

REFERENCE NO - 19/504300/FULL		
APPLICATION PROPOSAL Variation of condition 6 of 19/501536/FULL (Erection of a single storey building to provide staff accommodation/holiday let and staff training room) to allow no time restriction on staff accommodation.		
ADDRESS Wierton Hall Farm East Hall Hill Boughton Monchelsea Maidstone Kent ME17 4JU		
RECOMMENDATION Grant Planning Permission subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION As long as the residential use in support of Aspen Tree Services is tied to this use and for no other purpose (and which has already been conditioned), it is considered there is no objection to amending condition 6 as sought.		
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to the views of Boughton Monchelsea Parish Council		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Mr & Mrs Curteis AGENT CF.Architects Ltd
TARGET DECISION DATE 05/03/20 (EOT)		PUBLICITY EXPIRY DATE 04/10/19

Relevant Planning History

- 19/501536/FULL
Erection of a single storey building to provide staff accommodation/holiday let and staff training room. Approved. Decision Date: 21.05.2019

MAIN REPORT

1. SITE DESCRIPTION

- 1.1 The application site lies immediately to the south of large corrugated iron barn used in connection with the applicant's tree surgeon business.
- 1.2 Abutting the application site to the south west is a dense tree screen while to the east is an open paddock with a public footpath running along its east boundary.
- 1.3 The application site forms part of the Wierton Hall Farm complex of buildings fronting onto an enclosed courtyard.
- 1.4 Abutting the Wierton Hall Farm complex to the west is the Grade II Listed Building Wierton Hall.
- 1.5 The Greensand Ridge landscape of local value lies to the south of the complex.

2. PROPOSAL

- 2.1 The following information was submitted in support of the original planning application:
 - The intention is to remove the existing mobile home and replace it with a small single storey building.
 - The building will have two functions – as a training room and changing area for use by Aspen Tree Services with the remainder used to accommodate employees.

- The business does not have an acceptable purpose built training facility and there is a need to keep employees up to date with latest best practice.
 - Due to the difficulty in employing suitably skilled staff, Aspen Tree Services sometimes employ staff from outside the immediate locality. The accommodation will be used to accommodate staff living some distance away and also as a holiday let. Business Case:
 - Aspen Tree Services employ specialist staff and as such often have to recruit from outside the local area to get suitable employees. Often employees come from outside the county of further afield - sometimes to such an extent that employees need to find accommodation away from where they live.
 - There is a lack of suitable accommodation locally that can satisfy their needs.
 - The additional problem involved in finding accommodation is that it is not necessarily available from local B&B's when Aspen Tree Services need to accommodate staff.
 - There are 15 local Bed and breakfasts in within 3 miles which are often booked.
 - The owners of Aspen tree services also have a holiday let cottage which they rent out during the year. They would like to expand this business by building an additional one bedroom cottage.
 - The current accommodation is booked approximately 70% of the time and is full for the entire holiday season when rents are at their highest.
 - There is a niche for additional tourist accommodation that, based on their current holiday let, will easily be filled.
 - This will work in tandem with Aspen Tree Services employees as times when building will be required for tourist and business accommodation are at different times of the year.
 - There are other benefits to developing this as a rural business in that tourism provides additional income to tourist attractions in the area, local builders who will construct the project and support workers as part of the longer term running of the business.
 - The application has also been accompanied by an ecological survey
- 2.2 Condition 6 currently appended to planning permission ref: 19/501536 is worded as follows:
"Single occupation of this building as tourist/staff accommodation shall be restricted to no more than 28 days at any one time. Reason: To prevent the establishment of a permanent residential presence in an area where such development would not normally be permitted".
- 2.3 Consent is sought to amend the wording of the above condition so that use of the building as 'staff accommodation' can be carried out without the 28 day restriction. The 28 day restriction would still apply for the use of the building for tourist accommodation. With the amended condition reading as follows:
"Single occupation of this building as tourist/~~staff accommodation~~ shall be restricted to no more than 28 days at any one time. Reason: To prevent the establishment of a permanent residential presence in an area where such development would not normally be permitted".
- 2.4 The justification from the applicant for seeking this amendment is set out below:
- *Difficulty in employing suitably skilled staff locally brings with it the need to seek staff from outside the area requiring accommodation away from where they live.*
 - *Though there are B&B's within 3 miles of the site these are often booked while not being sufficiently flexible to accommodate the businesses working practices.*
 - *Lack of suitable on site accommodation could compromise the businesses ability to recruit and retain the right calibre of staff to the detriment of the businesses continuing ability to function viably and efficiently.*

- 2.5 The use by staff would still be restricted by condition 3 which states the building shall be used for staff training and restricts the staff accommodation to those associated with the commercial operations of Aspen Tree Services located at Wierton Hall Farm, ME17 4JU.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 DM1, DM4, SP17, DM30, DM37

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.1 One representation received from a local resident raising the following (summarised) issues: Concerned that relaxation of the condition will result in the building becoming a permanent residence.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.1 **Boughton Monchelsea Parish Council:** Objects on the following grounds:

- Condition imposed to prevent the establishment of a permanent residential presence in an area where such development would not normally be permitted.
- See no reason why the condition should be removed or why staff need to live permanently on the site.

- 5.2 **Kent Highways:** Nature of proposal does meet consultation criteria.

- 5.3 **EHO:** No objection

6.0 APPRAISAL

Main Issues

- 6.1 Planning permission has already been granted under application ref:19/501536 (report attached as **Appendix 1**) for on site accommodation to support this rural business.

- 6.2 The key issues are therefore whether relaxation of the condition 6 will result in any
- material harm to the rural character or setting of the area,
 - harm the amenity of nearby residents,
 - adversely affect the character or setting of the nearby Listed Building or
 - bring any material change in highway terms.

Impact on the character and setting of the countryside:

- 6.3 The planning permission already granted under ref: 19/601536 means that it is already accepted that neither the building nor its use will result in demonstrable harm to the character or setting of the countryside or materially intrude into views from the public footpath to the east.

- 6.4 The purpose of condition 6 is to avoid the establishment of a permanent residential presence in an unacceptable rural location. However as long as the residential use in support of Aspen Tree Services is tied to this use and for no other purpose (and which has already been conditioned), it is considered there is no objection to amending the condition as sought.

Amenity, heritage and highway considerations:

- 6.5 It is considered the proposed change will not bring about any material alteration to the amenity of existing residents, the character or setting of the nearby heritage asset or local highway conditions contrary to the provisions of policies DM1 and DM4 of the local plan.

Wildlife:

- 6.6 Wildlife mitigation and enhancement measures have already been approved in connection with application ref: 19/501536 and these will continue to be secured in the event of planning permission being granted for this proposal.

Public Sector Equality Duty

- 6.7 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

Other matters

- 6.8 The proposal needs to be 'screened' as to whether it should have been accompanied by an Environmental Impact Assessment (EIA).
- 6.9 As the site does not fall within an AONB nor does it exceed any of the Schedule 2 thresholds set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 no requirement for an EIA is identified. It should be stressed this conclusion does not imply support for the proposal or set aside the need to assess the proposal against normal planning criteria.
- 6.10 The proposed development is CIL liable. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.1 As long as the residential use in support of Aspen Tree Services is tied to this use and for no other purpose (condition 3), it is considered there is no objection to amending condition 6 as sought.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be begun before the 21st May 2022.

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) Prior to the development hereby approved reaching damp proof course details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved Details

Reason: In the interests of amenity.

- (3) The building hereby approved shall be used (a) for staff training and staff accommodation and (b) for tourist accommodation and for no other purposes whatsoever and only in connection with the commercial operations of Aspen Tree Services located at Wierton Hall Farm, ME174JU

Reason: To reflect the special circumstances of the application and to prevent the establishment of a permanent residential presence in an area where such development would not normally be permitted.

- (4) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained as shown on drawing no: 253(P)010 rev2 must be protected by barriers and/or

ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- (5) The trees shown on drawing no: 253(P)010 rev2 must be retained at a height of no lower than 6 metres above ground level. Any of these trees becoming dead, dying, diseased or dangerous shall be replaced by a heavy standard specimen /s of the same species and in the same location in the first available planting season.

Reason: In the interests of visual amenity.

- (6) Single occupation of this building as tourist accommodation shall be restricted to no more than 28 days at any one time. Reason: To prevent the establishment of a permanent residential presence in an area where such development would not normally be permitted.

- (7) Prior to first occupation of the development hereby approved details of a native species landscaping scheme to screen the building from views from the east shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented within the first planting season following approval. Any specimens becoming dead dying or diseased within 5 years of planting shall be replaced by specimen/s of the of the same size and siting.

Reason: In the interests of visual amenity.

- (8) The development hereby approved shall be carried out in accordance with the recommendations set out in paragraphs 3.1-3.3 (inc) of the preliminary ecological appraisal carried out by Brindle & Green Ecological Consultants Ltd approved as part of application ref:19/501536.

Reason: In the interests of wildlife protection.

- (9) Any external lighting installed on the site (whether permanent or temporary) in connection with the approved building or use 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: To safeguard the night time rural environment.

- (10) On first use of the development hereby permitted the mobile home currently occupying the site shall be permanently removed from the site.

Reason: In the interests of visual amenity.

- (11) The development hereby approved shall be carried out in accordance with the with the following approved plans being drawing nos: 253(P)001 Rev 0 , 002 rev 1, 003 rev 1, 005 rev2, 010 rev2 and 015 rev 1.

Reason: In the interests of amenity.

Informatives:

- (1) Details submitted pursuant to condition 9 above must show the use of low intensity luminaires orientated and screened to ensure that light spread is contained within the site boundaries and to avoid skyglow.
- (2) 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/highwayboundary-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.
- (3) The site lies within a KCC minerals safeguarding area. You should contact KCC mineral planning to see whether it wishes to comment on the proposals from this perspective.
- (4) The proposed development is CIL liable. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Graham Parkinson