

APPLICATION: MA/10/0015 Date: 4th January 2010 Received: 18th January 2010

APPLICANT: Mr B Vollans

LOCATION: 2, DANE PARK, DEAN STREET, EAST FARLEIGH, MAIDSTONE, KENT, ME15 0DU

PROPOSAL: Retrospective application for the change of use of land from agricultural to residential garden land and installation of revised fencing and a vehicle turning area as shown on Design and Access statement and unnumbered drawings received 18/01/10.

AGENDA DATE: 18th March 2010

CASE OFFICER: Kathryn Altieri

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

- It is contrary to views expressed by East Farleigh Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: H31, H33, ENV8, ENV28

South East plan 2009: CC6, C4

Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing

HISTORY (relevant)

ENF/10746 - Change of use of agricultural land to garden - invited this application

MA/01/1908 - Erection of 1 no. dwelling and detached double garage (amended design of dwelling and garage on Plot 2 to that approved under reference MA/01/0812) - approved/granted with conditions

MA/01/0812 - Demolition of existing buildings and erection of 4 no. detached dwellings with associated access and ancillary works (resubmission of MA/00/1080) - approved/granted with conditions

MA/00/1080 - Demolition of existing buildings and erection of 4No. detached dwellings with associated access and ancillary works - approved/granted with conditions

RELEVANT APPLICATION FOR 4 DANE PARK

MA/10/0130 - Retrospective application for change of use of land to private residential garden - current application

CONSULTATIONS

East Farleigh Parish Council wish to see the application refused on the following grounds;

- *The Village Plan clearly states that there should be no further development in the village*
- *The proposed fences are not in keeping with the rural scene*
- *The agricultural land is being eroded*
- *Adverse effect on wildlife*

KCC Highways: Raised no objection;

"The application does not include any new access and it is considered that there are unlikely to be highway implications associated with the works."

Richard Lloyd-Hughes (Rural Planning Ltd):

"The judgement to be made in this case, therefore, appears to be whether there are sufficient exceptional Planning/Highway factors to overcome the loss of agricultural land (and any other harm to the countryside). The overall balance is for your judgement, but I would advise that the loss of best and most versatile agricultural land here may be regarded as very small (i.e. only 0.028 ha or 0.07 acres).

Also, because of the specific layout of this particular property and the position of the strip right across the bottom (southern boundary) of the field, the extension of the residential curtilage (if approved by virtue of acceptance of the claimed Highway safety reasons) should not lead to any equivalent/knock-on requirement for garden extensions on neighbouring properties that might have a greater cumulative impact on agricultural land."

REPRESENTATIONS

Neighbours: 1 objection raising concerns over the boundary treatment, loss of agricultural land and impact upon wildlife. 1 response was received in support of the application.

CONSIDERATIONS

1. The Site

1.1 The application site relates to a large detached property that forms part of a cluster of four properties that were built under planning approval MA/01/0812 and is known as 2 Dane Park. Sitting within the countryside, as designated by the Maidstone

Borough Wide Local Plan 2000, the property is set back more than 25m from Dean Street and is accessed by way of a gated entrance also used by 1 and 3 Dane Park.

1.2 To the south of the application site, residential properties are dotted along Dean Street, a paving manufacturer and a single dwelling sits to its west and with the junction of Forge Lane some 200m to the north of the site, the density of residential properties markedly increases. A public footpath (KM39) runs parallel with the applicant's western boundary and leads northwards a short distance onto Forge Lane.

1.3 The application site is not identified for any particular use in the Maidstone Borough Wide Local Plan 2000.

2. The Proposal

2.1 This is a retrospective application for the change of use of land from agricultural to residential garden, to create a vehicle turning area and for the installation of revised fencing.

2.2 This rectangular shaped piece of land extends the property's residential land northwards and covers an area of some 265m². The boundary treatment around this land consists of close boarded fencing and trellis that stands some 2.5m in height, matching what is existing on site.

2.3 The new turning circle is constructed of crushed concrete topped with 400mm of granular sub-base type 1 and kerb edgings together with tar and chips surface dressing, which continues the same surface type as the remainder of the hardstanding.

3. Planning Issues

3.1 Policy H31 of the Maidstone Borough Wide Local Plan 2000 allows the change of use of agricultural land to domestic garden, so the principal for this change of use is there, provided that it complies with this policy. Policy H31 states;

POLICY H31: PLANNING PERMISSION WILL NOT BE GRANTED FOR THE CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC GARDEN IF THERE WOULD BE:

(1) HARM TO THE CHARACTER AND APPEARANCE OF THE COUNTRYSIDE; AND/OR

(2) LOSS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND

I will consider the proposal against the criteria set out in this policy.

3.2 The land in question is a relatively small section that covers an area of approximately 265m² and because of its positioning along the southern boundary of the field, the extension of residential garden is unlikely to have a knock-on effect for further domestic changes of use to neighbouring properties, which may in turn have a greater cumulative impact upon the loss of agricultural land.

3.3 Indeed, the land in question is at the southern end of an agricultural field that is bordered by a footpath to the west, the rear gardens of properties facing onto Forge Lane to the north and Dean Street to the east. This field is largely surrounded by domestic gardens, including a large section of land belonging to 'Hazeldene' that was subject to a Certificate of Lawful Development (MA/06/1072). The field is enclosed on three sides by dwellings and it is not unreasonable to expect further infilling by way of this application. This field is also a relatively small piece of land that is awkwardly shaped for agricultural machinery to use and I do not believe it could produce a high yield of good quality crop.

3.4 I therefore believe that this change of use would not have an adverse impact upon the function of this field and nor would it significantly extend into the countryside or cause detrimental harm to its character and appearance.

3.5 I also believe there is justification for a turning area on this site, as previously, any vehicle leaving the site would probably have had to reverse onto Dean Street, a busy 'C' classified single carriageway, which in turn could have resulted in a significant highway safety hazard. KCC Highways are in agreement with this consideration.

3.6 Therefore, the change of use of this land, because of its scale and location, does not significantly extend into the countryside and as such does not significantly harm its character or appearance and in addition would improve the highway safety situation.

Boundary treatment

3.7 The original boundary treatment along the northern boundary of the site was dismantled and then erected again to encompass the new piece of land subject to this application. This fencing stands some 2.5m in height from ground level. In addition, a new section of fencing has been erected along the western boundary of the site.

3.8 I do not believe that this boundary treatment would have any more of a detrimental impact upon the appearance of the surrounding countryside than what was originally in place. Indeed, the trellis on top breaks up the solid bulk of the fencing and whilst I appreciate that the new fencing along the western edge of the site does loom over the public footpath, it is only marginally higher than the original rear boundary treatment that has been in place since this development was built. In addition, this stretch of fencing is only some 7m in length, a distance that I do not consider to be of any significance and there is already other boundary treatment from 'Culls Farm', to the west of the site, standing some 2m in height.

3.9 With all of this considered, I do not believe that the chosen boundary treatment would have a significant detrimental impact upon the character and appearance of the countryside when compared to what was originally in place. Especially when considering that the northern boundary is the same fence located 7m further north.

3.10 I also believe it would be unjustified to request additional planting along the outside of this fencing as it was never asked for under the original development for the four dwellings, it is a modest extension of the original fencing and immediately opposite is a residential property with its own closed boundary treatment and not open views into the countryside.

3.11 However, to visually improve the development, I do feel it is appropriate to request a landscaping scheme for the soiled area of land that surrounds the turning circle. It will be made clear to the applicant that the scheme should include climbing plants to further soften the boundary treatment.

4. Conclusion

4.1 The concerns raised by the one objector have been dealt with in the main body of this report. I would also like to add that there is no evidence to suggest that this development, which is only 7m in depth, has significantly damaged any wildlife habitats.

4.2 It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION

APPROVE PLANNING PERMISSION subject to the following conditions:

1. Within 3 months of this approval, 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include climbing plants to cover the boundary fencing and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure adequate and appropriate landscaping for the proposed development. This in accordance with policy ENV8 of the Maidstone Borough Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and PPS1.

2. 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. This in accordance with policy ENV8 of the Maidstone Borough Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and PPS1.

3. Notwithstanding the provisions of 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) no development within Schedule 2, Part 1, Class E to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area. This in accordance with policy H33 of the Maidstone Borough Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009 and PPS1.

Informatives set out below

None

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.