

APPLICATION: MA/09/1629 Date: 1 September 2009 Received: 19 November 2009

APPLICANT: Mr I. Williams

LOCATION: THE BARN MOUNT FARM, GREENWAY FORSTAL, HARRIETSHAM, HARRIETSHAM, KENT, ME17 1QA

PARISH: Harrietsham

PROPOSAL: Change of use of barn from agricultural to B2 use General Industrial for horse box and vehicle repairs as shown on drawing numbers 0909/01 and 02A received on 10/9/09; and site location plan received on 19/11/09.

AGENDA DATE: 4th February 2010

CASE OFFICER: Geoff Brown

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, ENV44, T21
The South East Plan 2009: CC1, C4
Village Design Statement: N/A
Government Policy: PPS1, PPS4, PPS7

HISTORY

The relevant planning history is as follows:

MA/09/0821 – Change of use of barn from agricultural to B2 light industrial and associated parking – Withdrawn.

MA/08/0210 – Change of use of agricultural units to mixed use units to include a joinery workshop, gypsy caravan restoration, caravan store, carpenters shop and car storage – Permitted.

MA/00/1051 – Change of barn to B8 storage and construction of a new 4m wide Grasscrete track along 2 sides of a field using existing gated access from Greenway Forstal Lane– Refused and appeal dismissed.

MA/99/1605 – Construction of a new 4 metre shingle track along 2 sides of a field using an existing gated access from Greenway Forstal Lane – Refused.

ENF89402 – Enforcement action taken against the use of land for the storage and distribution of pallets, vehicle repairs and vehicle spraying; and the laying of a hardstanding and an access track – Appeal dismissed (decision letter appended).

CONSULTATIONS

HARRIETSHAM PARISH COUNCIL wish to see the application refused for the following reasons:

- “a) The site is in an inappropriate location for an industrial unit in a Special Landscape Area
- b) The access is unsuitable along Greenway Forstal for the 16 tonne vehicle anticipated for deliveries
- c) Insufficient landscape detail”

NATURAL ENGLAND point out that there would be no structural alterations to the barn so there would be no direct disturbance to bats if present. However, it is pointed out that activities may change as a result of permission being granted and reference is made to the standing advice.

THE ENVIRONMENT AGENCY and SOUTHERN WATER have no objection but are concerned as to impact of drainage proposals on groundwater.

KENT HIGHWAY SERVICES has no objection.

REPRESENTATIONS

LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM TWO LOCAL HOUSES and the following points are made:

- a) This site has a long history of planning enforcement issues.
- b) Greenway Forstal Lane is narrow, winding and without passing places. It is not suitable to safely accommodate the use proposed. Grass verges would be eroded by traffic.

- c) The vehicle operator's license for this site concerns the old illegal access. As the access has now changed to the old access through the farmyard a new license should be applied for.
- d) As access is now proposed through the farmyard there would be a conflict between domestic and commercial traffic.
- e) The barn occupies a prominent hilltop position and floodlighting would be intrusive.
- f) Proper consultation should be carried out as to whether the proposed means of drainage is adequate.

CONSIDERATIONS

Description of the Site

The application site is located in a rural location, off the north side of Greenway Forstal, around 1.5km north west of Harrietsham. This is land within the North Downs Special Landscape Area. Access from the highway leads up through the collection of buildings that make up Mount Farm and leads to a modern farm building (approx. 27m by 13m), set in an elevated position, at the eastern end of the group. Mount View is located to the south west of the barn. The barn essentially faces north onto a yard area.

The barn and its environs have been the subject of successful enforcement action (see appendix) to cease unauthorised commercial uses but also to remove an extension to the hardsurfaced yard and to remove the roadway that had been constructed from the south east corner of the yard south to Greenway Forstal. All of these breaches of planning control have now been addressed: the unauthorised uses have ceased and the access road removed. Much of the hardstanding has been removed as required by the notice but this application seeks to retain marginally more than was set out to be retained in the notice.

The Proposal

This application seeks to find a new use for the barn. This involves use for horse box and vehicle repairs within Use Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987. No extensions or changes to the outward appearance of the building are proposed. As stated above, the application seeks the retention of the hardstanding area immediately to the north of the building to provide parking and circulation space. The plans show substantial new areas of mixed deciduous tree planting on the northern side of the reduced yard area and along the eastern and southern boundaries. Vehicle

parking spaces are shown on the northern and western sides of the barn and access would be to the west via the existing route between adjoining structures.

Planning Considerations

Development in the countryside is controlled by the terms of Development Plan Policy and Central Government Guidance. Particular attention should be given to the preservation of the landscape within the Special Landscape Area. As an exception to the general theme of restraint, policy and guidance allow for the reuse of existing structures and Local Plan Policy ENV44 is particularly relevant here. Therefore the principle of a commercial reuse for the building is acceptable but clearly the detail of what is proposed must be acceptable.

Looking at visual impact, the barn already exists and would continue to do so whether permission is granted or refused here. Much of the offending hardstanding and the whole of the access road have now been removed and the proposed plans show a significant degree of new planting to screen the remaining yard area to the north of the barn and to soften the appearance of the building. The barn occupies an elevated position and is of a utilitarian character but, in my view, the additional planting is likely to improve the appearance of the site, particularly in views for the A20 to the south. I consider the application acceptable in terms of visual impact.

Turning to residential amenity, B2 uses can be harmful to amenity through noise, disturbance, fumes, etc. However, the barn is at the eastern extremity of the group and essentially faces north onto its yard where most manoeuvring and 'comings and goings' would be concentrated. Mount View would be the property most affected but the owners of that property have not objected and that property already experiences a degree of disturbance from the authorised commercial activities carried on in the remaining farm buildings. Aside from that, the nearest house is situated on the south side of Greenway Forstal approx. 125m away to the west and separated from the site by the Mount Farm buildings. There is no objection from the Environmental Health Officer. Subject to conditions to restrict the hours of use and ensure that work only takes place within the building I consider the scheme acceptable in terms of impact on the living conditions of local residents.

I consider the other main issue here to be the impact on highway safety. I note that Kent Highway Services has no objection subject to conditions, one of which involves ensuring that vehicles serving the use applied for only gain access from the north west. The agents' statement anticipates that (apart from staff cars

and deliveries) little more than two horseboxes would arrive and depart from the site each week. In my view there is adequate land for parking and turning and the established access onto the highway is suitable to serve the uses proposed. Given that the access serves only one dwelling I do not see that there would be any great conflict between domestic and commercial traffic. Greenway Forstal is a narrow country lane with significant stretches to east and west without passing bays. However, it must be borne in mind that the building exists and could be used for agricultural purposes without planning permission with the attendant movement of potentially heavy vehicles. I also give some weight to the agents' contention that vehicle movements would be fairly limited. On balance I consider that there are insufficient grounds to refuse this application in terms of the inadequacy of the local highway network. A condition requiring vehicles to use only parts of the highway network would not be reasonable, although an informative requiring advisory signage would be appropriate. As with any use, damage to grass verges may occur but the same could be said for farm vehicle movements. In terms of sustainability, the site is around 1.5km from Harrietsham and is not so remote from basic services and public transport as to warrant a refusal on this issue.

Turning to what I consider to be more minor issues in this case, there is no evidence that this fairly modern building is frequented by bats and barn owls and, in any event, those creatures and their habitats are protected by other legislation. The detail of landscaping and floodlighting can be controlled by condition, as can the proposed method of drainage which is of concern to the Environment Agency and Southern Water.

Looking at the Inspector's comments (see appendix), to my mind he was principally concerned with the negative impact of the B8 pallet storage business. I consider that the concerns he expressed on the B2 use are capable of being overcome, not least because the proposed means of access has fundamentally changed through the reversion to the original means of access through the farmyard. I note that he suggests that the suitability of a B2 use could be assessed through a planning application using an alternative access to the one before him (albeit that the B2 use at that time occupied only part of the building).

I recommend that planning permission be granted.

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. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 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 measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policy ENV44 of the Maidstone Bough-Wide Local Plan 2000.

5. 5. No activity in connection with the use hereby permitted shall be carried out outside the hours of 08.00 and 18.00 on Mondays to Fridays and 08.00 to 13.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

6. No external lighting shall be erected or installed without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

7. All plant, machinery and equipment to be used by reason of granting of this permission, shall be so installed, maintained and operated so as to minimise the transmission of noise and/or vibration to any neighbouring premises.

Reason: To safeguard the residential amenities of the neighbouring occupiers in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

8. Apart from vehicle manoeuvring and loading/unloading operations, no work shall take place outside the confines of the building;

Reason: To safeguard the residential amenities of the neighbouring occupiers in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

9. Before the use commences full details of the proposed means of foul and surface water drainage shall be submitted to and approved by the Local Planning Authority. The details shall include details of the proposed means of drainage for parking areas and hardstandings;

Reason: In order to avoid groundwater pollution. This in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

Informatives set out below

The developer is advised that drivers should be encouraged to access/egress the site using the western part of Greenway Forstal and not the length of that road that leads eastwards past the caravan park. The appropriate signage should be erected on site to encourage this.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.