

# PLANNING COMMITTEE MEETING

Date: Thursday 5 April 2018  
Time: 6.00 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Boughton, Clark, Cox, English (Chairman), Harwood, Munford, Powell, Prendergast, Round (Vice-Chairman), Spooner, Mrs Stockell and Vizzard

*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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<b><u>AGENDA</u></b>	<b><u>Page No.</u></b>
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 Items withdrawn from the Agenda	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 - 12 April 2018	
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 15 March 2018	1 - 6
11. Presentation of Petitions (if any)	
12. Deferred Items	7 - 8
13. 17/505849 - 3 Orchard Place, Chartway Street, Sutton Valence, Maidstone, Kent	9 - 14
14. 17/506612 - Gipps Oast, Pilgrims Way, Lenham, Kent	15 - 28

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**Issued on Monday 26 March 2018**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

- |     |   |         |
|-----|---|---------|
| 15. | 17/506613 - Gipps Oast, Pilgrims Way, Lenham, Kent              | 29 - 42 |
| 16. | 18/500972 - Peckham Farm, Ulcombe Road, Headcorn, Ashford, Kent | 43 - 47 |
| 17. | Appeal Decisions  | 48 - 49 |
| 18. | Chairman's Announcements  |         |

## **PART II**

**To move that the public be excluded for the item set out in Part II of the Agenda because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test.**

### **Head of Schedule 12A and Brief Description**

- |     |  |   |         |
|-----|--|---|---------|
| 19. | Exempt Appendix to 17/505849 - 3 Orchard Place, Chartway Street, Sutton Valence, Maidstone, Kent | Paragraph 1.<br>Information re. an individual | 50 - 51 |
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### **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 applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.**

### **PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

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In order to speak at this meeting, please contact Democratic Services using the contact details above, by 4 p.m. on the working day before the meeting. If making a statement, 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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## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 15 MARCH 2018**

**Present:** Councillor English (Chairman) and Councillors Cox, Harwood, Munford, Perry, Round, Spooner, Mrs Stockell and Vizzard

**Also Present:** Councillor Garten

423. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Boughton, Clark, Powell and Prendergast.

424. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Perry was substituting for Councillor Prendergast.

425. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/506491 (Wheatsheaf Barn, Wheatsheaf Farm, Hazel Street, Stockbury, Kent).

426. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

427. URGENT ITEMS

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to matters to be considered at the meeting.

428. DISCLOSURES BY MEMBERS AND OFFICERS

Prior to consideration of the report of the Head of Planning and Development relating to Tree Preservation Order No. 5019/2017 (Valley Park Community School, Huntsman Lane, Maidstone, Kent), Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions regarding the Order, and intended to speak and vote when it was considered.

429. EXEMPT ITEMS

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

430. MINUTES OF THE MEETING HELD ON 22 FEBRUARY 2018

**RESOLVED:** That the Minutes of the meeting held on 22 February 2018 be approved as a correct record and signed.

431. PRESENTATION OF PETITIONS

There were no petitions.

432. DEFERRED ITEMS

17/503291 – ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO. UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

433. MR AARON HILL - MAJOR PROJECTS MANAGER

The Chairman introduced Mr Aaron Hill, the newly appointed Major Projects Manager.

434. 17/506491 - DEMOLITION OF FARM BUILDINGS AND CONSTRUCTION OF A DETACHED HOUSE AND GARAGE - WHEATSHEAF BARN, WHEATSHEAF FARM, HAZEL STREET, STOCKBURY, KENT

The Chairman and Councillors Perry and Round stated that they had been lobbied.

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

Mr Crabtree, the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

**RESOLVED:** That permission be refused for the reasons and informative set out in the report.

Voting:        6 – For        0 – Against        2 – Abstentions

Note: Having entered the meeting during the presentation by the Principal Planning Officer on this application (6.10 p.m.), Councillor Harwood did not participate in the discussion or the voting.

435. 17/505670 - CHANGE OF USE OF VACANT OASTHOUSE AND STABLES TO 2 RESIDENTIAL DWELLINGS; DEMOLITION OF ALL OUTBUILDINGS AND CLEARANCE OF SITE TO ERECT 3 NO. TWO STOREY HOUSES AND 2 NO. SEMI-DETACHED SINGLE STOREY COTTAGES - BLETCHINGLEY OAST AND BLETCHINGLEY FARM INDUSTRIAL ESTATE, PRISTLING LANE, STAPLEHURST, TONBRIDGE, KENT

All Members except Councillor Vizzard stated that they had been lobbied.

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

Mrs Moore, an objector, and Mr Norton, for the applicant, addressed the meeting.

It was noted that Councillor Buller of Staplehurst Parish Council had registered to speak on this application, but was unable to attend the meeting due to illness. Details of the speech that Councillor Buller intended to deliver on behalf of the Parish Council had been circulated to Members of the Committee that afternoon.

**RESOLVED:** That permission be granted subject to the conditions set out in the report, as amended/deleted by the urgent update report, and that the Head of Planning and Development be given delegated powers to include either a condition or a S106 Head of Term to ensure that, in the interests of biodiversity and landscape, the boundary buffer areas shown brown and hatched on the plan are preserved as communal, strategic landscape buffers, not in private ownership, and designed to allow access for maintenance as and when required.

Voting:        8 – For        1 – Against        0 – Abstentions

436. 16/503467 - RETENTION OF EXISTING MOBILE STRUCTURE TO BE USED FOR RESIDENTIAL PURPOSES - OLD OAK PADDOCKS, CHART HILL ROAD, STAPLEHURST, KENT

Councillor Munford stated that he had been lobbied.

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

It was noted that the application had been reported to the Committee as the recommendation to grant permission was contrary to the written view of Chart Sutton Parish Council which objected to the development. Whilst the Parish Council maintained its objection to the application, it would have removed its call-in, having read the report.

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

Voting:        6 – For        0 – Against        3 – Abstentions

437. 5017/2017/TREE PRESERVATION ORDER (TPO) - LAND AT LODGE CLOSE, THE STREET, ULCOMBE, KENT

The Committee considered the report of the Head of Planning and Development concerning TPO No. 5017/2017 which was made to replace TPO No. 5002/2017. It was noted that:

- TPO No. 5002/2017 was made to protect woodland, including mature oaks, on land at Lodge Close, The Street, Ulcombe in response to requests from the Parish Council following concerns raised by residents about recent activity in the woodland.
- It was understood that the site had changed hands and that a fishing consortium was involved with the recent activity on the site.
- Whilst no formal objection had been received to the making of TPO No. 5017/2017, a detailed objection was received to TPO No. 5002/2017 from the current and previous owners of the site.
- Given the uncertainty surrounding operations on the site, it was recommended that the woodland should continue to be protected by a TPO.

**RESOLVED:** That TPO No. 5017/2017 be confirmed without modification.

Voting:        9 – For        0 – Against        0 – Abstentions

438. 16/506432 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE TO RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH TWO CARAVANS (1NO. STATIC CARAVAN AND 1NO. MOBILE HOME), WITH CREATION OF HARDSTANDING, ERECTION OF AMENITY BUILDING AND ERECTION OF GARDEN SHED - ORCHARD SPOT, ORCHARD FARM NURSERY, CHARTWAY STREET, SUTTON VALENCE, KENT

Councillor Round stated that he had been lobbied.

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

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

Voting:        8 – For        0 – Against        1 – Abstention

439. 5019/2017/TREE PRESERVATION ORDER (TPO) - VALLEY PARK COMMUNITY SCHOOL, HUNTSMAN LANE, MAIDSTONE, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development concerning TPO No. 5019/2017 which had been made to protect groups of trees and woodland on land at Valley Park Community School, Huntsman Lane, Maidstone.

In response to a question as to whether consideration of the report could be deferred until the next meeting to enable people wishing to make representations objecting to confirmation without modification of the TPO to be in attendance, it was pointed out that the TPO would expire on the day of the next meeting.

It was noted that:

- An objection to the making of the TPO had been received from Barker Parry Town Planning.
- Application 17/501471 for the erection of a three storey secondary school with associated access, car parking and landscaping at the site was the subject of an appeal against non-determination. There was no guarantee that planning permission would be granted for the proposed development. It was therefore considered that tree removals ahead of a planning permission would be premature.
- If the appeal against non-determination was successful, then the planning permission would over-ride the TPO.

**RESOLVED:** That TPO No. 5019/2017 be confirmed without modification.

Voting:        6 – For        0 – Against        3 - Abstentions

440. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

**RESOLVED:** That the report be noted and that the Officers be congratulated on their success at appeal.

441. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that a very productive meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee had taken place recently and the outcomes were being fed back to Members via their Spokespersons. Progress was being made on issues such as enforcement protocols and matrices.

The Vice-Chairman said that this group of Members had enjoyed a very beneficial relationship with each other and with the Officers who supported them. It had been a very positive year, and he wished to congratulate the Members and Officers concerned on the excellent progress made.

442. DURATION OF MEETING

6.00 p.m. to 7.40 p.m.



## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

5 APRIL 2018

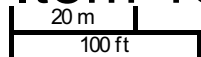
#### REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

#### DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Check whether the correct certificates were served;</li> <li>• Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth;</li> <li>• Investigate the potential for traffic calming measures on the shared access;</li> <li>• Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted;</li> <li>• Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises;</li> <li>• Discuss with the applicant the possibility of limiting the hours of operation on Saturdays; and</li> <li>• Enable a representative of Kent Highway Services to be in attendance when the application is discussed.</li> </ul>	<p>19 December 2017 adjourned to 4 January 2018</p>
<p><u>17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE</u></p>	<p>1 February 2018 adjourned to 8 February 2018</p>

<p><u>DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Investigate the scope for improved pedestrian links from the site entrance to existing footways;</li> <li>• Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network;</li> <li>• Enable a representative of Kent Highway Services to be in attendance when the application is discussed;</li> <li>• Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and</li> <li>• Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks.</li> </ul>	
<p><u>17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Amend the application to extend the site area to include the private road up to the point where it meets the public highway and to serve a Certificate B notifying all persons having an interest in the private road providing site access;</li> <li>• Seek details of the S106 agreement restricting further development at the site; and</li> <li>• Enable the Conservation Officer to be in attendance when the application is discussed.</li> </ul>	<p>22 February 2018</p>



17/505849 - 3 Orchard Place

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**REPORT SUMMARY**

<b>REFERENCE NO - 17/505849/FULL</b>			
<b>APPLICATION PROPOSAL</b> Retention of existing mobile structure for residential purposes.			
<b>ADDRESS</b> 3 Orchard Place Chartway Street Sutton Valence Maidstone Kent ME17 3JB			
<b>RECOMMENDATION: GRANT</b> subject to planning conditions set out in Section 8.0 of the report			
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The retention of the existing mobile structure, subject to imposition of conditions as herein recommend, is considered to comply with the policies of the Development Plan (Maidstone Borough Local Plan 2017) and the provisions of the NPPF and there are no overriding material planning considerations justifying a refusal of permission.			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Request by Broomfield and Kingswood Parish Council			
<b>WARD</b> Leeds	<b>PARISH/TOWN COUNCIL</b> Broomfield & Kingswood	<b>APPLICANT</b> Mr J Beeney <b>AGENT</b> Ruston Planning Limited	
<b>DECISION DUE DATE</b> 01/02/18	<b>PUBLICITY EXPIRY DATE</b> 28/12/17	<b>OFFICER SITE VISIT DATE</b> 25/01/2018	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/09/1697	Retrospective application for the change of use of land to residential for the stationing of 1 no. mobile home	Approved	02/07/2017
MA/11/1534	Change of use of land to use as a residential caravan site for 2 gypsy families involving the siting 4 caravans of which no more than 2 are to be static mobile homes the erection of 2 amenity blocks; and the laying of hand standing and construction of a driveway	Approved	07/09/2011
MA/12/0605	Change of use of land to use as residential caravan site for one gypsy family with two caravans, erection of amenity building and laying of hardstanding	Approved	02/04/2012
12/1544	Retrospective application for the change of land to use as a residential caravan site for 2 gypsy families with up to 4 caravans of which no more than 2 would be static caravans, including the laying of hard surfacing and the erection of 2 amenity buildings	Approved	25/04/2016

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The application is within the open countryside as designated by the Maidstone Borough Wide Local Plan 2017. The application site is broadly rectangular in shape with existing gypsy and traveller development adjacent to the north, south and east.
- 1.02 The site is occupied by a mobile unit which is subject to this application and is divided from adjacent sites by close boarded fencing running along the east and south boundary and vegetation to the north. The remainder of the site is surfaced and used for parking or grass and used for amenity space.
- 1.03 The western site boundary is defined by a hedgerow running down the wider site to Chartway Street which is approximately 63m to the south of the structure.
- 1.04 Site access is gained via a controlled gate onto Chartway Street.

## **2.0 PROPOSAL**

- 2.02 Retrospective planning permission is sought for the retention of a mobile structure to enable the family to remain settled on a lawful gypsy and traveller site.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: SS1, SP17, DM1, DM15 and DM30  
Planning Policy for Traveller Site 2015 (PPTS)

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 Nine residents were notified, no representations were received.
- 4.02 Broomfield and Kingswood Parish Council – Object to the application for the following reasons:
- Doesn't meet the definition of a mobile structure

## **5.0 CONSULTATIONS**

- 5.01 KCC Highways – No objection

## **6.0 APPRAISAL**

### **Principle of Development**

- 6.01 The key planning considerations relate to the visual impact of the development on the character and appearance of the open countryside and the impact on the amenities of the adjoining occupiers. It is considered that the applicants have gypsy and traveller status as outlined in sections 6.15-16 of this report.
- 6.02 The wider site has a lawful use for the stationing of up to 4 caravans of which no more than 2 can be static caravans under planning application reference: 12/1544. Therefore, whilst the current application is not a caravan by definition, the sites use as a lawful gypsy and traveller site is a significant material consideration in the balancing exercise with this application.

### Policy Background

- 6.03 Local Plan Policy SP17 indicates that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area.
- 6.04 Local Plan Policy DM1 deals with the principles of good design with regard paid to, amongst other things, scale and site coverage.
- 6.05 Local Plan Policy DM15 is specific to gypsy and traveller development, allowing for development subject to compliance with certain criteria, which includes sustainability, landscape character, the cumulative effect of development, highway safety, flooding and ecology.

### **Visual Impact**

- 6.06 Policy DM15 of the Local Plan indicates that planning permission for gypsy and traveller development will be granted if it would not result in significant harm to the landscape and rural character of the area.
- 6.07 The site is located outside of a settlement boundary in an area where there is a mix of traveller sites with private dwellings in the wider area. Views of the site are not prominent from the nearby road network. The mobile structure, which is subject to this application, is located to the western end of the main site and is enclosed by hedging to the western and northern boundaries and by fencing to the adjacent gypsy and traveller sites to the east and south. As such the site is well screened from general view and this has helped the development to be absorbed into the landscape.
- 6.08 Policies SP17 and DM15 of the Local Plan are particularly relevant in this context as the structure has been both located and screened by vegetation so as to have minimal impact on its surroundings. It is therefore considered that the proposal complies with the criteria set out in both the above policies.

### **Design**

- 6.09 Although the site has planning permission for a mobile structure under application reference 12/1544, the structure has been placed on the site unlawfully to provide residential accommodation for the owners of the site. The structure does not fall within the definition of a caravan as far as the Caravan Act is concerned. There are three critical tests that need to be met namely size, construction and mobility.
- The dimensional limits for caravans are 20m length, 6.8m width and an internal ceiling height of 3.5m. The structure on site meets the size test.
  - The construction test outlines that the structure is defined as composed of not more than 2 sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices. The unit does not satisfy the construction test in that the structure was constructed as a single unit and was then separated and bolted together again.
  - Mobility: The Caravans Act 1968 requires that twin mobile home units, when assembled, are physically capable of being moved by road from one place to another. It is suggested by the agent that the structure would meet the mobility test, although this is harder to establish definitively without physically moving it.

- 6.10 As the structure on site cannot be classified within the definition of a caravan, as far as the 1968 Act is concerned, consequently it must be defined as a static structure used for residential accommodation. However, the fact that the structure was originally constructed as one unit and has subsequently been separated does not detract from its appearance as visually it appears as a static mobile home.

### **Highways**

- 6.11 The existing access to the site has been in use by the owners of the site for some time. There will be no change in the expected traffic generated by the proposed use.

### **Ecology**

- 6.12 Given the site's an existing development I do not consider there would be conflict with Policy DM15, criterion 1. v.

### **Sustainability**

- 6.13 Gypsy and traveller sites are often located in the countryside and the application site follows this pattern. The site is located within 1.5 kilometres of Kingswood and about 2 kilometres from Sutton Valence allowing access to schools, medical provision and shopping facilities. The site is also a lawful gypsy and traveller site under application reference 12/1544 and at the time of determining that application the site was considered to be acceptable by the Planning Committee. It is not considered that the site is sufficiently remote from services to justify a different conclusion to that previous application now.

### **Residential Amenity**

- 6.14 Local residential properties outside the site are distanced in excess of 100m. As such, in terms of amenity there would not be a significant impact in terms of loss of light, privacy or overbearing impact on adjoining properties and the structure does not adversely affect the living conditions of local residents.

### **Gypsy and Traveller Status**

- 6.15 In response to the application, the applicants have provided information on their gypsy and traveller Status. It is concluded that the applicants are gypsies and travellers that have led and will continue to lead a nomadic lifestyle and therefore continue to fall within the definition of gypsies and travellers.
- 6.16 In terms of the cumulative impact, the site already has lawful use as a gypsy and traveller site and the applicants are the same as with the previously permitted lawful scheme under application reference 12/1544.

## **7.0 CONCLUSION**

- 7.01 It is not considered that the structure would visually impact on the character and appearance of the rural area, especially given the existing use of the land as a gypsy and traveller site. The structure provides sustainable accommodation to meet the occupiers' current needs

7.02 Policy allows that, subject to strict control and in order to satisfy the Borough's responsibility to accommodate the gypsy and traveller community in development commensurate with their traditional lifestyle, such development can be acceptable in the countryside. The proposed development is largely screened to long distance views and is set well back from the public highway network and would therefore be in accordance with policy DM15. As a result the impact of development upon the character of the countryside and the amenity of the adjoining occupiers would be acceptable.

7.03 Material circumstances indicate that subject to imposition of appropriate conditions a permanent planning permission should be granted.

**8.0 RECOMMENDATION** – GRANT planning permission subject to the following conditions:

- (1) No more than one caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the application site at any time;

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

- (2) The mobile structure shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

Reason: The site is in the countryside where the stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the gypsy and travelling community.

- (3) No commercial activities shall take place on the land, including the outdoor storage of materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the surrounding Landscape of Local Value.

- (4) Should the existing 'mobile structure' that is on site be removed at any time, it shall be replaced with a mobile home that accords with the definition in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

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

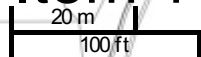
- (5) If the use hereby permitted ceases, all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings, and utility rooms shall be removed within 3 months of cessation.

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

Case Officer: Adam Reynolds

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





17/506612 - Gipps Oast

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## REPORT SUMMARY

<b>REFERENCE NO's - 17/506612/FULL and 17/506613/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of agricultural barn (Plot 7) – 17/506612/FULL Erection of agricultural barn (Plot 8) – 17/506613/FULL		
<b>ADDRESS</b> Gipps Oast Pilgrims Way Lenham ME17 2EL		
<b>RECOMMENDATION</b> – Grant Permission with conditions for Plot 7 (17/506612/FULL) and Plot 8 (17/506613/FULL)		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> Although the granting of planning permission would result in some landscape harm to the countryside, the proposals are necessary for the purposes of agriculture and would result in economic and social benefits in supporting an existing agricultural business.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The applications have been called in by Lenham Parish Council on the grounds that the proposals would result in a large number of vehicle movements and harm to the AONB from large buildings on the scarp of the AONB which is inappropriate development in the countryside.		
<b>WARD</b> Harrietsham And Lenham	<b>PARISH/TOWN</b> Lenham	<b>COUNCIL</b> <b>APPLICANT</b> Mr M Wildish <b>AGENT</b> Architectural Designs
<b>DECISION DUE DATE</b> 05/04/18	<b>PUBLICITY EXPIRY DATE</b> 09/02/18	<b>OFFICER SITE VISIT DATE</b> 09/01/18
<b>RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):</b>		
<p>Erection of agricultural barn (Plot 1) – 17/506606/FULL - Refused  Erection of agricultural barn (Plot 2) – 17/506607/FULL - Refused  Erection of agricultural barn (Plot 3) – 17/506608/FULL - Refused  Erection of agricultural barn (Plot 4) – 17/506609/FULL - Refused  Erection of agricultural barn (Plot 5) – 17/506610/FULL - Refused  Erection of agricultural barn (Plot 6) – 17/506611/FULL – Refused</p> <p>Following two applications relate to land adjacent to the main farm buildings on the site and to the north of Marley Court.</p> <p><i>Prior notification for the erection of an open fronted agricultural barn for storage of hay and agricultural equipment 08/0059 approved</i></p> <p><i>Extension to an agricultural building for the storage of agricultural equipment and machinery 09/1841. Approved</i></p>		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to agricultural land located to the north of Pilgrims Way, situated to the west of Flint Lane, to the east of Marley Court and to the north of the Marley Works site. The site is located on the south facing slope of the Kent Downs Area of Outstanding Natural Beauty (AONB) with the topography sloping steadily northwards from the southerly part of the site.
- 1.02 Public Right of Way KH287 is located to the north of the site and runs from east to west, KH385 is to the north west of the site and runs from south to north and KH394 is located to the south west of the site and runs from north to south through part of the Marley Works site.

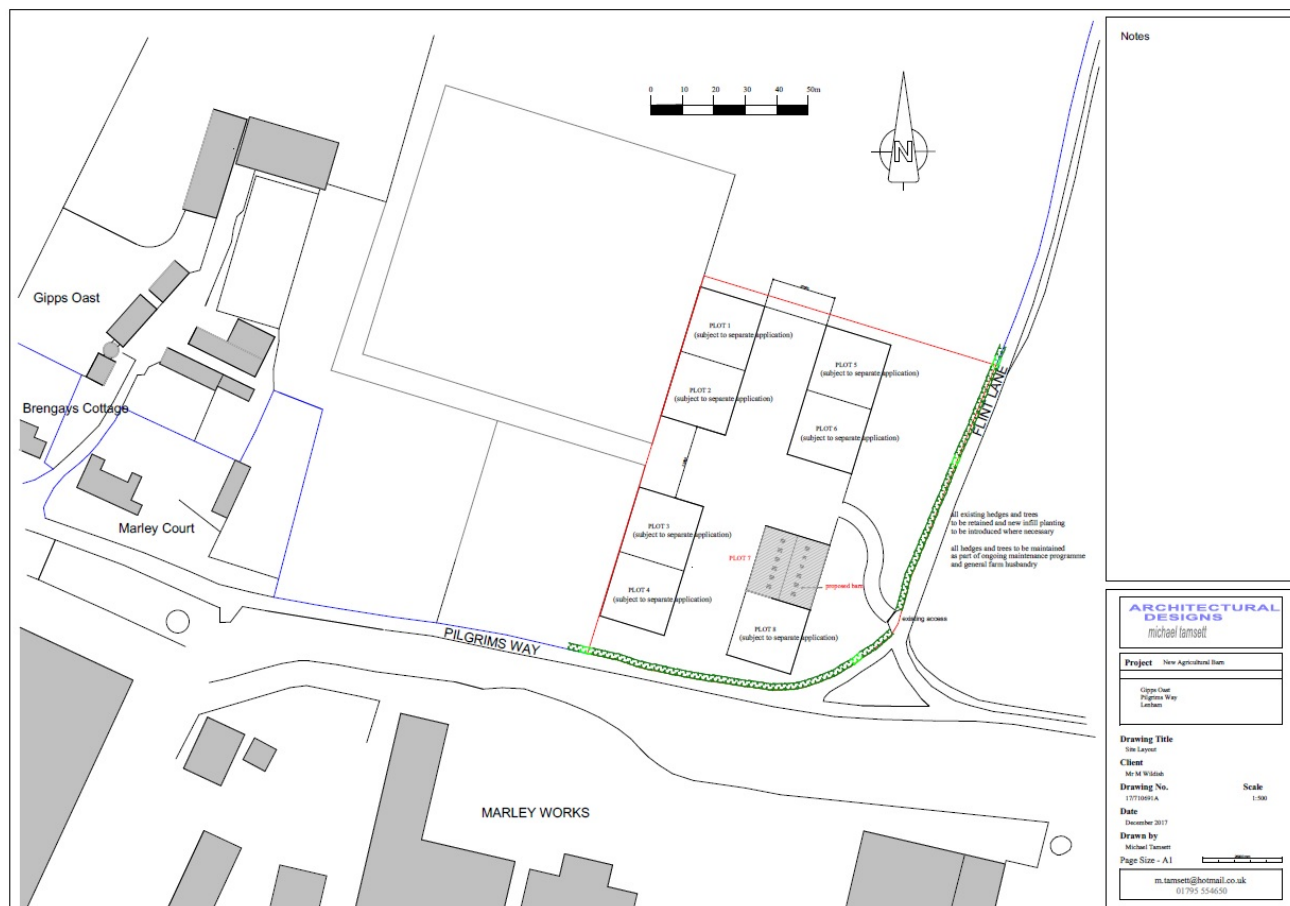
- 1.03 The site is within the countryside as defined in the Local Plan 2017 and the Kent Downs Area of Outstanding Natural Beauty.
- 1.04 To the north, east and west of the site are agricultural fields with a small collection of residential properties, including the Grade II listed Marley Court, to the west. The Marley Works site is immediately to the south of the application site on the opposite side of Pilgrims Way.
- 1.05 An access point is located on the south eastern corner of the site on the junction of Pilgrims Way and Flint Lane.

## **2.0 PROPOSAL**

- 2.01 The two applications seek planning permission for the erection of 2 agricultural barns split across 2 plots for the storage of hay and machinery. Each barn would measure 21.15m in length and 21.4m in width. In terms of height they would each measure 5.5m to the eaves with a maximum ridge height of 8.8m. The applicant states that each would be capable of storing 770 x 5ft of round bales.
- 2.02 In terms of finish, the elevations would be finished in profiled metal cladding with sliding access doors and roofed in cement fibre sheeting. The barns would be adjoining to one another on the northern elevation of plot 8 and the southern elevation of plot 7. The applicant wishes for the barns to be fully enclosed so as to reduce fire risk with the hay.
- 2.03 The two applications that are being considered in this report were submitted along with 6 other separate planning applications for 6 additional barns at the same location. These applications were refused planning permission due to the cumulative effect of 8 barns at this location that would cause visual harm to the countryside and the Kent Downs AONB (Appendix 1). It was not considered reasonably necessary for all 8 barns to be located in this one location to serve the applicants agricultural holdings at other locations and the applicant was advised to explore the erection of the additional barns at each of these respective locations.
- 2.04 The proposed site plan is shown on the following page.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: SP17, SP18, DM1, DM3, DM4, DM8, DM30, DM36  
Supplementary Planning Documents: Kent Area of Outstanding Natural Beauty Management Plan



#### 4.0 LOCAL REPRESENTATIONS

- 4.01 Lenham Parish Council: Object - Gipps Oast is an agricultural farm but if the application is granted it would become a commercial business. Approximately 800 commercial lorry movements a year, plus the machinery movements will have to navigate a totally unsuitable single trackway. The trackway itself is part of the long distance Pilgrims Way trackway running along the AONB scarp slope boundary. The character of the AONB will be damaged by large buildings on the scarp, which will not be screened, this is inappropriate development in the countryside, and the agricultural exemption should not be applied.
- 4.02 CPRE – Objects to the application. Contrary to policy, visual harm, traffic impact and potential surface water flooding.
- 4.03 Kent Downs AONB Unit – Objects to the application. Applications would fail to conserve and enhance the Kent Downs AONB, contrary to policy.
- 4.04 Adjoining neighbours were notified of the application as originally submitted. 8 site notices, one for each application, were also displayed at the proposed entrance to the site on the corner of Pilgrims Way and Flint Lane. 2 objections have been received in response to the consultation which are summarised as follows:
- Illogical to submit 8 separate applications and not one single application;
  - Do not consider it to be demonstrated for the need of 8 barns when the site at Gipps Oast is 86 acres;
  - More logical for the owner to build the other barns at the other locations where barns have been lost;

- Expensive and time consuming to transport hay to one site at the proposed location;
- Applications do not have any supporting agricultural statement or justification;
- Increased traffic and highways impact along a narrow lane which does not have suitable passing places;
- Impact on the AONB;
- Impacts on amenity;

4.05 1 representation with the following comments (no objection in principle)

- Request a planning condition that vehicles leaving the barns turn left on to Pilgrims Way and avoid the residential property at Marley Court;
- Feel that the proposal could be enhanced by some additional planting along the north and west boundary to soften the visual impacts of the barns on the AONB;
- Would support the proposal if it led to the reduction in disturbance to use of the barn adjacent to their property.

4.06 Ramblers Association – Object:

- Impact on local Public Rights of Way;
- Impact on the Kent Downs AONB;
- Concern that in future the barns would be sold on to others and not retained for farming.

## **5.0 CONSULTATIONS**

5.01 Rural Planning Advisor – Having regard to all the above, whilst much of the related agricultural activity takes place on various parcels of rented land elsewhere, I consider there is a justifiable agricultural requirement for the proposed additional barn storage, so that Gipps Oast can function efficiently as the applicant's operational farming and contracting base.

5.02 KCC Highways – No objection, subject to conditions.

5.03 KCC Archaeology – Recommend a condition in regards to the implementation of a watching brief.

5.04 KCC Drainage – Note that the drainage strategy places soakaways outside of the redline boundary of the site. The ground conditions in the area are generally suitable for infiltration. Provided that the LPA is satisfied that a drainage strategy can be delivered in planning terms, we would not object to the development, subject to conditions.

5.05 MBC Landscape - The proposal to erect standard agricultural barns and extensive associated hardstanding in a field would appear out of character with the surrounding landscape and the location is not directly associated with existing farm buildings. Whilst the proposed site layout does indicate some infill of existing hedgerows, it does not accord with the landscape guidelines/recommended actions. Additionally, the applicant has not submitted a landscape and visual appraisal assessing the full effects of the proposed development in landscape terms.

## 6.0 APPRAISAL

6.01 The key issues for consideration relation to:

- Principle of development
- Agricultural need
- Sustainability
- Residential amenity
- Highways
- Ecology and tree matters
- Drainage
- Impact on the setting of listed building

### Principle of Development

6.02 Policy SP17 of the Local Plan (2017) is relevant and supports agricultural proposals which facilitate the efficient use of the borough's significant agricultural land and soil resource providing any adverse impact on the appearance of the character of the landscape can be appropriately mitigated. Policy DM36 allows for new agricultural buildings and structures providing criteria relating to need, residential amenity and visual impact.

6.03 In terms of land use in this location, it is necessary to balance the needs of agriculture against the impact of the proposals.

### Agricultural Need

6.04 When considering the need for development, Rural Planning Ltd, provided the following statement:

*'From the submitted plan, the available owned land here appears to extend to some 29ha (71 acres). Two existing barns at the site (30m x 10m x 5.5m to eaves, and 30m x 15m x 5.5m to eaves) for storage of hay/equine bedding and agricultural machinery were approved under MA/08/0059 and MA/09/1841. These are near to the applicant's residential premises, where there is also an older range of stables for private use, with an enclosed workshop on the other side of the stable yard: there is also a covered horse-transporter storage shed, and a domestic outbuilding.*

*In addition to the owned land, the applicant advises that he currently rents, on various arrangements, which appear to have ongoing potential:*

- 200 acres new grass leys at Horsmonden/Goudhurst
- 30 acres at Hollingbourne
- 20 acres at Lenham
- 50 acres at Woodchurch
- 40 acres at Biddenden
- 10 acres at Benenden
- 100 acres at Pembury (not cropped 2017 due to lack of storage)

*This makes a total of some 450 acres (182 ha) of off-lying rented land. Mr Wildish also refers to having had offers to rent a significant additional area of land. He would also like to bale and store straw from various arable fields at harvest time.*

*Gipps Oast is also the base for the applicants' agricultural and equestrian contracting business, MW Agri, which utilises a large range of machinery, as listed in the submissions.*

*I gather a lot of the applicant's hay and machinery currently has to be stored outside, which is wasteful and unsatisfactory.*

*Having regard to all the above, whilst much of the related agricultural activity takes place on various parcels of rented land elsewhere, I consider there is a justifiable agricultural requirement for the proposed additional barn storage, so that Gipps Oast can function efficiently as the applicant's operational farming and contracting base.'*

- 6.05 It is considered there is a reasonable need for the development and the proposal is reasonably necessary for agriculture in line with Policy DM36 of the Local Plan. Therefore the overarching question is whether the harm to the appearance of the countryside is so great to outweigh the agricultural need for this development and this will be assessed in this report.

## **Sustainability**

### Economic and Social role

- 6.06 Paragraph 28 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong economy support should be given to the sustainable growth and expansion of all types of businesses and enterprises in rural areas and promotion of development and diversification of agricultural and other land-based rural businesses.
- 6.07 Furthermore, the pre-amble to Policy DM36 of local plan (2017) sets out that the NPPF lends strong support to the rural economy and seeks to promote agricultural and land based rural businesses.
- 6.08 It is stated by the agent that the proposed barns will allow the applicant to continue farming the existing 500 acres of grass following the loss of the ability to hire the three barns that had previously been used. The agent further states that the barns would allow the applicant to take on an additional 120 acres of land that has been offered and to protect and store the existing machinery that is currently left outside.

### Environmental (including visual impact and landscaping)

- 6.09 Policy SP17 of the Local Plan (2017) seeks to conserve and enhance the AONB and its natural beauty, distinctive character, biodiversity and the setting of the AONB.
- 6.10 The site lies within the Kent Downs AONB and landscape character area 10, Thurnham, Lenham and Harrietsham scarp, as designated in the Maidstone Landscape Character Assessment (amended July 2013). This document states that the area's landscape condition is considered to be good with high sensitivity, leading to a landscape guideline of 'conserve'. The landscape description outlines:
- 'The top edge of the scarp in this part is marked by narrow belts of woodlands, while the field boundaries which mark the extent of the pasture often are marked by gappy and scrubby hedgerows with mature hawthorn and field maple standards in combination with post and wire fencing'.*
- 6.11 The Landscape Officer has commented that this area's landscape condition is considered to be good with high sensitivity, leading to a landscape guideline of conserve. The relevant summary of actions are outlined below:

- Consider the generic guidelines for Chalk Scarp Landscapes:

- Conserve and strengthen the vegetation belt along the Pilgrim's Way near the foot of the Scarp
- Conserve and enhance the species rich hedgerow boundaries and promote enhanced species diversity within hedgerows where this has been weakened
- Avoid the use of single species hedgerows and shelterbelts within this landscape, where species rich hedgerows are so prevalent
- Where possible, woodland habitats should be increased and the historic hedgerow network should be reinstated. Woodlands should be linked through replacing post and wire fences with species rich hedgerows
- Consider views towards any proposals on the exposed and elevated scarp from the landscape to the south
- Thurnham Scarp is situated within the Kent Downs AONB. The Kent Downs AONB is a nationally important designation which offers a high level of development constraint
- Land management policies for the conservation, management and enhancement of this landscape are set out within the Kent Downs AONB Management Plan 2009 – 2014. Also refer to guidance documents referenced in Appendix A
- Mark, protect and allow to grow on new standard native trees within hedgerows, and plant new native standard specimens where appropriate
- Conserve the largely unsettled landscape of the scarp
- Conserve the spectacular, open and rural views from the North Downs Way National Trail/Long Distance Route
- Conserve the few traditional buildings within the area

6.12 Policy DM36 sets out that new agricultural buildings in use for agricultural trade will be permitted:

- Where the proposal is reasonably necessary for the purposes of agriculture;
- The proposal would not have an adverse impact on the amenity of existing residents; and
- The building or structure would be located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of development, unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding. Where an isolated location is essential the site should be chosen to minimise the visual impact of the building or structure on the character and appearance of the countryside.

6.13 The proposed agricultural buildings would be located on the southern slope to the north of Pilgrims way. At some 8.8m in height to the ridge and some 21.15m by 21.4m each, the barns would undoubtedly be large structures; however, an assessment needs to be made with regards to the visual impacts of the proposed buildings and justification for the amount of them, for their size and height.

6.14 The applicant outlines that the necessity for these barns has been brought about as they have recently been informed that the two barns in Linton and one barn in Pembury will no longer be available. Further to this, the applicant has been offered an additional 120 acres of new lay grass which he would like to take on in addition to the 500 acres already being farmed. The applicant also states that he has previously had to turn down several previous offers of standing grass to harvest due to lack of storage facilities. In anticipation of being able to farm the additional 120 acres, the applicant states that he has already taken on one additional full time member of staff and in future will need a further 2 seasonal workers for harvesting.

6.15 Due to the location of the plots on the south eastern corner of the site, the buildings would already have some level of screening from the hedgerows along Pilgrims Way



and Flint Lane. This screening would be retained and proposed new planting along these boundaries would infill where there are existing gaps. Further screening would also be conditioned along the north and western boundaries to limit the visual impact from the wider area. The proposed materials would be characteristic of typical agricultural barns, located in close proximity to the large buildings at Marley Works. This said the barns would be located to the south of two PROWs which join to the North West of the site and from the Pilgrims Way to the south of the site. As such even with screening there would undoubtedly be public vantage points where the buildings would be visible. These views would be more prominent in the short range, with some longer range views also possible from the brow of the Downs and public footpaths and lanes to the north, but these long range views would be partially obscured by existing hedgerows and landscape planting.

- 6.16 Whilst there are benefits to the applicant of having all of the barns located in one location, these benefits to the applicant do not outweigh the harm that would be caused to the AONB from all of the buildings being located here and plots 1-6 were refused planning permission under delegated powers. However, it is considered reasonable to allow two of the plots (plots 7 and 8) to be built which would allow the applicant to take on the additional 120 acres and for the storing of machinery inside. In regards to the storage from the other sites the applicant is encouraged to investigate the potential for the erection of barns at each of these sites.
- 6.17 Criterion 3 sets out that agricultural buildings should be located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of the development. Whilst it is noted that the applicant has two existing barns to the north of Gipps Oast, any further construction of barns to the north of the existing barns would be in a more prominent location higher up the slope of the downs and would also require further hardstanding causing harm to the countryside. In contrast the proposed location in the south east corner close to an existing access, at the bottom of the slope would minimise views and harm from the surrounding countryside.

*Overall*

- 6.18 It is acknowledged that the proposed development would have an impact on the countryside, and the AONB but the applicant has demonstrated a need for the agricultural barns. Whilst officers consider that not all 8 plots can be supported in this location, two of the plots, to enable the applicant to develop his rural business and farm the additional acreage and store his machinery inside are supported.
- 6.19 Additional landscaping and screening through infilling of the hedge is proposed along the east and south and further landscaping could be secured to the north and west. A landscaping condition would ensure that the type and mix of planting would be acceptable in this location.
- 6.20 The visual harm has to be balanced against the benefits and the aims of sustainable development to secure a long-term future for rural communities and agricultural businesses. The visual harm of two of the plots is considered to be outweighed by the agricultural and economic benefits that the scheme would give rise to.

**Residential Amenity**

- 6.21 It is considered that the proposed development would be of a sufficient distance from residential properties to not cause harm to outlook. The barns would not result in any overshadowing to the living spaces of the properties in the nearest closest dwellings.
- 6.22 The use of the land may result in some associated noise disturbance, but it is not considered that it would be of such a scale that would justify the refusal of these applications. In addition, by having the barns located to the east of Gipps Oast and the existing barns this reduces the impact on the amenity of the adjacent neighbours by the coming and goings of vehicles and farm workers.

### **Highways**

- 6.23 The proposals would utilise an existing access on the corner of Pilgrims Way and Flint Lane. It is acknowledged that the access is on the bend which has vegetation that provides the screening to the site but reduces the visibility at the access. However, it is considered that the arrangements are adequate for the scale and use of the proposed barns and the road provides direct access to the A20. KCC Highways has also been consulted and they have no objection to the proposal.
- 6.24 Pilgrims Way is a country road that is restricted in width in certain places and will likely be the main routes for traffic generated as a result of the development. It is accepted that the development will generate an increase in traffic on the local road network; however the extent of increase is not considered severe.
- 6.25 It is not considered that the cumulative impacts of the development on highways matters are likely to be severe.

### **Trees and Ecology**

- 6.26 There are no protected trees on, or immediately adjacent to the site. However, there are significant hedgerows on the southern and eastern boundaries. The hedgerow would be retained in order to provide screening. Overall it is not considered that the proposed development would cause undue harm to hedgerows that could not be controlled or mitigated by conditions.
- 6.27 The site is currently farmland and it is not considered that the proposal would result in any harm to local wildlife and protected species.

### **Drainage**

- 6.28 The application is accompanied by a Drainage Strategy that identifies that the site is within Flood Zone 1 which represents areas at lowest risk of flooding.
- 6.29 The Lead Flood Authority (KCC) has commented on the application and raises no objection to the principle of the proposals subject to conditions. KCC Flood Risk has commented that the strategy does rely on soakaways outside of the redline boundary of the site. However, these soakaways are located within the blue line boundary of land that the applicant owns. It is not considered that there is reason to depart from this conclusion and the impact of surface water run off could be sufficiently managed.

### **Impact on setting of Listed Buildings**

- 6.30 The Grade II listed Marley Court lies approximately 150m to the west of the site. Some views of the proposals would be possible from the listed building, however the potential harm is not considered significant on the setting of the Listed Building. Any harm would be considered to amount to 'less than substantial harm' in terms of the NPPF. This means that the harm should be weighed against the public benefits of the proposal. It is not considered that the erection of two barns would be unacceptable in terms of conservation of the setting of the Listed Building.

#### **Other Matters**

- 6.31 There are a number of PROW'S that are adjacent, or in close proximity to the site; however it is not considered that these would be adversely affected by the proposals.

### **7.0 CONCLUSION**

- 7.01 It is considered that the development of two of the proposed barns would provide economic benefits by enabling that the applicant to acquire the additional 120 acres and to store his machinery inside. These benefits would outweigh the potential landscape harm and support the rural economy.
- 7.02 The development would result in less than substantial harm to the setting of the Listed Buildings, such that the extent of harm would not compromise the importance of these settings.
- 7.03 Landscaping, ecological, drainage and tree impacts are all considered on balance acceptable and could be mitigated by appropriate planning conditions.

### **8.0 RECOMMENDATION**

GRANT planning permission for Plot 7 application reference: 17/506612/FULL and Plot 8 application reference: 17/506613/FULL subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements 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:

17/0690	Location Plan 1-8
17/70695	Plot 7 Plans 7 Elevations
17/710691A	Plot 7 Site Layout
17/80695	Plot 8 Plans & Elevations
17/810691A	Plot 8 Site Layout

Reason: To clarify which plans have been approved.

- (3) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the

local planning authority. The scheme shall specifically address the need for a landscape scheme of at a least 10m deep strip of planting along the northern and western boundary to include an appropriate mixed species hedgerows interspersed with individual hedgerow trees and shaws. The species mix shall include a small proportion of native evergreens and species. The landscape scheme shall also 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 and include a planting specification, a programme of implementation and maintenance and a 5 year management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required prior to commencement as a satisfactory landscaping scheme is of importance to the visual amenity of the development in this sensitive location in the AONB.

- (4) The use of the development hereby permitted shall not commence until all planting specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any trees or plants which, within five years from the first use of the land, 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 a satisfactory appearance to the development

- (5) Information shall be submitted to (and approved in writing) by the Local Planning Authority that demonstrates that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the first use of the buildings hereby approved.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water.

- (6) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The approved sustainable surface water drainage scheme shall be in place prior to first occupation and maintained thereafter.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- (7) No building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An as-built general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- (8) No building (or within an agreed implementation schedule) hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

- (9) The access to the site shall be surfaced in porous hard bound materials, or otherwise bound as measured 5m from the edge of the public carriageway, and shall be constructed and completed before the development is brought into use and retained at all times thereafter.

Reason: In the interests of highway safety.

- (10) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

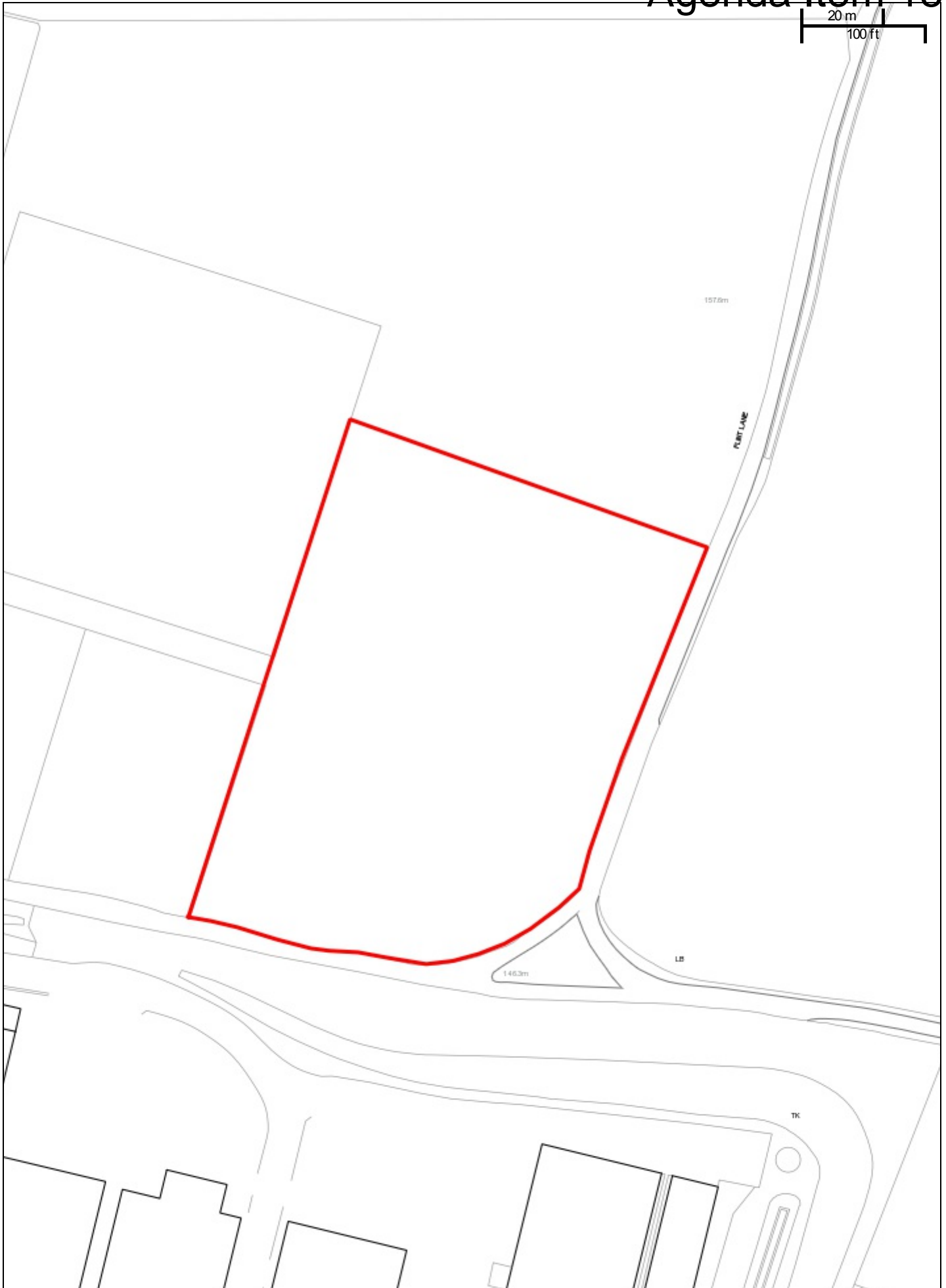
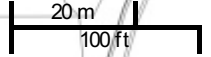
Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case officer: Adam Reynolds

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



## REPORT SUMMARY

<b>REFERENCE NO's - 17/506612/FULL and 17/506613/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of agricultural barn (Plot 7) – 17/506612/FULL Erection of agricultural barn (Plot 8) – 17/506613/FULL		
<b>ADDRESS</b> Gipps Oast Pilgrims Way Lenham ME17 2EL		
<b>RECOMMENDATION</b> – Grant Permission with conditions for Plot 7 (17/506612/FULL) and Plot 8 (17/506613/FULL)		
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<b>DECISION DUE DATE</b> 05/04/18	<b>PUBLICITY EXPIRY DATE</b> 09/02/18	<b>OFFICER SITE VISIT DATE</b> 09/01/18
<b>RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):</b>		
<p>Erection of agricultural barn (Plot 1) – 17/506606/FULL - Refused  Erection of agricultural barn (Plot 2) – 17/506607/FULL - Refused  Erection of agricultural barn (Plot 3) – 17/506608/FULL - Refused  Erection of agricultural barn (Plot 4) – 17/506609/FULL - Refused  Erection of agricultural barn (Plot 5) – 17/506610/FULL - Refused  Erection of agricultural barn (Plot 6) – 17/506611/FULL – Refused</p> <p>Following two applications relate to land adjacent to the main farm buildings on the site and to the north of Marley Court.</p> <p><i>Prior notification for the erection of an open fronted agricultural barn for storage of hay and agricultural equipment 08/0059 approved</i></p> <p><i>Extension to an agricultural building for the storage of agricultural equipment and machinery 09/1841. Approved</i></p>		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to agricultural land located to the north of Pilgrims Way, situated to the west of Flint Lane, to the east of Marley Court and to the north of the Marley Works site. The site is located on the south facing slope of the Kent Downs Area of Outstanding Natural Beauty (AONB) with the topography sloping steadily northwards from the southerly part of the site.
- 1.02 Public Right of Way KH287 is located to the north of the site and runs from east to west, KH385 is to the north west of the site and runs from south to north and KH394 is located to the south west of the site and runs from north to south through part of the Marley Works site.



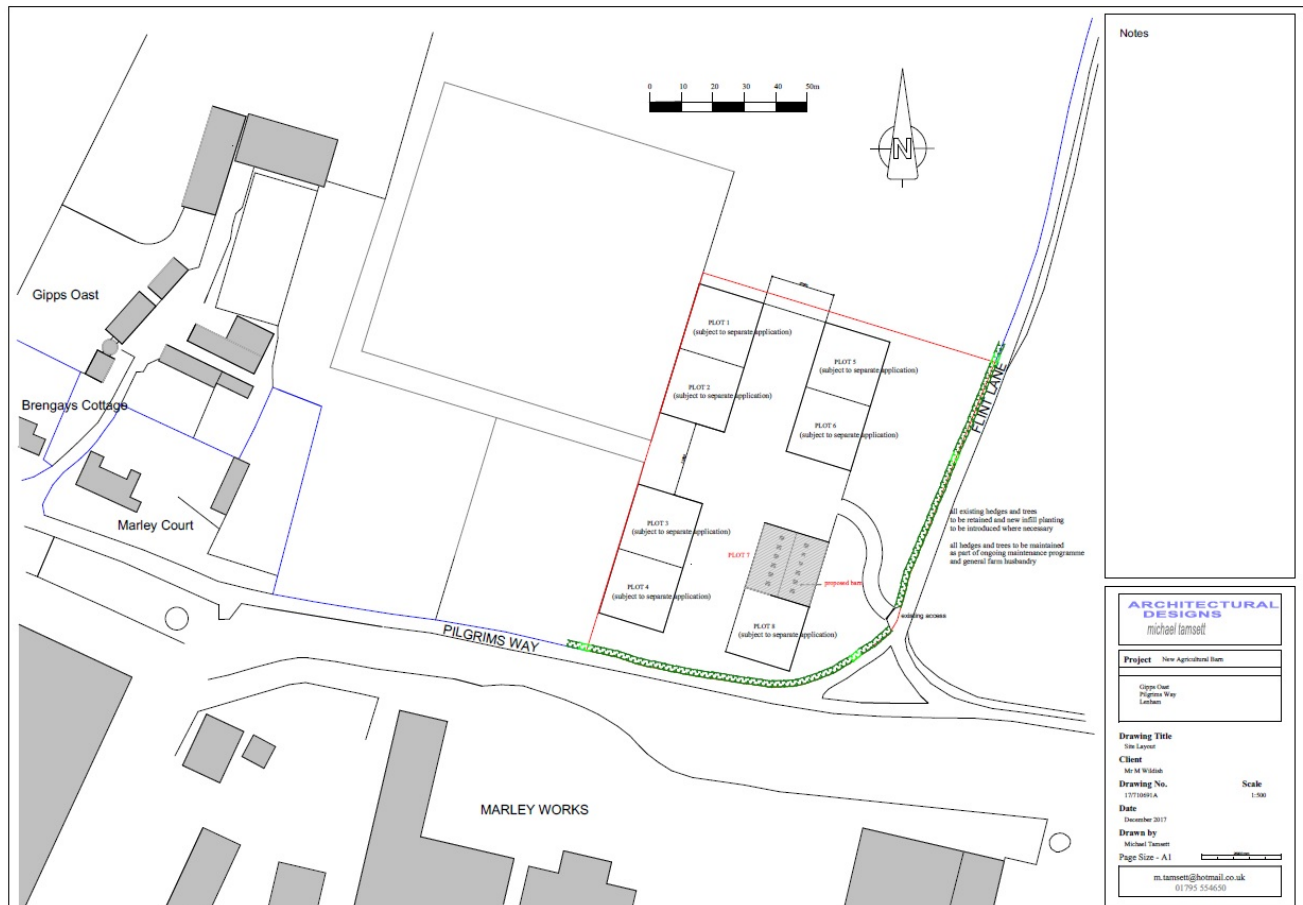
- 1.03 The site is within the countryside as defined in the Local Plan 2017 and the Kent Downs Area of Outstanding Natural Beauty.
- 1.04 To the north, east and west of the site are agricultural fields with a small collection of residential properties, including the Grade II listed Marley Court, to the west. The Marley Works site is immediately to the south of the application site on the opposite side of Pilgrims Way.
- 1.05 An access point is located on the south eastern corner of the site on the junction of Pilgrims Way and Flint Lane.

## **2.0 PROPOSAL**

- 2.01 The two applications seek planning permission for the erection of 2 agricultural barns split across 2 plots for the storage of hay and machinery. Each barn would measure 21.15m in length and 21.4m in width. In terms of height they would each measure 5.5m to the eaves with a maximum ridge height of 8.8m. The applicant states that each would be capable of storing 770 x 5ft of round bales.
- 2.02 In terms of finish, the elevations would be finished in profiled metal cladding with sliding access doors and roofed in cement fibre sheeting. The barns would be adjoining to one another on the northern elevation of plot 8 and the southern elevation of plot 7. The applicant wishes for the barns to be fully enclosed so as to reduce fire risk with the hay.
- 2.03 The two applications that are being considered in this report were submitted along with 6 other separate planning applications for 6 additional barns at the same location. These applications were refused planning permission due to the cumulative effect of 8 barns at this location that would cause visual harm to the countryside and the Kent Downs AONB (Appendix 1). It was not considered reasonably necessary for all 8 barns to be located in this one location to serve the applicants agricultural holdings at other locations and the applicant was advised to explore the erection of the additional barns at each of these respective locations.
- 2.04 The proposed site plan is shown on the following page.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: SP17, SP18, DM1, DM3, DM4, DM8, DM30, DM36  
Supplementary Planning Documents: Kent Area of Outstanding Natural Beauty Management Plan



#### 4.0 LOCAL REPRESENTATIONS

- 4.01 Lenham Parish Council: Object - Gipps Oast is an agricultural farm but if the application is granted it would become a commercial business. Approximately 800 commercial lorry movements a year, plus the machinery movements will have to navigate a totally unsuitable single trackway. The trackway itself is part of the long distance Pilgrims Way trackway running along the AONB scarp slope boundary. The character of the AONB will be damaged by large buildings on the scarp, which will not be screened, this is inappropriate development in the countryside, and the agricultural exemption should not be applied.
- 4.02 CPRE – Objects to the application. Contrary to policy, visual harm, traffic impact and potential surface water flooding.
- 4.03 Kent Downs AONB Unit – Objects to the application. Applications would fail to conserve and enhance the Kent Downs AONB, contrary to policy.
- 4.04 Adjoining neighbours were notified of the application as originally submitted. 8 site notices, one for each application, were also displayed at the proposed entrance to the site on the corner of Pilgrims Way and Flint Lane. 2 objections have been received in response to the consultation which are summarised as follows:
- Illogical to submit 8 separate applications and not one single application;
  - Do not consider it to be demonstrated for the need of 8 barns when the site at Gipps Oast is 86 acres;
  - More logical for the owner to build the other barns at the other locations where barns have been lost;

- Expensive and time consuming to transport hay to one site at the proposed location;
- Applications do not have any supporting agricultural statement or justification;
- Increased traffic and highways impact along a narrow lane which does not have suitable passing places;
- Impact on the AONB;
- Impacts on amenity;

4.05 1 representation with the following comments (no objection in principle)

- Request a planning condition that vehicles leaving the barns turn left on to Pilgrims Way and avoid the residential property at Marley Court;
- Feel that the proposal could be enhanced by some additional planting along the north and west boundary to soften the visual impacts of the barns on the AONB;
- Would support the proposal if it led to the reduction in disturbance to use of the barn adjacent to their property.

4.06 Ramblers Association – Object:

- Impact on local Public Rights of Way;
- Impact on the Kent Downs AONB;
- Concern that in future the barns would be sold on to others and not retained for farming.

## 5.0 CONSULTATIONS

5.01 Rural Planning Advisor – Having regard to all the above, whilst much of the related agricultural activity takes place on various parcels of rented land elsewhere, I consider there is a justifiable agricultural requirement for the proposed additional barn storage, so that Gipps Oast can function efficiently as the applicant's operational farming and contracting base.

5.02 KCC Highways – No objection, subject to conditions.

5.03 KCC Archaeology – Recommend a condition in regards to the implementation of a watching brief.

5.04 KCC Drainage – Note that the drainage strategy places soakaways outside of the redline boundary of the site. The ground conditions in the area are generally suitable for infiltration. Provided that the LPA is satisfied that a drainage strategy can be delivered in planning terms, we would not object to the development, subject to conditions.

5.05 MBC Landscape - The proposal to erect standard agricultural barns and extensive associated hardstanding in a field would appear out of character with the surrounding landscape and the location is not directly associated with existing farm buildings. Whilst the proposed site layout does indicate some infill of existing hedgerows, it does not accord with the landscape guidelines/recommended actions. Additionally, the applicant has not submitted a landscape and visual appraisal assessing the full effects of the proposed development in landscape terms.

## 6.0 APPRAISAL

6.01 The key issues for consideration relation to:

- Principle of development
- Agricultural need
- Sustainability
- Residential amenity
- Highways
- Ecology and tree matters
- Drainage
- Impact on the setting of listed building

### Principle of Development

6.02 Policy SP17 of the Local Plan (2017) is relevant and supports agricultural proposals which facilitate the efficient use of the borough's significant agricultural land and soil resource providing any adverse impact on the appearance of the character of the landscape can be appropriately mitigated. Policy DM36 allows for new agricultural buildings and structures providing criteria relating to need, residential amenity and visual impact.

6.03 In terms of land use in this location, it is necessary to balance the needs of agriculture against the impact of the proposals.

### Agricultural Need

6.04 When considering the need for development, Rural Planning Ltd, provided the following statement:

*'From the submitted plan, the available owned land here appears to extend to some 29ha (71 acres). Two existing barns at the site (30m x 10m x 5.5m to eaves, and 30m x 15m x 5.5m to eaves) for storage of hay/equine bedding and agricultural machinery were approved under MA/08/0059 and MA/09/1841. These are near to the applicant's residential premises, where there is also an older range of stables for private use, with an enclosed workshop on the other side of the stable yard: there is also a covered horse-transporter storage shed, and a domestic outbuilding.*

*In addition to the owned land, the applicant advises that he currently rents, on various arrangements, which appear to have ongoing potential:*

- 200 acres new grass leys at Horsmonden/Goudhurst
- 30 acres at Hollingbourne
- 20 acres at Lenham
- 50 acres at Woodchurch
- 40 acres at Biddenden
- 10 acres at Benenden
- 100 acres at Pembury (not cropped 2017 due to lack of storage)

*This makes a total of some 450 acres (182 ha) of off-lying rented land. Mr Wildish also refers to having had offers to rent a significant additional area of land. He would also like to bale and store straw from various arable fields at harvest time.*

*Gipps Oast is also the base for the applicants' agricultural and equestrian contracting business, MW Agri, which utilises a large range of machinery, as listed in the submissions.*

*I gather a lot of the applicant's hay and machinery currently has to be stored outside, which is wasteful and unsatisfactory.*

*Having regard to all the above, whilst much of the related agricultural activity takes place on various parcels of rented land elsewhere, I consider there is a justifiable agricultural requirement for the proposed additional barn storage, so that Gipps Oast can function efficiently as the applicant's operational farming and contracting base.'*

- 6.05 It is considered there is a reasonable need for the development and the proposal is reasonably necessary for agriculture in line with Policy DM36 of the Local Plan. Therefore the overarching question is whether the harm to the appearance of the countryside is so great to outweigh the agricultural need for this development and this will be assessed in this report.

## **Sustainability**

### Economic and Social role

- 6.06 Paragraph 28 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong economy support should be given to the sustainable growth and expansion of all types of businesses and enterprises in rural areas and promotion of development and diversification of agricultural and other land-based rural businesses.
- 6.07 Furthermore, the pre-amble to Policy DM36 of local plan (2017) sets out that the NPPF lends strong support to the rural economy and seeks to promote agricultural and land based rural businesses.
- 6.08 It is stated by the agent that the proposed barns will allow the applicant to continue farming the existing 500 acres of grass following the loss of the ability to hire the three barns that had previously been used. The agent further states that the barns would allow the applicant to take on an additional 120 acres of land that has been offered and to protect and store the existing machinery that is currently left outside.

### Environmental (including visual impact and landscaping)

- 6.09 Policy SP17 of the Local Plan (2017) seeks to conserve and enhance the AONB and its natural beauty, distinctive character, biodiversity and the setting of the AONB.
- 6.10 The site lies within the Kent Downs AONB and landscape character area 10, Thurnham, Lenham and Harrietsham scarp, as designated in the Maidstone Landscape Character Assessment (amended July 2013). This document states that the area's landscape condition is considered to be good with high sensitivity, leading to a landscape guideline of 'conserve'. The landscape description outlines:
- 'The top edge of the scarp in this part is marked by narrow belts of woodlands, while the field boundaries which mark the extent of the pasture often are marked by gappy and scrubby hedgerows with mature hawthorn and field maple standards in combination with post and wire fencing'.*
- 6.11 The Landscape Officer has commented that this area's landscape condition is considered to be good with high sensitivity, leading to a landscape guideline of conserve. The relevant summary of actions are outlined below:

- Consider the generic guidelines for Chalk Scarp Landscapes:

- Conserve and strengthen the vegetation belt along the Pilgrim's Way near the foot of the Scarp
- Conserve and enhance the species rich hedgerow boundaries and promote enhanced species diversity within hedgerows where this has been weakened
- Avoid the use of single species hedgerows and shelterbelts within this landscape, where species rich hedgerows are so prevalent
- Where possible, woodland habitats should be increased and the historic hedgerow network should be reinstated. Woodlands should be linked through replacing post and wire fences with species rich hedgerows
- Consider views towards any proposals on the exposed and elevated scarp from the landscape to the south
- Thurnham Scarp is situated within the Kent Downs AONB. The Kent Downs AONB is a nationally important designation which offers a high level of development constraint
- Land management policies for the conservation, management and enhancement of this landscape are set out within the Kent Downs AONB Management Plan 2009 – 2014. Also refer to guidance documents referenced in Appendix A
- Mark, protect and allow to grow on new standard native trees within hedgerows, and plant new native standard specimens where appropriate
- Conserve the largely unsettled landscape of the scarp
- Conserve the spectacular, open and rural views from the North Downs Way National Trail/Long Distance Route
- Conserve the few traditional buildings within the area

6.12 Policy DM36 sets out that new agricultural buildings in use for agricultural trade will be permitted:

- Where the proposal is reasonably necessary for the purposes of agriculture;
- The proposal would not have an adverse impact on the amenity of existing residents; and
- The building or structure would be located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of development, unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding. Where an isolated location is essential the site should be chosen to minimise the visual impact of the building or structure on the character and appearance of the countryside.

6.13 The proposed agricultural buildings would be located on the southern slope to the north of Pilgrims way. At some 8.8m in height to the ridge and some 21.15m by 21.4m each, the barns would undoubtedly be large structures; however, an assessment needs to be made with regards to the visual impacts of the proposed buildings and justification for the amount of them, for their size and height.

6.14 The applicant outlines that the necessity for these barns has been brought about as they have recently been informed that the two barns in Linton and one barn in Pembury will no longer be available. Further to this, the applicant has been offered an additional 120 acres of new lay grass which he would like to take on in addition to the 500 acres already being farmed. The applicant also states that he has previously had to turn down several previous offers of standing grass to harvest due to lack of storage facilities. In anticipation of being able to farm the additional 120 acres, the applicant states that he has already taken on one additional full time member of staff and in future will need a further 2 seasonal workers for harvesting.

6.15 Due to the location of the plots on the south eastern corner of the site, the buildings would already have some level of screening from the hedgerows along Pilgrims Way

and Flint Lane. This screening would be retained and proposed new planting along these boundaries would infill where there are existing gaps. Further screening would also be conditioned along the north and western boundaries to limit the visual impact from the wider area. The proposed materials would be characteristic of typical agricultural barns, located in close proximity to the large buildings at Marley Works. This said the barns would be located to the south of two PROWs which join to the North West of the site and from the Pilgrims Way to the south of the site. As such even with screening there would undoubtedly be public vantage points where the buildings would be visible. These views would be more prominent in the short range, with some longer range views also possible from the brow of the Downs and public footpaths and lanes to the north, but these long range views would be partially obscured by existing hedgerows and landscape planting.

- 6.16 Whilst there are benefits to the applicant of having all of the barns located in one location, these benefits to the applicant do not outweigh the harm that would be caused to the AONB from all of the buildings being located here and plots 1-6 were refused planning permission under delegated powers. However, it is considered reasonable to allow two of the plots (plots 7 and 8) to be built which would allow the applicant to take on the additional 120 acres and for the storing of machinery inside. In regards to the storage from the other sites the applicant is encouraged to investigate the potential for the erection of barns at each of these sites.
- 6.17 Criterion 3 sets out that agricultural buildings should be located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of the development. Whilst it is noted that the applicant has two existing barns to the north of Gipps Oast, any further construction of barns to the north of the existing barns would be in a more prominent location higher up the slope of the downs and would also require further hardstanding causing harm to the countryside. In contrast the proposed location in the south east corner close to an existing access, at the bottom of the slope would minimise views and harm from the surrounding countryside.

*Overall*

- 6.18 It is acknowledged that the proposed development would have an impact on the countryside, and the AONB but the applicant has demonstrated a need for the agricultural barns. Whilst officers consider that not all 8 plots can be supported in this location, two of the plots, to enable the applicant to develop his rural business and farm the additional acreage and store his machinery inside are supported.
- 6.19 Additional landscaping and screening through infilling of the hedge is proposed along the east and south and further landscaping could be secured to the north and west. A landscaping condition would ensure that the type and mix of planting would be acceptable in this location.
- 6.20 The visual harm has to be balanced against the benefits and the aims of sustainable development to secure a long-term future for rural communities and agricultural businesses. The visual harm of two of the plots is considered to be outweighed by the agricultural and economic benefits that the scheme would give rise to.

**Residential Amenity**

- 6.21 It is considered that the proposed development would be of a sufficient distance from residential properties to not cause harm to outlook. The barns would not result in any overshadowing to the living spaces of the properties in the nearest closest dwellings.
- 6.22 The use of the land may result in some associated noise disturbance, but it is not considered that it would be of such a scale that would justify the refusal of these applications. In addition, by having the barns located to the east of Gipps Oast and the existing barns this reduces the impact on the amenity of the adjacent neighbours by the coming and goings of vehicles and farm workers.

### **Highways**

- 6.23 The proposals would utilise an existing access on the corner of Pilgrims Way and Flint Lane. It is acknowledged that the access is on the bend which has vegetation that provides the screening to the site but reduces the visibility at the access. However, it is considered that the arrangements are adequate for the scale and use of the proposed barns and the road provides direct access to the A20. KCC Highways has also been consulted and they have no objection to the proposal.
- 6.24 Pilgrims Way is a country road that is restricted in width in certain places and will likely be the main routes for traffic generated as a result of the development. It is accepted that the development will generate an increase in traffic on the local road network; however the extent of increase is not considered severe.
- 6.25 It is not considered that the cumulative impacts of the development on highways matters are likely to be severe.

### **Trees and Ecology**

- 6.26 There are no protected trees on, or immediately adjacent to the site. However, there are significant hedgerows on the southern and eastern boundaries. The hedgerow would be retained in order to provide screening. Overall it is not considered that the proposed development would cause undue harm to hedgerows that could not be controlled or mitigated by conditions.
- 6.27 The site is currently farmland and it is not considered that the proposal would result in any harm to local wildlife and protected species.

### **Drainage**

- 6.28 The application is accompanied by a Drainage Strategy that identifies that the site is within Flood Zone 1 which represents areas at lowest risk of flooding.
- 6.29 The Lead Flood Authority (KCC) has commented on the application and raises no objection to the principle of the proposals subject to conditions. KCC Flood Risk has commented that the strategy does rely on soakaways outside of the redline boundary of the site. However, these soakaways are located within the blue line boundary of land that the applicant owns. It is not considered that there is reason to depart from this conclusion and the impact of surface water run off could be sufficiently managed.

### **Impact on setting of Listed Buildings**



- 6.30 The Grade II listed Marley Court lies approximately 150m to the west of the site. Some views of the proposals would be possible from the listed building, however the potential harm is not considered significant on the setting of the Listed Building. Any harm would be considered to amount to 'less than substantial harm' in terms of the NPPF. This means that the harm should be weighed against the public benefits of the proposal. It is not considered that the erection of two barns would be unacceptable in terms of conservation of the setting of the Listed Building.

#### **Other Matters**

- 6.31 There are a number of PROW'S that are adjacent, or in close proximity to the site; however it is not considered that these would be adversely affected by the proposals.

### **7.0 CONCLUSION**

- 7.01 It is considered that the development of two of the proposed barns would provide economic benefits by enabling that the applicant to acquire the additional 120 acres and to store his machinery inside. These benefits would outweigh the potential landscape harm and support the rural economy.
- 7.02 The development would result in less than substantial harm to the setting of the Listed Buildings, such that the extent of harm would not compromise the importance of these settings.
- 7.03 Landscaping, ecological, drainage and tree impacts are all considered on balance acceptable and could be mitigated by appropriate planning conditions.

### **8.0 RECOMMENDATION**

GRANT planning permission for Plot 7 application reference: 17/506612/FULL and Plot 8 application reference: 17/506613/FULL subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements 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:

17/0690	Location Plan 1-8
17/70695	Plot 7 Plans 7 Elevations
17/710691A	Plot 7 Site Layout
17/80695	Plot 8 Plans & Elevations
17/810691A	Plot 8 Site Layout

Reason: To clarify which plans have been approved.

- (3) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the

local planning authority. The scheme shall specifically address the need for a landscape scheme of at a least 10m deep strip of planting along the northern and western boundary to include an appropriate mixed species hedgerows interspersed with individual hedgerow trees and shaws. The species mix shall include a small proportion of native evergreens and species. The landscape scheme shall also 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 and include a planting specification, a programme of implementation and maintenance and a 5 year management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required prior to commencement as a satisfactory landscaping scheme is of importance to the visual amenity of the development in this sensitive location in the AONB.

- (4) The use of the development hereby permitted shall not commence until all planting specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any trees or plants which, within five years from the first use of the land, 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 a satisfactory appearance to the development

- (5) Information shall be submitted to (and approved in writing) by the Local Planning Authority that demonstrates that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the first use of the buildings hereby approved.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water.

- (6) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The approved sustainable surface water drainage scheme shall be in place prior to first occupation and maintained thereafter.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- (7) No building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An as-built general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- (8) No building (or within an agreed implementation schedule) hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

- (9) The access to the site shall be surfaced in porous hard bound materials, or otherwise bound as measured 5m from the edge of the public carriageway, and shall be constructed and completed before the development is brought into use and retained at all times thereafter.

Reason: In the interests of highway safety.

- (10) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

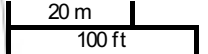
Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case officer: Adam Reynolds

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



**18/500972 - Peckham Farm**

Scale: 1:1250

Printed on: 26/3/2018 at 11:10 AM by BeverleyS



## REPORT SUMMARY

<b>REFERENCE NO - 18/500972/PNQCLA</b>		
<b>APPLICATION PROPOSAL</b> Prior Notification for proposed change of use of an agricultural building to 1 dwellinghouse and for associated operational development. For it's prior approval to: - Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building.		
<b>ADDRESS - Peckham Farm Ulcombe Road Headcorn Ashford Kent TN27 9JX</b>		
<b>RECOMMENDATION - Prior Approval Granted subject to conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<ul style="list-style-type: none"> <li>- Proposal meets requirements as set out in Schedule 2, Part 3, Class Q (a) and (b) of the General Permitted Development Order 2015.</li> <li>- No objection is raised in terms of the proposal's transport and highways impacts; its noise impacts; its contamination or flood risk impacts; whether the building's location or siting makes it otherwise impractical or undesirable.</li> <li>- In terms of building operations, the proposal's design and external appearance is considered reasonably necessary for its conversion.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
<ul style="list-style-type: none"> <li>- The applicant is married to Councillor Prendergast</li> </ul>		
<b>WARD</b> Headcorn	<b>PARISH COUNCIL</b> Ulcombe	<b>APPLICANT</b> Mr L. Prendergast
<b>DECISION DUE DATE</b> 16/04/18	<b>PUBLICITY EXPIRY DATE</b> 02/04/18	<b>OFFICER SITE VISIT DATE</b> 06/03/18
<b>RELEVANT PLANNING HISTORY:</b> None relevant.		

## MAIN REPORT

### 1.0 SITE DESCRIPTION

1.01 'Peckham Farm' is located on western side of Ulcombe Road, just to the south of the junction with Boy Court Lane; and the building that is the subject of this prior notification application is the western most building on the site. For the purposes of the Maidstone Local Plan, the proposal site is within the countryside that falls within a Landscape of Local Value. The site is within Flood Zone 1.

### 2.0 PROPOSAL

2.01 This is a prior notification application under the permitted development rights to convert an agricultural building to a dwellinghouse, as embodied in Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015.

2.02 The change of use of an agricultural building and its curtilage to a use falling within Class C3 can be carried out as permitted development subject to the local planning authority first determining whether prior approval is required in relation to the following:

- (a) *transport and highways impacts of development,*
- (b) *noise impacts of development,*
- (c) *contamination risks on site,*
- (d) *flooding risks on site, or*
- (e) *whether location or siting of building makes it otherwise impractical or undesirable for building to change from agricultural use to use falling within Class C3 dwellinghouses) of Schedule to Use Classes Order.*

In addition the local planning authority may consider if prior approval is required for the design and external appearance of the building with regard to the building operations reasonably necessary for the conversion. This is to be considered in this application.

### **3.0 POLICY/ GUIDANCE**

- Maidstone Local Plan (2017): SS1, SP17, DM1, DM30
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)

### **4.0 REPRESENTATIONS**

4.01 **Ulcombe Parish Council:** No representations received.

4.02 **Environmental Protection Team:** Raises no objection.

4.03 **KCC Highways:** Raises no objection.

4.04 **Local residents:** No representations received.

### **5.0 APPRAISAL**

5.01 Whilst the application does not include a detailed structural assessment, the building's concrete portal frame and external brick walls are in a good condition and will be retained (including the middle section). The existing concrete floor will be made good/levelled; and the building is also single storey, and so load bearing issues over additional floors is not of concern.

5.02 Other building operations necessary in order to convert the building are summarised as follows:

- *Windows and door will be affixed into cut out sections and will be flush to existing walls*
- *The building is sufficiently structurally robust to take the loading of the upgrading and conversion of the structure.*
- *It is intended that the roof will be replaced with modern lightweight corrugated sheeting (or similar), which will be fixed to the portal frame via the addition of cross battens to accommodate fixings.*
- *No building operations will extend beyond the external dimensions of the existing building*
- *The external materials used for the front elevation will be timber cladding, and the intention is not to clad any of the existing walls.*
- *All repairs, new openings, internal insulation, moisture retentive membranes and surfaces will be possible within the existing envelope of the building.*

5.03 After carrying out a site visit and reviewing the submitted details, it is considered reasonable to say that the building is capable of conversion (meeting modern standards) without needing new structural elements, or a significant level of demolition and construction that would amount to a new building.

5.04 The proposed curtilage is in accordance with the definition as set out in paragraph X (Interpretation of Part 3) of the General Permitted Development Order; and it is accepted that the proposal does meet the other requirements as set out under paragraph Q.1. As such, the proposal is considered to be permitted development.

5.05 Turning to those matters which are the subject of prior approval, I am satisfied that a dwelling here would not have any significant highways impact and KCC Highways have no comment to make; no objection is raised in terms of noise; and the building is within Flood Zone 1 so there is no objection in terms of flood risk. The Environmental Protection Team (EPT) confirms that given the previous use of the building, it does raise the potential for land contamination to have occurred, albeit at a relatively low

risk. As such, the site would be suitable for use with the EPT's self-assessment tool for very low risk sites as a means of dealing with the recommended condition that has been duly imposed. The applicant should contact the EPT to discuss this option further.

- 5.06 The remaining test on the change of use is whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to housing. The site is grouped with other residential properties with vehicle access onto Ulcombe Road. As such, no objection is raised in this respect.
- 5.07 I consider the building works to be aesthetically acceptable and no objection is raised to the design and materials stated.
- 5.08 The proposal site is within a Minerals Safeguarding Area, but this matter cannot be considered under this prior notification process.
- 5.09 Changes to Schedule 2, Part 3, Class Q of the General Permitted Development Order come into force on 6<sup>th</sup> April 2018. This does not impact upon the determination of this application and the changes would not alter the recommendation put forward here.

## **6.0 CONCLUSION**

- 6.01 In accordance with Schedule 2, Part 3, Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015, it is accepted that the building has the structural strength to take the loading of the works associated with the residential use; and that the overall level of works needed, when considered cumulatively, would amount to operations only reasonably necessary to convert the building.
- 6.02 The proposal meets the requirements as set out under paragraph Q.1, and as such is considered to be permitted development.
- 6.03 No objection is raised in terms of the proposal's transport and highways impacts; its noise impacts; its contamination or flood risk impacts; whether the building's location or siting makes it otherwise impractical or undesirable.
- 6.04 In terms of building operations, the proposal's design and external appearance is considered reasonably necessary for its conversion.
- 6.05 A recommendation that prior approval is granted is therefore made.

## **7.0 RECOMMENDATION**

7.01 **Prior Approval granted** subject to following conditions:

- (1) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.



2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants.

- (2) Upon completion of the works and prior to the first occupation of the building, a Closure Report shall be submitted and approved in writing by the local planning authority. The Closure Report shall include full verification details as set out in the remediation method statement and shall include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants.

Case Officer: Kathryn Altieri

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

# Agenda Item 17

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 05 April 2018**

### **APPEAL DECISIONS:**

- 1. 16/507895/OUT** Outline application (with all matters reserved) for erection of 14 dwellings on land fronting Aspian Drive with associated access, parking and landscaping.

**APPEAL:** Dismissed

Land at rear of 161 Heath Road  
Coxheath  
Maidstone  
Kent  
ME14 4PA

(Delegated)

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- 2. 15/502736/FULL** Retrospective - Change of use of land as a gypsy caravan site comprising six pitches with associated access road, hard standings, fencing and gate

**APPEAL:** Dismissed

Green Acres  
Wagon Lane  
Paddock Wood  
Kent  
TN12 6PT

(Delegated)

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- 3. 17/502122/TPO** Tree Preservation Order for 2no. Sweet Chestnut (T01 and T03) and 1no. Field Maple (T02) - to fell trees and grind stump and 1no. Hornbeam (T04) - sectionally remove North Western stem to remove leaning branches to ground level and remove deadwood.

**APPEAL:** Dismissed

2 Spenlow Drive  
Boxley  
Maidstone  
Kent  
ME5 9JT

(Delegated)

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**4. 17/503397/FULL**

Erection of two storey detached dwellinghouse together with associated demolition of the side extension to existing cottage and provision of new parking facilities for both properties.

**APPEAL:** Allowed

16 Kings Cottages  
Maidstone Road  
Nettlestead  
Maidstone  
Kent  
ME18 5ER

(Delegated)

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**5. 17/502397/FULL**

Demolition of existing dwelling and associated garage and erection of 2no. 4 bedroom dwellings.

**APPEAL:** Dismissed

Sunnyside  
Lenham Heath Road  
Lenham Heath  
Maidstone  
Kent  
ME17 2BP

(Delegated)

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**6. 17/503462/FULL**

Change of use of land to residential purposes and the erection of a single dwelling, amenity space, and conversion of an outbuilding to provide garaging and storage.

**APPEAL:** Dismissed

Land rear of Barkers Cottages  
Dean Street  
East Farleigh  
Maidstone  
Kent  
ME15 0HR

(Delegated)

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# Agenda Item 19

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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of the Local Government Act 1972.

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