

APPLICATION: MA/10/0091 Date: 18 January 2010 Received: 11 March 2010

APPLICANT: Mr D Farley

LOCATION: LAND ADJ FORGE HOUSE, BERESFORDS HILL, BOUGHTON  
MONCHELSEA, KENT, ME17 4LX

PARISH: Boughton Monchelsea

PROPOSAL: Outline planning permission for the erection of one dwelling with all matters reserved for future consideration as shown on A4 site location plan received on 17th February 2010 and A4 indicative layout plan received on 11th March 2010.

AGENDA DATE: 29th April 2010

CASE OFFICER: Richard Timms

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

- The applicant is a member of staff

### **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV32  
The South East Plan 2009: CC1, CC6, H1, C4, BE6  
Government Policy: PPS1, PPS3, PPS5, PPS7  
Boughton Monchelsea (The Green) Conservation Area Appraisal 2008

### **2. HISTORY**

MA/98/0397 Outline application for one detached dwelling and garage with only means of access for consideration, all other matters reserved – REFUSED

MA/95/0035 Outline application for the erection of a detached dwelling and garage with all matters except for the means of access reserved for future consideration - DISMISSED AT APPEAL

MA/93/0386 Outline application for detached four-bedroom dwelling – REFUSED

### **3. CONSULTATIONS**

3.1 **Boughton Monchelsea Parish Council:** Would like to see the application REFUSED as the proposed dwelling is outside the village envelope as defined in the Maidstone Borough-Wide Local Plan 2000.

3.2 **Conservation Officer:** No objections with regard to the setting of the Conservation Area.

*"Given the density of development within the conservation area, it would difficult to argue that a dwelling in the proposed location would, in principle, adversely impact the character of the setting of Boughton Monchelsea, 'The Green' Conservation Area."*

3.3 **Environmental Health Manager:** No objections.

3.4 **Rural Planning Ltd:** No objections to loss of small area of agricultural land.

*"The proposed development would be sited within the south-east corner of a grass field that extends to some 0.6 ha (or 1.48 acres) by my calculation. The stated area of the development would be some 0.07 ha but I would estimate that the effect of the dwelling and access road thereto could include an overall loss (in terms of potential agricultural use) of a further 0.04 ha or so, being the strip of land south of the proposed access."*

*The land is indicated as being Grade 2 on the 1:250000 DEFRA classification map, however that is not accurate on a field by field level and the actual grade could only be determined by a detailed survey....*

*..... I note that part of the site at least is already developed as such in that it contains a small agricultural building and there may well be other "disturbed" land around or leading to the building that in practice would reduce the land quality grade here.*

*The development would run across a small neck of land, to the south of which there is another small field. However the two fields appear distinct with mature trees between the two. As such I do not consider there is a reasonable assumption that the two parcels are, or should be, regarded as a single block of agricultural land that requires to be contained within a ring fence for its beneficial agricultural use. Consequently I do not consider the creation of the new access way and the dwelling (whatever its impact in visual terms etc) is likely to impinge on the continued or potential agricultural use of the remainder of the field concerned to the north, or the other field to the south.*

*Taking all the above into account, in my view the agricultural loss issue here is not likely to be significant, or of enough concern to warrant the sort of land grade survey that would be required to inform a judgement as to the exact land quality, as a potential reason for refusing planning consent."*

3.5 **KCC Archaeological Officer:** No objections subject to a watching brief condition.

*"The application site lies within an Area of Archaeological Potential relating to an Iron Age oppidum, located c.200m to the north-west, and the find spots of Roman artefacts in the vicinity.*

*Archaeological remains could be encountered during the proposed groundworks and I recommend that the following condition be applied to any forthcoming consent:*

*No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification 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."*

#### **4. REPRESENTATIONS**

4.1 **Neighbours:** Three representations raising the following points:

- An identical application was made a few years ago which was rejected and nothing has changed except a vast increase in traffic due to the new schools in Boughton Lane.
- Will destroy what little countryside and beauty is left in the village.
- Added demand on water, electricity, gas and drainage infrastructure.
- Huge visual effect.
- The plot should remain agricultural.

4.2 **CPRE:** Opposed to the application for an additional dwelling in the open rural countryside, outside the settlement area of Boughton Monchelsea. Consider it to be contrary to Maidstone Borough-Wide Local Plan 2000 saved policies ENV28 and ENV32 and consider it would have an adverse effect on the character and appearance of the countryside within the even more restricted Southern Anti-Coalescence Belt.

#### **5. CONSIDERATIONS**

##### **5.1 Site & Setting**

5.1.1 This is an outline application for a detached dwelling with all matters reserved for future consideration at land adjacent 'Forge House', Beresfords Hill, Boughton Monchelsea. The application site is immediately north of the defined settlement boundary of the village in the Local Plan and therefore for planning purposes it falls within the countryside. The settlement boundary runs along the southwest edge of the field owned by the applicant for around 70m and is formed by a

stone wall. The northern tip of the village envelope is also designated as 'The Green' Conservation Area so the site is close to this area and has been advertised as affecting its setting. The site and surrounding land is also designated as the Southern Anti-Coalescence Belt, an area where policy seeks to protect the rural settlements surrounding Maidstone from coalescing with the urban area and with each other. The site also falls upon land with archaeological potential and has a grade 2 agricultural land classification.

5.1.2 The application site is within the southeast corner of a grass field formerly part of a larger agricultural holding and includes a 3-4m wide access from an existing gated access in the west corner of the field. This access comes off a private single track lane which also serves the dwelling, 'The Old Barn House' to the north. This lane adjoins Beresfords Hill, which is within 5m of the access to the site.

5.1.3 Whilst the applicant's land is not understood to be in active agricultural use its lawful planning status is agricultural land with a grade 2 classification. There is a lean-to building in the southeast corner, which is well hidden and not prominent within the wider area. The site has a slight and gradual drop from south to north by approximately 1-2m. To the east of the site is undeveloped land which appears to be associated with 'West Lyewood House'. To the south is an undeveloped field with a number of orchard trees in equestrian use. To the southwest are the dwellings and rear gardens of 'Forge Cottage' and 'Forge House'. To the west is the private lane and to the north is the dwelling 'The Old Barn House' and its garden. The boundaries of the field are formed by close boarded fencing and conifers along the north side, hedging and trees on the east side. Hedging and trees and a stone wall on the south side and a low ragstone wall and stock proof fencing on the west side.

## **5.2 Proposed Development**

5.1.1 This is an outline application for a detached dwelling with all matters reserved for future consideration. As such, the Council is being asked to consider the principle of a new dwelling in the southeast corner of the site. The details of the appearance and size of the dwelling, the layout of the development and the access would be considered at the reserved matters stage. However, the Design and Access Statement states that it would be a two storey, four bedroom dwelling. An indicative layout plan has also been provided which shows a curtilage of some 23m x 27m and a dwelling with a rectangular footprint of some 9m x 13m close to the southeast corner of the field with its garden and parking/turning area to the front west.

## **5.3 Principle of Development & Planning History**

- 5.3.1 The application site lies outside the village envelope and is within the open countryside for the purposes of the Development Plan. PPS7 'Sustainable Development in Rural Areas' at paragraph 8 in relation to housing states that, *"the focus for most additional housing in rural areas should be on existing towns and identified service centres"* and that Planning Authorities should *"strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans."* PPS3 'Housing' outlines at paragraph 36 that, *"the priority for development should be previously developed land in particular vacant and derelict sites and buildings"*.
- 5.3.2 Policy ENV28 of the Local Plan restricts development in the countryside to specific types of which a new dwelling is not one, nor is it an exception indicated by any other policies in the Local Plan. Policy H27 makes reference to Boughton Monchelsea but outlines that new residential development will be restricted to minor development, within the boundaries of the village. Essentially both National and Local planning policies seek to resist the development of greenfield land.
- 5.3.3 The South East Plan 2009 follows Government advice outlining that the principal objective of the Plan is to achieve and maintain sustainable development and protect the countryside under policies CC1, CC6 and C4.
- 5.3.4 The Council refused three applications for a dwelling at the site slightly further west of the current site during the 1990's and one application (MA/95/0035) was dismissed at appeal (Appeal Decision attached at Appendix). These applications were refused on principle as the site lies outside the settlement boundary and for visual harm reasons. I note that the Inspector in 1995, observed that, *"the settlement boundary as shown on the Proposals Map follows a stone wall which runs to the south of the site. This wall is a long established boundary to the garden of Forge House and forms a clear demarcation between land which is part of the village and land which forms part of the rural setting to the village. The conclusion to be drawn from the Local Plan Proposals Map is thus re-enforced by physical features that I observed on my site visit and my view is that the appeal site should indeed be regarded as lying outside the built confines of Boughton Monchelsea."* Having visited the site, this is still the case and there has been no built development that would reflect a different settlement boundary either on the ground or on the Local Plan map since 1995.
- 5.3.5 So as was the case in the 1990's, the site still lies outside the settlement boundary. Boughton Monchelsea is not an identified rural service centre and is only a relatively small village. As such, the proposals are still in direct conflict with established planning policies for the location of new dwellings. To allow a dwelling outside the settlement boundary would be contrary to policy ENV28 of the Local Plan and advice contained within PPS3 and PPS7.

## **5.4 Visual Impact**

5.4.1 In addition to the principle of the development being unacceptable, it would inevitably cause visual harm to the area. The site is partly bounded by residential properties and their gardens to the southwest and north but it has an open character and provides a rural and undeveloped setting to the village. Any new dwelling and its access would introduce significant new development and erode this open character, which would be visible from Beresfords Hill to the west and from Green Lane to the south of the site, particularly in the winter when trees and hedges are not in leaf. The Appeal Decision and the Inspector's conclusion in 1995, which is a material planning consideration also applies to this proposal in that if this development were to take place the open character of the site would be lost and the current firm boundary of the settlement would be eroded. Whilst there is an existing agricultural building at the site, such buildings are a regular feature in the countryside and this particular building is small in size and hardly noticeable within the landscape.

## **5.5 Setting of the Conservation Area**

5.5.1 In terms of the Conservation Area, the site and its surrounding field provides an open setting to the north of the Conservation Area. Whilst, the development would inevitably cause some erosion of this openness and harm the countryside, I do not consider it would significantly harm the setting of the Conservation Area. The new dwelling would be over 30m from the edge of the Conservation Area and around 80m from the nearest buildings so a decent space would still be provided between the site and the Conservation Area. I agree with the Council's Conservation Area Appraisal (March 2008) that, "*the dominant land use in the setting around most of the area to the North, North-West, North-East and East is farmland and woodland, and apart from entering the area along Green Lane from the east, little visual contact is maintained between the Conservation Area and its setting.*" I note the Conservation Officer also considers the setting would not be significantly harmed and this was not raised as a reason for refusal by the Council previously or the Inspector in 1995. In conclusion, I do not consider the proposals would be contrary to advice and policies within PPS5 'Planning for the Historic Environment' in respect of the Conservation Area.

## **5.6 Southern Anti-Coalescence Belt**

The Southern Anti-Coalescence Belt was introduced under the Maidstone Borough-Wide Local Plan 2000 so was not relevant under the previously refused applications. Policy ENV32 outlines that within this area, development which significantly extends the defined urban area, the built up extent of any settlement or consolidates existing areas of development will not be permitted.

As the proposals are only for a single dwelling, I do not consider they would be contrary to this policy.

## **5.7 Other Matters**

- 5.7.1 The nearest dwellings would be around 80m away so there would be no implications for residential amenity. The use of any access to the site would not result in any great level of noise or disturbance. In terms of parking provision and highway safety, sufficient parking could be provided at the site and an existing acceptable access onto Beresfords Hill would be utilised.
- 5.7.2 The application site's agricultural land classification is Grade 2, which falls within the best and most versatile agricultural land category and PPS7 outlines that this should be taken into account when determining applications. Advice from Rural Planning Ltd essentially outlines that the agricultural loss issue here is not significant, or of enough concern to warrant a reason for refusing planning consent. I agree with this conclusion as the area of land is small and the development would not impinge on the continued or potential agricultural use of the remainder of the field concerned to the north, or the adjoining other field to the south.
- 5.7.3 In terms of sustainability, the site is neither a fully sustainable site where future occupants could entirely manage without private vehicles but nor is it fundamentally unsustainable. With this in mind, I do not consider a refusal based on sustainability could be upheld.
- 5.7.4 Matters raised by neighbours and not addressed above relate to an added demand on water, electricity, gas and drainage infrastructure. I have no evidence to suggest that these basic services could not be provided and this is not grounds to raise an objection.

## **5.8 Conclusion**

Central Government and Local planning policies seek to protect the countryside and locate new housing within the settlement boundaries of the major/principle urban areas and established rural settlements. The proposals represent a single dwelling outside of the defined settlement boundary on greenfield land that is in direct conflict with these established policies. In addition, the development would be visually harmful to the open rural character of the site and countryside hereabouts contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

## **6. RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development lies outside a defined settlement, within open countryside and represents a form of development for which there is no justification and which would be contrary to the aims of Planning Policy Statement 7: Sustainable Development in Rural Areas and policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. The proposals would introduce significant new development that would erode the openness and result in domestication of the site, which would cause unacceptable harm to the character and appearance of the countryside contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.