

REPORT SUMMARY

REFERENCE NO - 17/505937/FULL			
APPLICATION PROPOSAL Demolition of existing buildings and erection of two detached dwellings and replacement storage building.			
ADDRESS Land To The South Of The Gables Marden Road Staplehurst Kent TN12 0PE			
RECOMMENDATION : REFUSE for the reasons set out in Section 8.0.			
SUMMARY OF REASONS FOR REFUSAL The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017. In these locations new residential development is not readily supported and the re-development of this site as a brownfield site would not comply with the local plan policy which requires significant environmental improvement and sustainability. The design, scale and proportions of the proposed new housing and storage building (for which there is no policy justification) would result in significant harm to the character and appearance of the area, failing to promote local distinctiveness and the intrinsic character of the countryside. It is not considered that this revised application overcomes previous issues.			
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Cllr Harwood on the grounds of the complex planning history on this site and efforts made by the applicant to overcome the stated concerns of local residents. If the application were for approval the application would also have been presented to the Planning Committee following a call in from Cllr Brice and Staplehurst Parish Council.			
WARD Staplehurst	PARISH/TOWN Staplehurst	COUNCIL	APPLICANT Mr P R Garrod AGENT D C Hudson & Partner
DECISION DUE DATE 18/01/18	PUBLICITY EXPIRY DATE 22/12/17	OFFICER SITE VISIT DATE 15/01/18	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/509275/OUT	Outline application with access matters reserved for proposed residential development following demolition of existing buildings with replacement storage building.	Refused	16/6/16
Reason <i>'The proposed development would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Policies SP5 and SP17 of the Submission Version of the Maidstone Borough Local Plan (2016) in that it would be outside of the village envelope of Staplehurst and, being located in flat open countryside in the Low Weald, would be a jarring and harmful addition to the character and appearance of the countryside (both by day and by night) by reasons of a loss of its open character and associated domestic paraphernalia; and also in that this is an unsuitable location due to the absence of a footway on Marden Road and the distance of the site from the village centre.'</i> APPEAL : Dismissed decision dated 7 December 2016 Summary of reasons : -Harm to the character and appearance of the area			

-Sustainability of the location			
-Proposal would have significant negative impacts on the environmental role of sustainability			
15/506076/PNP	Prior Notification for a change of use from a storage or distribution building (Class B8) and any land within the curtilage to a dwellinghouse (Class C3).	Granted	22.09.2015
MA/89/0828	Relocated replacement building to form joinery shop	Permitted	27/7/89

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This site is accessed from Marden Road and is located to the rear of the existing residential property called The Gables. The main parcel of land is set back from the road by approximately 73m and is accessed by a narrow track that runs parallel to the curtilage of The Gables.
- 1.2 The site is currently occupied by a collection of pole barns and an agricultural storage building. In the centre of the site is an area of concrete hardstanding that covers the width of the site. These structures and area of hardstanding are set within mown grassland.
- 1.3 To the east of the site is a crane storage depot and to the south and west open countryside. Immediately to the south of the application site is an area of grassland under the same ownership as the application site, which appears to have been regularly mown.
- 1.4 The site is located within the open countryside, although no other designations apply. It is not located within a flood zone and there are no listed buildings in the immediate vicinity.
- 1.5 The site benefits from the grant of prior notification for the change of use from a storage distribution building to a dwellinghouse.

2.0 PROPOSAL

Access

- 2.01 Access to the site would be from an existing track from Marden Road to the north, this would be upgraded and extended to accommodate access to the new hardsurfaced and turning area in front of the two new dwellings and extended further southwards to provide access to the new storage building.

New dwellings

- 2.02 It is proposed to demolish the existing buildings on the site and replace with 2 no. 2-storey dwellings. These dwellings would be sited to the north of the site in a staggered pattern. The dwellings would be of differing designs, but both containing 5 no. bedrooms and would face onto a new parking and turning area. Garaging and off-street parking would be proposed. Both dwellings would have separate gardens to the south.

Storage building

- 2.03 A new replacement single storey storage building is proposed to the south-west of the site. This would have a pitched roof with a green corrugated clad walls and roof. Full height access doors would be proposed in two elevations.
- 2.04 The new building would be larger in footprint than the building that it replaces which is being removed to facilitate the new residential dwellings. No details of the proposed use of the building have been provided other than an indication it would be for storage.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP5, SP17, DM1, DM3, DM5, DM23, DM30, DM32, DM33 and DM36
Staplehurst Neighbourhood Plan: Key visions, Policy PW2 and Objective 11.

Maidstone Borough Landscape Appraisal

4.0 LOCAL REPRESENTATIONS

4.01 Staplehurst Parish Council

Object to the application for the following summarised reasons:

- Refusal reasons of previous application 15/509275 remain valid
- Development would be contrary to policy PW2 of the Staplehurst Neighbourhood Plan
- Unallocated site and contrary to policies SP5 and SP17
- Development would harm the appearance and character of the countryside
- Distance from the village centre and absence of a footway make the location unsustainable
- Construction of Hen & Duckhurst Farm would not 'significantly alter' the access
- There had been known drainage and sewage issues in the area.

- 4.02 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 2 objections have been received in response to the consultation which are summarised below (some of the representation duplicates a representation on the earlier application):

- New access for new storage building will pave way for further future development
- Poor amenity for future occupiers
- Nothing has changed since the earlier refusal
- Inappropriate scale of development
- Overshadowing of vegetable patch
- Unacceptable loss of privacy
- Noise along driveway as a result of additional cars
- Loss of tree that acts as a wind barrier and is home to wildlife
- Water runoff
- Concerns over sewage disposal
- Adjacent to storage depot could be a health hazard
- The adjacent site generates considerable noise on a 24/7 basis are required to attend at very short notice many emergency operations. Noises associated with this

work can be considerable, such as the use of heavy air spanners removing and refitting wheels and major components.

- Flashing lights from adjacent occupier
- Overlooking from the high level cabs of the vehicles to the depot
- Noise report underestimates the actual noise levels generated by the proposals

5.0 CONSULTATIONS

5.01 KCC Highways: the access provisions in this location would not raise any significant concerns

5.02 Southern Water: No objection, subject to establishment of sewer location, conditions and informative.

5.03 Environmental Health: No comments

6.0 APPRAISAL

Main issues

6.01 The key issues for consideration relate to:

- Principle of development
- Sustainability
- Residential amenity
- Highways Matters
- Ecology
- Other matters

Principle of Development

Policy and history background

6.02 The application site is outside the Staplehurst settlement boundary and as such can be described as being within the countryside as set out in Policy SP17 of the Local Plan *'The countryside is defined as all those parts of the plan area not within the development boundaries shown on the proposals map.'*

Policy SP17 of the Local Plan sets out 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 Paragraphs 17, 60 and 61 of the NPPF recognise the intrinsic character and beauty of the countryside, the reinforcement of local distinctiveness and the integration of new development into the natural and built environment.

6.04 Policy DM5 relates to brownfield sites and states (Officer's emphasis in bold) :

*'Exceptionally, the residential development of brownfield sites in the countryside which are not residential gardens, which meet the above 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.

- 6.05 Paragraph 17 of the NPPF sets out the Core Planning Principles, these include:
- ‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.’*
- 6.06 Policy DM36 of the local plan allows for new agricultural buildings and structures, however no information is provided about the proposed new storage building to suggest that it is to be used for agricultural purposes. As such the proposal fails to meet the policy which requires the building to be reasonably necessary for the purposes of agriculture.
- 6.07 Policy DM37 allows for the expansion of existing businesses in rural areas, however again the proposals do not address whether the new storage building is required in connection with an existing business, nor satisfy the policy criteria in all other respects.
- 6.08 The Staplehurst Neighbourhood plan sets out the vision for the Parish through until 2031. These key visions include :
- *Maintaining and enhancing the rural character of Staplehurst village, its immediate setting and the wider parish*
 - *Protecting and enhancing the natural and historic environment, the quality and character of the whole built environment and the wider countryside.*
- 6.09 Policy PW2 of the neighbourhood plan sets out considerations for new development in the countryside. It states that proposals will be assessed on the visual setting and landscape features of the site and its surroundings, impact on biodiversity and other relevant planning considerations. The plan supports the protection of the wider countryside and the proximity of Staplehurst to the countryside is an important part of the identity of the village.
- 6.10 Objective 11 relates to *‘Create defined and welcoming gateways to the village when approached from the west, via the Marden Road.’* The objective acknowledges the important definition between the extent of the village and the countryside beyond. It sets out that the village should be defined separately from the surrounding countryside.
- 6.11 Prior notification was approved in 2015 for the change of the use of the existing building from B8 storage to a single residential dwelling. There is no explicit planning history which relates to the lawful use of the existing building as B8, however the application was accompanied by statutory declarations which confirmed that the building had been used for commercial storage purposes (vehicles, vehicle parts and associated cleaning equipment) since 2000. It was accepted as part of the application that the building has an established use for B8 purposes for over 10 years and as such in the absence of a formal application the likelihood is that should a certificate of lawful development be submitted this use would be accepted.
- 6.12 In the absence of any other information, this conclusion on established use solely relates to the land area identified in the Statutory Declarations which identifies a much smaller site than now forming the red line of the current application. The red line has been further increased through the current submission. As such there is some ambiguity as to the extent of the site that can be considered brownfield land.

However the Inspector does conclude in his decision on application 15/509275/OUT that the site is brownfield land.

- 6.13 In terms of the weight that can be attached to the prior notification approval, the Planning Inspector in his consideration of the appeal relating to 15/509275/OUT sets out that:

'Consequently, although the notification established the principle of residential development on the site, the physical effects of the development permitted would not be comparable with the appeal proposal.'

The prior notification is limited to the change of use of the building, a curtilage no larger than the building and does not allow for new built development.

- 6.14 Outline planning permission was applied for under application reference 15/509275/OUT. This application reserved all matters except access and did not specify the number of dwellings proposed, although indicative plans did show 4 dwellings. The outline consent also included the erection of a new storage building. Despite a positive officer recommendation the application was overturned by the planning committee and a subsequent appeal by the applicant was dismissed by the Planning Inspector, concluding harm to the character and appearance of the area and the development being unsustainable.

- 6.15 The Inspectors decision on the appeal relating to application 15/509275 is a material planning consideration and carries more weight in consideration of this current application than the positive recommendation put forward by officers.

Material changes since the appeal decision

- 6.16 Since the appeal decision the Maidstone Local Plan has been adopted and the planning policies on which the proposal is assessed now carry full weight.
- 6.17 The application is now submitted is in full rather than outline, as such the details of scale, layout, appearance and landscaping are now known.
- 6.18 Two dwellings are now proposed, whereas the earlier scheme was for an undefined number. This said if otherwise considered acceptable the appeal inspector could have allowed the appeal conditioned the number of units to a maximum of two dwellings to the number currently proposed.
- 6.19 Indicative landscaping is shown to the south of the application site to separate the rear gardens of Plots 1 and 2 with the open countryside, together with a landscape buffer separating the application site with The Gables to the north and landscaping long the western boundary. Again as landscaping was a reserved matter on the earlier application, if minded to allow the appeal the Inspector could have conditioned landscape buffers around the site if it was considered that this would provide necessary mitigation.
- 6.20 The applicant refers to the development at Hen and Duckhurst to the north-east of the application site, suggesting that development of the site would improve the sustainability of the application site. At appeal stage outline planning permission had been granted for the site. A reserved matters application has now been submitted under application reference 17/506306/REM for Hen and Duckhurst, however this has yet to be determined and whether the detailed scheme would impact on the sustainability of the application site can be given limited weight at this stage. The

Inspector in his decision makes reference to the outline consent and concluded the following :

'The appellant has referred to the Hen and Duckhurst site to the north-east of the appeal site. That site has been granted outline planning permission for residential development and is allocated in the ELP. Whilst it would result in traffic calming along Marden Road within an extended 30mph zone and improve links to railway station, it would not materially improve the pedestrian route from the appeal site to most local facilities and services.'

Overall

- 6.21 The key issues are therefore whether the proposed development would constitute sustainable development, and thus comply with the aims of the NPPF and the Local and Neighbourhood Plan Policies. Also determining whether the revised scheme overcomes the issues highlighted in the earlier appeal decision and whether the redevelopment of a brownfield site outweighs other material considerations. This is discussed in further detail below, together with other material planning considerations.

Sustainable development

- 6.22 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, these being the economic, social and environmental roles. Paragraph 14 sets out that at the heart of the NPPF is the presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay, unless material considerations indicate otherwise. Paragraph 55 of the NPPF sets out that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain vitality of rural communities.'*

Economic role

- 6.23 The proposal is for a housing scheme of two dwellings. If granted the development would create jobs during the construction phase and the new dwelling could support local businesses, however the economic role that two new dwellings would play in this location would be limited.

Social role and Environmental role (including visual impact)

- 6.24 The NPPF sets out that that role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.25 The environmental role as set out in the NPPF states that the planning system should *'contribute to protecting enhancing our natural, built and historic environment.'*, overlapping somewhat with the social role.
- 6.26 The Council can demonstrate a 5 year housing land supply and as such there is no overriding need to identify additional housing sites and although windfall development would contribute to the overall supply, such development should be focussed on sites where the local plan support such proposals.

6.27 The social and environmental role requires the creation of a high quality built environment. Policy SP17 of the local plan sets out the criteria for assessing development within the countryside which includes, that proposals will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Policy DM30 sets out that *'The type, siting, materials and design, mass and scale of development...would maintain, or where possible, enhance local distinctiveness including landscape features.'* and that *'any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.'*

6.28 Policy DM12 of the local plan sets out :

'All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.'

6.29 Policy DM1 of the local plan sets out amongst other criteria :

'Respond positively to and where possible enhance, the local....character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and vernacular materials where appropriate.'

Visual impact

6.30 The earlier appeal decision highlights that harm would result to the character and appearance of the area. A copy of the decision is appended to this report and key paragraphs which relate are 5, 6, 7, 10, 11 and 12.

Paragraph 6 sets out :

'Notwithstanding that the exact number and layout of the dwellings has not been determined, new buildings on the scale shown in the indicative scheme, together with the up-graded access and domestic boundary enclosures, would have a urbanised effect compared with the existing collection of more modest, utilitarian buildings. The height, volume and spread of buildings would increase significantly and the low key, utilitarian character of the site would be replaced by a more intensive residential use.'

6.31 The scale of the new buildings has not altered since the earlier indicative scheme. The proposed dwellings remain as 5-bedroomed, 2-storey executive style housing, which would be in stark contrast to the modest utilitarian buildings currently on the site. The access road would be upgraded as per the earlier scheme and extended further into the open countryside to accommodate the new storage building. The site would be formalised to enable parking and turning, the subdivision of the site to allow for 2 dwellings. The redevelopment of the site would not be low-key and would introduce additional built development, mass and height of buildings in an area where development is concentrated along the road frontage or well screened when it encroaches into land to the south.

6.32 The key matter is therefore whether the indicative planting shown on the submitted plans would mitigate the harm identified in the committee's earlier decision and supported by the Planning Inspector. It is officers view that due to the character and appearance of the existing site which has limited impact on the landscape, the proposed scheme would not result in significant environmental improvement (as

required by Policy DM5 of the Local Plan) and would not overcome the earlier reasons for refusal and Inspectors decision. The impact on the character and appearance of the area is further exacerbated by the proposed new storage building which would encroach into open countryside to the south. There is no policy justification for this building, which would be of larger proportions than the existing building on the site.

Accessibility of the site

- 6.33 The Inspector in his earlier decision concluded that the site was not sustainable in terms of its location. Paragraph 13 of his decision sets out :

'There is no dispute that Staplehurst itself is a sustainable settlement. However its services and facilities are concentrated within the built up area at least 1.1km from the site. The nearest bus stop is some 0.9km away. The route from the appeal site along Marden Road is unlit and has no footpaths for the first 250m. The road is subject to a 40mph speed limit and is fairly busy with traffic. Whilst there are grass verges next to the carriageway, they are narrow and uneven in places. I found on the site visit that walking this part of route is uncomfortable and would not be attractive for trips during the day, much less during hours of darkness.'

- 6.34 No circumstances have changed on site, no additional mitigation is proposed to improve access (for example a footway along Marden Road) and therefore the conclusions of the Inspector remain material. The supporting statement highlights the development at Hen and Duckhurst, however as highlighted by the Inspector at Paragraph 14 of his decision, this may improve links to the station and reduce speeds along Marden Road, this would not materially improve the pedestrian route to most local facilities and services which are predominantly to the east and south-east of the application site.
- 6.35 It is therefore not considered that there is reason to depart from the Inspector's conclusion that the site would rely on private vehicle use and cannot be considered sustainably accessible.

Overall

- 6.30 As such it is not considered that the proposed development would fulfil the social or environmental role of sustainable development and meet national or local plan policies which seek to promote high quality development and maintaining/enhancing the character of the local area, promoting distinctiveness. The development would not result in significant environmental improvement nor is the site or would it be made reasonably accessible by sustainable modes to Staplehurst or any other urban area, rural service centre or larger village such that the development would not comply with policy DM5 which allows for brownfield redevelopment.

Residential amenity

- 6.31 The site is located to the south of The Gables, which is located adjacent to the road. The potential new houses would be approximately 45m from the main house and therefore I would not consider it to have a detrimental impact on the private amenity of these neighbours.
- 6.32 Additionally, whilst there would be an increase in the quantity of traffic along the access road, it is not considered this would amount to an unacceptable level of noise and disturbance.

6.33 Concerns have been raised in relation to the neighbouring use of the property by the current occupiers of this site, which is industrial in its nature. Their concerns relate to the noise levels generated from this site can be large and during unsociable hours. I have no reason to question this concern as the planning history demonstrates there is no restriction on the hours of the use. An established use certificate for “storage of materials, plant and equipment, the ancillary repair of same and for the storage of lorries necessary to transport the same” was awarded in 1989 (ref 89 1681), and aerial photos demonstrate that this has been a continuous use.

6.34 In consultation with Environmental Health on the earlier application, the following mitigation measures were agreed.

- The double glazing will be 6-12-6 glazing (improved noise insulation).
- There will be whole house ventilation to all rooms, rather than individual mechanical ventilation to each room.
- There will be no windows to habitable rooms on the elevation to the houses facing the yard, whatever the final layout.
- The fence between the proposed housing and yard will be 2.4 metres in height.

These details have not been put forward with the current submission, however should members wish to overturn the officer recommendation and approve planning permission the details could be conditioned.

6.35 With this in mind, it is considered that the proposal suitability conditioned could provide acceptable living conditions for future occupants.

Highways matters

6.36 It has been confirmed by KCC Highways that the access provisions in this location would not raise any significant concerns. For this reason, I am satisfied that the access would be acceptable.

Ecology

6.37 It is considered that there would be no reasonable likelihood of protected species being present on the site and affected by the proposals as a result of the management of the land (which has meant that the grass has been consistently mown) and the location of the site adjacent to the crane site,

6.38 The National Planning Policy Framework (the Framework) and Circular 06/2005: Biodiversity and Geological Conservation confirm that surveys should be carried out prior to planning permission being granted where there is a reasonable likelihood of a protected species being present and affected.

6.39 Should members be minded to approve the application a condition requiring ecological enhancements within the site could be sought.

Other matters

- 6.40 Concerns have been raised in relation to drainage. The proposal is to contain any surface drainage within the site using sustainable urban drainage and a condition can be attached to secure this.
- 6.41 Southern Water supports this stance and seeks, through appropriate planning conditions, to ensure that appropriate means of surface water disposal are proposed for each development.
- 6.42 Southern Water have confirmed that a formal application for a connection to the foul sewer must be made by the applicant or developer, but subject to this there is no objection relating to foul drainage.
- 6.43 With the above in mind and the drainage for this site is considered to be acceptable.

7.0 CONCLUSION

- 7.01 The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017. The application fails to meet the high threshold for new residential development in these locations in relation to sustainability and design. The re-development of this brownfield land would not comply with the local plan policy which requires significant environmental improvement and sustainability.
- 7.02 The design, scale and proportions of the new housing and storage building (for which there is no policy justification) would result in significant harm to the character and appearance of the area, failing to promote local distinctiveness and the intrinsic character of the countryside.
- 7.02 It is not considered that this revised application overcomes previous issues.

8.0 RECOMMENDATION – REFUSE for the following reason :

The proposed development would be contrary to the National Planning Policy Framework 2012, the National Planning Practice Guidance 2012, Policies SP5, SP17, DM1, DM3, DM5, DM12 and DM30 of the Maidstone Borough Local Plan October 2017 and the visions, Policy PW2 and Objective 11 of the Staplehurst Neighbourhood Plan in that it would be outside of the settlement boundary of Staplehurst and, being located in flat open countryside in the Low Weald, would be a jarring and harmful addition to the character and appearance of the countryside (both by day and by night) by reasons of a loss of its open character and associated domestic paraphernalia; and also in that this is an unsuitable location due to the absence of a footway on Marden Road and the distance of the site from the village centre.

Case Officer: Rachael Elliott

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