

ADJOURNED PLANNING COMMITTEE MEETING

Date: Thursday 5 December 2019
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, English (Chairman), Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Spooner, Vizzard and Wilby

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. Deferred Items 1 - 2
10. 17/504579/OUT - Durrants Farm, West Street, Hunton, Kent 3 - 19
11. 19/500271/FULL - Oakhurst, Stilebridge Lane, Marden, Tonbridge, Kent 20 - 43
12. 19/503314/FULL - Land At Scragged Oak Farm, Scragged Oak Road, Detling, Maidstone, Kent 44 - 53
13. 19/504105/FULL - Stilebridge Kennels, White House Farm, Stilebridge Lane, Linton, Maidstone, Kent 54 - 59

Issued on Friday 29 November 2019

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	19/504565/FULL - 34 The Landway, Bearsted, Maidstone, Kent	60 - 67
15.	19/504848/FULL - Bimbury Cottage, Bimbury Lane, Stockbury, Maidstone, Kent	68 - 74
16.	19/503979/TPOA - St. Stephens Churchyard, Church Road, Tovil, Kent	75 - 79
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18.	Enforcement Tracker	87 - 91

PLEASE NOTE

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.

ALTERNATIVE FORMATS

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

28 NOVEMBER 2019

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.

APPLICATION	DATE DEFERRED
<p><u>19/500200/FULL - RETROSPECTIVE APPLICATION FOR A CHANGE OF USE OF LAND TO BE USED AS A GYPSY/TRAVELLER CARAVAN SITE CONSISTING OF ONE PITCH - LITTLE PADDOCKS, STILEBRIDGE LANE, LINTON, KENT</u></p> <p>Deferred for further negotiations with the applicant to secure a revised site layout/landscaping plan showing parking/hardcore to the entrance of the site and extending inwards with an amenity area towards the rear part of the site which would be suitable for the needs of existing/future occupants.</p>	25 July 2019
<p><u>19/501600/OUT - OUTLINE APPLICATION FOR UP TO 440 RESIDENTIAL DWELLINGS, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, LANDSCAPING AND OPEN SPACE (ACCESS BEING SOUGHT WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - LAND WEST OF CHURCH ROAD, OTHAM, KENT</u></p> <p>Deferred for further discussions to:</p> <ul style="list-style-type: none"> • Seek to remove the proposed car park for the Church from the scheme; • Seek to (a) amend the Parameter Plan to provide a greater amount of wooded open space at the southern end of the site to protect the Ancient Woodland and create a sustainable open space and (b) to amend conditions 4 and 7 to require woodland planting to restore and protect the Ancient Woodland and enhance the landscaping around the Church; • Seek to resolve the outstanding issues relating to 	24 October 2019

<p>improvements to the Willington Street/Deringwood Drive junction;</p> <ul style="list-style-type: none"> • Give further consideration to the impact of the development on the Spot Lane junction and possible mitigation; • Investigate the potential widening of Church Road to the south of the site where this would not involve the loss of Ancient Woodland; • Seek to optimise the amount of renewable energy generated on site (to avoid use of fossil fuel heating); and • Seek further clarification of the surface water drainage scheme and how it can be satisfactorily accommodated within the development layout. 	
<p><u>19/504225/FULL - ERECTION OF A REPLACEMENT BARN (REVISED SCHEME TO 19/502397/FULL) - LAND TO THE SOUTH OF THE GABLES, MARDEN ROAD, STAPLEHURST, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Seek further evidence to justify the need for the replacement barn; and • Seek to negotiate (a) a landscaping scheme, including tree planting, to screen the replacement structure particularly in terms of views from the east and (b) the attachment of bird or bat boxes to the replacement structure. 	<p>24 October 2019</p>

REFERENCE NO - 17/504579/OUT		
APPLICATION PROPOSAL Outline application for the demolition of existing buildings and the erection of 8no. dwelling houses with 'Access', 'Layout', 'Scale' and 'Appearance' to be considered at this stage with 'Landscaping' reserved for future consideration		
ADDRESS Durrants Farm West Street Hunton ME15 0RY		
RECOMMENDATION Grant Planning Permission subject to planning conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The proposal involves the removal of an unneighbourly and unconstrained commercial development. • The site is well enclosed, and the proposed housing will result in an inward looking and self-contained development acceptable in design terms while not resulting in any material impact on the rural and landscape character of the area. • The proposal will bring about improvements to the setting of an adjoining heritage asset. • The proposal is acceptable in relation to amenity, highways and wildlife impacts while making a windfall contribution towards meeting housing supply in the Borough. • As a result of these conclusions, the balance of issues fall significantly in favour of granting planning permission for the proposed development. 		
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to the views of Hunton Parish Council		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Hunton	APPLICANT AGENT Mr M Stevens MKA Architects LTD
TARGET DECISION DATE 16/12/19 (EOT)		PUBLICITY EXPIRY DATE 22/08/19

Relevant planning history

07/0469: Certificate of lawfulness for an existing development being the use of the land and buildings as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard – GRANTED 24/08/2007

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site, which is set back just over 120 metres from West Street, is approached by narrow access track. At its northern end it is occupied by Durrants Farm, in residential use, to the west and south of which is a yard and a number of buildings of industrial size and character which have lawful use rights as workshops, secure covered and open storage for plant, machinery and materials in connection with their use as a demolition contractor's yard.
- 1.2 To the south west of the main grouping of buildings is an open area partly used for open storage in the proximity of the buildings but currently open for much of its length of just under 100 metres.

- 1.3 There is dense tree and hedgerow cover along the north and south west site boundaries with an area of orchard to the south east. Abutting the site to the north west is Durrants House, a Grade II Listed Building (LB). In a wider context the application site lies in open countryside.

2.0 PROPOSAL

- 2.1 Outline planning permission is sought to demolish Durrants Farm along with all buildings to the south west along with the removal of all areas of open storage. These works are to permit redevelopment of the site for 8 no detached houses with access, layout, scale and appearance to be considered at this stage with landscaping left reserved.
- 2.2 Eight buildings will be demolished (having a combined footprint of 925 sqm metres). The eight replacement houses (including garages) having a footprint of 1568 sqm metres.
- 2.3 It should be noted that though the application site area exceeds the area covered by the lawful development certificate 07/0468 above (and includes Durrants Farm and the area to the east and south) the area to be developed is restricted to the area of the LDC and curtilage of the house known as Durrants farm.
- 2.4 The proposal as originally submitted showed a mix of 4 and 5 bedroom units, all two storey with a contemporary square profile design regularly spaced around a straight road terminating in a circular turning area.
- 2.5 In response to original concerns regarding the design of the proposed development the following information was submitted by the applicant:
- The site is self contained and inward looking. Typically housing and farmsteads grow up in an organic way and this is reflected in their layouts.
 - When making proposals in an organic/ historical context the layout would reflect this.
 - The application site is not within or abutting an organic rural context and to impose such a layout would be out of context.
 - The application site has its own inward style.
 - The architecture has been designed to be modern and low lying so that is not easily visible from the road or walks surrounding it.
 - The buildings are rectilinear in design and this has been reflected in the site layout.
 - Due to the proposed tree screening the site layout will have no impact on the wider countryside.
 - Redesigning the layout to make it appear more informal given the site characteristics and impact of the development is not considered to be justified in the circumstances.
- 2.6 In response to concerns over the design of the houses, revised plans have since been submitted and now show traditional designed and proportioned two storey houses all with pitched roofs. The outline planning application has also been amended with appearance no longer being reserved.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2018(NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SS1, SP17, SP18, SP19, DM1, DM3, DM4, DM5, DM30,

4.0 LOCAL REPRESENTATIONS

- 4.1 19 neighbouring properties consulted – no representations received in connection with the proposal as originally submitted.
- 4.2 2 representations received in connection with the amended proposal are summarised below:
- 8 large houses excessive being located within our small, rural village and harm openness of countryside.
 - Although house design improved still too large and obtrusive while harming the character and setting of nearby listed buildings.
 - Result in substantial increase in development and encroach into open countryside well in excess of the commercial area acknowledged by the lawful development certificate.
 - No provision for affordable housing.
 - Disputes accuracy of the viability assessment.
 - Potential health hazard risks to residents due to site contamination.
 - Design and layout too suburban and does not maintain or enhance the village character of Hunton.
 - Proposed do not meet the need of Hunton – Hunton Plan identified a need for small units.

5.0 CONSULTATIONS

- 5.1 **Hunton PC:** Objected to the proposal as originally submitted on the following summarised grounds:
- Site put forward for housing in two 'call for sites' procedures as part of local plan preparation but rejected on both occasions– from this it must be concluded the site was deemed unsuitable for development as the site has not been allocated for housing.
 - The Council is able to demonstrate a 5 year supply of housing land – as such no housing justification for proposed development.
 - No commercial business operating from the site which should not be considered a brownfield site.
 - The proposed development replaces a number of old barns, sheds and enclosures with 8 houses with the stated footprint increasing from 925m² to 1,568m² creating a more substantial built development.
 - The formalised layout of the houses, giving the impression of a cul de sac, does not reflect the sporadic nature of the dwellings in the area.
 - The modern design of the dwellings is suburban and would not blend in with the dwellings of mixed character in the locality.
 - The development would be intrusive and out of keeping with the rural landscape and detrimental to the character and appearance of the local countryside.
 - Proposal would significantly intensify built development within the open countryside having a significant urbanising effect upon the site and substantially change its character.
 - The proposed design of the houses would be out of character with, and not enhance, the local, natural and historic character of the area.
 - Proposal represents unsustainable development as the site is located in a relatively isolated location, outside of any defined built up area in open countryside.
 - Hunton does not have any shops, a doctors surgery, a dentist or other services normally found in sustainable locations in areas identified for housing growth in the Local Plan.
 - Occupants of the proposed housing would be heavily reliant on cars to access facilities and services on a day to day basis as Coxheath, Yalding, and Maidstone not easily accessible by public transport.

- Site area well in excess of the commercial area identified in the lawful development certificate.
- Site not capable of accommodating more than 4 dwellings without causing harm to rural character of the area.

6.2 Following receipt of revised plans continue to raise objection on the following grounds:

- Note the site plan no longer includes the cherry orchard and open field which extended well southwards from the location of the southern boundary of houses 7 and 8.
- However concerned the site still extends further to the south of the boundary of the approved demolition yard with units 5, 6, 7 and 8, outside the approved site area.
- Accepts the four houses numbered 1 to 4 as a replacement for the demolition contractor's yard.
- House designs more appropriate for a rural area representing a positive move but large houses do not meet identified need for small units in the Parish. concerned that the size of houses does not match the needs of the area.

6.3 **EHO:** No objection subject to imposition of condition to address site contamination

6.4 **Kent Highways:** No objection for the following reasons: Personal injury collision records confirm no incidents recorded recently and for many years beforehand. Given this and that the amount of traffic likely to be generated by the development is not considered to be severe the existing access is considered capable of serving the proposed development.

Note that refuse freighters turning right or left out of the site will require the entire width of the carriageway to successfully complete this manoeuvre in one movement. However due to limited amount of traffic and low traffic speeds on local roads and small number of refuse freighter movements this is considered acceptable.

6.5 **MBC Landscape:** Whilst there are no protected trees on, or immediately adjacent to, the site there are potentially significant trees and important hedgerows within the area. The site is located within the Yalding Farmlands landscape character area, as defined in the Maidstone Landscape Character Assessment. The Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015 assesses the area as being of high overall landscape sensitivity and sensitive to change. It considers that:

Development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.

Relevant guidelines and mitigation:

- Consider the generic guidelines for the Low Weald in the Maidstone Landscape Character Assessment 2012
- New development should respect the local vernacular in scale, density and materials
- Conserve orchards and the traditional small scale field pattern
- Conserve the largely undeveloped rural landscape and the remote quality of existing development
- Conserve the rural setting of traditional buildings and farmhouses

- Conserve the undeveloped character of the landscape
- Soften the impact of agricultural buildings and fruit growing equipment storage areas with native planting
- Increase habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas
- Soften the visual prominence of large agricultural barns through native planting

Considers the proposed development does not reflect the Maidstone Landscape Character Assessment principles for the Yalding Farmlands landscape character area. However, if minded to permit would want to see conditions attached covering landscape details and the provision of an Arboricultural Method Statement in accordance with the current version of BS5837: 2012, which includes a tree protection plan.

6.6 **KCC Ecology:** The ecological survey advised there is a need for bat and reptile surveys to be carried out. Government guidance advises that the recommended surveys should be carried out prior to determination to ensure that the LPA understand what protected species are present and if appropriate mitigation can be implemented.

- Advise that Government Guidance makes clear that carrying out such surveys after planning permission is granted should only be permitted in exceptional circumstances and that what constitutes exceptional circumstances is a planning and not ecological consideration.
- Have reviewed the worst case scenario mitigation strategy submitted with the planning application and advise it is likely to be sufficient to mitigate the impact on bats and reptiles from the loss of habitat associated with the proposed development.
- It confirms there is sufficient space within the applicant's ownership to create an offsite reptile mitigation area and bat barn.
- Note the submitted information states that mitigation may be reduced following the results of the ecological surveys.
- Notwithstanding if Council is minded to grant planning permission the proposed works should be implemented in full not only to secure mitigation but also to secure ecological enhancements.
- If consent granted bat and reptile surveys and an updated detailed mitigation and enhancement strategy informed by the bat and reptile surveys should be secured by condition.

7.0 APPRAISAL

7.1 The key issues in the determination of this application are principle, impact on the character and setting of the countryside, design and layout, heritage, amenity, highways and wildlife.

Principle:

7.2 It has been contended that as the site is not allocated for housing development and as the Council is able to demonstrate a 5 year supply of housing land there is no justification for the proposal. The assessment carried out as part of an earlier 'call for sites' process has also been raised.

7.3 Dealing first with the 'call for sites' issue, the Parish Council are correct that Durrants Farm was considered as part of this process in connection with the preparation of the local plan. However the affected land not only included Durrants Farm, the land the subject of the lawful use as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard but also significant areas of adjoining farmland.

- 7.4 It was concluded that development of the site for housing would result in unacceptable intensification of development adjacent to the existing housing while causing harm to the character of the countryside. Furthermore it would result in considerable expansion of Hunton as a settlement which was devoid of essential community facilities.
- 7.5 The site area of the current planning application is significantly reduced in size only affecting the area covered by the lawful development certificate and curtilage of Durrants Farm.
- 7.6 As only redevelopment of previously developed or brownfield land is being proposed the proposal bears no material resemblance to the site rejected as part of the 'call for sites' process. Furthermore as development on brownfield land is being proposed the proposal falls to be considered under policy DM5 of the local plan.
- 7.7 Assessment of the proposal therefore turns on detailed planning considerations and whether it satisfies the criteria for acceptable windfall development set out in policy DM5 of the local plan.
- Brownfield land:**
- 7.8 The contention has been made that the application site is no longer in commercial use and such cannot be considered as a brownfield site. There are numerous sites lying dormant or otherwise underused to which such a claim could be made.
- 7.9 Unless (a) there is clear evidence of a use being abandoned (which is extremely hard to substantiate in planning terms and could not be supported in this case, or (b) that the use has been superseded by an implemented planning permission which also does not apply) it follows the application site constitutes a brownfield site to which policy DM5 can be applied.
- 7.10 The pre-ambles to policy DM5 states amongst other things that a number of brownfield sites in current or previous economic use are located in the countryside. Such sites are outside of the settlement boundaries, and countryside restraint policies apply. Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will include:
- The level of harm to the character and appearance of an area;
 - The impact of proposals on the landscape and environment;
 - Any positive impacts on residential amenity;
 - What sustainable travel modes are available or could reasonably be provided;
 - What traffic the present or past use has generated; and
 - The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.
- 7.11 Policy DM5 goes on to state, amongst other things, that "Exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens and which meet the following criteria will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village. i. The site is not of high environmental value; and ii. If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 (relating to housing density) unless there are justifiable planning reasons for a change in density".

- 7.12 The lawful use of the application site being the use of the land and buildings as a workshop and secure covered and open storage for plant, machinery and materials in connection with a demolition contractor's yard is self evidently not a use of high environmental value. Furthermore though the use may be running at a low level or be dormant, if the use was resurrected and running as a going business, given the size of the site and nature of the lawful use it has the capacity to cause significant ongoing visual and environmental harm including being a significant generator of inappropriate HGV traffic along narrow country roads.
- 7.13 As such it is considered that significant environmental benefits could be secured by an appropriate form of redevelopment resulting in removal of unsightly buildings, open storage and yard areas, reducing the potential for noise and disturbance, removal of HGV's from inappropriate rural roads while improving the wildlife potential of the site. There is also the impact of the current use of the site on the character and setting of Durrants a Grade II LB, abutting the site to the west. The proposal therefore also brings the opportunity for improving the character and setting of this heritage asset in accordance with the provisions of policy DM4 of the local plan.
- 7.14 Regarding whether the site can reasonably be made accessible by sustainable modes to the Maidstone urban area, a rural service centre or larger village. The nearest centre of any significance is Yalding just over 1.63km to the west. It is not considered there are any feasible physical works that could be carried out to address this.
- Landscape Impacts:**
- 7.15 The site is located within the Yalding Farmlands landscape character area, as defined in the Maidstone Landscape Character Assessment. The Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015 assesses the area as being of high overall landscape sensitivity and sensitive to change.
- 7.16 The MBC landscape advisor considers the proposed development fails to reflect the Maidstone Landscape Character Assessment principles for the Yalding Farmlands landscape character area. However this comment needs to be placed in context. The application site and surrounding area is largely level with the application site set back just over 120 metres from West Street and approached by narrow access track. There is dense tree and hedgerow cover along the north and south west site boundaries with an area of orchard to the south east. The intention is also to supplement boundary screening.
- 7.17 Apart from long range views from West Street there are no footpaths or other vantage points enabling public views of the site. As such the site occupies an enclosed and inward looking setting. Subject therefore to the proposed development being low profile it is considered development of the application site can take place without harming the wider landscape.
- 7.18 Turning to Low Weald in the Maidstone Landscape Character Assessment 2012 the guidelines relevant to this application are considered to be as follows: *New development should respect the local vernacular in scale, density and materials*
- 7.19 The traditional pitched roof design of the houses now being proposed means no conflict identified with this guideline.
- 7.20 *Conserve orchards and the traditional small scale field pattern* - Retention of the existing substantial orchard abutting the site to the south east is proposed - retention of existing field patterns are not relevant to this proposal.

- 7.21 *Conserve the rural setting of traditional buildings and farmhouses* The current use and nature of the buildings occupying the site means this is not relevant to this application. There is a Listed Building abutting the western site boundary and the impact of the proposed development on this will be assessed later in this report.
- 7.22 *Conserve the undeveloped character of the landscape* - The proposal concentrates development. This will minimise the impact of development on the locality compared to the existing more diffuse commercial activity currently being carried out. A further consideration is that though current commercial operations are low key there is no guarantee this will remain the case.
- 7.23 *Increase habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas.* - There is what is referred to as a small pond on the site. However the submitted ecological appraisal refers to this as a single depression heavily overgrown with nettle and bramble scrub and supported approximately 1cm of water at the time of survey (August 2018) .It is proposed that this will rebuilt to form a water body on the proposed roundabout.
- 7.24 It is reiterated the site has an enclosed nature not easily visible from any public vantage point. It is therefore considered the opportunity exists for the site to be redeveloped without causing harm to the rural character of the area or wider landscape.
- Design and layout:**
- 7.25 One of the key tests of in satisfying the terms of policy DM5 is whether the proposal can secure significant environmental improvements. Design and layout are aspects of this assessment.
- 7.26 This is an outline proposal with now access, layout, scale and appearance to be considered at this stage with only landscaping left as a reserved matter.
- 7.27 Dealing first with scale, concern has been raised the proposed development will exceed the footprint of existing buildings occupying the site. While this is acknowledged, the proposal also results in the removal of an existing potentially unneighbourly use, all open storage (which can currently take place in an unregulated manner in terms of height and location) and all hardstandings. Loss of all these elements represent significant planning benefits and can be taken into account in determining the amount of building appropriate for this site.
- 7.28 In relation to scale, the proposed units are now traditional pitched roof units. Taking into account existing and proposed landscaping and set back from West Street to the north, it is considered there is likely to be little indication of built mass outside the immediate application site area.
- 7.29 Turning to design and appearance, the proposed dwellings now represent a traditional approach. As such there is considered to be no objection to their design. In addition, the proposed dwellings are not likely to be easily visible from outside the site while the development will be inward looking and self contained. The site therefore has its own micro environment divorced from its surroundings enabling the development to be insinuated into the area without causing material harm to the rural or landscape character of the area.
- 7.30 Concern has been raised that the proposal does not constitute an informal landscape dominated layout. The applicant responded to this concern as follows:

- The site is self contained and inward looking. Typically housing and farmsteads grow up in an organic way and this is reflected in their layouts.
- When making proposals in an organic/ historical context the layout would reflect this.
- The application site is not within or abutting an organic rural context and to impose such a layout would be out of context.
- The application site has its own inward style.
- Due to the proposed tree screening the site layout will have no impact on the wider countryside.
- Redesigning the layout to make it appear more informal given the site characteristics and impact of the development is not considered to be justified in the circumstances.

7.31 It is considered the above represents a valid statement of reasons justifying the proposed layout.

7.32 Given the site context it is therefore considered that in design and layout terms the proposal is an acceptable means of unlocking the development potential of this constrained rural site in accordance with the provisions of policy DM30 of the local plan.

Heritage considerations:

7.33 A short distance in from the western site boundary is the Grade II Listed Building (LB) of Durrants House. There is a dense tree screen separating the LB from the application site. Abutting the tree screen are buildings, open storage and yards forming part of the application site. The tree screen will be retained while all commercial buildings open storage and yards will be removed and replaced by dwellings set at a minimum of just under 10 metres back from the site boundary. It is therefore considered the proposed development will bring a substantial uplift to the setting of the LB in accordance with the provisions of policy DM4 of the local plan.

Amenity

7.34 In block spacing, size of amenity areas and privacy terms the proposed development will provide an acceptable standard of amenity for future residents in accordance with the provision of policy DM1 of the local plan. The only property outside the application site likely to be directly affected by the proposed development is Durrants House abutting the site to the west. However replacement of an unneighbourly commercial use with a more compatible residential use along with retention of existing boundary screening will result in an uplift to the amenity of Durrants House. The remaining concern in relation to Durrants House is potential loss of privacy from west facing 1st floor windows. However retention of the existing boundary screen will address this issue.

Highways

7.35 Though there may only be low level commercial activity currently being carried out the use is unconstrained in planning terms. It could therefore expand without seeking further permission resulting in additional HGV and employee traffic using narrow country lanes.

7.36 When compared to this traffic generated by 8 dwellings is likely to result in a reduced number of HGV and car movement to and from the site. Consequently the proposal could be viewed as bringing a betterment to local highway conditions and in the absence of objection from Kent Highways is considered acceptable in its highways impacts.

- 7.37 Kent Highways have requested a condition to secure a construction management plan. Guidance makes clear that planning conditions should not seek to control matters falling outside the remit of planning or addressed by other legislation. Such a condition would fail this test though there is no reason why Kent Highways concerns raised cannot be addressed by informative.

Sustainability:

- 7.38 The provisions of policy DM5 of the local plan includes reference to development being accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village. Yalding is just over 1.63km to the west approached by narrow country roads. Realistically the majority of movements to and from the application site will therefore be by car.
- 7.39 It therefore falls to assess whether there is any justification for permitting this development in the absence of its meeting the sustainability requirements of policy DM5.
- 7.40 The sustainability objectives of the NPPF still require development to meet economic, social and environmental objectives. Sustainable transport is therefore only one element of the sustainability package.
- 7.41 The development will enable (a) the removal of an unneighbourly and poorly sited commercial use (b) its replacement with a housing making a valuable windfall housing contribution and (c) bring environmental and wildlife improvements to the area. Consequently it is considered that lack of accessibility by sustainable transport modes is more than offset by the wider environmental and other benefits arising from the proposal.

Wildlife

- 7.42 The submitted ecology survey identified within the site a number of habitats for protected species. No evidence of badgers, dormice, great crested newts were found. However there was evidence of bat roosts and nesting birds along with the need for additional reptile and bat surveys.
- 7.43 Mitigation measures include the need to design lighting to be bat sensitive and to avoid disturbance to breeding birds. Ecological enhancements are proposed with the provision of bird/ bat boxes a wildlife friendly planting scheme and log and brush piles.
- 7.44 KCC Ecology have raised concerns regarding planning permission being granted before further survey work is undertaken which should only be permitted in exceptional circumstances.
- 7.45 It nevertheless it accepts there is sufficient land within the applicant's ownership to secure an offsite reptile mitigation area and bat barn.
- 7.46 Sufficient space to enable translocation of protected species within the same or close to the area to their original habitats means the density of local fauna will not be affected while ensuring an acceptable replacement habitat is secured. It is considered this represents a case of sufficiently compelling exceptional circumstances enabling additional reptile and bat surveys to be secured by condition.
- 7.47 In addition while KCC Ecology notes the applicants only seek to secure mitigation proportionate to what the surveys reveal it contends that all the mitigation specified is necessary to secure ecological enhancements which is specified below:

- A range of bird boxes erected onto any buildings and trees to be installed on sheltered aspects close to vegetation at a height of 2-3m, preferably on north, north-east or north-west facing elevations.
- The installation of bat boxes installed in suitable locations would increase the site's potential for roosting bats. These boxes should be installed at a height of 3m or more at eaves height on sunny, sheltered aspects, away from direct illumination by artificial lighting and in a location, which ensures connectivity to foraging habitats within the wider landscape.
- The incorporation of a wildlife-friendly planting using native plant species benefitting invertebrates, birds and bats.
- Construction of log and brash piles on the site boundaries; and within the retained habitats in the south of the site would provide places of refuge for wildlife.
- Any tree and hedgerow planting should be undertaken using native species such as pedunculate oak, small leaved lime *Tilia cordata*, black poplar *Populus nigra*, wild service tree *Sorbus torminalis* or similar.

7.48 In the circumstances it is considered the interests of wildlife is sufficiently safeguarded in accordance with provisions of the NPPF and policy DM3 of the local plan.

Community infrastructure contributions and affordable housing

7.49 Requests for contributions towards S106 legal agreements must be assessed in accordance with Regulation 122 of the Act with any obligations being seen to meet the following requirements being they should be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

7.50 In this case the relevant requirement relates to the provision of Affordable Housing (AH) in accordance with Policy SP20 of the local plan. This requires that 40% of housing schemes in the countryside should be affordable unless it can be demonstrated that AH targets cannot be achieved due to economic viability.

7.51 The application has been accompanied by a viability appraisal which concluded that the development would not be viable if financial contributions towards securing AH were sought.

7.52 Independent assessment of the applicant's viability appraisal supports this conclusion that the scheme cannot support any contributions towards AH though suggesting a 'clawback' mechanism in the event sales values increase due to an uplift in the housing market.

7.53 Such a 'clawback' would be delivered via a S106 legal agreement. The applicants have since confirmed their agreement to a 'clawback'.

Other matters

7.54 There is a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter can be dealt with by condition.

7.55 The proposal needs to be 'screened' as to whether it should have been accompanied by an Environmental Impact Assessment (EIA). As the site does not fall within an AONB nor does it exceed any of the Schedule 2 thresholds set out in

the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 no requirement for an EIA is identified. It should be stressed this conclusion does not imply support for the proposal or set aside the need to assess the proposal applying normal planning criteria.

CONCLUSIONS/BALANCING EXERCISE

- 7.56 The proposal involves the removal of an unneighbourly and unconstrained commercial development. The site is well enclosed and the proposed housing will result in an inward looking and self contained development acceptable in design terms while not resulting in any material impact on the rural and landscape character of the area.
- 7.57 The development will bring about improvements to the setting of an adjoining heritage asset, is acceptable in its amenity, highways and wildlife impacts while making a windfall contribution towards meeting housing supply in the Borough. It is therefore considered that the balance of issues fall significantly in favour of granting planning permission for the proposed development.

8.0 RECOMMENDATION –The Head of Planning and Development BE GRANTED DELEGATED POWERS TO GRANT planning permission subject planning conditions and the prior completion of a legal agreement to provide the following:
a 'clawback' mechanism to secure contributions towards the provision of affordable housing in the event sales values increase
(including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-a. Landscaping. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Prior any part of the development hereby approved reaching damp proof course details of a sustainable surface water drainage scheme (including its long term maintenance) shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out before first occupation of any of the dwellings hereby approved and retained in accordance with the approved details at all times thereafter.

Reason: In the interests of pollution prevention, sustainability and flood prevention.

3. Prior to the development hereby approved reaching damp proof course samples of materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

4. Prior any part of the development hereby approved reaching damp proof course details of both hard and soft landscape works designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. The development hereby approved shall not commence until details of an Arboricultural Method Statement (which shall include tree protection measures) prepared in accordance with the current edition of BS 5837:2012 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

6. The parking/turning areas and access shown on the approved plans shall be completed before first occupation of any of the dwelling hereby approved and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking and turning provision is likely to lead to parking inconvenient to other road users and result in conditions detrimental to the interests of road safety.

7. 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: To prevent harm to human health and pollution of the environment.

8. A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in point 3 of the preceding condition. This should 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: To prevent harm to human health and pollution of the environment.

9. The development hereby permitted shall be undertaken strictly in accordance with the Preliminary Ecological Appraisal carried out by Greenspace Ecological Solutions dated August 2018 including the ecological enhancements set out in para 6.1 of the report within 3 months of first occupation.

Reason: To enhance the sites biodiversity assets.

10. Prior to the development hereby approved commencing bat and reptile surveys as detailed within the Preliminary Ecological Appraisal (Greenspace Ecological Solutions dated Aug 2018) must be submitted to the Local Planning Authority for prior approval in writing. The work shall only be carried out in accordance with the approved details.

Reason: In the interests of wildlife.

- 11 Prior to the development hereby approved commencing an updated mitigation and enhancement strategy informed by the bat and reptile surveys shall be submitted to and approved in writing by the Local Planning Authority which shall be in accordance with the mitigation and enhancements proposed within the Projected Mitigation Strategy for Reptiles and Bats (Greenspace Ecological Solutions; September 2018).

Reason: In the interests of wildlife.

11. Any external lighting installed anywhere on the application site including along the access road and around the access point onto West Street shall be in accordance with details that have previously been submitted to and approved in writing from the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: In the interests of bat protection and to safeguard the rural night time environment in the interests of visual amenity.

12. Prior to any part of the development hereby approved reaching roof level details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority to include gaps for the passage of wildlife. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of privacy and visual amenity.

13. The development hereby approved shall be carried out in accordance with the following plans nos: 2009/01B, 02E, 05B, 06B and 10, DAT/9.0A sheets 1 and 2 (site survey) 9.1 sheets 1 and 2 (outline elevations).

Reason: In the interests of amenity.

14. Prior to first occupation of individual dwellings a minimum of one electric vehicle charging point shall have been installed for the benefit of the occupier of that dwelling with the charging point thereafter retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

15. Prior to first occupation of individual dwellings cycle storage and bin storage shall be in place that is in accordance with details that have previously been submitted to and approved in writing with the approved storage retained thereafter.

Reason: In the interests of amenity.

INFORMATIVES:

- (1) You are advised before beginning the development to address the following concerns.
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking, turning and unloading areas for construction and delivery vehicles and site personnel and visitors.
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Any necessary temporary traffic management /signage.
 - (f) Measures to prevent the discharge of surface water onto the highway.
- (2) 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

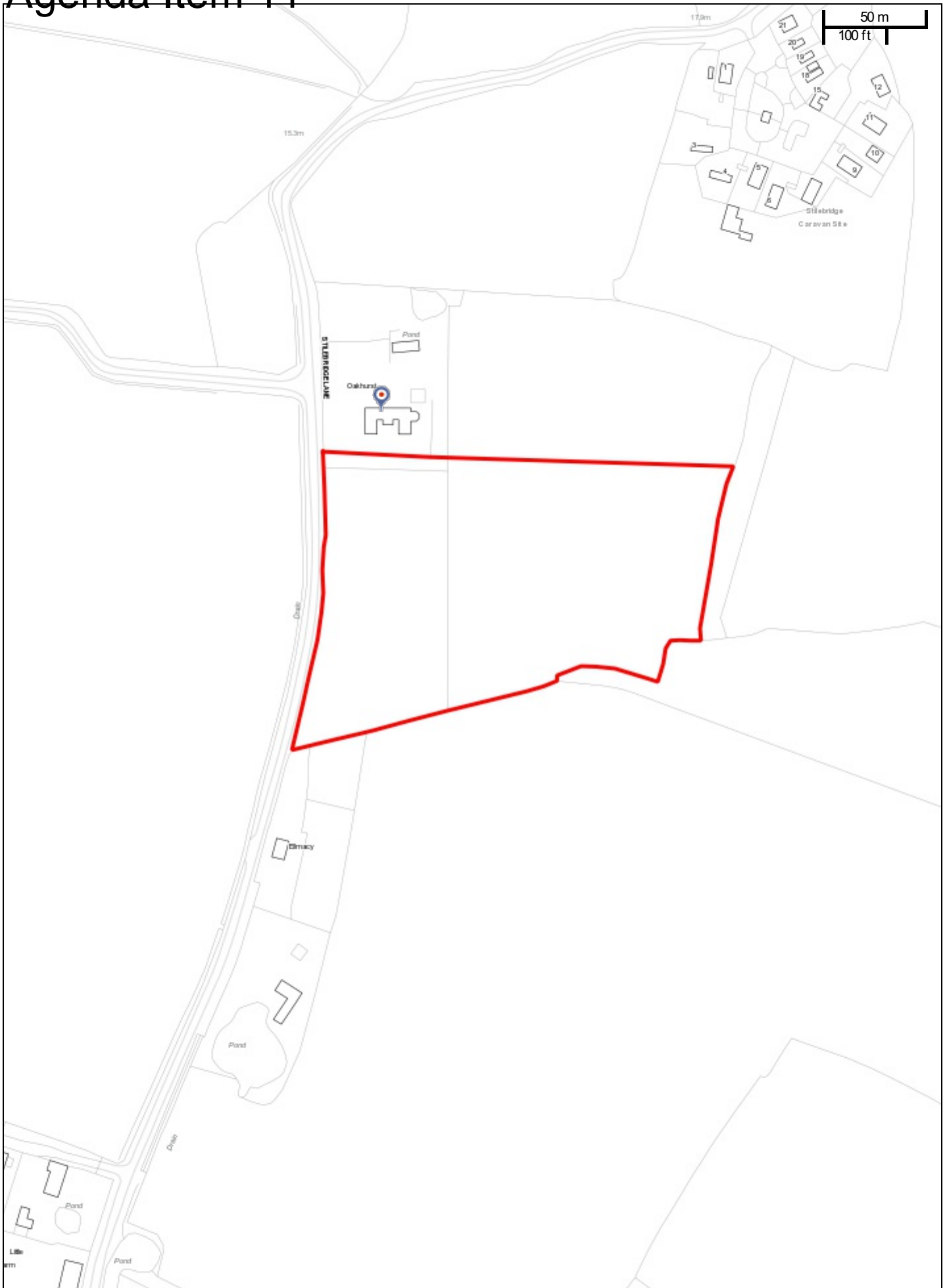
Transportation to progress this aspect of the works prior to commencement on site.

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

Case Officer: Graham Parkinson

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 11



19/500271 - Oakhurst

Scale: 1:2500

Printed on: 21/5/2019 at 10:54 AM by ElyH

REFERENCE NO: 19/500271/FULL		
PROPOSAL: Change of use of land for stationing of 18 holiday caravans with associated works including laying of hardstanding and bin store.		
ADDRESS: Oakhurst Stilebridge Lane Marden Tonbridge Kent TN12 9BA		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: - Councillor Burton has called application in given level of local resident interest		
WARD: Marden	PARISH COUNCIL: Marden	APPLICANT: Mr & Mrs P Body AGENT: Graham Simpkin Planning
TARGET DECISION DATE: 13.01.2020		PUBLICITY EXPIRY DATE: 08.11.19

MAIN REPORT

1.0 BACKGROUND INFORMATION

1.01 This planning application was presented to Planning Committee on 30th May 2019 and the original report and urgent update is found in APPENDICES A and B. Members resolved to defer the application for the following reasons (taken from the published minutes):

- *Seek further information to assess the visual impact, the potential level of harm, the details of the mitigation and the benefits arising, this to include:*
- *Details of layout including hard & soft landscaping and associated facilities & lighting;*
- *Details of scale and design parameters;*
- *Details demonstrating both local & longer distance views & how it can be mitigated;*
- *More details in terms of landscaping, including net gain for biodiversity with incorporation of hedgerow trees reflecting Council's Landscape Character Assessment Guidance in proposed mixed native hedgerow along northern boundary of site, extension of Ancient Woodland buffer westward to provide habitat link to pond and ditch network on road frontage and fencing along AW buffer;*
- *Details of lighting strategy; and*
- *Clarification in terms of sustainability (role of rural tourism), economic benefits and business model, including identification of need for this type of use, model for occupation (i.e. whether these would be short-let units managed by site owners) and information about how site and landscape and ecology elements would be managed.*

1.02 The applicant has submitted the following:

- *Amended site location plan reducing the area of the planning unit*
- *Amended layout plan showing proposed caravans and associated works kept to the western (roadside) half of the site. Layout has reduced number of caravans to 18 instead of 20; and it shows an extension of new planting along the southern and northern boundaries*
- *Written statement responding to certain issues raised by Members*
- *Visual Impact Assessment (VIA)*
- *Business Plan*
- *Updated Surface Water Drainage Strategy*

2.0 RECONSULTATION RESPONSES

- 2.01 **Local representations:** 10 further representations received raising concerns over:
- *Impact upon character of area*
 - *Flood risk*
 - *Surface water drainage and foul sewage disposal*
 - *Inaccuracy of submitted plans*
 - *Validity of submitted Business Plan*
 - *Location not appropriate for proposed use/no demand for tourist use here*
 - *Potential development to eastern half of site*
 - *Site will be used as permanent residential*
 - *Highway safety/traffic generation*
 - *Biodiversity impacts*
- 2.02 **Councillor Burton:** No further comments have been received.
- 2.03 **Marden Parish Council:** Has reviewed additional information and still wishes for application to be refused. In summary their further views are:
- *Residents have expressed concern relating to water run-off and flooding risk*
 - *Site is in flood zone 1/2, on narrow country lane known to flood*
 - *Business Plan does not appear sufficiently robust to support application*
 - *Development is contrary to Policy DM38 of Local Plan*
- 2.04 **KCC Highways:** Has no further comment to make.
- 2.05 **Environment Agency:** Has no further comment to make.
- 2.06 **Environmental Protection Team:** No additional comments to make.
- 2.07 **KCC SUDS:** Raise no objection subject to previously recommended conditions.
- 2.08 **Landscape Officer:** Raises no objection.
- 2.09 **Biodiversity Officer:** Has reviewed further information and continues to advise sufficient information has been provided to determine the planning application.
- 2.10 **Natural England:** Continue to raise no objection.
- 2.11 **Agricultural Advisor:** Has no further comment to make.
- 2.12 **Southern Water:** Previous comments remain unchanged and valid.
- 2.13 **Kent Police:** Extended planting zone and new native hedgerow will offer additional defensive planting once established - Previous comments remain valid.

3.0 ASSESSMENT

Details of layout

- 3.01 The agent has submitted an amended site location plan and proposed block plan that definitively sets out the application site and the proposed layout, including the static caravans; hardstanding/parking; the bin store location; landscaping; and where external lighting will be positioned. The amended layout also shows 18 caravans and not 20 as previously proposed.

- 3.02 As can be seen, the application site has been reduced in size (from 2ha to 1.18ha), with the paddock area to the east no longer part of the proposal's planning unit.
- 3.03 To be clear, any future development outside the red outline would require planning permission. The proposed layout would now restrict development to the front of the site, preventing the sprawl of development across the site and retaining a sense of openness at the rear. The level of hardstanding has been restricted to the access road and the caravan bases, with all parking areas being of grasscrete to further soften the appearance of the development. The layout also provides a significant buffer from the proposal to the Ancient Woodland beyond (over 65m). For these reasons, the layout is considered to be acceptable.
- 3.04 No details of a lighting strategy have been submitted. However, the agent has confirmed the location of the external lighting and stated that it would be of low level lighting bollards (125mm high). With more information submitted, the Environmental Protection Team and the Biodiversity Officer continue to raise no objection on this matter, and there is no reasonable justification to refuse the application on this matter. As previously recommended, and to safeguard the character and appearance of the countryside, as well as to mitigate against the potential adverse effects on bats, specific details of external lighting can be appropriately controlled by way of condition.

Details of scale and design parameters

- 3.05 The additional information that has been submitted confirms that the proposed static caravans would not exceed the definition of a caravan as set out in the lawful definition of a caravan, under Section 29 of the Caravan Sites and Control of Development Act 1960. To reiterate, a caravan under this definition can be up to 20m in length and 6.8m in width; with the overall height being 3.05m. Provided the static caravans meet this definition, planning application is only required for the change of use of the land in this respect, and so it is not justified to request further plans/details of the static caravans.
- 3.06 An additional informative will also be imposed reminding the applicant that any additions to the caravans, such as decking and verandas, would take the caravans out of the lawful definition of a caravan, under Section 29 of the Caravan Sites and Control of Development Act 1960, and planning permission would be required for each structure.

Details of landscaping and ecological enhancements

- 3.07 As set out in the original committee report, the Biodiversity Officer has advised that sufficient information has been provided to determine the planning application; and they continue to raise no objection to the proposal in biodiversity terms (subject to appropriate conditions as previously recommended in terms of external lighting, precautionary measures for reptiles and Great Crested Newts, and ecological enhancements).
- 3.08 As well as the already proposed additional planting along in the 15m buffer to the Ancient Woodland, the proposal has now removed the eastern part of the site from the planning unit, and it has extended the area of new planting along the southern boundary of the site. The now left out paddock to the east of the site, and this new planting will be managed by appropriate timber post and rail fencing to deter public access in this area. This not only goes above and beyond what is required to protect the adjacent Ancient Woodland, but creates a wildlife corridor around the boundary

that also extend westwards to provide a habitat link to the pond and ditch network on the road frontage. With the planted buffer zone along the eastern and southern boundaries, the retained front boundary hedge, and the new native hedge along the northern boundary, the connectivity around the whole site for wildlife is a significant enhancement. The proposal will still also include the retention of the mature Oak trees close to the southern boundary; and it is considered reasonable to request a detailed landscaping scheme by way of an appropriate condition. The Landscape Officer is also of the view that the proposed soft landscaping is an improvement on the original scheme.

Further details in terms of visual impact and mitigation

- 3.09 As stated in the original committee report:
"The site benefits from a mature, well-established hedgerow to the roadside boundary; the southern boundary also benefits from a well-established hedge and several individual trees; and the eastern (rear) boundary is entirely enclosed by Ancient Woodland. To the north, the site is largely screened by Oakhurst and its associated outbuildings; existing hedgerows; and by more Ancient Woodland and Stilebridge Caravan Park. In general terms, the surrounding road network is also lined with hedges/trees; existing built development provides some screening; and no public footpath comes within 200m of the proposal site. As such, it is considered that views of the proposal would be limited to short range views, particularly when passing the site along Stilebridge Lane; and any medium to long distance views of the development from any other public vantage point would be glimpsed."
- 3.10 The now submitted Visual Impact Assessment (VIA) concludes that the proposal would have a minimal impact on the landscape from public vantage points, and this conclusion is accepted. The Landscape Officer is satisfied that the VIA is an appropriate level study for this proposal. Whilst some of the landscape details in the VIA are not up to date, as it is not intended to be a full LVIA and only an assessment of public viewpoints, the Landscape Officer considers it to be an acceptable submission on this basis.
- 3.11 In addition, the amended layout further safeguards the visual amenity of the countryside, by keeping the static caravans and associated built works away from the rearmost part of the site, where the land level does rise; by reducing the number of caravans; and by showing a more comprehensive landscaping scheme (as explained above) to further mitigate the visual impact of the development.
- 3.12 With everything considered, it remains the view that the proposal would not appear prominent or visually intrusive, and it would not result in significant harm to the appearance of the landscape and the rural character of the countryside hereabouts.

Viability of proposal and sustainability

- 3.13 Whilst relevant policy and guidance does not require applicants to set out the future commercial viability of such a proposal, key points taken from the submitted Business Plan are as follows:
- 5 caravans will be sold to private owners in order to recoup capital spend
 - 13 caravans will be owned and operated as hire fleet by site owner
 - Caravans to be sold on 50yr leasehold for which there will be annual service charges of £3,000 per caravan (to cover maintenance and management)
 - Layout will be in accordance with fire regulations and site licencing
 - In terms of marketing and managing, site owners will be assisted by Hoseasons

- *Visit Britain believes tourism sector will grow at annual rate of 3.8% through to 2025*
 - *Holiday parks had strong years of trading given improvements in wider economy*
- 3.14 Furthermore, in terms of the local market, the Business Plan argues that within Kent there is an obvious demand for tourist facilities. The proposal site is in proximity to Tunbridge Wells, Tonbridge and Maidstone that all have their own draw; the site is also close enough for visitors to explore the High Weald AONB and the Kent Downs AONB if they so wish; and there is also a wide range of outdoor leisure activities in the locality, such as golf courses; public rights of way; fishing; horse riding facilities etc. The Business Plan also understands there to be limited sites in close proximity to the proposal site that offers high quality self-catering accommodation. The Business Plan then calculates development potential over a 3yr period, and this predicts a capital return on development in 2yrs, with the annual rental income for the site being circa. £375,000 once established by year 3. There is no clear evidence to dispute the findings of the Business Plan and it is considered unreasonable to object to the proposal on these grounds, particularly when applicants are not required in policy terms to set out the future viability of such tourist uses in the countryside.
- 3.15 It should be stressed again that Local Plan policy seeks to support small scale employment opportunities to support the rural economy; and the Council is committed to supporting and improving the economy of the borough and providing for the needs of businesses, by supporting the expansion of existing tourism related businesses in the countryside.
- 3.16 The site is also not considered to be so unsustainable, in terms of its location, given that it is only some 0.5miles from the A229; and the NPPF does state that planning decisions should recognise that sites to meet local business in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The NPPF is also clear that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside, which this proposal is considered to do.

Other matters

- 3.17 The additional information has confirmed the layout of the static caravans, and has seen a reduction in the number of static caravans on the site to 18 (that will still remain in situ). The Highways Authority has reviewed the new information and continues to raise no objection on highway safety grounds, subject to the retention of the shown turning area and the imposition of their previously recommended conditions.
- 3.18 There also remains no objection to the proposal in terms of residential amenity, and in terms of flood risk and surface water drainage; and the finished floor levels of the 4/5 caravans in Flood Zone 2 will still be raised 150mm above surrounding ground levels. To clarify, KCC as the Lead Local Flood Authority has reviewed the amended Surface Water Drainage Strategy Report by 'Ambiental' (dated October 2019 and received 24/10/19), which updates the strategy to reflect the latest proposed block plan, and has no objections to make subject to the previously recommended conditions that have been duly imposed. All other matters raised in the original committee report remain relevant and acceptable.

- 3.19 The representations received from Marden Parish Council and local residents, as a result of reconsultation, have been considered in the assessment of this application. It should be noted here that the proposal has been considered on its own merits, based on the submission details for a tourism use. If approved and there is a reported breach of the permission, then it would be a matter for the Planning Enforcement Team to investigate at that time.

4.0 CONCLUSION

- 4.01 It is considered that the proposal's location is appropriate, and its scale (in terms of its reduced site area and number of static caravans), is acceptable. The proposal will now also provide further, more comprehensive, landscaping that will benefit both the amenity and biodiversity of the site and the surrounding area. It is still considered that the proposal would not have an unacceptable impact upon the living conditions of local residents; and no objection continues to be raised in terms of highway safety; flood risk; and in terms of Ancient Woodland protection. A holiday occupancy condition will also be attached to any permission, preventing use of any unit as a permanent encampment. In accordance with Local Plan policy DM38, the proposal would not result in unacceptable loss in amenity of area; and it would be unobtrusively located and well screened by existing and proposed native planting. So, with everything considered, the proposal is still considered to be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.

5.0 RECOMMENDATION – GRANT planning permission subject to following conditions:

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

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

2. No more than 18 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time;

Reason: To safeguard the character and appearance of the countryside and in the interests of highway safety.

3. The site shall not be open to touring caravans and tents at any time;

Reason: To safeguard the character and appearance of the countryside and in the interests of highway safety.

4. All caravans permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority with details of the relevant contact at the operators of the caravan park (name, position, telephone number, email address and postal address) who will keep the register and make it available for inspection submitted to the local planning authority (planningenforcement@maidstone.gov.uk) prior to first occupation

of any of the approved caravans with the relevant contact subsequently kept up to date at all times;

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), and except for what is shown on the approved plans, no fencing, walling and other boundary treatments shall be erected within or around the site;

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

6. If the use hereby approved ceases, all caravans, buildings, structures, hardstanding, and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed within 2 months of cessation of the use, and the land shall be restored to its condition before the development took place;

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

7. The finished floor level of the caravans shall be no less than 150mm above surrounding ground levels;

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

8. In accordance with drawing ref: 2763 05 E (received 24/10/19) and prior to the first occupation of any caravan on the site, details of a scheme of hard and soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, shall be submitted to and approved in writing by the Local Planning Authority. The site falls within Landscape Area 44 (Staplehurst Low Weald), and the landscaping scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (2012) and shall include:

- a) Location, species (to include Oak) and size of all new native trees and shrubs to be planted within the 15m buffer zone to the ancient woodland and the extended planting zone as shown on submitted plans;
- b) Retention of existing hedgerows along western and southern boundaries of site;
- c) Retention of existing trees within site as shown on the submitted plans;
- d) Details of a mixed native hedgerow that includes Hazel, to be planted in a double staggered row (45cm between plants in row and 30cm between rows) along the northern boundary of site;
- e) Details of grasscrete and how it would be laid for all of the parking spaces on site.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any caravan. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of ancient woodland.

10. Prior to the first occupation of any static caravan, all of the fencing (as shown on drawing reference: 2763 05E) shall be erected and retained as such for the duration of the development hereby approved;

Reason: To protect existing trees, new planting, and ancient woodland; and in the interests of biodiversity.

11. The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS5837:2012 has been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No caravans, equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas or within the 15m buffer zone from the ancient woodland (as shown on drawing ref: 05 Rev D); and no alterations shall be made to the siting of the barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site;

Reason: To ensure the protection of existing trees and hedges and to avoid compaction of ground within the 15m buffer zone.

12. The development hereby approved shall not commence 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 at a rate of 1.7l/s (unless otherwise agreed with the Local Planning Authority and Lead Local Flood Authority) and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

13. Prior to the first occupation of any caravan on the site, details of a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, shall be submitted to and approved by the local planning authority. This report shall demonstrate the suitable modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

14. Prior to the first occupation of any caravan on the site, details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems, and shall also specify exact locations on site plus any pertinent information as to where each system will discharge to;

Reason: To safeguard against ground/water course pollution, and to protect the interest features of the River Beult Site of Special Scientific Interest and the adjacent Ancient Woodland.

15. Prior to the first occupation of the caravans hereby approved, details of the external lighting scheme (temporary and/or permanent), shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - a) Measures to shield and direct light from light sources so as to prevent light pollution;
 - b) Identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance to routes used to forage and commute;
 - c) Show where external lighting will be installed (in accordance with drawing ref: 2763 05 E) so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To safeguard the character and appearance of the countryside and to mitigate against potential adverse effects on bats.

16. Prior to the commencement of the development hereby approved (including site clearance), details of precautionary measures for reptiles and great crested newts (GCN), including habitat manipulation and creating/improving reptile and GCN habitat, shall be submitted to and approved by the local planning authority. The approved details will be implemented prior to the occupation of the caravans and thereafter retained as such thereafter;

Reason: To safeguard protected species.

17. Prior to the commencement of the development hereby approved (including site clearance), a Site Management Plan (SMP) shall be submitted to and approved in writing by the local planning authority. The SMP shall include details of:
- (a) Routing of construction and delivery vehicles to and from the site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries, with special provision for the proposed caravans
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management/signage

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

Reason: In the interests of highway safety.

18. The vehicle parking spaces and turning facilities as shown shall be permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety and parking provision.

19. Any gates at the vehicular access to the site must be set back a minimum of 5 metres from the highway boundary;

Reason: In the interests of highway safety.

20. Prior to the first occupation of the caravans hereby approved, the first 5 metres of the vehicle access from the edge of the highway shall be of a bound surface and shall be maintained as such thereafter;

Reason: In the interests of highway safety.

21. The development hereby permitted shall be carried out in accordance with the following approved plan references: 2763 05 E received 24/10/19 and 2763 01 A received 14/10/19; and Ambiantal Surface Water Drainage Strategy received 24/10/19;

Reason: To safeguard the character and appearance of the countryside, in the interests of protecting biodiversity, existing trees and ancient woodland, in the interests of highway safety and drainage, and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

1. In order to protect future occupants at times of flood risk, the applicant is strongly advised to sign up to the Environment Agency's flood warning service prior to the occupation of any caravan on the site. This can be done via the following link: <https://www.gov.uk/sign-up-for-flood-warnings>
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent and has shown that nesting birds are not present.
3. In terms of lighting and to mitigate against potential adverse effects on bats, the applicant is advised to refer to the Bat Conservation Trust's Bats and Lighting in the UK guidance.
4. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
5. The applicant is advised to consult a local Designing Out Crime Officer (DOCO), or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.
6. 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>
7. The applicant is reminded that any additions to the caravans, such as decking and verandas, would then take the caravans out of the lawful definition of a caravan, under Section 29 of the Caravan Sites and Control of Development Act 1960, and planning permission would be required for each structure.

Case Officer: Kathryn Altieri

REFERENCE NO: 19/500271/FULL		
APPLICATION PROPOSAL: Change of use of land for the stationing of 20 holiday caravans with associated works including laying of hardstanding and bin store.		
ADDRESS: Oakhurst Stilebridge Lane Marden Tonbridge Kent TN12 9BA		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: - Councillor Burton has called application in given level of local resident interest		
WARD: Marden	PARISH COUNCIL Marden	APPLICANT Mr & Mrs P Body AGENT Graham Simpkin Planning
TARGET DECISION DATE: 03/06/19		PUBLICITY EXPIRY DATE: 30/01/19

Relevant planning history

- MA/11/1037 – Keeping of horses & erection of stable block & hay barn - Approved

1.0 Site description

- 1.01 Oakhurst is a detached residential property located on the eastern side of Stilebridge Lane, close to the junction with Tilden Lane. The proposal site is an area of land to the immediate south of Oakhurst (some 2.3ha in area), with road access into the site from the south-western corner.
- 1.02 The western (front) part of the proposal site is currently used by the Caravan and Camping Club (its website states that the site can accommodate up to 5 caravans or motorhomes and up to 10 trailer tents or tents). The eastern part has been used for horse grazing. The road side (western) boundary is in Flood Zone 2 and the eastern boundary is adjacent to Ancient Woodland. The River Beult (Site of Special Scientific Interest), is some 335m to the north of the site. For the purposes of the Maidstone Local Plan (2017) the proposal site is within the countryside.

2.0 Proposal

- 2.01 This application is for the change of use of the land for the stationing of 20 holiday caravans, with associated works including hardstanding and parking. The 20 caravans will be moved on to the site and remain in situ, and so guests will not be towing caravans; and no other caravans, touring caravans, or tent pitches will go on the site. The Caravan Site Licence will deal with all of the health and safety requirements under separate legislation.
- 2.02 The application states that the 20 caravans will fall within the lawful definition of a caravan, under Section 29 of the Caravan Sites and Control of Development Act 1960, and no further plans/details are required in this respect. For reference, a caravan under this definition can be up to 20m in length and 6.8m in width; with the overall height being 3.05m (measured internally from the floor at the lowest level to the ceiling at the highest level). Any additions to the caravans, such as verandas, would then take the caravans out of this definition and planning permission would be required for each structure.

3.0 Policy and other considerations

- Maidstone LP: SS1, SP17, SP21, DM1, DM3, DM8, DM30, DM37, DM38
- National Planning Policy Framework (2019)
- National Planning Practice Guidance
- Natural England Standing Advice
- Maidstone Landscape Character Assessment & Maidstone Landscape Capacity Study: Sensitivity Assessment

4.0 Local representations: 15 representations received raising concerns over:

- *Caravans being lived in permanently;*
- *Flood risk/surface water drainage/foul sewage disposal;*
- *Highway safety/traffic generation;*
- *Light pollution/impacts upon ecology*
- *Impact upon trees/ancient woodland*
- *Commercial viability of business/need for such development;*
- *Visual impact;*
- *Not a sustainable location;*
- *Impact upon residential amenity (noise, odours, general disturbance);*
- *Impact upon setting of Grade II listed building (Little Tilden Farm)*
- *Loss of agricultural land*

5.0 Consultations

5.01 **Councillor Burton:** Wishes to see application reported to Planning Committee if recommendation is for approval;

5.02 **Marden Parish Council:** Wish to see application refused but has not requested for it to be reported to Planning Committee. In summary their views are as follows:

- *Introduction of vulnerable usage in Flood Zone 2*
- *Proposal would result in adverse impact on highway safety*
- *Would have adverse visual impact on countryside*
- *Noise and light pollution resulting from use would be detrimental to amenity of the area*

If minded to approve, Cllrs recommend following conditions:

- *To prohibit any permanent occupancy;*
- *To provide low level lighting scheme;*
- *Provide further information and mitigation of protected species;*
- *Provide specific and detailed method of foul water disposal;*
- *Provision of landscaping scheme;*
- *Provision of ecology assessment;*
- *Applicant to demonstrate adequate access arrangements and vision splays.*

5.03 **KCC Highways:** Raise no objection.

5.04 **Environment Agency:** Raise no objection.

5.05 **Environmental Protection Team:** Raise no objection in terms of noise, air quality, sewage and land contamination.

5.06 **KCC SUDS:** Raise no objection.

5.07 **Landscape Officer:** Raise no objection.

5.08 **Biodiversity Officer:** Advises sufficient information has been provided to determine planning application.

5.09 **Natural England:** Raise no objection.

5.10 **Agricultural Advisor:** Raise no objection.

5.11 **Southern Water:** Raise no objection.

5.12 **Kent Police:** Raise no objection.

6.0 Appraisal

Main issues

- 6.01 Local Plan policy SS1 seeks to support small scale employment opportunities in appropriate locations to support the rural economy; and policy SP21 sets out that the Council is committed to supporting and improving the economy of the borough and providing for the needs of businesses, by (inter alia): *Supporting proposals for expansion of existing economic development premises in the countryside, including tourism related development, provided scale and impact of development is appropriate for its countryside location, in accordance with policy DM37.*
- 6.02 Local Plan policy DM37 also supports the expansion of existing businesses in the rural area provided certain criteria are met; and Local Plan policy DM38 allows for holiday caravan sites in the countryside provided they:
- i. Would not result in unacceptable loss in amenity of area. In particular, impact on nearby properties and appearance of development from public roads will be of importance; and*
 - ii. Site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species.*
- 6.03 The proposal is also subject to the normal constraints of development in the countryside under the Maidstone Local Plan. Local Plan policy SP17 states that new development in the countryside will not be permitted unless it accords with other policies in the Local Plan, and would not result in harm to the character and appearance of the area or in terms of residential amenity. Local Plan policy DM30 states (inter alia) that new development should maintain, or where possible, enhance the local distinctiveness of an area; and ensure that associated traffic levels are acceptable.
- 6.04 Furthermore, Local Plan policy seeks new development to respect the amenities of occupiers of neighbouring properties; and avoid inappropriate development within areas at risk from flooding (LP policy DM1); and to protect areas of Ancient Woodland from inappropriate development and avoid significant adverse impacts as a result of development. Indeed, policy DM3 relates to how development should protect areas of Ancient Woodland from inappropriate development and to avoid significant adverse impacts as a result of development.
- 6.05 Please note that the proposal site could be used for camping (without restriction of numbers) for 28 days in total of any calendar year without requiring planning permission under Class 4, Part B of the GPDO.
- 6.06 The key issues for this application are considered to be what impacts the proposal would have upon the character and appearance of the area (including Ancient Woodland impacts); its highway safety and residential amenity impacts; flood risk; and what impact it would have upon the adjacent ancient woodland and biodiversity. Other material planning considerations will then also be addressed.
- ### Visual impact
- 6.07 Within the Maidstone Landscape Capacity Study: Sensitivity Assessment, the proposal site is in the Staplehurst Low Weald landscape character area (44) that is considered to be sensitive to change. This assessment also states that development in this area could support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.
- 6.08 It is accepted that the proposal would change the character of what is an open field. However, the site benefits from a mature, well-established hedgerow to the roadside boundary; the southern boundary also benefits from a well-established hedge and several individual trees; and the eastern (rear) boundary is entirely

enclosed by Ancient Woodland. To the north, the site is largely screened by Oakhurst and its associated outbuildings; existing hedgerows; and by more Ancient Woodland and Stilebridge Caravan Park. In general terms, the surrounding road network is also lined with hedges/trees; existing built development provides some screening; and no public footpath comes within 200m of the proposal site. As such, it is considered that views of the proposal would be limited to short range views, particularly when passing the site along Stilebridge Lane; and any medium to long distance views of the development from any other public vantage point would be glimpsed.

- 6.09 To further safeguard the character and appearance of the countryside, a suitable condition will also be imposed to secure the retention of the existing hedgerows along the southern and western boundaries of the site; for the retention of the existing trees within the site, as shown on the submitted plan; for further native planting within the 15m buffer zone to the ancient woodland; and for a mixed native hedge to be planted along the northern boundary of the site.
- 6.10 In accordance with the Maidstone Landscape Capacity Study, the proposal would conserve the existing Oak trees on the site; the landscaping scheme would seek new Oak tree planting; and existing hedgerows would be retained. External lighting could also be appropriately controlled by way of condition.
- 6.11 It is therefore considered that the proposal would not appear prominent or visually intrusive in a landscape that is sensitive to change, and would not result in significant harm to the appearance of the landscape and the rural character of the countryside hereabouts.

Highway safety implications

- 6.12 The Highways Authority has reviewed the application and considered the vehicle movements associated with such uses as permissible, notwithstanding the limitations that the nature of Stilebridge Lane presents.
- 6.13 The Highways Authority states a significant factor in considering the change of use of the site would be to recognise that towing caravans/motorhomes would no longer be coming and going from the site, as the accommodation will already be in situ; and that this can be ensured by way of an appropriate condition. This would leave only private cars using Stilebridge Road in association with the proposal and the Highways Authority confirm that they would have no grounds to object to the application in this respect. There will of course be an initial exception with the caravans coming onto the site, but the Highways Authority is satisfied that the impact of this could be feasibly mitigated by a Site Management Plan.
- 6.14 The Highways Authority has considered the nature of Stilebridge Lane, in terms of available passing widths and forward visibility; and they have also noted that the road is served at both ends by junctions which fall below current highway standards. However, despite the limitations this presents to current road users, the personal injury accident record (which provides KCC's evidence base in such judgements) does not suggest that these issues present an overbearing impact on road safety or that they will be significantly exacerbated by the proposals as they stand. No objection is raised in terms of parking provision.
- 6.15 With everything considered, the Highways Authority raise no objection to the proposal on highway safety grounds subject to the imposition of conditions including for the submission of a Site Management Plan.

Residential amenity

- 6.16 The applicant lives at Oakhurst, the property to the immediate north of the site. The next nearest residential property is Ellmacy. Whilst there is extant planning permission for the erection of an annexe to the north of Ellmacy, the main house is more than 40m from the south-western corner of the site, and the main garden area for this property is to the south of the house, more than 50m away from the proposal site. Beyond this is Stilebridge Barn; the caravans on Stilebridge Lane Caravan Site are some 120m to the north-east of the site; and no other residential property would be within 200m of the site.
- 6.17 When considering the intended use of the site and the separation distances from it and any residential property, the noise generated by the proposal (including vehicle movements to and from the site) will be acceptable in residential amenity terms, and the Environmental Protection Team has also raised no objection in terms of noise. It is also considered that most of the vehicle movements to and from the site would be by private motor vehicles only, coming from the A229 to the north-east of the site and not passing the nearest houses to the site. No objection is therefore raised to the proposal in terms of general noise and disturbance, and there is no reason to believe that odours from the site would create an unacceptable living environment for any local resident.

Flood risk/surface water drainage

- 6.18 The western (front) boundary of the site is within Flood Zone 2; and the proposed layout shows 4/5 of the caravans within this, with the rest of the site being in Flood Zone 1. In accordance with the revised NPPF and its Technical Guidance, sites used for holiday caravans are classified as 'More Vulnerable'. Such development in Flood Zone 2 is acceptable subject to a specific warning and evacuation plan; and subject to the Sequential and Exception Tests being applied. Furthermore, local planning authorities should also ensure that flood risk is not increased elsewhere, and should only consider development in flood risk areas to be appropriate where informed by a site-specific Flood Risk Assessment (FRA).
- 6.19 The applicant has submitted a Flood Risk Assessment (FRA), and a further letter (from Ambiental Environmental Assessment) has provided further flood risk information. The submitted details confirm that the floor levels of the caravans will be raised 150mm above surrounding ground levels, and this can be secured by way of an appropriate condition.
- 6.20 In terms of the Sequential and Exception Tests, whilst no alternative sites have been discussed as part of this application, the Environment Agency has reviewed the submitted details and they are satisfied that the proposal would not pose a risk to property; and that future occupants would remain safe for the development's lifetime without increasing flood risk elsewhere (when allowances for climate change are taken into consideration). Furthermore, the development would provide a small scale employment opportunity to help support the rural economy; and it must be stressed again that the majority of the site falls within Flood Zone 1, where these tests are not required.
- 6.21 It is noted that the surrounding access roads to the site are located within Flood Zones 2/3; and with regards to a specific warning and evacuation plan, the application states that the applicant will sign up to the EA Flood Warning/Alert Service. This would ensure that future occupants of the site would be safe and have time to evacuate the site if necessary, avoiding the need of emergency egress and access. Furthermore, the majority of the site falls outside Flood Zones 2/3 and the floor levels of the caravans would be raised as accepted by the Environment Agency, so there is also the potential for future occupants to safely 'sit-out' any flood event.

6.22 The application also includes a Surface Water Drainage Strategy and as the lead local flood authority, KCC have reviewed the application. No objection is raised to the proposal, subject to appropriate pre-commencement conditions requiring a detailed sustainable surface water drainage scheme for the site, and a verification report pertaining to the surface water drainage system. With this all considered, the balanced view is that the proposal is acceptable in flood risk terms.

Biodiversity and ancient woodland implications

6.23 The Biodiversity Officer has advised that sufficient information has been provided to determine the planning application and they have raised no objection to the proposal in biodiversity terms. This is subject to appropriate conditions for details to be submitted of any external lighting scheme to mitigate against potential adverse effects on bats; of precautionary measures for reptiles and Great Crested Newts, including habitat manipulation and creating/improving reptile and GCN habitat; and of what ecological enhancements are to be incorporated into the scheme.

6.24 The Biodiversity Officer and the Landscape Officer both highlighted the need to protect the ancient woodland to the east of the proposal site. The submission details show the required 15m buffer-zone that is to be planted with native shrub species. Appropriate conditions can be imposed to ensure this buffer-zone planting is carried out and that public access should be prevented in this area.

Other matters

6.25 There is no indication that any agricultural business would be affected by the current proposal. The Agricultural Advisor, having regard to the relatively small extent of the land; its current use; and its likely quality, considers that the proposal would not involve a significant loss of agricultural land in planning policy terms, and so no objection is raised in this respect.

6.26 Foul sewage will be disposed of via a package treatment plant. Southern Water has raised no objection to the proposal; and the Environmental Protection Team also raise no objection in this respect subject to the submission of its details. Natural England has also raised no objection but comment that without appropriate mitigation the proposal could harm the interest features for which the River Beult Site of Special Scientific Interest (SSSI) has been notified. With this considered and in order to mitigate against potential adverse effects in relation to foul sewage disposal, a suitable condition will be imposed requesting further details.

6.27 No objection is raised in terms of refuse storage, air quality, and land contamination; the proposal would not have a harmful impact upon the setting of any listed building, given its scale, nature and the separation distances; and the proposal is not Environmental Impact Assessment development.

6.28 The issues raised by Marden Parish Council, Councillor Burton, and local residents have been considered in the determination of this application. It should also be noted that potential future breaches of planning would be investigated by the Planning Enforcement team as and when necessary; and the future commercial viability of the proposed business is not a material planning consideration in the assessment of this application.

6.29 Please note that the applicant has agreed to the imposition of all of the pre-commencement of works conditions.

7.0 Conclusion

- 7.01 The proposal would not be obtrusive and would not result in an unacceptable loss in the amenity of the area, in terms of its visual impact and its impact upon the living conditions of local residents; and existing landscaping will be retained and the site will be enhanced by further native planting. Furthermore, no objection is raised in terms of highway safety; flood risk; biodiversity; and in terms of Ancient Woodland protection. A holiday occupancy condition will also be attached to any permission, preventing use of any unit as a permanent encampment. As such, the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.

8.0 Recommendation - GRANT planning permission subject to following conditions:

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

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

2. No more than 20 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time;

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

3. The site shall not be open to touring caravans and tents at any time;

Reason: To safeguard the character and appearance of the countryside and in the interests of highway safety.

4. All caravans permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority;

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fencing, walling and other boundary treatments shall be erected within or around the site;

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

6. If the use hereby approved ceases, all caravans, buildings, structures, hardstanding, and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed within 2 months of cessation of the use, and the land shall be restored to its condition before the development took place;

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

7. The finished floor level of the caravans shall be no less than 150mm above surrounding ground levels.

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

8. Prior to the first occupation of any caravan on the site, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (2012) and shall include:
- a) Location, species (to include Oak) and size of all new trees and shrubs to be planted;
 - b) Native planting within the 15m buffer zone to the ancient woodland (as shown on drawing ref: 05 Rev A);
 - c) Details of how the buffer zone will be delineated to prevent public access;
 - d) The retention of the existing hedgerows along the western and southern boundaries of the site;
 - e) The retention of the existing trees within the site (as shown on drawing ref: 05 Rev A);
 - f) Details of a mixed native hedgerow along the northern boundary of the site.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any caravan. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of ancient woodland.

10. The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS5837:2012 has been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No caravans, equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas or within the 15m buffer zone from the ancient woodland (as shown on drawing ref: 05 Rev A); and no alterations shall be made to the siting of the barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site;

Reason: To ensure the protection of existing trees and hedges and to avoid compaction of ground within the 15m buffer zone.

11. The development hereby approved shall not commence 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 at a rate of 1.7l/s (unless otherwise agreed with the Local Planning Authority and Lead Local Flood Authority) and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

12. Prior to the first occupation of any caravan on the site, details of a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, shall be submitted to and approved by the local planning authority. This report shall demonstrate the suitable modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

13. Prior to the first occupation of any caravan on the site, details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems, and shall also specify exact locations on site plus any pertinent information as to where each system will discharge to;

Reason: To safeguard against ground/water course pollution, and to protect the interest features of the River Beult Site of Special Scientific Interest.

14. Prior to the first occupation of the caravans hereby approved, details of the external lighting scheme (temporary and/or permanent), shall be submitted to and approved in writing by the local planning authority. These details shall include:
- a) Measures to shield and direct light from the light sources so as to prevent light pollution;
 - b) Identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance to routes used to forage and commute;
 - c) Show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To safeguard the character and appearance of the countryside and to mitigate against potential adverse effects on bats.

15. Prior to the commencement of the development hereby approved (including site clearance), details of precautionary measures for reptiles and great crested newts (GCN), including habitat manipulation and creating/improving reptile and GCN habitat, shall be submitted to and approved by the local planning authority. The approved details will be implemented prior to the occupation of the caravans and thereafter retained as such thereafter;

Reason: To safeguard protected species.

16. Prior to the first occupation of the caravans hereby approved, details for a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the caravans and all features shall be maintained thereafter.

Reason: In the interests of biodiversity enhancement.

17. Prior to the commencement of the development hereby approved (including site clearance), a Site Management Plan (SMP) shall be submitted to and approved in writing by the local planning authority. The SMP shall include details of:
- (a) Routing of construction and delivery vehicles to and from the site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries, with special provision for the proposed caravans
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management/signage

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

Reason: In the interests of highway safety.

18. The vehicle parking spaces and turning facilities as shown shall be permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety and parking provision.

19. Any gate(s) at the vehicular access to the site must be set back a minimum of 5 metres from the highway boundary;

Reason: In the interests of highway safety.

20. Prior to the first occupation of the caravans hereby approved, the first 5 metres of the vehicle access from the edge of the highway shall be of a bound surface and shall be maintained as such thereafter;

Reason: In the interests of highway safety.

21. The development hereby permitted shall be carried out in accordance with the following approved plan references: Site location plan (01);

Reason: To safeguard the character and appearance of the countryside, in the interests of protecting biodiversity, existing trees and ancient woodland; and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

1. In order to protect future occupants at times of flood risk, the applicant is strongly advised to sign up to the Environment Agency's flood warning service prior to the occupation of any caravan on the site. This can be done via the following link: <https://www.gov.uk/sign-up-for-flood-warnings>
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent person and has shown that nesting birds are not present.
3. In terms of lighting and to mitigate against potential adverse effects on bats, the applicant is advised to refer to the Bat Conservation Trust's Bats and Lighting in the UK guidance.
4. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
5. The applicant is advised to consult a local Designing Out Crime Officer (DOCO), or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.
6. 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>

Case Officer: Kathryn Altieri

Item 17, Pages 59-71

Oakhurst, Stilebridge Lane,
Marden, TN12 9BA

Reference number: 19/500271/FULL

- **Amend condition 4 to read:**

*All caravans permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority **with details of the relevant contact at the operators of the caravan park (name, position, telephone number, email address and postal address) who will keep the register and make it available for inspection submitted to the local planning authority (planningenforcement@maidstone.gov.uk) prior to first occupation of any of the approved caravans with the relevant contact subsequently kept up to date at all times;***

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

- **Amend condition 8 to read:**

*Prior to the first occupation of any caravan on the site, details of a scheme of **hard and soft** landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:*

- a) Location, species (to include Oak) and size of all new trees and shrubs to be planted;*
- b) Native planting within the 15m buffer zone to the ancient woodland (as shown on drawing ref: 05 Rev A);*
- c) Details of how the buffer zone will be delineated to prevent public access;*
- d) The retention of the existing hedgerows along the western and southern boundaries of the site;*
- e) The retention of the existing trees within the site (as shown on drawing ref: 05 Rev A);*
- f) Details of a mixed native hedgerow along the northern boundary of the site;*
- g) Scaled plan showing the extent and type of hardsurfacing within the site.***

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.

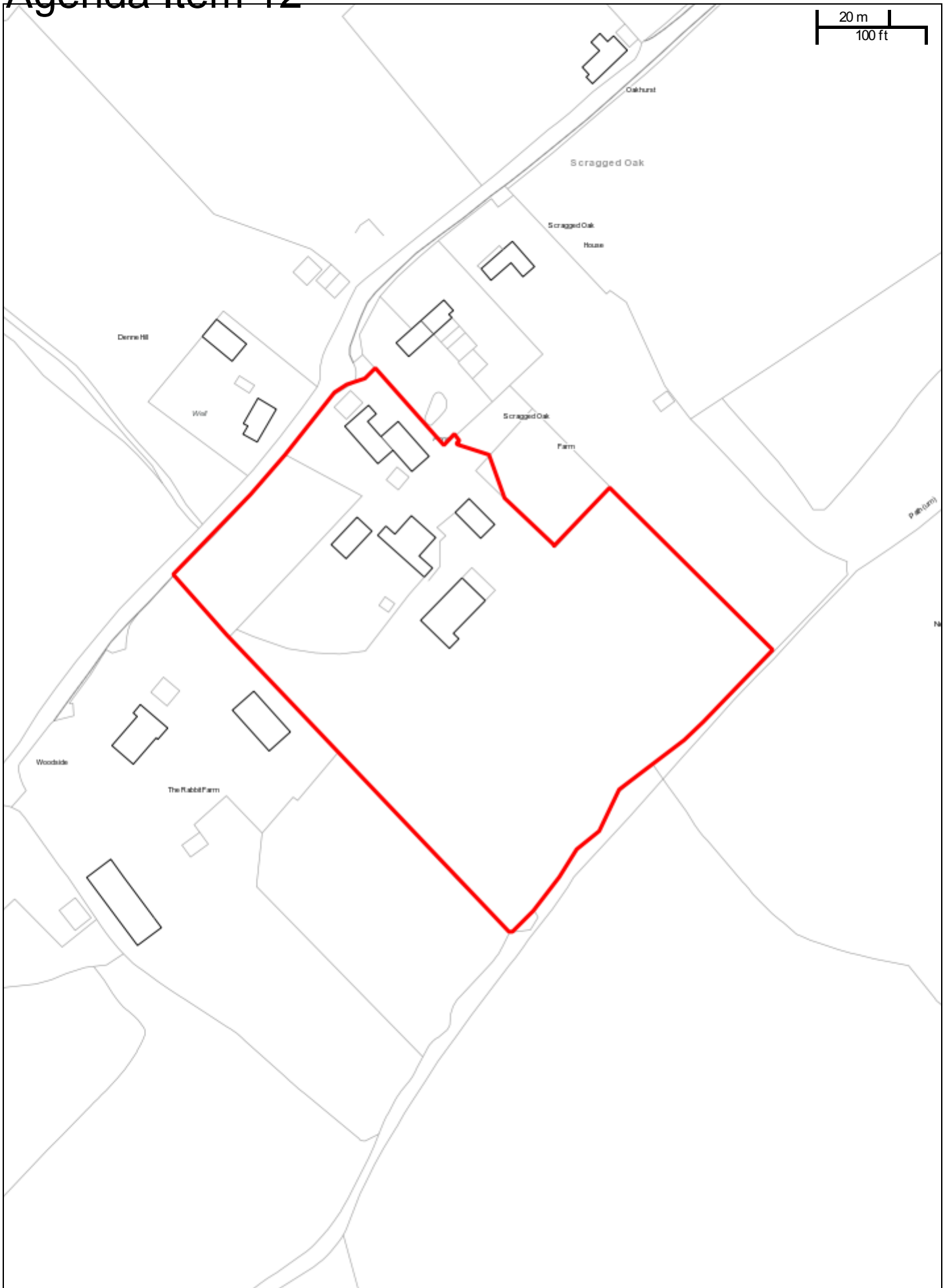
- **Amend condition 13 to read:**

Prior to the first occupation of any caravan on the site, details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems, and shall also specify exact locations on site plus any pertinent information as to where each system will discharge to;

*Reason: To safeguard against ground/water course pollution, and to protect the interest features of the River Beult Site of Special Scientific Interest **and the adjacent Ancient Woodland.***

Recommendation remains unchanged.

Agenda Item 12



20 m
100 ft

REFERENCE NO - 19/503314/FULL			
APPLICATION PROPOSAL Demolition of existing buildings within the site and erection of three residential dwellings with associated access, parking, drainage and landscaping.			
ADDRESS Land at Scragged Oak Farm, Scragged Oak Road, Detling, Maidstone, ME14 3HJ			
RECOMMENDATION REFUSE PLANNING PERMISSION			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> • Development proposal is in an unsustainable location; • Development proposal would result in an adverse impact on the character of the AONB. 			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Detling Parish Council support the application as they consider that the proposal would result in an overall improvement to a rundown site. • No concerns have been raised by neighbouring property owners; therefore the Parish Council has no objections to the approval of this application. 			
WARD Detling	PARISH/TOWN COUNCIL Detling Parish Council	APPLICANT Designer Homes AGENT DHA	Heritage
TARGET DECISION DATE 06.12.2019 (EOT)		PUBLICITY EXPIRY DATE 14.08.2019	

Relevant Planning History

18/504632/PAMEET Pre-Application Advice: Demolition of agricultural storage buildings and derelict yard, and replacement with up to 5 new dwellings.

(NB: The applicant's Planning Statement incorrectly includes planning history for the site also called Scragged Oak Farm in Scragged Oak Road but in Hucking, ME17 1QU)

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site covering 1.33 hectares is located in the countryside and in the Kent Downs Area of Outstanding Natural Beauty. The site is outside the areas that adopted policy states are the focus for new development in the borough (in order of preference these are the urban area of Maidstone, the local service centres and larger villages).
- 1.02 There is currently a collection of buildings to the front corner of the site with and open land with a number of trees on the remaining parts of the site and some vegetation along the south-west boundary.

- 1.03 The existing agricultural type buildings consist of stables, workshops and sheds and are mainly of timber and blockwork construction. These buildings have pitched roofs and ridge heights of up to 4.2 metres. There is also a two storey brick and tile farmhouse with a pitched roof with a ridge height of up to 7.5 metres at the highest point.
- 1.04 There is an ancient woodland (Newlands Wood) adjacent to the rear (south west) of the site with a narrow strip of ancient woodland also included within the red line application site boundary. A wildlife site (Cox Street Valley Woods Yalsted) is also located adjacent to the rear site boundary.
- 1.05 The access onto Scragged Oak Road has a gate onto a rough track in the northwest corner of the application site. A public right of way (KH52A) begins on the opposite side of Scragged Oak Road to the northwest of the site. There are no street lighting or pavements provided along this stretch of road.
- 1.06 There are a number of dwellings in the vicinity of the site, including Woodside and Rabbit Farm to the south west the grade II listed, Scragged Oak Farmhouse to the north east.

2. PROPOSAL

- 2.01 The proposal is for the demolition of the existing buildings and residential property on the site, and the erection of three detached residential dwellings and garage block with associated access, parking, drainage and landscaping. The proposed layout of the site includes buildings across the front of the site with domestic gardens and then an 'ecology meadow' across the rear of the site. The ecology meadow is provided with a separate vehicle 'maintenance access' from Scragged Oak Road.
- 2.02 The three new units and garage block would be located in a uniform position set back from the front of the site by approximately 18 metres at the nearest point and partially screened by the proposed landscaping scheme.
- 2.03 Plot one would be two storeys with a pitched roof hipped in on both sides and incorporating a catslide on the flank elevation and it would be served by a double garage. The ground floor would comprise an open plan kitchen, breakfast and family room with a separate utility room, dining hall, drawing room, study and WC. The first floor would comprise five bedrooms, a family bathroom, three en suites and a dressing room. The amenity space would be located to the rear of the property.
- 2.04 Plot two would be two storeys in height with a pitched roof hipped in on both sides and a catslide roof on the front elevation. The ground floor would comprise an open plan kitchen/diner with a separate utility room, living room, family room, study and WC. The first floor would comprise five bedrooms, a family bathroom and three en suites. The amenity space would be located to the rear of the property, and it would be served by a double garage.
- 2.05 Plot three would be two storeys in height with a pitched roof hipped in on one side and catslide roofs on the front and side elevations. The ground floor would comprise an open plan kitchen/breakfast room with a separate dining room, utility room, living room, study and WC. The first floor would comprise five bedrooms, a family bathroom and two ensuites. The amenity space would be located to the rear of the property, and it would be served by an integral double garage.
- 2.06 The development proposal would result in the loss of 700 square metres of outbuildings on the application site. The existing dwelling on the site is part single/part two storey with a floor area of approximately 124 square metres. The

proposal includes three dwellings and garage buildings with a total floor area of approximately 1,050 square metres.

Table 1: Comparison between existing and proposed roof heights

	Existing house	Existing stables and workshops	Plot 1	Plot 2	Plot 3	Garage block
Roof ridge	7.5	4.0	9.5	9.6	9.7	7.1
Roof eaves	5.2	2.5	5.0	2.6	4.8	2.5

3. **POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017
SS1 Spatial strategy
SP17 Countryside
DM1 Principles of good design
DM2 Sustainable design
DM3 Natural environment
DM5 Development on brownfield land
DM23 Parking standards
DM30 Design principles in the countryside
DM32 Rebuilding and extending dwellings in the countryside
Supplementary Planning Documents
Maidstone Landscape Character Guidance
AONB Management Plan

4. **LOCAL REPRESENTATIONS**

Local Residents:

- 4.01 No representations were received from local residents either in support or against the proposal.

5. **CONSULTATIONS**

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

Kent Downs Area of Outstanding Natural Beauty Unit

- 5.01 Objects to the application. Concerned that the 3 proposed residential units in this location, outside any recognised settlement boundary, would fail to be in keeping with existing established settlement pattern of the Kent Downs AONB, introducing further domestication of what is essentially a rural open countryside location.
- 5.02 Furthermore, the existing buildings on the site that it is proposed to replace are small scale and, as such, are not particularly visible either in localised views or in the wider landscape. While the proposed new buildings would be of a high quality design, they are much larger in overall mass and scale than the buildings they would replace.
- 5.03 Furthermore, the proposal requires the removal of a section of hedgerow along the site's frontage, further opening up views of the site.
- 5.04 As such, we consider the proposal to be contrary to the Kent Downs AONB Management Plan, in particular policies SD2 and SD9, as well as not complying with landscape character objectives identified for the Mid Kent Downs Local Character Area, as identified in the Landscape Design Handbook, page 48, including conserving the remote quality of the countryside, controlling urban fringe pressures and managing hedgerows.

Environmental Services

5.05 No objection subject to contamination conditions and informatives.

KCC Ecology

5.06 No objection subject to the following conditions covering the following mitigation measures for Local Wildlife Site, ancient woodland, hazel dormice, badgers, nesting birds and semi-improved neutral grassland. Details of a lighting scheme to avoid impacts to foraging, commuting and roosting bats and to hazel dormice. Ecological enhancements and management conditions.

Southern Water

5.07 No objection. Requested SUDS drainage details to be submitted to the Local Planning Authority including the following specifications: The responsibilities of each party for the implementation of the SUDS scheme, A timetable for implementation, A management and maintenance plan for the lifetime of the development. An informative was also requested.

Trees and Landscape

5.08 Landscape conditions would be required should this application be granted.

Conservation Officer

5.09 Good quality submission – no further information required.

Environment Agency

5.10 No objection subject to contamination, drainage and restrictive foundation design conditions

KCC Highways

5.11 Development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Informative requested.

Detling Parish Council

5.12 No objection. Members feel that the proposals are an improvement to the existing site which is in a rundown state. No concerns raised by neighbouring property owners.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Design, layout and visual impact on the countryside and the AONB;
 - Housing land supply and sustainability
 - Brownfield Land;
 - Natural environment, biodiversity and ancient woodland
 - Setting of the listed building
 - Neighbour amenity
 - Highways, access and parking
 - Groundwater Source Protection Zone
 - Community Infrastructure Levy

Design, layout and visual impact on the countryside and the AONB

6.02 Local Plan policy SP17 defines the countryside as, '*...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policy map*'. SP17 advises that '*Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area*'.

6.03 In relation to the AONB, policy SP17 advises '*Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural*

Beauty... The supporting text advises that the council will ensure proposals, conserve and enhance the natural beauty, distinctive character and biodiversity of the AONB.

- 6.04 The local planning authority has a legal duty to take account of the purposes of AONB designation in determining planning applications within the AONB; these purposes are the conservation and enhancement of the area's natural beauty.
- 6.05 The Kent Downs AONB Landscape Design Handbook sets out the overall Landscape Character Objectives for the area of the current application site as follows:
- To manage and restore hedgerows, trees and woodlands, especially in the valleys.
 - To seek to conserve the small scale of the roads and villages and the remote quality of the countryside.
 - To maintain the existing diversity of orchards, hop gardens, parkland and farmland, and control urban fringe pressures.
- 6.06 The AONB Management Plan is adopted by all the local authorities in Kent as their policy for the management of the AONB and for the carrying out of their functions in relation to it. The recently updated national Planning Policy Guidance confirms that AONB Management Plans can be a material consideration in determining planning applications.
- 6.07 Policy SD2 of the AONB Management Plan states that the local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development.
- 6.08 Policy SD9 of the AONB Management Plan advises that the locally distinctive character of rural settlements and buildings of the AONB will be maintained and strengthened. New developments will be expected to complement local character in form, setting, scale, contribution to settlement pattern and choice of materials.
- 6.09 Local Plan policy DM30 (Design principles in the countryside) states that the type, siting, materials and design, mass and scale of development and the level of activity should maintain, or where possible, enhance local distinctiveness including landscape features. Policy DM1 seeks high quality design, stating that the Council expects that proposals to positively respond to and, where appropriate, enhance the character of their surroundings.
- 6.10 The existing outbuildings on the site are single storey in height, and the proposed buildings will be up to 2 metres higher than the existing two storey dwelling and have a larger scale, mass (see comparison table after paragraph 2.05).
- 6.11 The buildings have been designed in materials including timber weatherboarding, render and clay tiles. The proposed buildings now span across the entire site with the loss of the current visual break with the neighbouring property called Woodside. The proposal includes site and hedgerow clearance, including forming an additional site vehicle access in a central location in the Scragged Oak Road boundary.
- 6.12 The proposed buildings now span across the entire site with the loss of the current visual break with the neighbouring property called Woodside. The proposal includes site and hedgerow clearance, including forming an additional site vehicle access in a central location in the Scragged Oak Road boundary.
- 6.13 The current buildings on the site are small in scale and not particularly visible either in localised views or in the wider landscape. In addition to the impact from the scale and massing of the new buildings, the prominence of the buildings will be increased by the proposed new access. The new buildings due to their scale and massing and with the clearer views into the site generally the development would have an

adverse impact on the character of this sensitive countryside location. The AONB unit considers that the proposal will result in the domestication of the current rural open countryside location.

- 6.14 The uniform layout and design of the dwellings with little relief between the proposed buildings and the suburban appearance would fail to reflect the sporadic rural layout of the surrounding area. This suburban appearance evident in the scale of the buildings and the hardstanding areas necessary for vehicular access results in a development that would be harmful to the character and local distinctiveness of this area, contrary to Local Plan policies SP17 and DM30.
- 6.15 The proposal is contrary to policies SD2 and SD9 of the Kent Downs AONB Management Plan. The proposal fails to comply with landscape character objectives identified in the Kent Downs Landscape Design Handbook, for the Mid Kent Downs Local Character Area. These objectives include conserving the remote quality of the countryside, controlling urban fringe pressures and managing hedgerows.

Housing land supply and sustainability

- 6.16 Para 4.29 (Land availability) states, 'The studies show that the local housing target can be met from within the existing built up area and on sites with the least constraints at the edge of Maidstone, the rural service centres and the larger villages'. The council currently has housing land supply for the next supply of 6.3 years (figures relate to 1 April 2019). In the context of the up to date housing figures, the council is achieving a sufficient supply of homes (NPPF paragraph 59).
- 6.17 The adopted Local Plan directs new housing to the most sustainable locations in the borough which provide easy access by sustainable modes to the facilities, goods and services essential for daily life. The Maidstone Urban Area is the preferred location for new development, followed by the designated rural service centres and then the larger villages. The current application site is not within any of these locations or within easy access of any of these areas.
- 6.18 A public transport journey from the site to the centre of Maidstone takes 1 hour 41 minutes and would require a 34 minute walk along unlit country roads to Bredhurst and then two separate buses (source: Traveline Southeast). In this context, and the absence of local facilities the application site is in an unsustainable location where future occupants would not be provided with any sustainable travel choice and would be dependent on the private car for their daily needs.

Brownfield Land

- 6.19 Policy DM5 (Development of brownfield land) states that, '*Exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens...will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village*'.
- 6.20 The redevelopment of brownfield sites as advised by policy DM5 will be permitted where the site is not of high environmental value and where residential density reflects the local area. In addition to domestic gardens, agricultural buildings are also excluded from the definition of brownfield land.
- 6.21 The majority of the application site is open land, and this open land and the curtilage of the existing residential property falls outside the definition of brownfield land. The application will involve the removal of a number of small-scale buildings that are agricultural in appearance. Whilst there is no record of any planning permission, the applicant describes these existing buildings in the planning statement as "*...sheds, stables and storage buildings used for industrial and storage purposes*". On the basis of this information from the applicant, the footprint of these buildings

and associated access that covers around 15-20% of the total application site area would be considered brownfield land.

- 6.22 The application site is considered to be of high environmental value due to the designated Kent Downs AONB but it is also acknowledged that the existing buildings on the site are in a poor state of repair. This rural location including the existing buildings on the site have a sporadic low density rural character.
- 6.23 The current proposal fails to reflect this character and local layout with four large formal buildings proposed across the site frontage. It is considered that due to the scale and layout of the proposed buildings they fail to reflect local character and therefore would not result in a significant environmental improvement. The application site is not accessible by sustainable modes to Maidstone urban area, a rural service centre or a larger village. In this context the proposal is contrary to local plan policy DM5.

Natural environment, biodiversity and ancient woodland

- 6.24 Local Plan policy DM3 encourages development which protects and enhances the natural environment by incorporating measures to protect positive landscape character, areas of Ancient Woodland, trees of significant amenity value. Development should enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented ancient woodland.
- 6.25 Information was submitted with the current application with regard to habitats on the site and mitigation measures to alleviate any potential impact on the wildlife. The current application includes an ecology meadow across the rear of the site. This ecology meadow provides a 30 metre buffer between the new houses and the ancient woodland at the rear of the application site.
- 6.26 KCC Ecology found the submitted information acceptable and had no objections to the development proposal subject to planning conditions. In the event that planning permission were approved KCC Ecology recommended conditions relating to mitigation measures for the local wildlife site, ancient woodland, hazel dormice, badgers, nesting birds. Conditions would be required in relation to providing semi-improved neutral grassland and details of a lighting scheme to avoid impacts to foraging, commuting and roosting bats and to hazel dormice. Ecological enhancements and management conditions were also requested.

Setting of the listed building

- 6.27 Local Plan policy DM4 sets out that new development would be expected to conserve and where possible enhance the significance of the heritage asset and, where appropriate, its setting. Development proposals would be expected to respond to the historic environment by taking into account any heritage assets and their settings that could reasonably be impacted by the proposed development, the significance of those assets and the scale of the impact of the development.
- 6.28 The Scragged Oak Farmhouse grade II listed building would be located approximately 20 metres to the northeast of the proposed properties. The current site access retained to provide maintenance access to the ecology meadow running between the buildings.
- 6.29 The council's conservation officer has stated that in terms of the potential heritage impact the development proposal had been well designed. There are no objections with regard to the potential impact of the proposal on the setting of the listed building.

Neighbour amenity

- 6.30 Policy DM1 seeks to respect the amenities of occupiers of neighbouring properties and provide adequate residential amenities for future occupiers by ensuring that

development does not result in, or is exposed to excessive noise, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.31 The nearest property, Scragged Oak Farm, would be approximately 20 metres from the development proposal. Plot 3 would have no fenestration on the flank wall other than a ground floor kitchen window. The distance in conjunction with the orientation of the property would ensure that the relationship between the properties is acceptable in relation to neighbour amenity.
- 6.32 In relation to amenities for future occupants, the proposed plots on the application site are located a sufficient distance from each other and orientated in such a way that any a good standard of accommodation would be provided.

Highways, access and parking

- 6.33 The application site is located in an unsustainable area with no public transport links and would therefore generate additional vehicle movements on local roads. It is considered that there is sufficient capacity on the local road network to accommodate the additional traffic generated by the proposed houses.
- 6.34 Each proposed property would have two garage spaces with two further spaces available in front, this is adequate provision for five bedroom dwellings.
- 6.35 Details of cycle parking and electrical vehicle charging infrastructure would need to be included as part of the development, but this could be dealt with by condition.
- 6.36 With the removal of sufficient areas of hedge to provide the necessary sightlines for drivers, the new access in the site frontage would be considered acceptable in relation to highway safety.

Groundwater Source Protection Zone

- 6.37 DM3 (Natural environment) states that pollution should be controlled to protect ground and surface waters. There is a need to mitigate against adverse impacts on Groundwater Source Protection Zones.
- 6.38 In order to take account of this issue, Environmental Services and the Environment Agency have requested contamination, drainage and restrictive foundation design conditions should permission be approved.

Community Infrastructure Levy

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

7. CONCLUSION

- 7.01 The proposed development would result in an extensive increase in built development in a sensitive rural area, resulting in a detrimental impact by virtue of the bulk, massing, scale and height of the proposal.
- 7.02 The development of the site for residential properties in this unsustainable location would constitute an inappropriate form of development that would result in a reliance on the use of a private motor vehicle by future occupants for day to day living.

8. RECOMMENDATION

REFUSE planning permission for the following reasons:

- 1) The development, due to its height, size, design and siting of buildings, the excessive hard surfacing at the front of the site and the partial removal of the hedgerow, would result in poorly integrated form of development that has a suburban appearance that would be detrimental to the character of the rural area and Kent Downs Area of Outstanding Natural Beauty. As such, it would be contrary to policies SP17 (Countryside), DM1 (Principles of good design), DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017 and policies SD2 and SD9 of the Kent Downs AONB Management Plan.
- 2) The proposal involving provision of new housing in an unsustainable location would result in an over reliance on the private motor vehicle by future occupants in meeting daily needs. As such, it would be contrary to policies SS1 (Spatial Strategy) DM1 (Principles of good design), DM5 (Development of brownfield land), DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017.

INFORMATIVES

You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.maidstone.gov.uk

Agenda Item 13



REFERENCE NO - 19/504105/FULL		
APPLICATION PROPOSAL Variation of condition 2 of 17/506297/FULL (Stationing of temporary mobile home on land forming part of White House Farm in association operation of Stilebridge Kennels.) to allow the mobile home to be occupied for an additional 2 years until 19th March 2023.		
ADDRESS Stilebridge Kennels, White House Farm, Stilebridge Lane, Linton, Maidstone, Kent, ME17 4DE		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The need for this accommodation in this location for a temporary period of an additional 2 years is considered justified, in order to allow the applicant time to find suitable accommodation and to allow the existing viable business to continue at full capacity, whilst allowing Mr and Mrs Freeman to remain in the existing house. The proposal would also not appear visually harmful within its countryside setting and no other objections have been raised regarding any other material planning consideration. As such, given the personal circumstances of this application, it is considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of the application is therefore made on this basis. 		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of the Parish Council that are set out in the consultation section.		
WARD Coxheath and Hunton	PARISH/TOWN COUNCIL Linton	APPLICANT Mrs Sarah Fiddes AGENT Mr Alex Bateman
TARGET DECISION DATE 03/12/2019		PUBLICITY EXPIRY DATE 20/09/2019

Relevant Planning History

17/506297/FULL - Stationing of temporary mobile home on land forming part of White House Farm in association operation of Stilebridge Kennels.

MAIN REPORT

1 DESCRIPTION OF SITE

1.02 White House Farm is a property set within relatively large grounds, located on the southern side of Stilebridge Lane. The A229 is to the west of the site and the surrounding area is largely characterised by agricultural land and sporadic built development, including a number of gypsy and traveller sites to the north-east of the site.

- 1.03 The site and the existing access it will be served by are within Flood Zone 1; and the River Beult to the south of the site is designated as a Site of Special Scientific Interest. A public footpath (KM129) runs along the river.
- 1.04 For the purposes of the Maidstone Local Plan, the proposal site is within the designated countryside.

2. PROPOSAL

- 2.01 The application seeks the variation of condition 2 of 17/506297/FULL (Stationing of temporary mobile home on land forming part of White House Farm in association operation of Stilebridge Kennels.) to allow the mobile home to be occupied for an additional 2 years until 19th March 2023.
- 2.02 The structure itself would remain the same, the application simply seeks the extension of the temporary condition.

3. POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):Section 12 – Achieving well-designed places

Maidstone Borough Local Plan 2017:

SP17 – Countryside

SP21- Economic development

DM1 – Principles of good design

DM30 – Design principles in the countryside

DM34 – Accommodation for agricultural and forestry workers

DM37 – Expansion of existing businesses in rural areas

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations were received from the three neighbouring properties consulted.

5. CONSULTATIONS

Linton Parish Council

- 5.01 The current application seeks to extend this for another 2 years until 2023. There is no explanation as to why this is necessary and therefore it is difficult to assess whether this is an appropriate request or not.
- 5.02 Given that the approval was for a temporary mobile home for 3 years, there should be a strong reason for this to be extended, otherwise it is getting into the realm of a more permanent dwelling.
- 5.03 Due to the lack of information justifying this request, the Parish Council objects to this application and therefore wishes to see this planning application refused and reported to the Planning Committee.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
 - Design / impact on character of area
 - Residential amenity
 - Highways issues

Principle of development

- 6.02 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.03 Policy DM34 of the local plan allows for the siting of caravans or other forms of temporary housing for an agricultural or forester worker outside the boundaries of the settlements.
- 6.04 Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside except in certain circumstances, one of which is that there is an essential need for rural worker to live permanent at or near their place of work in the countryside.
- 6.05 Paragraph 81 states that planning policies should "be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
- 6.06 The proposal seeks permission to extend the temporary permission of the mobile home on the application site for an additional two years. The reasons for this are two fold, one the personal circumstances regarding the children's ages mean that they would be moving schools at the exact same time of trying to find suitable accommodation elsewhere, and two, to allow for the applicant to remain in close proximity to the existing viable business, allowing it to continue to operate at full capacity.
- 6.07 Information submitted by the agent acting on behalf of the application indicates the business continues to remain profitable.
- 6.08 It is considered that the need for this accommodation in this location for a temporary period of an additional 2 years is considered justified, in order to allow the existing viable business to continue at full capacity, whilst allowing Mr and Mrs Freeman to remain in the existing house.

Design/impact on character of area

- 6.09 The mobile home is set back more than 100m from Stilebridge Lane and sited more than 250m from Loose Road to the west of the site. The mobile home is also sited immediately next to a mature hedge (on its eastern side), which provides a strong visual buffer of the development from these public vantage points. Whilst there may be glimpse of the mobile home from Stilebridge Lane, the setback, the existing hedgerow, and other existing built/landscape features, would provide acceptable levels of screening.
- 6.10 There is a public footpath that runs in a general east/west direction to the south of the site, and views of the mobile home from this path are possible. However, these views are short-range only, and given the separation distance, existing boundary planting, and additional planting along the southern boundary of the site (to be secured by condition), it is considered that the proposal does not appear adversely incongruous or dominant from this public vantage point.
- 6.11 So whilst the proposal is not immediately grouped with existing buildings at White House Farm, it is single storey, it is sited next to a strong visual buffer, it is for a temporary period, and not so far removed from other buildings to be considered

isolated. It is therefore considered that this proposal does not cause unacceptable harm to the character and appearance of the countryside hereabouts.

Other Issues

- 6.12 The proposal site is not considered to be in a wholly sustainable location, in terms of being predominantly reliant on the private motor vehicle to access basic amenities and services. However, given the personal circumstances of the proposal, including the desire to support an existing rural business and the fact that the applicant would be living at their place of work, no objection is raised on these grounds in this instance.
- 6.13 The proposal would make use of an historic vehicle access and the proposal is not considered to harmfully intensify the use of this access. There is also ample parking provision on the site. As such, no objection is raised in terms of the proposal's impact upon highway safety and the local road network.
- 6.14 Given the separation distances from any neighbouring property, no objection is raised in terms of its potential impact upon the residential amenity of any local resident.
- 6.15 The proposal makes use of a septic plant; and the site is in Flood Zone 1. With this considered, no objection is raised in terms of foul sewage disposal, surface water drainage and flood risk.
- 6.16 The River Beult to the south of the site is designated as a Site of Special Scientific Interest. However, given the temporary nature of the proposal and its intended use, it is not considered necessary to request further ecological information prior to the determination of this application.

Conclusion

- 6.17 In this instance, the need for this accommodation in this location for a temporary period of an additional 2 years is considered justified, in order to allow the existing viable business to continue at full capacity, whilst allowing Mr and Mrs Freeman to remain in the existing house.
- 6.18 The proposal would also not appear visually harmful within its countryside setting and no other objections have been raised regarding any other material planning consideration. As such, given the personal circumstances of this application, it is considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of the application is therefore made on this basis.

7. RECOMMENDATION

Grant Permission subject to the following conditions

- 1) The residential unit hereby permitted shall be occupied only by Mr and Mrs Fiddes and their resident dependants in connection to the adjacent Stilebridge Kennels business, and shall be for a limited period being the period of an additional two years from the previous permission up until 19/03/23

Reason: To allow the existing viable business to continue on site whilst allowing Mr and Mrs Freeman to remain in the existing house.

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

Application for removal or variation of a condition following grant of planning permission.

Block Plan

Site Location Plan

Decision Notice 2018

Planning Statement

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

- 3) When the site ceases to be occupied by those named in Condition 1 above, or at the end of the date detailed in Condition 1, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place;

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

- 4) No more than 1 static caravan or mobile home, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time;

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

- 5) No fencing, walling and other boundary treatments shall be erected within the application site

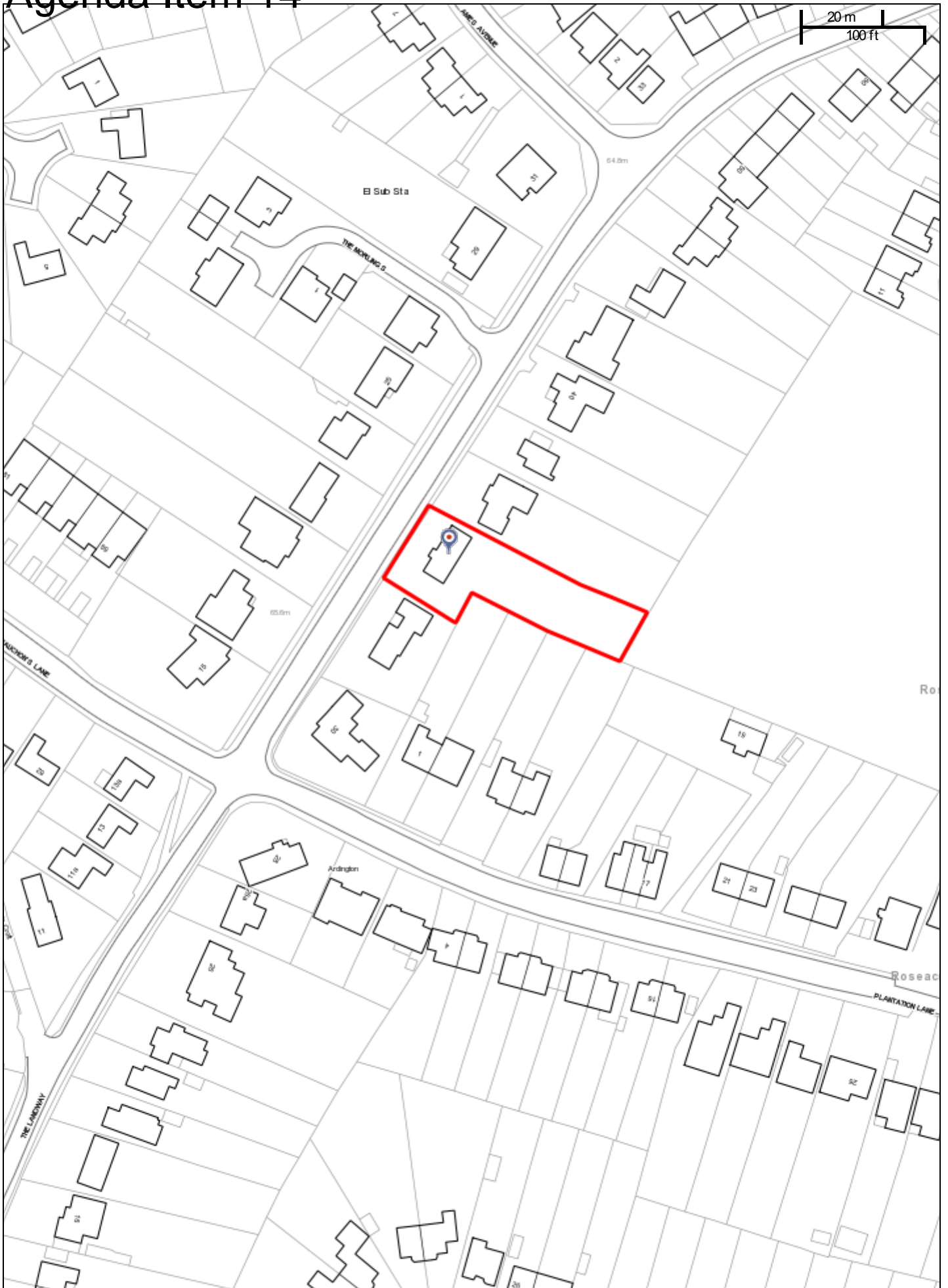
Reason: To safeguard the character and appearance of the countryside.

- 6) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

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

Case officer: William Fletcher

Agenda Item 14



19/504565/FULL - 34 The Landway

Scale: 1:1250

Printed on: 19/11/2019 at 15:00 PM by StevieH

REFERENCE NO - 19/504565/FULL		
APPLICATION PROPOSAL Renovation of existing dwelling, including erection of a two storey rear extension, alterations to front elevation, and erection of a part first floor, part two storey front extension to garage.		
ADDRESS 34 The Landway, Bearsted, Maidstone, Kent ME14 4BE		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions set out in Section 8.0		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development accords with the policies and guidelines relating to domestic extensions.		
REASON FOR REFERRAL TO COMMITTEE Ward Councillor has requested that the application be considered by the Planning Committee if Officers are minded to recommend approval, due to concerns about bulk, loss of privacy, light and amenity to neighbouring properties.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Mr & Mrs Donoghue AGENT Mr Pail Briner
TARGET DECISION DATE 05.12.2019		PUBLICITY EXPIRY DATE 18.10.2019

Relevant Planning History

74/1212 – Replacement garage and rear extension

75/0625 - Extension to form garage, utility room, bedroom and cloakroom

02/2043 - Erection of rear conservatory, detached garage including creation of new access and other alterations

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site comprises a detached 2-storey house located on The Landway. The dwelling is within Maidstone's urban area boundary as shown in the councils adopted local plan policies map. The Landway is a relatively busy road that can be accessed via the A20 (Ashford Road) from the south and the majority of the properties are larger scale, detached dwellings of various designs. The site is not subject to any other land designations and does not form part of a conservation area or AONB and is not listed.

2. PROPOSAL

2.01 The application seeks permission to renovate the existing dwelling incorporating, the erection of a two storey rear extension, alterations to the front elevation and alterations to the existing garage to raise the eaves and roof level.

- 2.02 In terms of design the two storey rear extension will have a maximum depth of 4.1 metres and will extend the full width of the existing property. The eaves height of the extension will be 5 metres with a maximum overall height of 8 metres. The alterations to the front elevation will not go beyond the existing building line and will incorporate two pitched roofs at two storey either side of the entrance.
- 2.03 The depth of the garage will increase by 5 metres towards the principle elevation of the main dwelling. The proposal seeks to increase the height of the eaves from 1.9 metres to 3.2 metres and increase the overall height from 4.6 metres to 6.6 metres with a hipped roof. The garage is not proposed to be demolished but extended and it is important to note that although the garage will have a first floor it will not be two storey.
- 2.04 The materials proposed are white painted render, split faced slate panels, grey framed windows and doors and Marley Birkdale tiles.
- 2.05 The plans show four parking spaces to be retained and a garage to accommodate one car.
- 2.06 The appearance of the dwelling would significantly change due to the design, materials and fenestration.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM9 - Residential extensions, conversions and redevelopment within the built up area.

SPG 4 - KCC Parking Standards (2006)

Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Two representations from neighbouring properties have been received raising the following objections (summarised):
- Significant extension to the existing property
 - Overshadowing/reduction in natural light
 - Bulk of extension resulting in loss of privacy and overlooking
 - Proposed tiles will not look out of character for the area
 - Visual impact
 - The garage will result in an oppressive structure
 - Impact the outlook
 - Eyesore
 - Not in keeping with the surrounding area
 - Impact to existing trees

Councillor Springett raised concerns regarding the overall bulk of the proposal compared to the existing building and the loss of privacy and potential loss of light and amenity to neighbouring properties.

There were no representations in support of the application.

5. CONSULTATIONS

5.01 Bearsted Parish Council

The parish council raise concerns in regards to the size, mass, loss of privacy and out of character with neighbouring properties.

5.02 KCC Highways

No comments

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Design and visual impact of the proposal
- The potential impact upon the amenities of neighbouring householders.

Design and visual impact

6.02 Policy DM9 of the Maidstone Borough Local Plan (2017) is supportive of extensions to dwellings within urban areas provided that the scale, height, form and appearance and siting of the proposal would fit unobtrusively within the existing building and the character of the street scene/or its context. In advising on side extensions, the Residential Extensions SPD (2009) notes that the acceptable depth and height of a rear extension will be determined by the ground levels, distance from the boundaries and size of the neighbouring garden/amenity space. In normal circumstances, the SPD advocates that rear extension on a detached property should generally extend no more than 4 metres from the rear elevation.

6.03 Policy DM9 further states that in a street of traditional detached and semi-detached houses, the infilling of the spaces between with two storey extensions could create a terraced appearance at odds with the rhythm of the street scene when the gaps, often with associated landscaping or allowing longer views are important elements. A side extension built flush with the existing front elevation of the house may also affect the symmetry of a pair of semi-detached properties with adverse impact on the street scene.

6.04 The existing maximum depth of the property (northern elevation) is 9 metres. The rear extension seeks to increase this depth of the dwelling to a maximum of 13.2 metres, an increase of a little over 4m. For the size of the plot and the scale of the existing property I would not consider the proposed depth to be an excessive increase. The garden area to be retained would be approximately 45 metres.

6.05 The extension to the existing garage would measure 5 metres in depth but would still be set back from the principal elevation by approximately 0.6 metres and would

be significantly set down from the apex of the main dwelling. It would therefore be in accordance with the residential extension SPD for side extensions.

- 6.06 Although I do agree that the proposal would significantly change the appearance of the existing dwelling, it is not considered that the property is of such high visual amenity value that the change in design would result in significant harm. The application site is not restricted in terms of being located in a conservation area or AONB and is not listed.
- 6.07 The Landway is a mixed street scene with variety in the design and height of buildings and it is considered that, in its context, the proposed development would not appear significantly out of place or out of character with its surroundings. Cumulatively the proposed extensions would almost double the size of the existing property however; the majority of the development would not be visible from the highway and would sit comfortably within the site.
- 6.08 The front building line of the property would not extend further forward than that of the existing building, the alterations to the front elevation would however amend the design to incorporate two front projections maintaining the position of the existing front wall with the entrance recessed centrally.
- 6.09 The materials proposed are white painted render, split faced slate panels, grey framed windows and doors and Marley Birkdale tiles. Although these materials would not match the existing dwelling, they would appear sympathetic within the mixed street scene where a variety of different materials exists. It is not uncommon for properties within the urban area of Maidstone to have similar materials to the ones proposed and therefore the property would not detract from the characteristics within the vicinity or the wider area.
- 6.10 Overall it is considered that the proposed extensions and alterations would not significantly harm the visual character of the street scene or surrounding area and would be in accordance with current policy and guidance.

Impact on neighbouring amenities

- 6.11 Policy DM9 specifically states that residential extensions will be supported provided that the privacy, daylight, sunlight and maintenance of a pleasant outlook of the adjoining residents would be safeguarded. This requirement is also observed in the Residential Extensions SPD (2009) where it is noted that the design of residential extensions should not result in windows that directly overlook the windows or private amenity spaces of any adjoining properties and should also respect daylight, sunlight and outlook.

36 The Landway

- 6.12 The application site is located forward of this neighbouring property by approximately 5.5 metres. In terms of residential amenity impact, the extension to the garage would be sufficiently set away from No.36 The Landway to not result in a loss of light or outlook. The proposed rear extension towards the north of the application site would be approximately 1.5 metres from the neighbouring boundary at its closest point.
- 6.13 No. 36 has two windows at ground floor and one window at first floor in the flank elevation, with a glazed conservatory to the rear of the property. Any impact on the neighbouring property would be to the flank wall as the proposed extensions would not extend beyond the rear elevation of the neighbouring property. The windows in this elevation are secondary windows with limited existing outlook, as such it is not considered that the proposed extensions would cause significant loss of light, outlook, overshadowing or be overbearing on the amenity of the neighbouring occupiers.

- 6.14 Windows are proposed in the first floor side elevation of the extension, however these would serve two bathrooms and a secondary window to the bedroom. These could be conditioned to be obscure glazing and non-opening above 1.7 metres to mitigate any potential harm.
- 6.15 The first floor windows proposed in the rear elevation is fairly large, however due to the siting and orientation of the properties, the retained gap to the boundary and the current fenestration to the rear of the application site I would not consider the proposal to result in any additional impact to this neighbouring property in terms of overlooking or loss of privacy.

32 The Landway

- 6.16 The main concern raised by this neighbouring property is in relation to the extension to the existing garage. Currently the garage is located towards the rear boundary of No.32 The Landway and is 4.6 metres in height and has a depth of 6.2 metres. There is an existing fence that runs along the boundary and the agent has confirmed that that the fencing is not planned to change or be removed. The proposal seeks to increase the height of the eaves from 1.9 metres to 3.2 metres and increase the overall height from 4.6 metres to 6.6 metres with a barn-hipped roof.
- 6.17 The neighbouring dwelling benefits from a fairly large garden that extends to the south of the property where it also increases in depth. The current outlook along the northern boundary towards No.34 is the flank brick wall and a hipped roof of the existing garage. The outlook of this property to the north is already compromised by the existing garage and that the proposal would not create any additional harm. There maybe some additional bulk and massing close to the boundary however the presence of the existing fencing and barn-hipped roof design will help soften the view. The garden of the neighbouring property extends beyond this small area next to the northern boundary and as such the amenity of the property would not be significantly compromised by the additional height of the proposed garage extension.
- 6.18 No.32 The Landway has windows in the rear facing elevation, with the closest ground floor window serving a study. In terms of loss of light, the 45 degree light test indicates that on plan the garage may cause some loss of light, however the existing garage would fail the same test and when assessed with the elevational test it would pass and concludes that it would not result in loss of light. On balance, the proposal would not result in any significant loss of light to the neighbouring property due to the path of the sun, orientation of the buildings, the existing garage relationship and the 45 degree test being passed on the elevational drawings.
- 6.19 No windows are proposed in the side elevation of the garage, therefore I do not consider the extended garage to result in a loss of privacy or overlooking.
- 6.20 The proposal would not detrimentally impact other neighbouring properties in terms of loss of light, outlook, overlooking or loss of privacy due to the siting and orientation of application site.

Other Matters

- 6.21 KCC Highways state within their residential parking standards that a property with 4+ bedrooms should be allocated at least 2 independently accessible spaces within a suburban area. I would consider the amount of space retained on the private forecourt to accommodate 2+ cars and would therefore be in accordance with policy DM9 and KCC Highways recommendation for properties of this size.

6.22 Concerns were raised in regards to the 4 large trees sited in the rear garden of the application site. These trees are not subject to tree preservation orders and as stated in the above assessment the site is not within a conservation area.

6.23 The Tree and Conversation Officer has made the following comments in regards to the trees in question:

Whilst there are a number of significant trees adjacent to the area proposed for redevelopment they are sufficiently distant, with due care, to avoid potential adverse effects. I therefore raise no objection on arboricultural grounds subject to the addition of a standard pre-commencement tree protection condition.

The agent has agreed to a pre commencement condition to ensure retention and protection of the trees in the rear garden.

7. CONCLUSION

7.01 The above assessments indicate that the extensions and alterations to 34 The Landway accord with the relevant policies and guidelines on residential extensions. On balance, this is an acceptable development and approval is therefore recommended subject to conditions.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

Householder Application

19-61002 REV P1 Existing elevations (received 09/10/2019)

19-61004 REV P1 Proposed elevations (received 09/10/2019)

19-61001 REV P1 Location, site plan and existing floor plans (received 09/10/2019)

19-61003 REV P1 Location, site plans and proposed floor plans (received 09/10/2019)

19-61010 Pro map overlay (received 09/10/2019)

Reason: To ensure the quality of the development is maintained and to prevent harm to the character, appearance and visual amenity of the area.

3) The external facing materials to be used in the construction of the extension hereby permitted shall be those specified on the approved drawings;

Reason: To ensure a satisfactory appearance to the development.

4) Before the development hereby permitted is first used, the proposed windows in the first floor northern elevation to the extension shall be obscure glazed to not less than

the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 5) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. The trees situated to the rear of the property to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

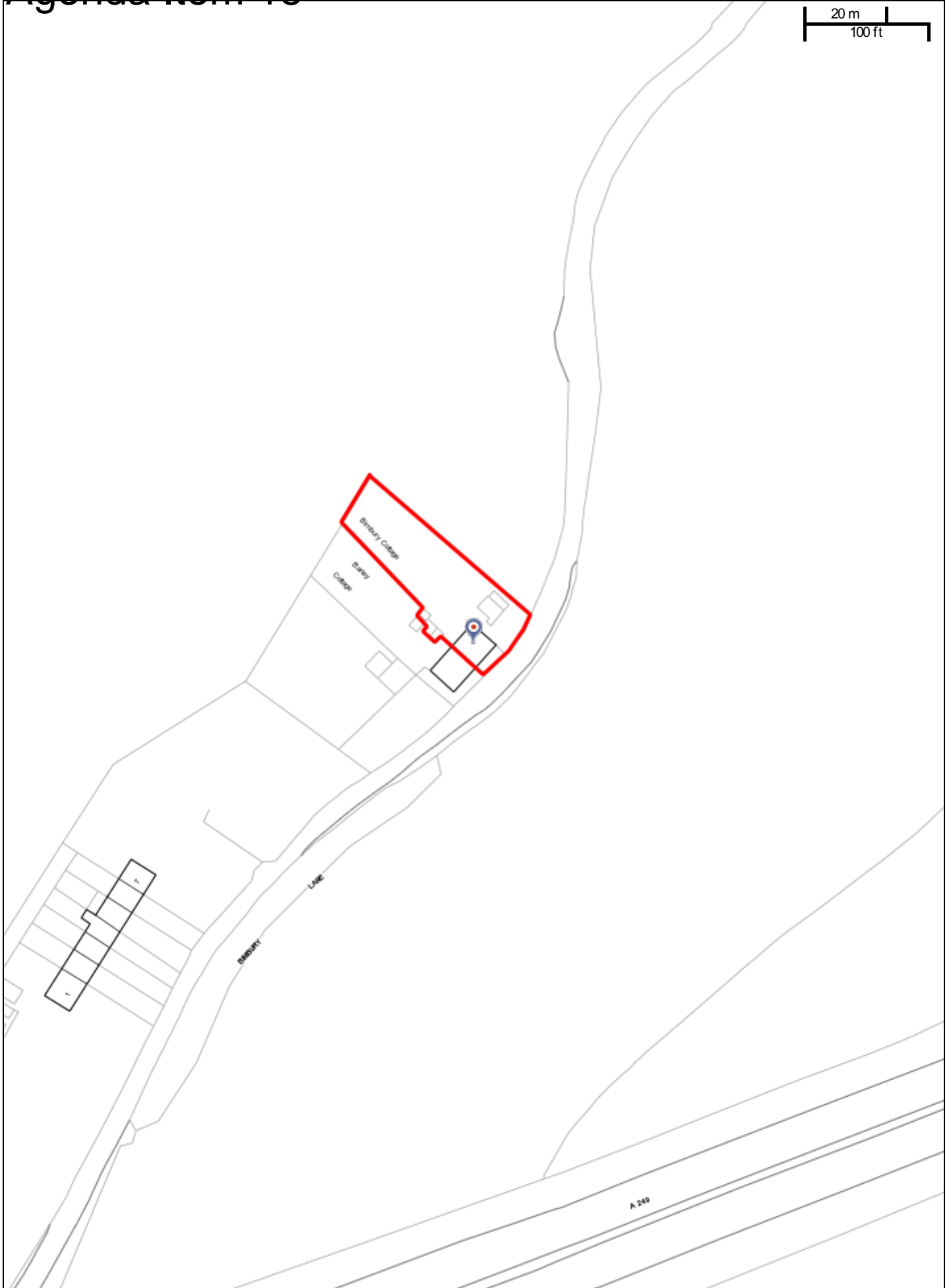
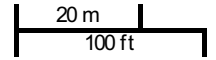
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

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

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

Case Officer: Sophie Bowden

Agenda Item 15



REFERENCE NO - 19/504848/FULL		
APPLICATION PROPOSAL Single storey rear extension and two storey side extension incorporating cladding at first floor (part retrospective)		
ADDRESS Bimbury Cottage, Bimbury Lane, Stockbury, Maidstone, Kent ME14 3HX		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions set out in Section 8.0		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development would accord with the policies and guidelines relating to residential extensions. The extensions would not harm the character or appearance of the countryside or Area of Outstanding Natural Beauty and would not harm residential amenity or impact on any other material planning considerations.		
REASON FOR REFERRAL TO COMMITTEE Stockbury Parish Council has requested that the application be considered by the Planning Committee if Officers are minded to recommend approval on the grounds of the proposed materials and inadequate parking.		
WARD North Downs	PARISH/TOWN COUNCIL Stockbury	APPLICANT Mrs J Elliott AGENT Mr R Baker
TARGET DECISION DATE 09.12.2019		PUBLICITY EXPIRY DATE 21.11.2019

Relevant Planning History

19/503781/FULL - Installation of painted larch boarding to the first floor. (Retrospective)
- Withdrawn

15/501101/FULL - Proposed two storey side extension and part single storey and two storey rear extension. PER

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises a semi-detached 2-storey cottage located to the North West side of Bimbury Lane. Bimbury Lane is located within the Kent Downs Area of Outstanding Natural Beauty (AONB) and outside any settlement boundaries and thus is considered as countryside. The site benefits from a detached garage to the east of the property and a private forecourt for approximately 4 cars. The application site is not subject to any other land designations and is not listed.
- 1.02 Planning permission was granted in 2015 for the same extensions as proposed in this application. This earlier consent was not implemented and has now time expired. The applicant has recently added horizontal weatherboarding to the upper floor of the front of the original dwelling, this has been subject to an enforcement case and subsequent withdrawn planning application. Planning permission is required for the cladding of the property as it lies within the AONB.

2. PROPOSAL

- 2.01 The application seeks permission to add a two storey side extension and single storey rear extension. The extension will extend the width of the property by 3.8 metres; it will have a depth of 8.5 metres and will be set in from the principle elevation by 3.3 metres. The eaves height of the two storey side extension will be 4.1 metres with an overall height of 5.7 metres with a pitched gable roof that will be set down from the original apex by 0.8 metres. The two storey side extension will extend beyond the rear wall of the original dwelling by 3.5 metres.
- 2.02 The proposed single storey rear extension will have a depth of 3.5 metres and a width of 7.1 metres. The eaves height of the extension would be 2.2 metres and will have an overall height of 3 metres with a mono-pitch roof.
- 2.03 Internally, the proposal will provide an extended dining and kitchen area on the ground floor and an additional bedroom at first floor with an en-suite. The proposal seeks to increase the amount of bedrooms from three to four. There will be one proposed window in the first floor side elevation.
- 2.04 The external finishes of the proposal will comprise grey slate tiles to match existing roof, larch feather edged board cladding painted black, white PVCU double glazed windows and doors and facing brickwork to match existing. The larch feather edged board cladding has already been erected on the front elevation of the original dwelling.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:

DM1 – Principles of good design

DM30 – Design principles in the countryside

SP17 – Countryside

Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations have been received from local residents as a result of the consultation process.

5. CONSULTATIONS

- 5.01 Stockbury Parish Council

We feel that this application should be refused as the vertical cladding is shown as Black Feather Edge boarding which has already been the subject of enforcement resulting in a retrospective planning application that was objected to by the Parish Council which stated that the vertical cladding should be clay tiles to match existing adjacent attached property. The existing boarding to the front elevation has been erected without planning consent from MBC.

The Parish Council also has concerns regarding the inadequate parking at the site, as regularly vehicles associated with property are parked on the blind corner causing a danger to other road users.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Design and visual impact of the proposal
- The potential impact upon the amenities of neighbouring householders.

Design and visual impact

- 6.02 The application site falls within the Kent Downs Area of Outstanding Natural Beauty. The Council's local plan describes this area as 'a visually prominent landscape that contributes significantly to the boroughs high quality of life. It is an important amenity and recreation resource for both Maidstone's residents and visitors and forms an attractive backdrop to settlements along the base of the Kent Downs scarp.'
- 6.03 Policy SP17 states that the countryside is a sensitive location within which to integrate new development and the Council will expect proposals to respect the high quality and distinctive landscapes of the Borough in accordance with policy DM30. New development in the AONB should demonstrate that it meets the requirements of national policy. This will require high quality designs as set out in policy DM30.
- 6.04 DM30 states that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features. Policy DM32 also states that a proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling.
- 6.05 Paragraph 4.39 of the Residential Extensions supplementary planning document states that "An extension should not dominate the original building or the locality, and should be subservient to the original dwelling"
- 6.06 Paragraph 4.41 continues "A range of devices are available to subordinate an extension such as set backs, lower roofs, changes in materials or detailing."
- 6.07 Paragraph 5.15 of the Residential Extensions supplementary planning document states that 'where an extension is acceptable in principle, its form should be well proportioned and present a satisfactory composition with the house. Roof shape is critical to creating a successful built form. The pitch of extension roofs should normally be as, or similar to, the main house roof pitch.'
- 6.08 In terms of design, I would consider the proposal to be of a reasonable scale that would not overwhelm or destroy the original characteristics of the main dwelling which is currently an attractive, periodic building.
- 6.09 The two storey side extension will be set down from the original apex and set back from the principle elevation. As a result, the extension would not appear visually incongruous and would be sympathetic to the existing form of the dwelling and the surrounding area.

- 6.10 Bimbury Lane is a mixed street scene with variety in the design of buildings and it is considered that, in this context, the proposed extension would not appear significantly out of place or out of character with its surroundings.
- 6.11 In regards to the proposed materials (in particular the proposed weatherboarding) the Parish Council have raised concerns regarding the use of vertical boarded as erected. For clarification the weatherboarding erected is horizontal in design.
- 6.12 The landscape and conservation officers both confirm that although the materials would be different to the adjoined neighbouring property, the Kent Downs AONB has a rich tradition of half-timbered and weather-boarding properties and that the larch feather edged board cladding in black would be of a good quality design, colour and material that would not detract from the character of the area and would not be detrimental to the AONB. The Kent Downs Management Plan 2014-2019 also reinforces this assessment.
- 6.13 I would therefore consider the proposal to comply with policies and guidelines within the residential extension SPD and would be acceptable in terms of design and materials.

Impact on neighbouring amenities

- 6.14 In terms of the two storey side extension, due to the siting and orientation of the application site the proposal would not result in any adverse impacts in terms in terms of loss of daylight or outlook in relation to the neighbouring property to the south west 'Barley Cottage'.
- 6.15 The single storey rear extension will project from the original rear elevation of the dwelling by 3.5 metres. The neighbouring property to the south west has an existing glazed single storey rear extension that runs along the boundary of both properties.
- 6.16 As the neighbouring property to the south west has an existing extension and the orientation of the sunlight faces west I would not consider the proposed single storey rear extension to detrimentally impact 'Barley Cottage' in terms of outlook or loss of light.
- 6.17 The application site is sufficiently set away from other neighbouring properties to not result in a detrimental impact to residential amenities.
- 6.18 The proposed window in the first floor side elevation will not overlook any adjacent properties and therefore I would not consider it necessary to condition the window to be obscure glazed and non-opening above 1.7 metres.

Other Matters

- 6.19 In regards to the parking, this will not change as a result of the extension. KCC Highways state that properties of 4+ bedrooms should provide 2+ parking spaces on the private forecourt. This property would have ample parking on the private forecourt to comply with this policy. The proposed extension would not create any additional harm to highway safety as the location of parked cars will not change. Therefore, this would not be a justifiable reason to refuse the application.
- 6.20 No trees will be detrimentally impacted as a result of the proposed development.
- 6.21 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.'

- 6.22 Due to the nature of the proposal and the residential use of the site and the continued residential use, it is not considered appropriate/necessary to require any ecological surveys in this case. However, due to the loss of garden space when compared to the footprint of original dwelling, it is considered appropriate to attach a condition requesting that on-site mitigation/enhancement is provided in the form. These can be either provided integral to the proposed extensions or within the site curtilage.

7. CONCLUSION

- 7.01 The above assessment indicates that the proposed two storey side extension and single storey rear extension to Bimbury Cottage accord with the relevant policies and guidelines within the residential extensions SPD and there have been no objections from the neighbouring householders. On balance, this is an acceptable development and approval is therefore recommended subject to conditions.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

Householder Application
Location plan and block plan
2816/1B Existing and proposed plans and elevations

Reason: To ensure the quality of the development is maintained and to prevent harm to the character, appearance and visual amenity of the area.

- 3) The external facing materials to be used in the construction of the extension hereby permitted shall be those specified on the approved drawings;

Reason: To ensure a satisfactory appearance to the development.

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

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

Case Officer: Sophie Bowden



19/503979/TPOA - St Stephens Churchyard

Scale: 1:1250

Printed on: 20/11/2019 at 9:26 AM by StevieH



REPORT SUMMARY

REFERENCE NO - 19/503979/TPOA			
APPLICATION PROPOSAL TPO Application - Crown Lift to 6.5m T2 , T4, T5 and T6 (Limes) and Crown Lift to 5m T10 (Sycamore)			
ADDRESS St. Stephens Churchyard Church Road Tovil Kent			
RECOMMENDATION Permit subject to standard of works condition			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are necessary and appropriate arboricultural management.			
REASON FOR REFERRAL TO COMMITTEE This is an application by an Officer of the Council			
WARD South	PARISH/TOWN COUNCIL Tovil	APPLICANT Nigel Holman AGENT Caroline Everest	
DECISION DUE DATE 23/10/19	PUBLICITY EXPIRY DATE 19/09/19	OFFICER SITE VISIT DATE 11/09/19	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/505620/TPO	TPO application for works to 1 Ash – fell, 5no. Lime – remove epicormic growth and lift to 3m, 1 no. Sycamore – reduce south side lateral limbs by 3m and blend, 1no. Ash – reduce south stem of tree by 2-3m.	Permitted	18/12/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The trees are growing on the former St Stephens Church site owned by Maidstone Borough Council. The site is situated between Church Road, Church Street and St Stephens Square. The Lime trees are located on the northern boundary, overhanging Church Road. The Sycamore tree is located on the southern boundary, overhanging St Stephens Square.
- 1.02 The trees are subject to Tree Preservation Order No.3 of 1984, designated as individual trees T2 Lime, T3 Lime, T5 Lime, T7 Lime and T8 Sycamore in the Order (numbered as T6, T5, T4, T2 and T10 respectively in the application). For simplicity, the numbering used in the application is used throughout this report.

2.0 PROPOSAL

- 2.01 The proposed work is crown lifting (removal and pruning of lower branches) to give a clearance of 6.5 metres above ground level for the Lime trees and 5m above ground level for the Sycamore.

- 2.02 Note that the application also included crown lifting and monolithing of T3 Sycamore (T6 in the TPO). Inspection revealed that the condition of the tree, which is in a severe state of decline, was so poor that the applicant was informed that the proposed works may be carried out under the exceptions to the tree preservation regulations, specifically works urgently necessary to remove an immediate risk of serious harm.
- 2.03 Note that the application form also included crown lifting works to other trees that are not subject to the Tree Preservation Order. They are not discussed in this report.

3.0 POLICY AND OTHER CONSIDERATIONS

3.01 Government Policy:

National Planning Policy Framework February 2019

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

3.02 Local Policy:

Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

3.03 Compensation:

In some circumstances, a refusal of consent to carry out works to trees subject to a Tree Preservation Order can result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The application form does not indicate that any loss or damage is anticipated if the application is refused and as Maidstone Borough Council is the applicant, a compensation claim would not arise as a direct result of refusal.

4.0 LOCAL REPRESENTATIONS

- 4.01 No comments received

5.0 CONSULTATIONS

- 5.01 No responses received

6.0 APPRAISAL

Main Issues

- 6.01 The key issue for consideration relates to:

- Whether the proposed works are appropriate management

Appraisal of the trees

- 6.02 T2 Lime, T4 Lime, T5 Lime and T6 Lime on application form.

Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:
Long - with an estimated remaining life expectancy of at least 20 Years

- 6.03 The Limes are large, mature trees reaching up to 25m in height, with large stem diameters estimated between 60cm and 90cm. Radial crown spread of the trees is about 7m, resulting in a significant overhang of Church Road to the North. Low branches currently hang to about 2m above highway level. Ground level in the churchyard is notably higher than highway level, by an estimated 1.5m. No significant defects or decay were noted during inspection. A recent failure of a piece deadwood from T5 and some minor dieback and deadwood were noted, but this is considered normal for Lime trees of this age and size. The Limes exhibit basal growth typical of the species and some have ivy-clad stems, which hinder inspection, but in general the trees appear to be in good health and condition.

- 6.04 T10 Sycamore on application form.

Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Good – no significant defects noted

Useful life expectancy:
Very Long - with an estimated remaining life expectancy of at least 40 Years

- 6.05 The tree is a large, mature Sycamore of good form reaching approximately 20 metres in height, with an estimated main stem diameter of 90cm and radial crown spread of 6 metres, resulting in a significant overhang of St Stephens Square to the South. Low branches currently hang to about 2m above highway level. It appears to be in good health and condition with no significant defects noted during inspection. It is growing amongst a group of Ash and Sycamore trees and is partially obscured from view as a result.

Impact of the proposed works

- 6.06 The proposed crown lifting works will not result in unacceptably large pruning wounds. The extent of the crown lifting proposed equates to less than one quarter of current tree height, will be restricted to where trees overhang highways only and as such is well within maximum recommended limits. The trees are generally healthy and should recover well from the pruning proposed. The works are necessary to prevent highway obstruction and to avoid damage to the trees from high sided vehicles. The proposed work is therefore considered to be appropriate arboricultural management and accord with current good practice recommendations for tree works. It is not considered that the works will be detrimental to their contribution to amenity.

7.0 CONCLUSION

- 7.01 The proposal is unlikely to be detrimental to the long term health of the trees or their contribution to amenity. It is considered to be necessary and appropriate arboricultural management.

8.0 RECOMMENDATION

PERMIT Subject to the following condition:

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

INFORMATIVES

(1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

Case Officer: Nick Gallavin

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 17

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 28th November 2019**

APPEAL DECISIONS:

- 1. 19/501517/FULL Demolition of existing garage and erection of a pair of semi detached 1 1/2 storey dwellings with a covered parking space each.**

APPEAL: DISMISSED

Land Rear Of 48
Beaconsfield Road
Tovil
Kent

(Delegated)

- 2. 19/500162/FULL Erection of a dwelling with associated landscaping.**

APPEAL: DISMISSED

Cherry Tree
Court Lodge Farm
The Street
Boxley
Kent
ME14 3DX

(Delegated)

- 3. 19/501591/FULL Demolition of existing building and erection of a single storey dwelling.**

APPEAL: DISMISSED

Land At St Luke's Avenue
Maidstone
Kent
ME14 5AL

(Delegated)

- 4. 15/505138/FULL** **Change of use of land to gypsy caravan site to extend existing site to accommodate stationing of 5 additional mobile homes, including laying of hardstanding, landscaping and erection of a day room.**

APPEAL: ALLOWED

Chart Hill Paddock
Chart Hill Road
Staplehurst
Kent
TN12 0DE

(Delegated)

- 5. 18/505721/FULL** **Erection of a two bedroom detached chalet bungalow and detached double garage.**

APPEAL: DISMISSED

Summer Place
Caring Lane
Bearsted
Maidstone
Kent
ME14 4NJ

(Delegated)

- 6. 18/505924/FULL** **Removal of large stable block and replace with 2no single unit mobile homes on existing Gypsy & Traveller site for family members.**

APPEAL: ALLOWED

1 Chart View
Chart Hill Road
Chart Sutton
Maidstone
Kent
ME17 3EX

(Delegated)

7. 19/500635/FULL

Erection of bicycle storage facility for four bicycles (Retrospective)

APPEAL: DISMISSED

30 Holtye Crescent
Maidstone
Kent
ME15 7DB

(Delegated)

8. 19/500534/FULL

Erection of 5 ft overlapping fence between hedge, consisting of 6 x 5 ft panels with 6 inch base boards and supporting posts (Retrospective)

APPEAL: DISMISSED

Holtye Cottage
Headcorn Road
Staplehurst
Tonbridge
Kent
TN12 0BU

(Delegated)

9. 19/501075/OUT

Outline application with all matters reserved for the erection of a 3 bedroom single storey static pre-fabricated dwelling.

APPEAL: DISMISSED

The Estate Builders Yard
Chart Hill Road
Chart Sutton
Maidstone
Kent
ME17 3RQ

(Delegated)

10. 18/502416/FULL

Erection of 4 storey apartment block compromising 17 units with associated car and bicycle parking, refuse storage and communal amenity area above the car park.

APPEAL: DISMISSED

102 Upper Stone Street
Maidstone
Kent
ME15 6HD

(Delegated)

11. 18/506601/OUT

Outline application for the erection of two detached self-build chalet bungalows with two detached garages and construction of new access and associated parking (Access being sought, all matters reserved).

APPEAL: DISMISSED

Land South East Of Bassetts Bungalow
Staplehurst Road
Marden
Kent

(Delegated)

12. 18/503485/OUT

Outline application for the erection of a four storey building comprising eight 1-bedroom flats with access, layout, scale and appearance to be determined and landscaping reserved for subsequent

**approval as shown on drawing references:
2037/1 Rev D and 2037/2 Rev D received
29/06/18; and site location plan received
06/07/18;**

APPEAL: ALLOWED

2-6 Brunswick Street
Maidstone
Kent
ME15 6NP

(Delegated)

13. 18/505661/FULL

Demolition of existing stable building and erection of a building to be used for classes in sushi making and the japanese tea ceremony. Erection of a single storey side extension to existing coach house and change of use to an artists' studio/workshop.

APPEAL: DISMISSED

Amberley
South Green
Sittingbourne
Maidstone
Kent
ME9 7RR

(Delegated)

14. 19/502218/FULL

Extension of existing agricultural access opening by 4m, including installation of a new electric gate to match existing.

APPEAL: DISMISSED

The Oast House
Thornhill Farm
Headcorn Road
Sutton Valence
Maidstone
Kent
ME17 3EL

(Delegated)

15. 19/501505/FULL **Erection of dwelling to rear of 102 Plains Avenue (Resubmission of 18/506201) as shown on drawing references: 1907 E 001; P100; P110; P120; and P121.**

APPEAL: DISMISSED

102 Plains Avenue
Maidstone
Kent
ME15 7AY

(Delegated)

16. 18/505200/LBC **Listed Building Consent for proposed replacement of 3no. window at the front of the property.**

APPEAL: DISMISSED

Lake Farm
Green Lane
Chart Sutton
Maidstone
Kent
ME17 3ES

(Delegated)

17. 18/506491/FULL **Erection of a detached dwelling.**

APPEAL: DISMISSED

3 Kingsbroom Court
Kingswood
Maidstone
Kent
ME17 3ST

(Delegated)

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

28TH November 2019

REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Sue King

1. FORMAL ENFORCEMENT ACTION TRACKER

1.1 Report content

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

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

Issue date – Date Notice was served

Effective date – Date the Notice takes effect from

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

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

Blue – Cases closed since the previous tracker due to compliance

Red – In assessment and/or preparation for the next step of formal action;

Amber - Awaiting planning application/appeal decisions and compliance dates on Notices served;

Green - Awaiting appeal start dates, and

White - Contentious cases that are being monitored i.e. sites with injunctions.

FORMAL ENFORCEMENT ACTION TRACKER

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
17/500427/OPDEV	SUKI	Broomfield	Land at Forge House, Ashford Road, Broomfield	Storage/stationing of vehicles	EN	23/01/2018	23/02/2018	23/08/2018	Successful prosecution - 2yr suspended sentence and £2.4k costs - Vehicles are currently being removed - liaison with solicitor and owner.
18/500716/OPDEV	SUKI	Broomfield	Land at Forge House, Ashford Road, Broomfield	Engineering works to extend Motocross	TSN	26/04/2019	26/04/2019	26/04/2019	
16/500656/OPDEV	CLCU	Chart Sutton	Land Known as The Willows Lucks Lane, Chart Sutton	Unauthorised change of use G&T site	EN	07/03/2018	04/04/2018	appeal in progress	Appeal allowed - EN upheld but site development scheme not received.
14/500525/OPDEV	SUKI	Chart Sutton	Horseshoe Paddock Lucks Lane, Chart Sutton	Unauthorised change of use G&T site	EN	16/02/2018	23/03/2018	appeal in progress	Appeal allowed - EN Quashed but site development sceme not received.
17/500629/CHANGE	SUKI	Coxheath	Broken Tree - Land opp 36 Forstal Lane, Broken Tree, Coxheath	Unauthorised change of use G&T site	EN	11/10/2018	15/11/2018	appeal in progress	Appeal lodged 13/09/2019 - awaiting start date
18/500234/OPDEV	DAPR	Coxheath & Hunton	Riverside Hse, West Street, Hunton	unauthorised raised platform	EN	28/08/2019	02/10/2019	appeal in progress	Appeal lodged 02/10/2019 - awaiting start date
15/500395/CHANGE	SUKI	Detling	Roseacre, Scragged Oak Road, Detling	Unauthorised change of use G&T site	EN	26/01/2018	02/03/2018	3 months	
19/500346/CHANGE	DAPR	Fant Ward	Plot 12 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500347/CHANGE	DAPR	Fant Ward	Plot 13 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500350/CHANGE	DAPR	Fant Ward	Plot 15 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500351/CHANGE	DAPR	Fant Ward	Plot 16 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500352/CHANGE	DAPR	Fant Ward	Plot 17 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500354/CHANGE	DAPR	Fant Ward	Plot 19 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500356/CHANGE	DAPR	Fant Ward	Plot 20 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500357/CHANGE	DAPR	Fant Ward	Plot 21 Riverside Area Off Unicumes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	1 month	

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
19/500361/CHANGE	DAPR	Fant Ward	Plot 24 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500366/CHANGE	DAPR	Fant Ward	Plot 26 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500367/CHANGE	DAPR	Fant Ward	Plot 27 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500369/CHANGE	DAPR	Fant Ward	Plot 28 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500370/CHANGE	DAPR	Fant Ward	Plot 29 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
19/500371/CHANGE	DAPR	Fant Ward	Plot 30 Riverside Area Off Unicum Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20/06/2019	25/07/2019	appeal in progress	Appeal lodged - awaiting start date
17/500721/CHANGE	CLCU	Harrietsham	Stede Row, Stede Hill, Harrietsham	Trees being felled, possibly clearing site for stationing of mobile homes	INJ	27/10/2017	27/10/2017	27/10/2017	Injunction remains on the land - Monitor
19/500330/BOC	SUKI	Harrietsham	Chestfields, Marley Road, Harrietsham	Unauthorised change of use G&T site	EN	17/09/2019	18/10/2019	appeal in progress	Appeal lodged 16/10/19- awaiting start date
16/501199/CHANGE	SUKI	Headcorn	Land rear of The Meadows Lenham Road Headcorn	Expired temporay permission and expansion of G&T site	EN	16/08/2018	20/09/2018	appeal in progress	Appeal lodged 06/09/18 - awaiting start date
17/500611/OPDEV	CLCU	Headcorn	Acers Place, Lenham Road	Unauthorised change of use G&T site	EN	04/10/2017	15/11/2017	02/08/2019	
15/500712/OPDEV	SUKI	Headcorn	Little Newhouse Farm, New House Lane, Headcorn	Bungalow being built in garden.	EN	05/01/2018	07/02/2018	19/05/2019	Appeal dismissed - Notice upheld, full demolition required
16/501028/CHANGE	CLCU	Headcorn	Smiths View, Love Lane, Headcorn	Unauthorised G·&T development	EN	07/02/2018	14/03/2018		Allowed on appeal - EN Quashed
18/500101/OPDEV	CLCU	Headcorn	Faithfield, Love Lane, Headcorn	Unauthorised change of use G&T site	EN	16/02/2018	23/03/2018		Allowed on appeal - EN Quashed
16/501028/CHANGE	CLCU	Headcorn	Smiths View, Love Lane, Headcorn	Unauthorised G·&T development	EN	07/02/2018	14/03/2018		Allowed on appeal - EN Quashed
18/500001/CHANGE	CLCU	Headcorn	Smiths Cottage, Lenham Road, Headcorn, Kent, TN27 9LG	Unauthorised siting of two additional caravans	EN	16/10/2018	20/11/2018	appeal in progress	a/w start date
16/501147/OPDEV 16/501251/OPDEV 17/500291/CHANGE	SUKI	Marden	Tanner Farm Caravan Park Goudhurst road Marden Kent TN12 9ND	Change of use of land for holiday/residential	EN	17/10/2018	21/11/2018	appeal in progress	Questionnaire completed - a/w start date
16/500866/BOC	SUKI	Linton	Little Paddocks Stilebridge Lane Linton Kent ME17 4DE	Unauthorised siting of two additional caravans and associated hardstanding	EN	16/10/2018	20/11/2018	appeal in progress	a/w start date

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
17/500032/BOC	DAPR	Loose	Filmers Farm, Salts Lane, Loose, Kent, ME15 0BD	Condition 2 and Condition 4 not met 16/500762/FULL	BCN	25/07/2018	25/07/2018	22/08/2018	
ENF/8320	SUKI	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Unauthorised development consisting of engineering, mining and building operations and unauthorised COU of land to recreational fishing lakes	EN	30/04/2008	30/04/2008	27/05/2008	a/w planning decision
ENF/11798	SUKI	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Erection of new dwelling in the woodland	EN	19/05/2016	23/06/2016		Application to use lodge as rest qtrs for manager - REFUSED. Legal advice requested.
15/501259/BOC	SUKI	Otham	Bramley, Otham Street, Otham, ME15 8RL	Extension on North Elevation not being built in accordance with planning permission.	EN	06/11/2017	11/12/2017	16/07/2019	EN partially complied with. Pre-app advice sought with planning & conservation officer regarding rebuild or alterations - a/w outcome of planning application
16/500847/OPDEV	SUKI	Sandway	Sunny Hill View Equestrian Stables Sandway Road Sandway Kent ME17 2LU	Stationing of two mobile homes and equestrian use.	EN	23/05/2018	27/06/2018	29/08/2022	Temporary planning granted for 3 yrs
17/500529/OPDEV	CLCU	Staplehurst	Perfect Place Frittenden Road Staplehurst	Unauthorised change of use G&T site	EN	09/02/2018	09/03/2018	30/07/2019	planning appeal allowed - EN upheld to remove development in excess of the permission granted by end of Nov.
18/500802/BOC	DARP	Staplehurst	Hen and Dukchurst Farm, Marden Road, Staplehurst, Kent, TN12 0PD	Unauthorised access	BCN	19/02/2019	19/02/2019	19/03/2018	Planning application approved.
17/500911/CHANGE	SUKI	Ulcombe	Little Willows, Eastwood Road, Ulcombe	Unauthorised change of use G&T site	EN	07/08/2018	11/09/2018	11/12/2018	awaiting Planning application decision
					INJ	12/01/2018	12/01/2018	12/01/2018	Injunction remains on the land - Monitor
18/500572/BOC	CLCU	Ulcombe	Caravan 2 Hawthorn Farm, Pye Corner, Ulcombe	Unauthorised change of use G&T site	EN	11/10/2018	15/11/2018	15/05/2019	
19/500384/CARAVN	CLCU	Ulcombe	Land to the rear of Neverend Farm, Ulcombe	Unauthorised change of use G&T site.	INJ	21/05/2019	21/05/2019	Ongoing	Injunction remains on the land - Monitor
					TSN	07/05/2019	07/05/2019	21/05/2019	Planning application refused 03/10/19
16/500815/BOC	CLCU	Yalding	Green Tops Symonds Lane Yalding	PP expired - 10/0504 for occupation of the site for 3 years only.	EN	27/04/2017	01/06/2017	01/08/2017	
15/500852/OPDEV	SUKI	Yalding	The Three Sons, Hampstead Lane, Nettlestead Kent, ME18 5HN	Unauthorised G & T deveelopment in Green Belt	EN	02/10/2015	06/11/2015	01/06/2017	EN allowed 5yr consent on part of the site. Two planning applications a/w appeal start dates.
					INJ	24/07/2019	24/07/2019	Ongoing	Remaining part of the site in breach of EN
14/500560/BOC	CLCU	Yalding	The Stables, Wagon Lane, Paddock wood, Tonbridge	Breach of personal occupancy condition	EN	03/07/2018	07/08/2018	07/11/2018	

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance	Action
19/500469/OPDEV	DAPR	Yalding	Land west of Benover Road, Yalding	Unauthorised preparation for change of use to a G&T site.	TSN	07/06/2019	07/06/2019	07/06/2019	

	Decision reached - case closed
	Awaiting appeal start dates
	Awaiting planning application/appeal decisions/compliance dates
	Consideration as to whether to proceed to the next step of formal action
XXXXXXXXXX	Cases that are being monitored i.e. sites with injunctions and BCNs