.gov.uk) prior to the first occupation of the approved accommodation with the relevant contact details subsequently kept up to date at all times.*
- (iv) The register information required by point (ii) shall be made available at all reasonable times upon request from the local planning authority and additionally at the end of each calendar year following first occupation of the approved accommodation, the operators of the site (set out at (iii)) shall submit the up-to-date register of the occupants (over the last calendar year) to the Local Planning Authority (planningenforcement@maidstone.gov.uk) for review. Reason: To ensure proper control of the use of the holiday let and to prevent the establishment of permanent residency"*.

6.06 It is concluded that condition 8 (together with condition 7) does not meet the statutory test as the condition is not necessary or reasonable. It is advised that the above single condition wording is suitability robust, meets the relevant tests and will more adequately prevent the issues that were given for the original condition 8. It is recommended that condition 7 be amended to reflect the standard condition wording given above in this report.

### Details of Condition 3 Construction Management Plan.

6.07 In addition to the removal of Condition 8 the applicant has requested the discharge of condition 3 attached to the allowed appeal. The condition requires the submission and approval of a Construction Management Plan.

6.08 The submitted construction management plan (4053 – 01 Site Management Plan) indicates that each caravan will be delivered in two parts in two deliveries on a low loader lorry. Max

2 deliveries per day. The caravans will be delivered Monday to Friday: 9:30am to 4:30pm, Saturday: 8am to 1pm with no deliveries on Sundays and bank holidays. The site 'construction' will take place Monday to Friday: 8am to 6pm, Saturday: 8am to 1pm with no operations on Sunday and bank holidays.

- 6.09 The construction management plan shows the method of access and egress and routeing of vehicles during construction, the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste and the storage of plant and materials used in construction of the development as requested by the condition.
- 6.10 It is found that the details submitted are acceptable and KCC Highways have no objection. An amended condition is recommended to ensure compliance with the approved construction management plan.

#### **Details of Condition 3 wildlife management plan.**

- 6.11 In addition to the removal of Condition 8 the applicant has requested the discharge of condition 3 attached to the allowed appeal. The condition requires the submission and approval of a wildlife management plan.
- 6.12 The applicant has submitted a preliminary ecological appraisal, an ecological enhancement and mitigation plan and a Great Crested Newt district level licensing impact assessment & conservation payment certificate.
- 6.13 KCC Ecology have been consulted and have raised no issues with the submitted information. The ecological enhancement and mitigation plan details enhancements which would be placed around the site as well as supplementary planting which will take place. Bird boxes and log piles will also be placed around the site boundaries. The applicant has submitted a revised GCN licensing payment certificate which has been signed by Natural England.
- 6.14 It is found that the details submitted are acceptable. An amended condition is recommended to ensure compliance with the approved wildlife management plan.

#### **Details of Condition 5**

- 6.15 The applicant has requested the discharge of condition 5 attached to the allowed appeal. The condition requires the submission and approval of an external lighting scheme.
- 6.16 KCC Ecology have confirmed that the proposed lighting has been designed to have minimal light spill and is largely limited to the access road. The submitted illuminance assessment does not indicate any significant increase in lux levels in these locations. The 'spill' from lighting would be restricted to the application site.
- 6.17 It is found that the details submitted are acceptable. An amended condition is recommended to ensure compliance with the approved lighting scheme.

#### **Biodiversity net gain**

- 6.18 Unless in the list of specified exemptions, biodiversity net gain is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024). Government advice is also that section 73 applications are also exempt "...where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024".
- 6.19 Whilst the current section 73 application was made after the 2 April 2024, the original permission (22/504521/FULL) which the section 73 relates to was granted before 12 February 2024. In this context the current application is BNG exempt.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.20 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.

## 7.0 CONCLUSION

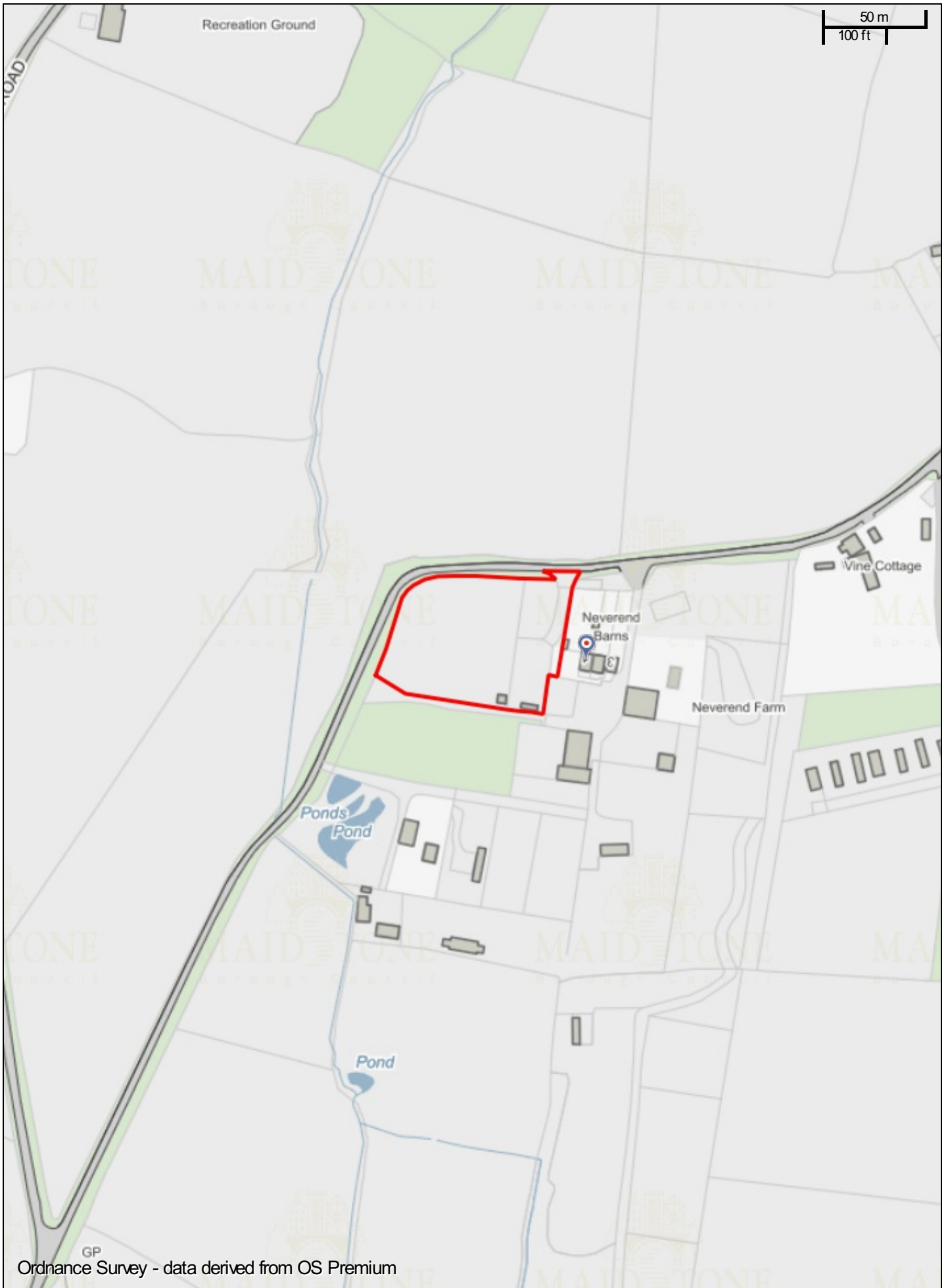
- 7.01 Condition 8 (together with condition 7) does not meet the statutory test as the condition is not necessary or reasonable. A single amended condition wording to replace condition 7 is suitability robust, meets the relevant tests and will more adequately prevent the issues that were given for the original condition 8. It is recommended that condition 7 be amended to reflect the standard condition wording given in this report.
- 7.02 The submitted details for conditions 3, 4 and 5 are acceptable and amended conditions are recommended requiring compliance with the submitted details.

## 8.0 RECOMMENDATION – GRANT PLANNING PERMISSION Subject to the following conditions with delegated powers to the Head of Development Management to be able to settle or amend any necessary Heads of Terms, planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 1) The development hereby permitted shall begin no later than 02.02 2027.  
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:  
3635 01 Site Location Plan  
3635 02 Existing Block Plan  
3635 03D Proposed Block Plan  
3635 04B Floor Plan and Elevations  
3635 05B Floor Plan and Elevations Pitches 2 to 13  
3635 06 Rev A.  
Drainage Strategy and Flood Risk Assessment  
Drainage Strategy and Maintenance Appendices  
Preliminary Ecological Appraisal Plan  
Planning Statement 22/504521/FULL  
4053-01 Site Management Plan [condition 3]  
4053-02 Lighting Scheme Plan [condition 5]  
Ecological Enhancement and Mitigation Plan (Native) [condition 4]  
Ecology District Level Licence Form [condition 4]  
Lighting Horizontal Illuminance [condition 5]  
Lighting Report [condition 5]  
Lighting Strategy [condition 5]  
Planning Statement  
Reason: To ensure that the development is carried out to an acceptable visual standard.
- 3) The development hereby approved shall be carried out in full accordance with the approved Site Construction Management Plan (4053 – 01 Site Management Plan).  
Reason: To safeguard the amenity of the area in general during the construction phase.
- 4) The development shall be carried out in full accordance with the submitted details (Ecological Enhancement and Mitigation Plan received 15 Apr 2024), the approved holiday accommodation shall not be occupied until the enhancements detailed within the Ecological Enhancement and Mitigation Plan have been provided. Enhancements shall be maintained and retained thereafter.  
Reason: In the interests of ecology.
- 5) External lighting on the site shall be in accordance with the following details Lighting hereby approved as shown in 4053-02 Lighting Scheme Plan, Lighting Horizontal Illuminance, Lighting Report and Lighting Strategy and shall be subsequently retained and maintained as such.  
Reason: To prevent light pollution and in the interests of residential amenity.
- 6) No unit shall be occupied until the implementation of a Secured By Design scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be adhered to in full throughout the life of the development.  
Reason: To ensure the development has adequate security arrangements and to safeguard the amenity of future occupants.



- 7) The accommodation hereby permitted shall not be occupied as a person's sole or main place of residence, the accommodation shall be occupied for bona fide holiday purposes only and shall accord with the following:
- (i) The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all future occupants of the approved accommodation.
  - (ii) Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the site, who will keep the register (referred to at (i)) and make it available for inspection, shall also be submitted to the local planning authority ([planningenforcement@maidstone.gov.uk](mailto:planningenforcement@maidstone.gov.uk)) prior to the first occupation of the approved accommodation with the relevant contact details subsequently kept up to date at all times.
  - (iv) The register information required by point (ii) shall be made available at all reasonable times upon request from the local planning authority and additionally at the end of each calendar year following first occupation of the approved accommodation, the operators of the site (set out at (iii)) shall submit the up-to-date register of the occupants (over the last calendar year) to the Local Planning Authority ([planningenforcement@maidstone.gov.uk](mailto:planningenforcement@maidstone.gov.uk)) for review.
- Reason: To ensure proper control of the use of the holiday let and to prevent the establishment of permanent residency.
- 8) No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the root protection area (RPA) of any tree or hedgerow, except with the consent of the Local Planning Authority:-
- Levels shall not be raised or lowered in relation to the existing ground level within the RPA of the tree or hedgerow.
  - No roots shall be cut, trenches dug or soil removed within the RPA of the tree or hedgerow.
  - No buildings, roads or other engineering operations shall be constructed or carried out within the RPA of the tree or hedgerow.
  - No fires shall be lit within the RPA or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
  - No vehicles shall be driven over the area within the RPA of the tree or hedgerow.
  - No materials or equipment shall be stored within the RPA of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.
- Reason: To safeguard the existing mature vegetation on site.
- NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.



GP  
Ordnance Survey - data derived from OS Premium

## REPORT SUMMARY

<b>REFERENCE NUMBER:</b> 23/504311/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of an open walkway linked extension. Conversion of an existing agricultural building into a café and florists.		
<b>ADDRESS:</b> Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, ME14 5LG		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>The site is in the Maidstone urban area which the local plan says is the focus for new development.</li> <li>The character and appearance of the proposed works are acceptable in design and appearance and represent new facilities and improvements to this important facility.</li> <li>The proposal is acceptable in relation to residential amenity and highways impacts.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The applicant is Maidstone Borough Council.		
<b>WARD:</b> Boxley	<b>PARISH COUNCIL:</b> Boxley	<b>APPLICANT:</b> Maidstone Borough Council <b>AGENT:</b> GDM Architects
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 04/10/23	<b>DECISION DUE DATE:</b> 26/07/24
<b>ADVERTISED AS A DEPARTURE:</b> No		

### Relevant planning history

- The application site has an extensive planning history, but nothing relevant to the current application.

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is in the Maidstone urban area. As well the built facilities on site linked to the crematorium, there are well maintained garden areas with pedestrian paths and woodland.
- 1.02 An existing disused agricultural building (gardener's storage) building lies within woodland to the northwest of the crematorium with the building in the ancient woodland buffer zone. Directly accessed via an existing tarmac path from the front of the site. The building is constructed from local ragstone under a slate roof with timber doors and cladding and has wide forecourt yard to its front (south).

### 2.0 PROPOSAL

- 2.01 There are three elements to the proposal and elements are described in turn below:
- a) open walkway linked extension.
- 2.02 The floral cloisters are a 'U' shaped partially open building to the south of the committal service cluster. Constructed in 1997 they are predominantly brick, under a timber apex roof with slatted ceiling and open eaves. The floor finish is a mixture of brick and concrete.
- 2.03 The existing building design results in visitors being exposed to the sun/rain and wind when leaving the cloisters. An aim of the current application is to provide shelter from the elements by connecting the buildings.

b) conversion of existing agricultural building to a café and florists.

2.04 The agricultural building converted to a cafe and a florist will be used in connection with the crematorium and for use by visitors to the site. The florist would occupy the eastern end of the building and the cafe the western end of the building with both uses provided with separate entrances.

c) soft and hard landscaping to facilitate the development.

2.05 New pedestrian pathways are proposed to link the café and florist to the gardens and chapel cluster and to provide level access and connection to existing paths.

2.06 A tarmac access from the front of the site to the yard and outbuilding is to be retained. Openings in the hedge for gardeners to access the yard from the memorial gardens and buildings are to be widened to create a focal point. The existing yard is to be resurfaced in a permeable finish.

2.07 Other works to improve the general operation of the site include additional seating, refurbishment of the existing pond. The existing concrete slabs will be removed, and a raised courtyard deck built to enable water to drain naturally.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

#### Maidstone Borough Local Plan Review (2024)

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. Strategic level legal challenges were made to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Maidstone Borough Local Plan 2017 policies are therefore now superseded. The relevant LPR policies are as follows:

Policy LPRSS1- Maidstone Borough Spatial Strategy

Policy LPRSP15- Principles of Good Design

Policy LPRSP11 - Economic Development

Policy LPRSP14(A) - Natural Environment

Policy LPRQD 2 - External lighting

Policy LPRTRA4 – Parking

Policy LPRTRA2 - Assessing the Transport Impacts of Development

#### The National Planning Policy Framework (2023):

Section 2 – Achieving sustainable development.

Section 4 – Decision making.

Section 12 – Achieving well designed places.

#### National Planning Practice Guidance (NPPG):

### **4.0 LOCAL REPRESENTATIONS**

#### Local residents

4.01 No representations were received.

#### Boxley Parish Council

4.02 No objection

### **5.0 CONSULTATIONS**

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where necessary)

#### Forestry Commission

5.1 No objection (standing advice)

#### KCC Highways

5.2 No objection (outside consultation protocol).

5.3 MidKent Environmental Health  
No objection.

5.4 Natural England  
No objection.

5.5 MBC Tree Officer  
No objection.

5.6 KCC Ecology  
No objection

## 6.0 APPRAISAL

- 6.01 The key issues are:
- Site location
  - Character and appearance
  - Residential amenity
  - Highways

### Site location

6.02 The site is in the Maidstone urban area. Policy LPRSS1 states "...Maidstone urban area will be the principal focus for development in the borough. Best use will be made of available sites within the urban area".

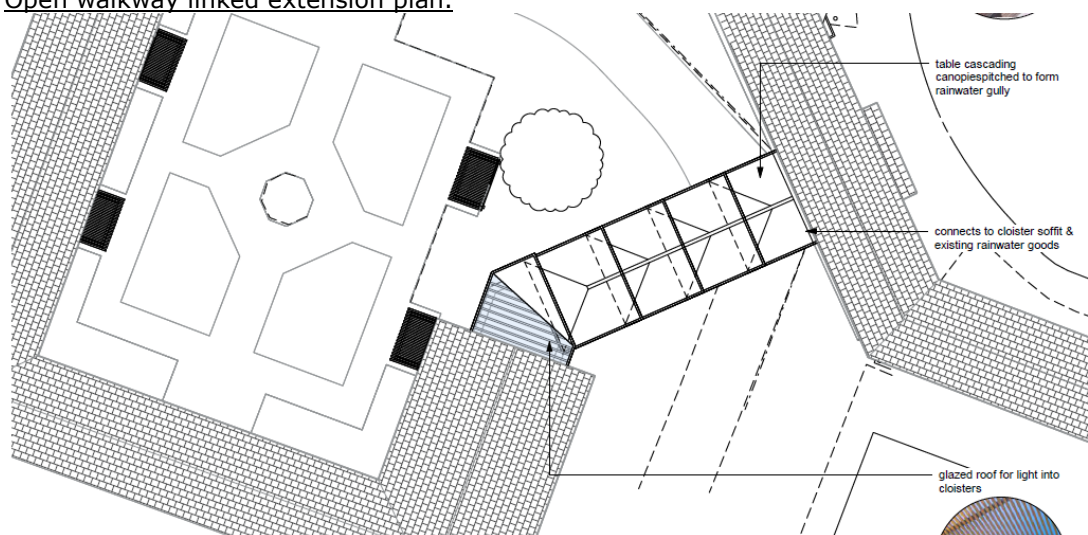
### Character and appearance

6.03 Policy SP15 states that development must "Respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage". Each element of the proposal will be assessed individually

a) open walkway linked extension.

6.04 The application would 'cover' the memorial cloisters to provide shelter for visitors. The below image is used to demonstrate this.

Open walkway linked extension plan.



6.05 The design is contemporary, but in keeping with nearby buildings. A planning condition is recommended requiring the applicant to submit material details to ensure quality construction. The application also proposes the remodelling of the courtyard area and improvements to seating, pond refurbishment and a raised courtyard deck.

b) conversion of existing agricultural building to a café and florists.

- 6.06 The existing Kentish ragstone building structure is retained, including an interior stone wall separating interior areas and uses.
- 6.07 The timber doors will be replaced with dark powder coated aluminium double-glazed doors with timber louvre slat screening to provide shade from the midday sun for visitors. The character of the existing horizontal timber cladding would be retained but reapplied vertically. The existing failed black UPVC rainwater goods are replaced with cast iron style UPVC rainwater goods.
- 6.08 The existing compacted earth forecourt/yard will provide outside seating for the café. The area will have a non-slip permeable surface for outside seating and accessibility.
- 6.09 The storage building is within ancient woodland buffer zone and approximately 5m from the ancient woodland itself. Following the submission of additional information and revised tree assessments the MBC tree officer has no objection to the application making the following comments:
- Only two tree removals are required, a Holly and a section of Leylandii hedge. These are justified.
  - No mature trees in the woodland edge are to be removed, instead, appropriate branch removal is required, not affecting materially the ancient woodland.
  - Clear from the submitted information that the works are to be carried out with tree protection in mind.
  - Works need to proceed in accordance with the submitted information with agricultural supervision during works.
- 6.10 Conditions are recommended to require works to only proceed in accordance with the submitted details including tree protection measures.

c) soft and hard landscaping to facilitate the development.

- 6.11 The pond and courtyard deck are the most significant alterations. The 13 sqm pond is raised at 450mm and enclosed by a brick plinth with planters on each corner. The corner planters provide a natural frame within which there is potential to place slatted seating. The surrounding failing brickwork may be remedied by white painted render.
- 6.12 The horizontal plane of the pond provides no vertical centerpiece as a focal point and a sculptural water feature installation may also provide a screen between the floral tribute cloisters and the exit from the chapel, buffering one funeral party from the next.
- 6.13 The drainage from rainwater goods is shallow and prone to overflowing. Furthermore, by nature of design, the courtyard forms a box with approximately 100mm upstand all round which retains the water when it floods. It is proposed to remove the existing concrete slabs, excavate and replace with a shingle bed through which the water may drain, installing a raised deck to meet the existing cloisters level, allowing the water to naturally flood below.
- 6.14 In terms of the alterations to the hardstanding. These areas are of their time and feature significant portions of hard surfaces which are visually poor and cause issues during poor weather including inadequate drainage. The redesign with soft landscaping would represent a significant improvement visually and ecologically over the existing arrangements.

**Residential amenity**

- 6.15 There are no residential dwellings within the vicinity of the development.

**Highways**

- 6.16 The development would be used by existing visitors to the site. It is concluded that the development would not cause any highways harm.

### **Biodiversity net gain and ecology**

- 6.17 Unless in the list of specified exemptions, biodiversity net gain is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).
- 6.18 The current planning application is a non-major application but was made before the commencement date of the 2 April 2024. The development is as a result exempt from statutory biodiversity net gain requirements. A planning condition is recommended seeking ecological enhancements which is a separate requirement.
- 6.19 The potential impact of the development on bats has been assessed following a consultation response. With the nature of the works, it is concluded that the works will not impact upon bats or other protected species.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.20 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.

### **CONCLUSION**

- 6.21 The site is in the Maidstone urban area which the local plan says is the focus for new development. The character and appearance of the proposed works are acceptable in design and appearance and represent new facilities and improvements to this important facility. The proposal is acceptable in relation to residential amenity and highways impacts.

### **8.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions , with delegated powers to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.**

- 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 shall be carried out in accordance with the following plans and documents:  
4012/P002 Existing and Proposed Block Plan  
4012/P102 Existing Roof Plan  
4012/P103 Proposed Roof Plan  
4012/P200 Existing South and North Elevations  
4012/P201 Proposed South and North Elevations  
4012/P300 Section A-A and B-B  
4012/P400 3D View  
Design and Access Statement Inc Tree Survey  
230852-P-10 Rev A Plan  
Flood Risk Assessment  
P001 Site Location Plan  
4012/P050 Outbuilding Existing Plan and Elevations,  
4012/P051 Outbuilding Proposed Plan and Elevations  
4012/P100 Existing Ground Floor Plan  
4012/P101 Proposed Ground Floor Plan  
BNG Feasibility Report  
Preliminary Ecological Assessment  
Tree Schedule, 230852-P-10 Rev A, Tree Survey Plan 230852-PD-11 and Arboricultural Impact Assessment.  
Reason: To ensure the development is carried out to an acceptable visual standard.7
- 3) The development hereby approved shall not commence above ground level until, written details and samples of the materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.  
Reason: To ensure a satisfactory appearance to the development.

- 4) The converted agricultural building shall be used for Class E.(a) (display or retail sale of goods) and (b) (sale of food and drink on the premises) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).  
Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 5) The development hereby approved shall not be brought into use until details for the enhancement of biodiversity on the site has 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 building structure by means such as swift bricks, bat tube or bricks as well as enhancements around the site such as bird boxes and insect habitats.  
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 6) No development including site clearance shall take place until tree protection is in place for all trees both within the red line application site boundary, and within falling distance of the red line application site boundary. The tree protection shall be in accordance with BS 5837 and maintained until all equipment, machinery and any surplus materials have been removed from the 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. All construction activities, tree protection, access facilitation pruning and pre-emptive root pruning shall be carried out in accordance with the approved recommendations of the submitted tree protection details contained within document 230852-PD-11 (Arboricultural Impact Assessment) unless the local planning authority gives written consent to any variation.  
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development
- 7) The development hereby approved shall not commence above ground level until a hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall:  
(a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012)  
(b) 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,  
(c) provide details of new on-site planting in a planting specification (location, spacing, species, quantity, maturity).  
(d) provide landscape implementation details and timetable  
(e) provide a [5] year landscape management plan  
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 8) All planting, seeding, turfing or other landscaping specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the first occupation of the property, are removed, 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.
- 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

**23/504311/FULL Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent ME14 5LG**

Scale: 1:5000  
N

Printed on: 5/7/2024 at 11:36 AM by RebeccaB1

Agenda Item 16, pages 45 - 51

23/504311/FULL

Vinters Park Crematorium, Bearsted Road, Weavering, Maidstone, Kent, ME14 5LG

### **Revised Drawings**

During the course of the application revised drawings of the outbuilding to be converted into a café and florist were submitted to the case officer, the email which contained the revised drawings was not picked up and as such the drawings were not 'accepted'.

The applicant brought this to the case officers attention on 13/07/2024 and they have now been accepted.

The revised drawings show a minor amendment to the front elevation replacing the internal glazing security shutters (which the applicant was unable to procure) with barn-door style security shutters to match the original style of the building, the bifold doors to the café have been reduced to a pair of French doors to match the florist, the character of the outbuilding retained, whilst the glazed systems remain dark aluminium and glass contemporary style.

It is not assessed the alterations cause any visual harm and the officer recommendation remains unchanged.

Delegated authority is requested to amend condition 2 to update the plans list.

## REPORT SUMMARY

<b>REFERENCE NO:</b> 24/502194/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of a residential outbuilding (part retrospective).		
<b>ADDRESS:</b> 7 Restharrow Road Weaving Kent ME14 5UH		
<b>RECOMMENDATION:</b> GRANT – subject to the planning conditions set out in Section 8.0 of the report.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> For the reasons set out below it is considered that the outbuilding is acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development is considered to be in accordance with current policy and guidance.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The recommendation is contrary to the views of Boxley Parish Council who have requested the application be presented to the Planning Committee.		
<b>WARD:</b> Grove Green and Vinters Park Ward	<b>PARISH/TOWN COUNCIL:</b> Boxley	<b>APPLICANT:</b> Mr & Mrs May <b>AGENT:</b> Mr R Saunders
<b>CASE OFFICER:</b> Ping Tye	<b>VALIDATION DATE:</b> 30.05.2024	<b>DECISION DUE DATE:</b> 25.07.2024 (EOT)
<b>ADVERTISED AS A DEPARTURE:</b> NO		

### Relevant Planning History

09/2241  
Erection of a single storey rear extension.  
Approved 02.03.2010

85/0857  
Erection of 38 dwellings and garages and formation of access road.  
Approved 12.11.1985.

### Enforcement History:

24/500239/OPDEV : Enforcement Enquiry

### MAIN REPORT

#### 1. DESCRIPTION OF SITE

- 1.01 The application site is located within the defined urban area of Maidstone and contains a two-storey detached dwelling with an attached double garage to the western side.
- 1.02 Located in a residential street characterised by large detached dwellinghouses which have staggered building line, the dwellinghouses are of similar scale, design and appearance to adjacent and surrounding dwellinghouses, and it has been previously extended with an extension to the rear.
- 1.03 The property is a residential dwelling, and the site is not situated within a conservation area, or an area of outstanding natural beauty. Additionally, there

are no restrictions on the permitted development rights to extend or alter the dwelling house.

## 2. PROPOSAL

- 2.01 The submission is a retrospective application for the erection of an outbuilding in the rear garden. Although the application is retrospective and appears completed, for ease of reference it will be called 'the proposal' for the remainder of the report.
- 2.02 According to the Planning Statement submitted, the application site has a gently sloping rear garden that was levelled to allow construction of the outbuilding. The outbuilding is located at the northeast corner of the rear garden within approx. 1m of the boundary at the narrowest distance. The outbuilding measures approximately 6.24m wide and 3.5m deep. It would have a flat roof with an eaves height of approx. 2.77m.

## 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review (adopted 20 March 2024):  
LPRSP15 – Principles of Good Design  
LPRHOU2 – Residential extensions, conversions, annexes, and redevelopment in the built-up area

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Maidstone Local Development Framework:  
Residential Extensions SPD

## 4. LOCAL REPRESENTATIONS

**Local Residents:** 10 neighbours consulted. 4 letters of support received. 3 letters of objection received from neighbouring residents raising the following issues:

- The design and positioning of an outbuilding should not have a detrimental impact on neighbouring properties.
- The outbuilding which has been erected (following the removal of trees from the rear boundary) is excessively high. It is extremely visible and intrusive.
- The outbuilding has a large footprint and is huge in scale. The application shows it to be 6.24 metres x 3.48 metres. It is orientated towards our house and garden, as shown on the plan. It does not reflect the property line of number 7.
- The outbuilding has been constructed approximately 7 metres from the back wall of our house and is less than 1 metre away from the boundary fence. Its location in the far corner of the adjacent garden means that it is extremely close to our property.
- The physical presence of this large outbuilding has an unacceptable overbearing impact, significantly affecting the enjoyment of our property because it is overpowering in height and in close proximity. It overbears the outlook from every rear window in our house and every part of our patio and garden, intruding into our residential amenity. It completely dominates and intrudes and as a result our garden now feels enclosed and overlooked.
- An opening window facing our garden was recently added to the right-hand side elevation of the outbuilding above our fence line. As the window fully opens it affects our privacy, as when open it can be looked through, and is a source of noise when the building is in use. The addition of the window in its current position would not have been possible had the building not exceeded

the permitted development height. The patio doors are also orientated towards our house and garden due to the positioning of the building.

- The outbuilding is likely to be a source of noise and disturbance when in use because of its closeness to us and neighbouring properties.
- The variety of finishes in view along the front and side elevation adjacent to the boundary fence highlights the large height and scale of the building. It is clad in timber boarding on the front, which extends approximately one third of the way along the right-hand side elevation (although it is a different profile to the front), with an opening window and black corrugated metal cladding having been added recently to the remainder of the side which gives it an unattractive appearance which is not sympathetic or in keeping with the surroundings. There are no buildings of a similar design, height, mass or location in the surrounding area so it is out of character.
- Extensive hard landscape changes have taken place over recent weeks, altering the ground levels throughout the garden and adding a new large hard surface in front of the outbuilding (approximately 7 metres x 4 metres), where there was previously lawn, although these are not shown on the plan. Where the ground levels have been substantially increased, this has had the effect of significantly lowering our fence, causing a loss of privacy as heads are now visible above the fence line.
- Unsuitable design for the location as too big and does not conform to building standards.
- Less than a metre from neighbouring properties.
- Window fitted in the side of the structure overlooks neighbours gardens to the extent of a loss of privacy.
- Poor roof drainage causes rainwater to be directed onto neighbours fences.
- It could set a precedent for future outbuildings to be constructed without regard to planning regulations.

Officer notes: Issues regarding potential noise, roof drainage, hard landscaping and other environmental issues are not material planning considerations and will be dealt with under different legislations by Building Control or Environmental Health.

## **5. CONSULTATIONS**

### Boxley Parish Council

Object to this application for the following reason:

1. It is overly large for the site.
2. It is over height. The 10ft height of the building is overbearing for all neighbouring properties.
3. It is less than 1 metre from the boundary fence and the side window opens into the neighbour's garden creating a loss of privacy.
4. Properties in this area are in close proximity and the likelihood of noise disturbance is very high.

## **6. APPRAISAL**

The key issues are:

- Site background/Principles of Development/Policy Context
- Visual Impact
- Residential Amenity
- Other Matters

### **Site background/Principle of Development/Policy Context**

- 6.01 The application site is located in the urban boundary of Maidstone as defined in the Local Plan.
- 6.02 Policy LPRSP15 (2) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. LPRSP15 (5) re-iterates consideration to be paid to adjoining neighbouring amenity.
- 6.03 Policy LPRHOU2 refers to residential extensions, conversions and redevelopment within the built-up area. LPRHOU2 states that within the defined boundaries of the urban area, rural services centres and larger villages, proposals for the extension, conversion and redevelopment of a residential property, design principles set out in this policy must be met. LPRHOU2 (1) states:
- (i) The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street and/or its context;*
- (iii) Adjoining residents would avoid unacceptable loss of privacy, outlook or light and would avoid unacceptable intrusion from noise or odour;*
- 6.04 The Residential Extensions SPD in relation to this proposal sets out the following:
- Garages and other outbuildings should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtue of their scale, form or location.*
- 6.05 The principle of residential extensions within settlements is therefore considered acceptable, provided that the material planning considerations discussed below would be acceptable.

### **Visual Impact**

- 6.06 As mentioned, the outbuilding will be sited at the northeast corner of the rear garden. It is not visible from the streetscene and therefore it is not considered to have a detrimental impact on the streetscene or character of the area.
- 6.07 Concerns have been raised regarding the size of the outbuilding. The scale of the proposed single storey outbuilding is considered acceptable relative to the two-storey detached host dwelling and its large garden. Only a small section of the building would be visible over the fence line. Similar outbuildings to the proposal can be built within 2m of residential boundaries under permitted development rights up to a height of 2.5m. Therefore, the need for planning permission in relation to height is the additional 0.27m on this proposal. On balance, it is considered that this height and overall size is not unreasonable for an outbuilding.

### **Figure 1. Block Plan showing relative size of outbuilding**



- 6.08 The flat roof is not in keeping with the roof form of the host dwelling, however considering the single storey nature of the proposal and that it would not be visible from any public views as it is situated at the rear of the property, the flat roof is considered to actually reduce its visual prominence.
- 6.09 The proposed materials consist of cedar timber cladding and black corrugated metal for the walls, black metal framed window (with frosted glass) and black metal framed doors. The proposed materials do not match the materials used in the existing property, however, considering the proposal is located at the rear of the property, is a detached outbuilding and not visible from any public views, it is considered that this would not harm the overall character of the host dwelling. Very often outbuildings are not constructed from materials to match the main dwelling, nor, in most cases, would they be expected to. It is considered on balance, therefore, that the outbuilding would not detrimentally impact the character and appearance of the host dwelling.

### **Residential Amenity**

- 6.10 The nearest neighbouring property is No.9 and No.11 Restharrow Road. All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposal.
- 6.11 The outbuilding is in close proximity (approx. 1m at the narrowest) from the common boundary with neighbouring No.9 to the east. However, considering the modest height of the proposal at approx. 2.8m and the existing close boarded fencing, it is considered that no detrimental impact on neighbouring amenity in terms of loss of light or overshadow would result. Only a small section of the building would be visible over the fence line. Similar outbuildings to the proposal can be built within 2m of residential boundaries under permitted development rights up to a height of 2.5m. Therefore, the need for planning permission in relation to height is the additional 0.3m on this proposal. On balance, it is considered that this height is not unreasonable for a garden outbuilding.
- 6.12 In terms of loss of outlook, there is presently a two-storey pitched roof wooden playhouse adjacent to and in line with the proposal and mature foliage in No.9's garden, combined with a separation distance of approx. 7.6m, low height of the proposal and existing close boarded fencing, it is not considered that the outbuilding would be so overbearing as to warrant a refusal.
- 6.13 Concerns have been raised by the Parish Council and neighbouring properties that the proposal would result in loss of privacy. There is no adjacent facing fenestration proposed on the north or west elevations. The small east facing window is on a high level (approx. 1.86m to the bottom of the opening) and is currently obscure glazed and look towards the pitched roof of No.9's wooden playhouse, and given the site circumstances it is not considered necessary to condition the window to be obscure glazed. The patio doors are located away from the shared boundary towards the western side elevation and would look

towards both dwellinghouses. However during case officer's site visit, it was observed that the oblique view afforded from the patio doors is not significantly different from the view from the rear garden. Combined with its low height, and closed boarded fencing as well as soft landscaping that were in the process of being planted (as observed during site visit) the outbuilding would be sufficiently shielded and would not detrimentally impact the residential amenity of neighbouring property by causing a loss of privacy or overlooking.

- 6.14 Taking the above into consideration, it is considered that the proposal will not cause unacceptable harm to the residential amenity of the adjoining properties that would warrant a refusal.

### **Other Matters**

- 6.15 Ecological Enhancements/Biodiversity Net Gain: Policy LPRSP15 of the Local Plan Review sets out that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.'

Due to the nature and relative scale of the proposal and the existing residential use of the site, it is not considered appropriate/necessary to require any ecological surveys. However, the Local Plan Review, the adopted SPD and the NPPF all encourage the enhancement of biodiversity in the interests of sustainable development and consequently, it is considered appropriate to attach a condition requesting that some form of on-site enhancement is provided. In this instance, this will be required to be within the site curtilage, rather than any methods incorporated into the construction/fabric of the building.

Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'general biodiversity gain condition'. However, the 'general biodiversity gain condition' does not currently apply in relation to planning permission for a development which is the subject of a householder application, within the meaning of Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), provided such exemption is confirmed by the applicant or agent when making a householder planning permission application. Such confirmation has been provided on the submitted application form and therefore a Biodiversity Gain Plan will not be required.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.16 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 For the reasons set out above it is considered that the proposal would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposal is considered to be in accordance with current policy and guidance.

## **8. RECOMMENDATION**

### **GRANT planning permission subject to the following conditions**

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

CONDITIONS:



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

Site Location Plan. Received 24.05.2024.

Proposed Elevations – Drawing no. 001. Received 24.05.2024.

Block Plan, Proposed Elevations and Floor Plan. Received 30.05.2024.

Reason: To clarify which plans have been approved.

- 2) Within 3 months of the date of this decision, details of a scheme for the enhancement of ecology on the site shall be submitted for approval in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through the provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting or hedgehog corridors. The measures shall be implemented in accordance with the approved details within 3 months of the date of the approval of the submitted details and all features shall be permanently retained and maintained thereafter.

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

### **INFORMATIVES**

- 1) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- 2) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.
- 3) Details pursuant to Condition 2 should show, on a scaled drawing, the type and number of the proposed ecological enhancements as well as their intended positions, 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 or east and bat boxes and bee bricks should face south. Where planting is proposed, please also supply details of the number of plants of each species as well as the intended size on planting (eg: pot size in litres). 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/>

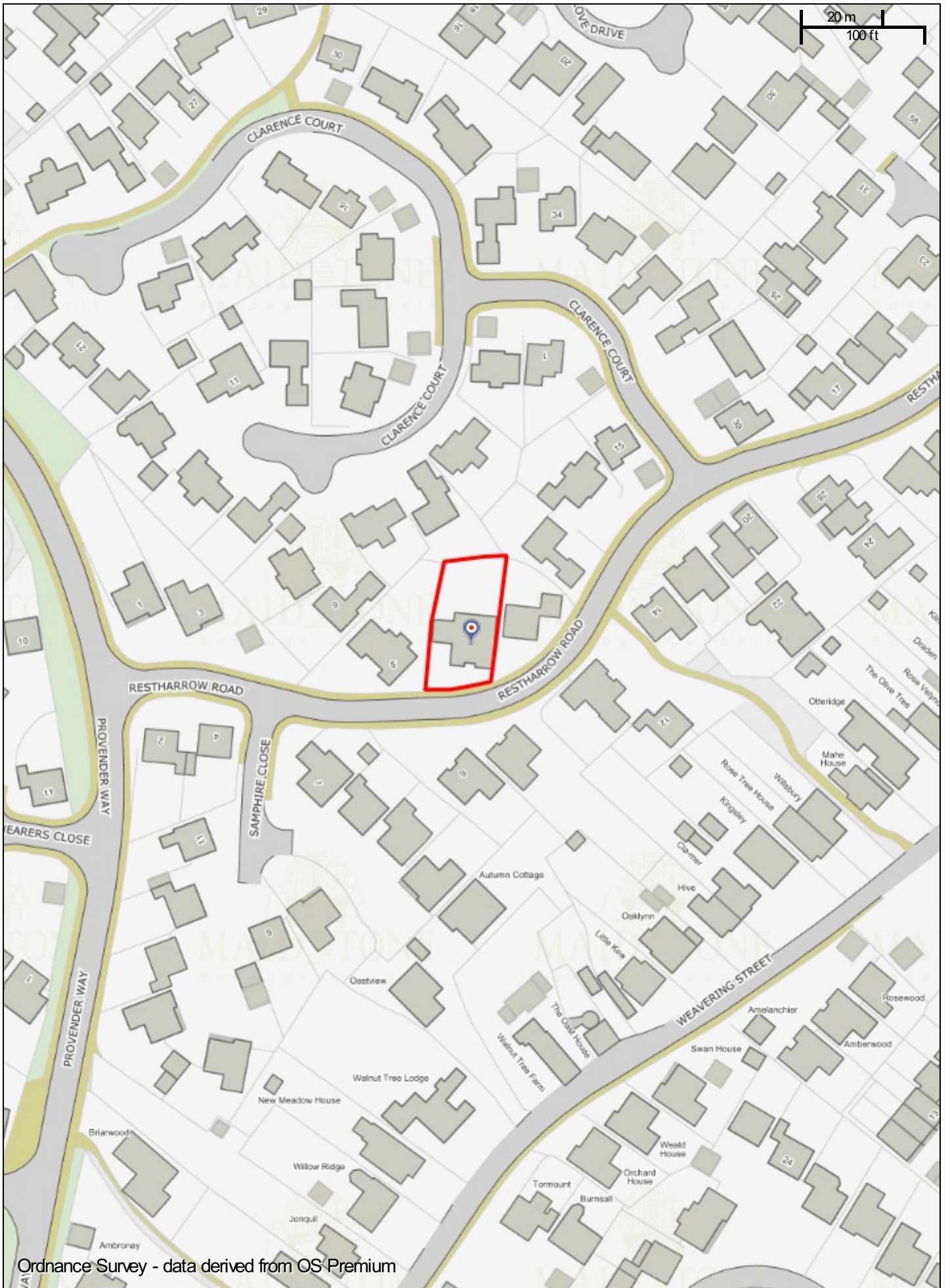
<https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

<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: Ping Tye

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

**24/502194/FULL 7 Restharrow Road, Weaving, Kent, ME14 5UH**

Scale: 1:1250  
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## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 18<sup>TH</sup> JULY 2024**

### **APPEAL DECISIONS:**

- 1. 23/500830/FULL** Removal of existing storage barn and erection of 1no. detached three bedroom dwelling with associated parking and landscaping (Resubmission 22/505439/FULL).

**APPEAL:** DISMISSED

Storage Barn  
Admiral Way  
Marden  
Kent  
TN12 9JS

(Delegated)

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- 2. 23/502487/FULL** Erection of a 3-bed detached dwelling with associated parking (resubmission of 23/501272/FULL).

**APPEAL:** DISMISSED

27 Reginald Road  
Maidstone  
Kent  
ME16 8EX

(Delegated)

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- 3. 23/504362/FULL** Erection of 2(no) four bedroom dwellinghouses with associated access, parking and landscaping (resubmission: 23/501857/FULL).

**APPEAL:** DISMISSED

Land At  
Forest Hill  
Tovil  
Kent

(Delegated)

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- 4. 22/504726/FULL** Erection of a detached dwelling with associated garden, access, parking and landscaping and biodiversity enhancements.

**APPEAL:** DISMISSED

Land Off Bull Lane  
Stockbury  
Kent  
ME9 7UB

(Delegated)

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- 5. 23/502410/FULL** Erection of a rear extension at ground and lower ground levels to an existing semi-detached dwellinghouse including changes to fenestration.

**APPEAL:** DISMISSED

1 Gable Cottages  
Otham Street  
Otham  
Maidstone  
Kent  
ME15 8RL

(Delegated)

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- 6. 20/500347/CHANGE** Without planning permission, the material change of use of the land for a residential use including the erection of a dwelling and associated paraphernalia and operational works including the laying of hard standing.

**APPEAL:** PART ALLOWED/PART DISMISSED

New Barn Sheep Farm  
Maplehurst  
Frittenden Road  
Staplehurst  
Tonbridge  
Kent, TN12 0DL

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## Planning Committee

**18 July 2024**

### Planning Committee Training

<b>Final Decision-Maker</b>	Planning Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Development Management
<b>Lead Officer and Report Author</b>	Rob Jarman, Head of Development Management
<b>Classification</b>	Public
<b>Wards affected</b>	All
<b>Recommendation</b>	Approval of proposed training programme for Planning Committee Members and Substitute Members

#### **Executive Summary**

This report outlines a proposed training programme for Planning Committee Members and Substitute Members to ensure compliance with the Council’s Constitution through knowledge and understanding of relevant local and national planning policies and legislation.

The report also strongly recommends attendance at a programme of optional training for Planning Committee Members and Substitute Members to facilitate their planning knowledge while serving on or supporting the Committee.

#### **Purpose of Report**

To agree the training requirements for Planning Committee Members and Substitute Members for this municipal year.

#### **This report makes the following recommendations to this Committee:**

1. That the Training Programme set out in **Appendix 1** be approved.
2. That all Members of Planning Committee, including those likely to be Substitute Members complete the Mandatory Training as outlined in **Appendix 1** by the end of October 2024, failing which such Members shall be disqualified from participation at Planning Committee until this training has been completed.
3. All Members (particularly those on Planning Committee and those likely to be Substitute Members) are recommended to attend discretionary training to enhance their knowledge of key areas of the decision-making process.

4. That Parish Councils be invited to all planning training events.
5. That training sessions be delivered virtually.

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Planning Committee	18 July 2024

# Planning Committee Training

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations will materially improve the Council's ability to achieve corporate priorities.</p>	Head of Development Management
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation is reduced and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendations support the achievement of the cross-cutting objectives by ensuring Members are kept up to date on existing and proposed legislative changes and best practice.</p>	Head of Development Management
<b>Risk Management</b>	Covered in the risk section (5.1).	Head of Development Management
<b>Financial</b>	The proposals set out in the recommendations are all within budget.	Head of Development Management

<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Head of Development Management
<b>Legal</b>	<p>Accepting the recommendations will enable the Council to meet its constitutional responsibilities.</p> <p>Members are required to complete a minimum amount of training to effectively perform their duties on the committee. This training is crucial for Members to make informed and lawful decisions. Failure of a member to attend the mandatory training and subsequently participate in the decision-making process could result in legal challenges.</p> <p>If the recommendations are not accepted and no suitable alternatives are agreed upon, the Council may be in breach of its Constitution.</p> <p>Following the recommendations is within the Committee's remit as outlined in the Constitution.</p>	Russell Fitzpatrick – Mid Kent Legal Services (Planning)
<b>Information Governance</b>	The recommendations do not impact personal information the Council processes.	Information Governance Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities & Communities Officer
<b>Public Health</b>	No specific implications	Head of Development Management
<b>Crime and Disorder</b>	No specific implications	Head of Development Management
<b>Biodiversity and Climate Change</b>	No specific implications	Head of Development Management

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.
- 2.2 Paragraphs 2.2.6 and 2.2.7 of the Local Code on Planning Matters (Part D3 of the Council's Constitution) state:

*"2.2.6. The Council has agreed that 70 Members will be able to serve on this Committee without having agreed to undertake a minimum period of*



*training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a due date for completion. New Members must receive training, but the programme may include no training provision for experienced Members **unless there have been relevant changes to legislation, policies, or guidance.***

*2.2.7. If a Member has not completed the specified training by the due date, the Member will cease to be a Member/Substitute Member of this Committee until the training has been completed. The Director of Strategy, Insight and Governance will keep a record of the training requirements of this Committee and of Members' compliance with the requirements."*

(my emphasis in bold)

- 2.3 Clearly, legislation is changing on a frequent basis but more so policies and guidance. Guidance at a national level changes very frequently and at a local level the Council adopted its Local Plan Review (2021-2038) earlier this year on 20<sup>th</sup> March. Therefore, it is recommended that all Members who sit or are likely to sit on Planning Committee attend the 'Induction' or 'Advanced' planning training sessions, which session will depend on their planning experience. This then accords with the Constitution.
- 2.4 All Members are recommended to attend discretionary training because all Councillors are likely to engage with the decision-making process in some capacity.
- 2.5 Previous reports to Planning Committee confirmed that investigations had been carried out into an electronic version of refresher training which would allow Members to self-serve from a selection of topic-based subjects. Unfortunately, there were no market options available at the time and this would have required a bespoke suite of training packages to be developed and implemented. This option was not pursued any further due to resource and cost implications. However, training sessions are recorded utilising Microsoft Teams.

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### 3. **AVAILABLE OPTIONS**

#### 3.1 **Option 1: as per recommendation**

#### 3.2 **Option 2 :**

- That the following Members:
  - new Planning Committee Members
  - new Substitute Members and
  - those Planning Committee Members returning to the Committee after a significant break and Members who are likely to substitute at Planning Committee after a significant break

must complete the Induction Training as outlined in **Appendix 1** by the end of September 2024, failing which such Members shall be disqualified from participation at Planning Committee until this training has been completed.

- That it is strongly recommended that all Planning Committee Members and Members who are likely to substitute at Planning Committee complete at least 2 specialised/best practice discretionary subject area training sessions covering those other topics set out in **Appendix 1**.
- That Parish Councils continue to be invited to all training events.
- That training sessions be delivered virtually.

### 3.3 **Option 3**

That Members of the Planning Committee and Substitute Members are not required to attend training events.

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## 4. **PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 **Option 1** is the preferred option as it aligns with the Constitution and ensures that all Members, including those who already have planning experience are trained on significant and cumulative changes to planning matters.
- 4.2 Other options are not favoured because of their lack of alignment with the Constitution, the risk that training covering planning changes cannot be evidenced, and, secondary, pragmatic reasons such as defining a 'significant break' from attending Planning Committee.
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## 5. **RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy. The risk of lack of training is failing future audits and, ultimately, successful appeals and judicial reviews of decisions made by Planning Committee.
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## 6. **NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 A draft schedule of training topics forms **Appendix 1**, and, if agreed, Councillors will be invited to attend these virtual training sessions via Microsoft Teams.
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## 7. **REPORT APPENDICES**

- 7.1 The following document is to be published with this report and forms part of the report - **Appendix 1: Draft Training Programme**

## Draft Planning Training Programme 2024/25

DATE/TIME	TRAINING TYPE	TITLE	DESCRIPTION	LOCATION
2 <sup>nd</sup> September 2024 18:00	Mandatory	<u>Induction Training Part 1</u>  For new Planning Members and Substitute Members	This will cover: <ul style="list-style-type: none"> <li>• The Development Plan, Planning Policies &amp; Guidance</li> <li>• Planning Conditions and Grounds of Refusal</li> <li>• Legal Training including Pre-determination and Judicial Reviews</li> </ul>	Virtual
16 <sup>th</sup> September 18:00		<u>Induction Training Part 2</u>  For new Planning Members and Substitute Members	This will cover: <ul style="list-style-type: none"> <li>• Section 106 Agreements/CIL</li> <li>• Meaning of Development</li> <li>• Permitted Development</li> <li>• Enforcement</li> </ul>	Virtual
30 <sup>th</sup> September 18:00		<u>Advanced Planning Training Part 1</u>  For Planning Members and Substitute Members with previous planning experience	This will cover: <ul style="list-style-type: none"> <li>• Updates on National and Local Policy &amp; Guidance</li> <li>• Updates on Appeal and Court Decisions</li> <li>• Updates on any Government consultations</li> </ul>	Virtual
21 <sup>st</sup> October 18:00		<u>Advanced Planning Training Part 2</u>  For Planning Members and Substitute Members with previous planning experience	This will cover: <ul style="list-style-type: none"> <li>• Use of Section 106 and CIL together</li> <li>• Permitted Development Update</li> <li>• Enforcement</li> </ul>	Virtual

November	Discretionary	Meaning of development, permitted development, enforcement, CIL and S106 Agreements		Virtual
Nov/December x2		Planning Policy and guidance and the relevance to decision making	In two parts	Virtual
January 2025		Landscape Assessments and Biodiversity Net Gain		Virtual
February		Design guidance	Including amenity standards and car parking	Virtual

In addition, there will be decision review tours and appeal discussions.