

REFERENCE NO - 18/505726/FULL		
APPLICATION PROPOSAL Construction of a new access to Crumps Lane and erection of a general purposes agricultural storage building.		
ADDRESS Mansion House Farm Crumps Lane Ulcombe Maidstone Kent ME17 1EX		
RECOMMENDATION Approval subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposals are necessary for the purposes of agriculture and would result in economic and social benefits in supporting an existing rural farming business and these benefits outweigh the landscape harm to the countryside and designated 'Landscape of Local Value'.		
REASON FOR REFERRAL TO COMMITTEE Ulcombe Parish Council requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mrs Marion Coomber AGENT DHA Planning
TARGET DECISION DATE 07/01/19		PUBLICITY EXPIRY DATE 14/12/18

Relevant Planning History

No relevant planning history

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site relates to agricultural land located to the south of Crumps Lane within an area of open countryside and within an area of Landscape of Local Value as designated in the adopted Local Plan.
- 1.02 The site falls within the land holding of Mansion House Farm. This land holding covers a total area of 49.4 ha (122 acres) and includes two land plots of 27.5 ha (68 acres) and land at Boy Court which immediately adjoins the site to the south with an area of 21.85 ha (54 acres).
- 1.03 The application site itself is square shaped with an area of 0.44 ha (1.08 acres). The site is currently grassland bounded by hedgerow to the east and a mix of hedgerow and trees along Crumps Lane.
- 1.04 A public footpath (PROW KH328) is located to the south-east of the site and runs from south to north.
- 1.05 The nearest residential dwelling, namely Kingsnoad, is situated opposite to the site across from Crumps Lane. Kingsnoad is served by an existing access from Crumps Lane which sited approximately 25m from the proposed access. The main house of Kingsnoad is situated some 100m to the north-east of the site separated by mature trees and hedges along Crumps Lane.
- 1.06 The nearest group of residential dwellings are situated along an access track approximately 100m to the east of the site. This group of dwellings have their main house sited and fronting the access track and are distanced to the proposed building by some 80m-100m separated by some of their large rear gardens.

2. PROPOSAL

- 2.01 The application proposes the erection of a general purposes agricultural storage building for the storage of hay produced for the farm and the storage of agricultural machinery.

- 2.02 The proposed building has a 32m x 15m footprint and incorporates a shallow pitched roof with an overall roof ridge height of 8m. The proposed building has a steel frame set on a low blockwork plinth with metal profile sheeting coloured Green to three enclosed elevations. The roof will be covered in metal profile sheeting coloured in grey. The south east elevation (fronting away from Crumps Lane) of the building will be open-sided. The building will be set back from the highway by approximately 38m.
- 2.03 The proposed development also includes the construction of a new access to Crumps Lane serving the proposed building with hard surfacing link access to the south elevation of the building.
- 2.04 The proposed agricultural building could be erected by way of prior notification application under Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018. The assessment under this application would be less restricted by the site's special landscape designation and less controlled by planning conditions for an appropriate landscape scheme.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, SP21, DM1, DM3, DM8, DM23, DM30, DM36, DM37
Supplementary Planning Documents:
Maidstone Landscape Character Assessment (2012 – amended 2013)
Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 7 representations received from local residents raising the following (summarised) issues:
- Crumps Lane is a narrow single track country lane that is incapable of accommodating large and heavy agricultural machinery and lorries.
 - The proposed access lacks sufficient sight lines.
 - The proposed building is too large which will dominate the landscape and result in significant visual impact to the countryside, landscapes of local values and public vantage points.
 - The proposed building would result in harmful outlook, overbearance, and loss of privacy for neighbouring properties, in particular to the nearest neighbours namely Kingsnood, Mansion House Oast, Oast Apartment.
 - Noise and light pollution from site in what is an intrinsically dark landscape.
 - Impact on habitat and biodiversity.
 - The development is not necessary.

5. CONSULTATIONS

Ulcombe Parish Council

- 5.01 Raise objections on the following grounds:
- Adverse visual impact to the open countryside (Low Weald), and the site being within an area of Landscape of Local Value and rated "High" in the Maidstone Landscape Capacity Study 2015.
 - Cumulative effect of ribbon development alongside a narrow country lane.
 - The proposal is visible from Crumps Lane and Public Right of Way KH328.
 - Loss of amenity to neighbouring properties, in particular to Mansion Farm Oast, of increased noise and lighting impact.
 - Suggested the possibility of development the existing farm site of old barns for new buildings instead of introducing new building at a prominent site.

- Requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.

KCC Highways

5.02 Raises no objection

Agricultural Advisor

5.03 Considered the proposed development to be necessary for the operation of Mansion House Farm. The existing elderly farm storage buildings, which set out in a linear fashion alongside a private land that has restricted width, as at the entrance, off Crumps Lane, runs between the walls of adjoining residential properties that are outside the farm ownership. The old farm buildings are considered to be unsuitable in terms of design, condition and accessibility for convenient use by larger modern farm machinery.

MBC Landscape

5.04 Advised the site is located in the Ulcombe Mixed Farmlands landscape character area, which is assessed as being of high overall landscape sensitivity and is sensitive to change Guidelines and mitigation advice for development in this area has been provided. The landscape officer found the principles of the landscape scheme generally acceptable but the detail currently inadequate. If planning permission is approved, these shortcomings can be dealt with through landscape conditions (with tree protection details).

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Agricultural need
 - Sustainability
 - Visual/landscape impact
 - Residential amenity
 - Highway safety implications
 - Other considerations
- 6.02 Policy SP17 states that agricultural proposals will be supported in the countryside where they facilitate the efficient use of the borough's significant agricultural land and soil resource and where any adverse impacts on the appearance and character of the landscape can be appropriately mitigated. Policy SP17 states that the distinctive landscape character of the Low Weald will be conserved and enhanced as a landscape of local value.
- 6.03 The NPPF also lends strong support to the rural economy and seeks to promote agricultural and land based rural businesses. Paragraph 83 of the NPPF supports a prosperous rural economy. To promote a strong economy support should be given to sustainable growth and expansion of all types of businesses and enterprises in rural areas and promotion of development and diversification of agricultural and other land-based rural businesses.
- 6.04 In terms of the land use in this location and the proposed building, it is necessary to balance the needs of agriculture against the visual impact of the proposals. Adopted policy DM36 states that new agricultural buildings that meet the following criteria will be permitted:
- The proposal is necessary for the purposes of agriculture.
 - There is no adverse impact on the amenity of existing residents; and
 - The building is located '...within or adjacent to an existing group of buildings...' to mitigate against the visual impact of development.

Agricultural Need

- 6.05 Local Plan policy DM36 states that new agricultural buildings will be permitted where the proposal is necessary for the purposes of agriculture.
- 6.06 It is stated in the Planning Statement that the existing storage buildings on the farm were erected many years ago and are in poor condition. These existing buildings that are referred to in the consultation response from the Parish Council are not suitable for modern agricultural needs. The buildings can only be accessed via the existing farm access which is unsuitable for large modern farm machinery. The planning statement concludes that there is an urgent need for the efficiency of the farm business to provide a new purpose designed general purpose agricultural storage building on the land and importantly in a more accessible location.
- 6.07 When considering the need for development, a consultation response from Rural Planning Ltd. provided the following statement:

'The application relates to a grassland farm of some 49.4 ha overall in two adjoining parcels of 27.5 ha and 21.9 ha. Some 1200-1500 large round bales of hay are produced each year. The applicant also owns a further 41 ha of arable land and pasture at Headcorn.

There are several existing elderly farm storage buildings at Mansion House Farm, set out in a linear fashion alongside a private lane that has restricted width, as at the entrance, off Crumps Lane, it runs between the walls of adjoining residential properties that are outside the farm ownership. The lane is also a public right of way. The old farm buildings are now unsuitable in terms of design, condition and accessibility for convenient use by larger modern farm machinery.

Consequently I consider the proposed development, sited directly off Crumps Lane, to be necessary, and appropriately designed and located, for the purposes of agricultural on this holding in accordance with Policy DM36 (1) of the Council's Adopted Local Plan 2017.'

- 6.08 It is considered there is a reasonable need for the development and the proposal is necessary for agriculture in line with Policy DM36 of the Local Plan. Therefore the overarching question is whether the harm to the appearance of the countryside and Landscapes of Local Value is so great to outweigh the agricultural need for this development and this will be assessed in this report.

Visual/ landscape impact

- 6.09 Policy SS1 of the Local Plan states that Landscapes of Local Value will be conserved and enhanced and that protection will be given to the rural character of the borough. SP17 states that the distinctive landscape character of the Low Weald will be conserved and enhanced as a Landscape of Local Value and proposals in the countryside will not result in harm to the character and appearance of the area. Policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area.
- 6.10 The Low Weald Landscape of Local Value is considered to be a landscape that is highly sensitive to significant change, and it is a landscape that should be conserved and enhanced where appropriate. The Landscape Officer has commented that this area's (Ulcombe Mixed Farmlands) landscape is of high overall landscape sensitivity and is sensitive to change in accordance to the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015).
- 6.11 The Landscape Officer has further commented that there are no protected trees on, or immediately adjacent to the site but the hedgerow may be considered important under the Hedgerow Regulations. The principle of the landscape scheme is

considered generally acceptable but the details currently inadequate. However, this can be dealt with by attaching landscape conditions (with tree protection details) to any permission granted.

- 6.12 Policy DM36 sets out that new agricultural buildings in use for agricultural trade will be permitted where the building would be located within or adjacent to any existing group of buildings, in order to mitigate against the visual impact of development.
- 6.13 Whilst the application site is an open agricultural field, the new building is located at the northern edge of the land holding and with the relationship to nearby residential buildings, the proposed building will not appear as an isolated structure in the countryside. Officer discussions with the applicant have also secured a reduction in the level of proposed hardstanding on the site for vehicle circulation.
- 6.14 The proposed agricultural building would be located about 30m set back from Crumps Lane at a slightly elevated level. The proposed materials would be characteristic of typical agricultural building. At some 8m in height to the roof ridge and a footprint of 32m x 15m, the new building would undoubtedly be a large structure; however, an assessment needs to be made with regards to the visual impacts of the proposed buildings and justification for its size and height.
- 6.15 The renovation or reuse of the existing buildings on land owned by the applicant was not feasible and the access to them not suitable for use by modern agricultural farm machinery. The proposed building and the proposed new access have been designed to accommodate modern farm machinery and equipment and part of this design is the building height.
- 6.16 The Applicant has outlined the necessity for the new building to be in an accessible location to allow access by large farm machinery, and this is confirmed by the Agricultural Advisor. The application site consists of agricultural land within the Applicant's farm holding fronting directly onto Crumps Lane. This is considered to be an appropriate location, which is the only main road serving the farm holding, and it is also nearest to the existing access track and group of buildings.
- 6.17 The new building and hardstanding would have some level of screening from the existing trees along Crumps Lane and the hedgerow along the east boundary facing a group of residential dwellings. A landscape plan has been submitted providing additional native species tree planting along the Crumps Lane boundary. It is considered further screening would be required in particular to the eastern boundary of the site facing the residential dwellings, as well as maintenance and improvement of the existing hedgerow surrounding the site. A landscape condition is recommended seeking the provision of a landscape scheme to minimise the visual impact of the proposed development on the countryside, on the landscape of local value, public vantage points.

Overall

- 6.18 It is acknowledged that the proposed development would have an impact on the countryside and Landscapes of Local Value. However, the applicant has demonstrated a need for the agricultural building at this more accessible location.
- 6.19 Additional landscaping and screening is proposed along Crumps Lane and further landscaping to the east and the maintenance of the existing hedgerow could be secured through appropriate landscape condition to ensure the visual impact of the development is minimised. The visual harm has to be balanced against the benefits and the aims of sustainable development to secure a long-term future for rural communities and agricultural businesses. The visual harm of the proposed development is considered to be outweighed by the agricultural and economic benefits that the scheme would provide.

Residential amenity

- 6.20 The proposed development would be about 90m from the nearest residential dwellings located to the east of the site. It is acknowledged that in terms of the closest property the majority of the separation distance is made up of rear garden land. With this separation distance it is not considered that the new building would result in any overshadowing, loss of light or loss of daylight to the living spaces of the nearby dwellings.
- 6.21 It is acknowledged that the new building would be visible from a number of neighbouring properties to the east and opposite the site, namely Kingsnoad, The Oast House, Mansion House Oast, Oast Apartment.
- 6.22 The view of an agricultural building within the rural landscape is not however out of keeping with the character of the countryside.
- 6.23 Whilst the protection of a private view is not a valid planning consideration, the visual appearance of the proposed barn will be improved by landscaping that will be secured through a planning condition. I do not consider the proposal would result in any significant impact in terms of outlook, overbearance and privacy.
- 6.24 The use of the land may result in some noise disturbance, but is not considered that it would be of such a scale that would warrant this application unacceptable. In addition, by having the new building directly off Crumps Lane this would reduce potential disturbance caused by use of the existing track situated in between the neighbouring properties and the coming and goings of vehicles and farm workers.
- 6.25 No lighting proposal has been submitted with the application. A condition is recommended to ensure that any installation of external lighting would require details to be submitted for prior approval.

Highway safety implications

- 6.26 The proposal consists of the creation of a new vehicle access to Crumps Lane.
- 6.27 Crumps Lane is a country road that will be the main route for traffic generated by the development. It is accepted that the development could potentially generate a marginal increase in traffic on the local road network; however the extent of increase is not considered severe. Whilst Crumps Lane is restricted in width in certain places it is considered acceptable for agricultural vehicles and is a rural road.
- 6.28 It is not considered that the cumulative impacts of the development on highways matters are likely to be severe.
- 6.29 Representations submitted by neighbours have stated that the existing access to the residential property called Kingsnoad located on the opposite side of Crumps Lane is not indicated on the vehicle swept path drawings. A concern was expressed as it was unclear if the residential access had been considered in the calculations.
- 6.30 The vehicle swept path drawing is designed to show that there is sufficient space on the road for a vehicle to manoeuvre safely and in this context presence of a residential access is irrelevant.
- 6.31 In terms of highway safety KCC Highways were consulted on the vehicle swept path and they have confirmed after a site visit that the distance between the proposed access and the existing neighbouring access is approximately 25m (measured from centre line to centre line). KCC Highways guidance, states that a minimum of 15m is required for a right-left stagger, therefore, it is considered the separation distance between the two accesses is in accordance with the guidance and would not result a highway safety issue. It should be noted that this analysis by KCC

Highways relates to access 'roads' and traffic volumes associated with the two access points that have been described is likely to significantly lower.

- 6.32 The Highways Officer has no objection to the proposal and is satisfied with the visibility sight lines, on site manoeuvring space and the swept path analysis. This analysis demonstrates that the size of vehicles using the site will be able to enter the site, manoeuvre and then egress onto the public highway in a forward manner.

Other Matters

- 6.33 The site falls within an area identified as High Spatial Priority in the Woodland Priority Habitat Network. KCC Biodiversity have been consulted on the proposal and their comment will be provided at a later date.
- 6.34 The Grade II listed Mansion House Farmhouse lies approximately 100m to the east of the site. Some views of the proposed building would be possible from the listed building, however the potential harm is not considered significant on the setting of the Listed Building due to the separation distance. Any harm would be considered to amount to 'less than substantial harm' in terms of the NPPF.

7. CONCLUSION

- 7.01 The development of an agricultural building with associated access and hardstanding at this location immediately adjacent to a main road is necessary for the farming business to store large machinery and storage of hay. Whilst it is accepted that the building will have a negative visual impact on the landscape with the need for the proposal and the building siting this impact is considered acceptable.
- 7.02 The impact on residential amenity is not significant given the degree of separation between the proposal and neighbouring properties. These benefits would outweigh the landscape harm and support the rural economy with sufficient mitigation possible through a landscaping scheme.

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:

Proposed Site Layout Plan, No. DHA/13159/03 Rev B received on 20 Dec 2018
Proposed Floor Plan & Elevations, No. DHA/13159/04 received on 12 Nov 2018

Reason: To clarify which plans have been approved.

- 3) The development hereby approved shall not commence above ground level until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specifically address the need for the maintenance of the hedgerow on the northern boundary, and provide appropriate boundary treatment along the northern and eastern boundaries to include native tree species and hedgerows. The landscape scheme shall also show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to the site and indicate whether they are to be retained or

removed and include a planting specification, a programme of implementation and maintenance and a 5 year management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required prior to commencement as a satisfactory landscaping scheme is of importance to the visual amenity of the development.

- 4) The use of the building hereby permitted shall not commence until all planting specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any trees or plants which, within five years from the first use of the land, 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 unless the Local Planning Authority gives written consent to any variation.

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

- 5) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas, shall be submitted to and approved in writing by the local planning authority prior to the first use of the approved building. Landscape and ecological management shall be carried out in accordance with the approved plan.

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

- 6) Information shall be submitted to (and approved in writing) by the Local Planning Authority that demonstrates that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the occupation of any phrase of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water.

- 7) Development shall not begin 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 within the curtilage of the site without increase to flood risk or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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.

- 8) The building hereby permitted shall not be used until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the Local Planning Authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An as-built generation arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDs component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system through its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 163 of the NPPF and its associated Non-Statutory Technical Standards.

- 9) The building hereby permitted shall not be used until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable 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) or 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; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the NPPF.

- 10) The access on to Crumps Lane hereby permitted shall be surfaced in porous hard bound materials, or otherwise bound as measured from 5m from the edge of the public carriageway, and shall be constructed and completed before the development is brought into use and retained at all times thereafter.

Reason: In the interests of highway safety.

- 11) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been 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: In the interest of amenity.

INFORMATIVES

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.

Case Officer: Michelle Kwok