

**REPORT SUMMARY**

<b>REFERENCE NO - 15/510613/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of one dwelling in part garden			
<b>ADDRESS</b> White Horse Cottage Honey Lane Otham Kent ME15 8RJ			
<b>RECOMMENDATION: Refuse</b>			
<b>SUMMARY OF REASONS FOR REFUSAL</b> The proposed development would amount to unsustainable development in the countryside as a result of the car reliance and would therefore be contrary to the National Planning Policy Framework.  In addition, the proposal, by virtue of its size and prominence on the bend would result in an unacceptable level of harm to the open countryside. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> This application has been called in by Councillor Newton if recommended for refusal.			
<b>WARD</b> Downswood & Otham	<b>PARISH/TOWN COUNCIL</b> Otham	<b>APPLICANT</b> Mr Daniel Quirke <b>AGENT</b> Bob Britnell - Planning Consultancy	
<b>DECISION DUE DATE</b> 10/03/16	<b>PUBLICITY EXPIRY DATE</b> 10/03/16	<b>OFFICER SITE VISIT DATE</b> 29/1/16	
<b>RELEVANT PLANNING HISTORY:</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/506258	Erection of a new dwelling	Refused	1/10/15
1.0 This proposal would amount to unsustainable development in the countryside as a result of the car reliance and would therefore be contrary to the National Planning Policy Framework.			
2.0 The proposal, by virtue of its size and prominence on the bend, would result in an unacceptable level of harm on the open countryside. Furthermore, the design of the proposed house includes an incompatible mixture of styles that has not taken influence from the immediate local character. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework.			

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.1 This site is located on the inside corner of Stoneacre Lane and Honey Lane. It falls within the garden of White Horse Cottage, which itself is large detached property with red brick lower storey and black weatherboard to the upper storey. This property is located directly on the road and is, in part, built into the roadside ragstone wall.
- 1.2 The site is roughly rectangular in its shape and access is obtained through an existing gate on to Honey Lane. There is currently a double garage building and

gravel driveway near the entrance to the site. The remainder is largely well kept lawn with landscaped terracing to the rear to take account of the changes in land levels. The boundary of the site is heavily wooded with an established tree line to the north and east. The land slopes down in the north west corner of the site towards the large pond located outside the site boundary.

- 1.3 The site falls outside of any settlement as is therefore, by definition, considered to be open countryside. There are no TPO trees and no listed buildings in the immediate vicinity of the site.
- 1.4 The site is located approximately 200m east of Otham, which is a small rural collection of houses approximately 1km east of Maidstone urban area. Otham is not defined as a settlement on the adopted Maidstone Borough Wide Local Plan 2000 Proposals Map, and the nearest settlement boundary would be Maidstone urban area, approximately 1km to the west. With the exception of a public house, Otham does not offer anything in terms of facilities. It has no village shop, local school, doctors' surgery or any other community facilities.

## **2.0 PROPOSAL**

- 2.1 This application seeks planning permission for a 4 bedroom detached house. It would have an approximate ridge height of 8.5m and an approximate eaves height of 5m and would be set approximately 1m below the road level. The house would be a maximum width of 17.5m and a depth of 14.2m. The ground floor elevations would be brick and flint and the upper storey would be rendered.
- 2.2 The south elevation would be the principal elevation, incorporating a hipped roof and a gable end for the main entrance. This elevation is fenestrated with evenly spaced windows.
- 2.3 The west elevation demonstrates the double pitched roof and the chimney stack. It also demonstrates that the upper storey of the gable end on the front elevation extends out above the ground floor. This west elevation is highly fenestrated, including a patio door at ground floor. There would be a single storey 3.5m high element on this elevation, which extends 1.5m from the main building.
- 2.4 The north elevation would have a steeply pitched roof with a low eaves height on the right of this elevation. It would also incorporate a patio door at ground floor and only two windows at upper storey. The east elevation would demonstrate the double pitched roof and would have minimal fenestration.
- 2.5 Vehicular access to the site would remain unchanged and the existing garage on this building would provide the car parking for the proposed dwelling. An additional gate for pedestrian access is proposed.
- 2.6 Since the previous refused application, the scale and bulk of the proposed development has been reduced moderately. The width of the proposed development has been reduced by 0.7m. The gable end to the entrance is now proposed to be hipped in order to reduce the bulk from the east and west elevations. In addition, the balcony has been removed from the west elevation.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)  
Maidstone Borough Wide Local Plan 2000: ENV28

#### 4.0 LOCAL REPRESENTATIONS

*Site notice displayed at the entrance to the site with a deadline for comments of 29/1/16*

	<b>COMMENTS RECEIVED</b>
Parish/Town Council	No objections
Residential Objections	None received
Number received: 0	
Residential Support	We are directly opposite the new proposed dwelling. We have no objection to new building and think that the design is sympathetic to other properties in the area.
Number received: 1	

#### 5.0 CONSULTATIONS

##### 5.1 **MBC Heritage and Conservation Officer**

I raise no objections to this application on heritage grounds subject to conditions re samples of materials and removal of all PD rights.

##### 5.2 **KCC Archaeology**

The site of the application seems to be part of a former post medieval quarry site, identifiable on the 1st Ed OS map. Remains associated with this local historic industrial activity may survive on the site and as such I recommend the following condition is placed on any forthcoming consent:

*Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:*

- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

*Reason: To ensure that features of archaeological interest are properly examined and recorded.*

#### 6.0 APPRAISAL

6.1 *The key issues for this application are the principle of development in the open countryside, the visual impact and design of the proposals and residential amenity.*

6.2 A similar application was refused in October 2015 for the following reasons:

- *This proposal would amount to unsustainable development in the countryside as a result of the car reliance and would therefore be contrary to the National Planning Policy Framework.*
- *The proposal, by virtue of its size and prominence on the bend, would result in an unacceptable level of harm on the open countryside. Furthermore, the design of the proposed house includes an incompatible mixture of styles that*

*has not taken influence from the immediate local character. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework.*

- 6.3 This previous refused application is a material consideration and it is therefore necessary to assess whether the previous reasons for refusal have been addressed by this amended application.

#### **Principle of Development**

- 6.4 This site is located outside of any defined settlement and therefore is considered to be within the open countryside, as defined by the Maidstone Borough-Wide Local Plan 2000. This means that saved Local Plan Policy ENV28 is of relevance, which seeks to protect the character and appearance of the area. It states that development in these areas will be confined to:

*(1) That which is reasonably necessary for the purposes of agriculture and forestry;  
(2) The winning of minerals; or  
(3) Open air recreation and ancillary buildings providing operational uses only; or  
(4) The provision of public or institutional uses for which a rural location is justified; or  
(5) Such other exceptions as indicated by policies elsewhere in this plan.*

- 6.5 The site is not previously developed and the proposal does not fall within the above criteria. Therefore the principle of this development would be contrary to MBC policy unless material considerations can indicate otherwise.
- 6.6 According to Paragraph 55 of the National Planning Policy Framework, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. I would not consider this proposal would fall within any of the exceptions cited and it would therefore be contrary to the provisions of the NPPF.
- 6.7 There are very few facilities and local amenities within walking distance of the site, which would therefore result in the reliance on the car. The nearest bus stop is over 200m away to the south and this would involve walking along a narrow country lane with no footpath. For these reasons, I do not consider the location of this proposal to be in accordance with the requirements of the NPPF, irrespective of five year housing land supply in Maidstone Borough.
- 6.8 The applicant has referred to approved planning application 14/0302, which was for a four bedroom bed and breakfast accommodation approximately 400m to the west of this application site. This application was for a tourist use, which amounts to a different type of development, and therefore different policies were relevant when determining the application.

#### **Visual Impact and Design**

- 6.9 Whilst the proposed property would incorporate elements of the local vernacular, including local materials and styles, I do not consider the overall massing of the building is appropriate in this prominent bend location. The ridge height of 8.5m would be imposing in this location, and this is demonstrated by the photomontage produced by the applicant. This photomontage confirms that the proposed development would be visually harmful to the character and appearance of the open countryside and would therefore be contrary to Policy ENV28 of the adopted Local Plan.

- 6.10 I acknowledge that the proposed house would be lower than the road level, but it would still be visible at the bend in the road when travelling the north. As result, I consider that it would have a negative impact on the openness of this bend. A public footpath also runs directly adjacent to the site, along Stoneacre Lane, which would mean that the site would be visible by walkers taking this route, as well as road users along Honey Lane. It would appear inappropriate at the end of this unmade track and for these reasons would have a visible detrimental impact on the openness of the countryside.
- 6.11 I would consider that the revised simplified design of the dwelling has addressed the previous reason for refusal, which related to the incompatible mixture of styles in the design.

### **Residential Amenity**

- 6.12 The proposed house would be over 40m from the nearest property and I do not consider, therefore, that there would be a negative impact on the residential amenity of the surrounding properties as a result of overlooking or loss of light.

### **Other matters**

- 6.13 The proposed house would use the existing double garage and gravel drive, which I consider to be adequate for a 4 bedroom property.
- 6.14 KCC Highways have raised no objections and therefore I consider the access arrangements to be acceptable.

### **Conclusion**

- 6.15 On balance I consider that the harm to the open countryside would outweigh any benefits associated with the provision of one house in the Borough. This is not a sustainable location as a result of the reliance on the car and it would amount to development in the back garden of an existing property. I consider the scale and massing to be imposing in this location, which would be visible by road users and walkers. This application would therefore be contrary to saved Maidstone Borough Wide Local Plan policies and the NPPF.

### **RECOMMENDATION –REFUSE for the following reasons:**

1. This proposal would amount to unsustainable development in the countryside as a result of the car reliance and isolated location and would therefore be contrary to the National Planning Policy Framework.
2. The proposal, by virtue of its size and prominence on the bend, would result in an unacceptable level of harm on the open countryside. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework.

Case Officer: Flora MacLeod

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.