

REFERENCE NO - 20/500780/FULL		
APPLICATION PROPOSAL Retention of dwelling with alterations (Part Retrospective).		
ADDRESS The Mellows Marley Road Harrietsham Maidstone Kent ME17 1BS		
RECOMMENDATION Grant Planning Permission subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The dwelling is located in an unsustainable location and even with the proposed revisions would result in harm to the character and appearance of the AONB contrary to the adopted Local Plan and the NPPF. In contrast the personal circumstances of the applicant are material to the assessment. The dwelling provides for the significant medical and health needs of the applicant's son and the provision of adaptable accommodation is supported by the Local Plan and the NPPF. In contrast the personal circumstances of the applicant are material to the assessment. The dwelling provides for the significant medical and health needs of the applicant's son and the provision of adaptable accommodation is supported by the Local Plan and the NPPF. The application includes alterations to the constructed building to reduce the bulk and massing of the roof. When the identified harm is weighed against the benefits of the scheme to the applicant; the balance of considerations lies in favour of granting planning permission.		
REASON FOR REFERRAL TO COMMITTEE The Parish Council have requested that the application is referred to the planning committee for the reasons outlined at paragraph 4.02.		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Mrs Bridget Cash AGENT Mr Alex Bateman
TARGET DECISION DATE 02. 07. 2020 (EOT)		PUBLICITY EXPIRY DATE 26.03.2020

Relevant planning history

- **88/1428** - Construction of two detached houses. Refused on 07.12.1988. (Appeal dismissed) (Land R/O Ridgedown Marley Road Harrietsham)
- **93/0814** - Erection of bungalow. Refused on 21.07.1993. (Land Between 'Ridgedown' & 'Glebe Croft' Marley Road, Harrietsham)
- **06/0471** - Use of land for the stationing of 2 no. chalet mobile homes; nursery; erection of stable block for agricultural use. Refused on 02.05.2006. The development was refused as it was assessed that the development would represent unjustified and unacceptable intrusion into the countryside at this sensitive location and the means of access was provided with inadequate visibility splay.

- **06/1508** - Retrospective application for the stationing of two mobile homes for occupation by two traveller families, erection of polytunnels, retention of stable building and access road/hardstanding, drainage works and entrance gates. Refused on 19.09.2006 as it was assessed that the development would represent unacceptable intrusion into the countryside at the sensitive location. As such it was contrary to Policy EN3 of the Kent & Medway Structure Plan 2006 which protects inter-alia, land free from urban intrusion and seeks to safeguard and enhance landscape character and assets. The development causes harm to the character and appearance of the site and the surrounding area in general. Additionally, the means of access consisted of inadequate visibility splays which would give rise to highway safety.
- **09/1510** - Retrospective planning permission for change of use of land for residence by a gypsy family including stationing of one mobile home, one touring caravan, use of former stable building as ancillary to mobile home and associated works including fencing and hardstanding (re-submission of MA/09/0851). Approved on 29.04.2010.(no restriction on the location of the caravan on the site)
- **12/1518** - Application for the removal of conditions 1 and 2 of permission MA/09/1510 (Retrospective planning permission for change of use of land for residence by a gypsy family including stationing of one mobile home, one touring caravan, use of former stable building as ancillary to mobile home and associated works including fencing and hardstanding) to allow a permanent permission as shown on plan date stamped 20 August 2012. Approved on 27.06.2013.
- **14/504218/FULL** - Additional mobile home and day room and demolition of former piggeries. Approved on 05.08.2015. (no restriction on the location of the caravan on the site)
- **17/504435/FULL** - Erection of a dayroom. Approved on 12.02.2018.
- **19/501777/FULL** - (Chestfields (part of The Mellows) Marley Road) Part retrospective application for the siting of 2no. additional mobile homes and erection of 1no. dayroom on the existing Gypsy & Traveller site. Refused on 10.06.2019. The application was refused as the proposal, by reason of the loss of vegetation and intensification of the site with additional mobile homes and a dayroom, would result in a significant detrimental impact on the Kent Downs Area of Outstanding Natural Beauty and the countryside generally, contrary to Policies SP17. DM15, DM30 of the Maidstone Local Plan 2017 and the NPPF.
- **19/502352/FULL** - Retention of a dayroom, retention of re-sited mobile home, and the demolition of utility block. Refused on 25.07.2019. The application was refused as the dayroom, by virtue of its scale and design would result in adverse harm to the character and appearance of the countryside which falls within the Kent Downs AONB, and it would not be ancillary accommodation to serve the occupants on the site.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located outside of any settlement boundary in the countryside and within the Kent Downs Area of Outstanding Natural Beauty. The nearest settlement is Harrietsham, located some 200 metres (as the crow flies) to the south west of the site.
- 1.02 The site is approximately 0.8ha, situated immediately to the west of Marley Road and to the south of a public right of way (KH291), which borders the site along the northern boundary. The site is bounded by fences and trees across the boundary of the site. The site currently comprises a mixture of hardstanding, grass, and a utility

room and a caravan, which it is assumed are both used as the means of shelter and living.

- 1.03 The dwelling that this planning application relates to is centred in the middle of the site, it is a single storey dwelling with a substantial gable ended roof and a chimney. The dwelling is in the position of a previously approved mobile home. The utility room which currently exists on the site was approved under application 14/504218/FULL, in August 2015.
- 1.04 The site is not in a conservation area and there are no listed buildings affecting the site. The site located in flood zone 1.

2. PROPOSAL

- 2.01 This is a part retrospective planning application which seeks to retain the partially completed brick dwelling that has been constructed on this established Gypsy and Traveller site. Alterations are proposed to the roof to make it a double-valley roof and to remove the front gabled porch. The proposal also includes the provision of extensive landscaping to the front and rear of the building.
- 2.02 The new dwelling is intended to accommodate the applicant and the health and medical needs of her adult son who has a number of severe and debilitating medical conditions. The site also includes two static caravans (occupied by the applicant's daughters and their families). The applicant and her son are not able to travel and the purpose of the current proposal to cater for the needs of the applicant's son which cannot be met in a caravan.
- 2.03 In order to understand the proposal and reasons underlying the submission of a retrospective application, it is important to understand the history of the site. The site has an extensive planning and enforcement history.
- 2.04 This application is particularly associated with the approved applications ref. 14/504218/FULL (Additional mobile home and day room and demolition of former piggeries - approved on 05.08.2015) and application ref. 17/504435/FULL (Erection of a dayroom - approved on 12.02.2018).
- 2.05 Under planning permission 14/504218/FULL, the proposed site layout plan showed a utility room/stables timber situated along the northern boundary of The Mellows, close to the public track which crosses along the northern boundary of the site. A residential caravan and a touring caravan pitch were located just to the south of the utility room and a dilapidated piggery within the southern part of the site (known as Chestfields, but forming part of The Mellows site, and partially bounded by a low rise brick wall).
- 2.06 Under this planning application (14/504218/FULL) a dayroom was proposed on the north-eastern boundary of the site, close to the fencing on Marley Road, a residential caravan was proposed within the Chestfields portion of the site. This is shown on figure 1 provided below.
- 2.07 According to the block plan of application ref.17/504435/FULL, there was a day room already existing on the north/west area of the site, and a dayroom was proposed on the position where the proposed residential caravan of application ref. 14/504218/FULL was (please see figure 1) The caravan was relocated close to the location of the piggery. The plan shown in figure 2 below shows what was approved under ref. 17/504435/FULL, in February 2018.
- 2.08 The elevation plans (of approved application ref. 17/504435/FULL) of the proposed dayroom showed a single storey pitched building of dimensions 7.38m X 16.92m (which provides a floorspace of around 125sqm), with sliding doors and one window

on both rear and front elevations. The approved elevation drawing is shown in figure 5 below.

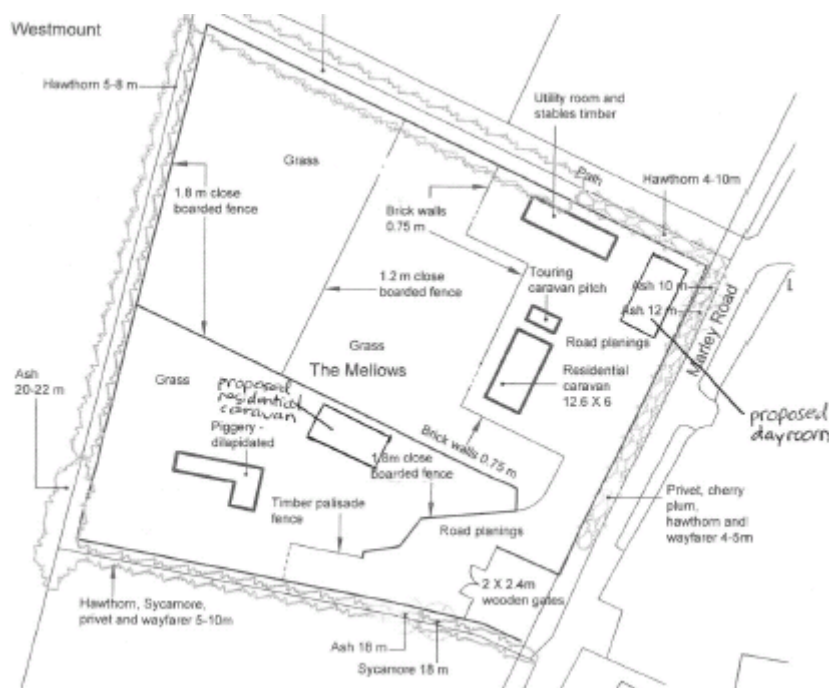


Figure 1: Proposed Site Layout Plan of ref. 14/504218/FULL Additional mobile home and day room and demolition of former piggeries. (approved)

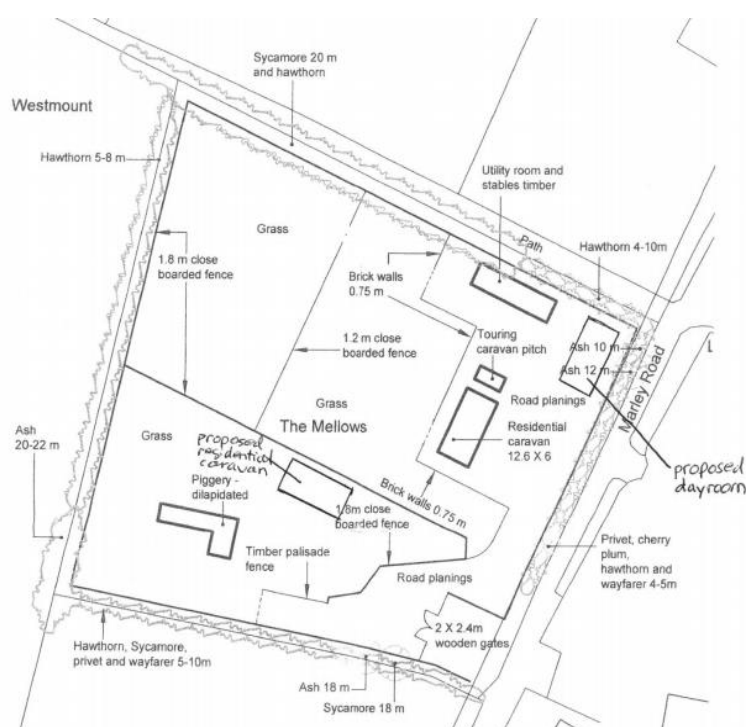


Figure 2: Block Plan of ref. 17/504435/FULL Erection of a day room (approved – total of two statics, two dayrooms, utility room/stables and a touring caravan)

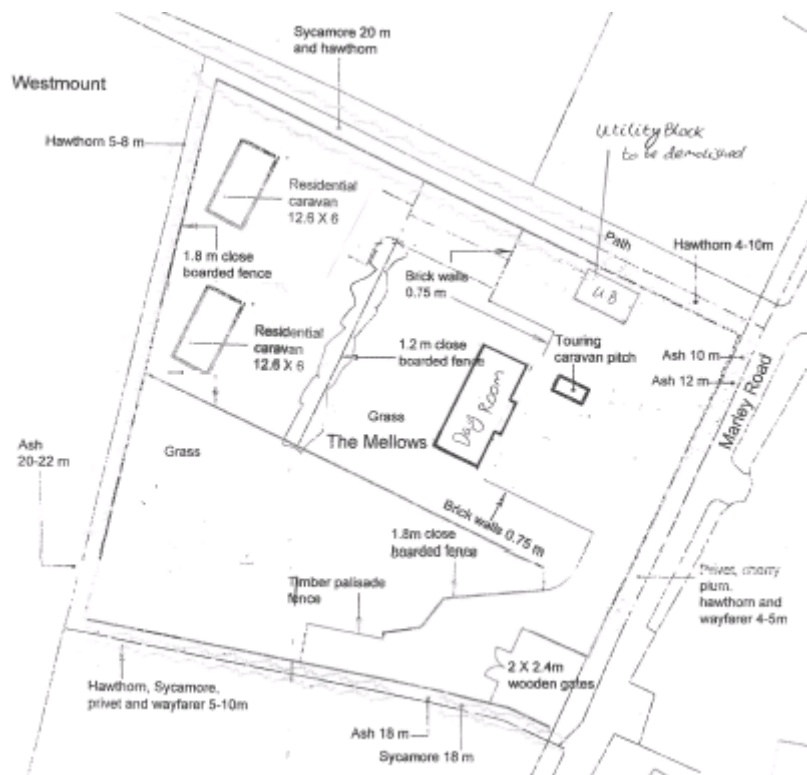


Figure 3: Block Plan of application 19/502352/FULL Retention of a dayroom, retention of re-sited mobile home, and the demolition of utility block. (Refused)

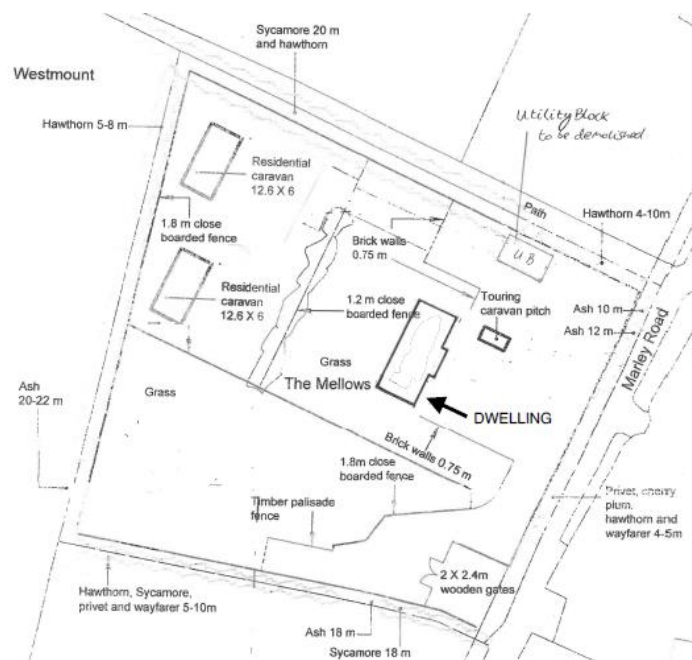


Figure 4: Block Plan submitted with the current application. (Retention of dwelling with alterations (Part Retrospective)

- 2.09 Application 19/501777/FULL was for the siting of 2no. additional mobile homes and erection of 1no. dayroom on an existing Gypsy & Traveller site was refused due the loss of vegetation and intensification of the use on the site with 2 additional mobile homes and a dayroom and the detrimental harm impact on the Kent Down AONB and the countryside generally.
- 2.10 A retrospective application was submitted (ref. 19/502352/FULL) seeking permission for the retention of the dayroom, retention of re-sited mobile home, and the demolition of the utility block.

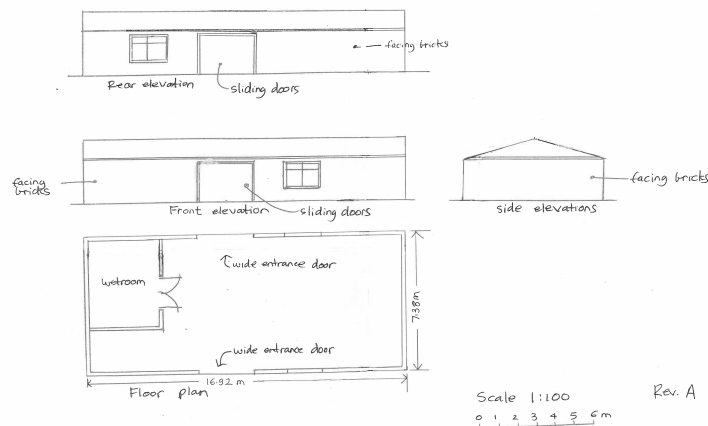


Figure 5: Proposed Plans and Elevations of application ref. 17/504435/FULL

- 2.11 The dayroom which was permitted under application ref. 17/504435/FULL, was sited on the Chestfields site, on the southern side of the low rise brick boundary. However, the dayroom was relocated within the central area of the site and was constructed at a considerably larger scale and form. The delegated report stated: *"The submitted plans for the dayroom and the agent's covering letter, do not reflect what is on the site and despite requesting accurate plans from the agent, these have not been submitted in time. In summary, the details contradict each other and do not correctly show the roof design, height, fenestration details as built; and the footprint of the building on site is noticeably larger."*
- 2.12 In June 2019, a part retrospective application which considered only the Chestfields site and part of The Mellows (ref.19/501777/FULL) for the siting of 2no. additional mobile homes and erection of 1no. dayroom on existing Gypsy & Traveller site. was refused. The application was refused as the proposal, by reason of the loss of vegetation and intensification of the site with additional mobile homes and a dayroom, would result in a significant detrimental impact on the Kent Downs Area of Outstanding Natural Beauty and the countryside generally, contrary to Policies SP17, DM15, DM30 of the Maidstone Local Plan 2017 and the NPPF.
- 2.13 The application under 19/502352/FULL for the retention of a dayroom, retention of re-sited mobile home, and the demolition of utility block was refused on the 25.07.2019. The application was refused as the dayroom, by virtue of its scale and design would result in adverse harm to the character and appearance of the countryside which falls within the Kent Downs AONB, and it would not be ancillary accommodation to serve the occupants on the site.
- 2.14 The current proposal seeks the retention of the building (that was originally applied for as a dayroom) for use as a dwelling which has been constructed departing from

the approved dayroom which had a smaller footprint. The applicant has stated that the larger building is required to meet the health and medical needs of the applicant's adult son.

- 2.15 The application does not include changes to the footprint of the building but does include alterations to the constructed building namely:
- The removal of the front gabled porch
 - Modification of the roof to make it a double-valley roof to reduce roof volume
 - The planting of landscaping to both the front and rear of the building,

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: Policy SS1, SP17, DM1, DM3, DM15 and DM30.
- Supplementary Planning Documents: Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019 (Second Revision April 2014). Maidstone Landscape Character Assessment (2013), Landscape Capacity Study (2015).
- National Planning Policy Framework (NPPF): Chapters 2, 4, 12 and 15.
- National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations have been received from local residents.

Harrietsham Parish Council

- 4.02 Objection, wish the application to be refused and for the application to be reported to committee if officers are minded to refuse permission.
- 4.03 This property is situated within the AONB and the dayroom is clearly visible in the surrounding area. The day room is actually a 2 storey brick built chalet style house.
- 4.04 The conditions that have been attached to previous applications state that 'The occupation of the site shall be carried out by Ms Bridget Cash and her daughter Ms Eileen Purcell along with resident dependents and when the site ceases to be occupied by either Ms Cash or Ms Purcell, the use of the site as a Gypsy site shall cease and all the caravan, mobile homes and associated buildings removed and any hard surfaced areas broken up and the resulting materials, together with walls, fencing and equipment in association with the use brought onto the land shall be removed and the land restored to its former condition (Ref: 14/504218).'
- 4.05 Having a bricked built large property, with the necessary foundations, will be much more difficult to demolition and reinstate.
- 4.06 The Parish Council would request that a site visit takes place before the Planning Officer makes a decision on this application as the plans do not show the extent to how many buildings/out buildings are already included on this site. As the Parish Council wish for the application to be refused, we would ask that the applicant be asked to remove this and any other erected building from the site, with the site being returned to its original condition.

(Officer comment: further discussions have taken place on the revisions that have been made to the proposal and the timing of the works to the building and the removal of the utility building. The Parish Council have stated that they will remove the committee call in if the timescale for the works to be completed was reduced to 12 months from a decision).

5. CONSULTATIONS

5.1 None undertaken

6. APPRAISAL

Main Issues

6.01 The key issues for consideration involve assessment of the harm caused by the existing building (and any mitigation by the proposed building alterations) and whether the applicant's personal circumstances outweigh this harm. The report is set out as follows:

- Sustainability of the location,
- Impact on the Kent Downs AONB and on the Countryside
- Applicant's personal circumstances
- Residential amenity

Sustainability of the location

6.02 Local Plan policy SS1 states "An expanded Maidstone urban area will be the principal focus for development in the borough". The five designated rural service centres including Harrietsham will be the secondary focus for housing development with the emphasis on maintaining and enhancing their role and the provision of services to meet the needs of the local community.

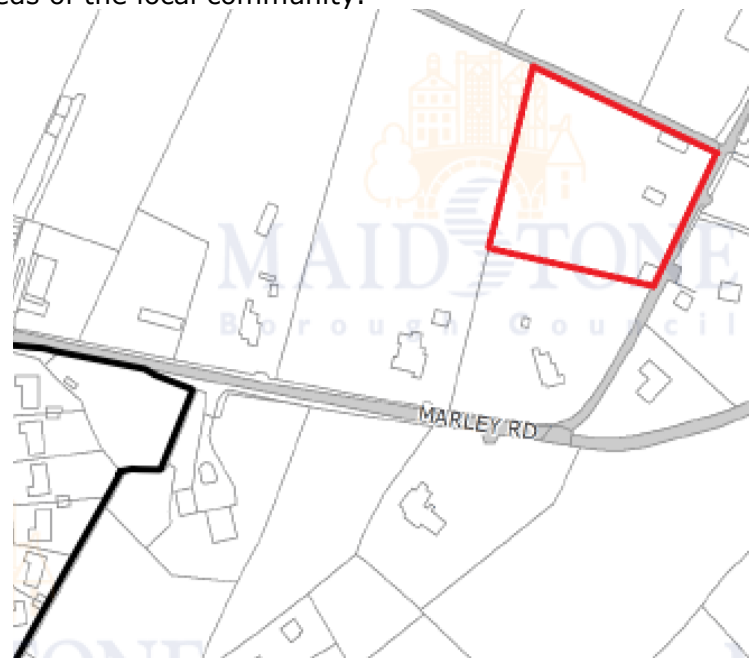


Figure 6 Relationship of the application site (red outline) to the Harrietsham Rural Service Centre (bold black line)

6.03 At paragraph 4.19 the Local Plan advises that rural service centres have constraints to development. All the rural service centres sit within landscape which is in good condition and has high landscape sensitivity. The location of Lenham and Harrietsham within the setting of the Kent Downs Area of Outstanding Natural Beauty makes this an area sensitive to change.

6.04 Whilst the boundary of the Harrietsham Rural Service Centre is relatively close to the application site (310 metre distance along Marley Road – 200 metres as the crow flies) all of the route is narrow, unlit with no pedestrian pavement or grass verge. The nearest bus stops are on Ashford Road that would require walking along the same roads for 12-14 minutes.

- 6.05 The application site, for the reasons that are outlined above, is not considered to be in a sustainable location and occupiers of the dwelling would be reliant on the private motor vehicle for their daily needs contrary to policy SS1 of the Local Plan and NPPF guidance.

Impact on the Kent Downs AONB and on the countryside

- 6.06 Under section 85(1) of the Countryside and Rights of Way Act 2000 there is a duty in decision making to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Paragraph 172 of the NPPF and Local Plan policy SP17 both advise that 'great weight' should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty.
- 6.07 The Kent Downs Area of Natural Beauty Management Plan states "The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions. The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements which are adopted as components of the AONB Management Plan."
- 6.08 Policy SP17 also states 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. Policy DM1 advises that development must respect the topography and respond to the location of the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.



Figure 7 View looking north along Marley Road with the application site on the left hand side.

- 6.09 Policy DM30 of the Local Plan seeks to achieve high quality design in all development in the countryside. It emphasises the need for mass and scale to maintain and where relevant enhance local distinctiveness including landscape

features. The policy requires that the impact of development on the appearance and character of the landscape is appropriately mitigated. Extensions or alterations should be of a scale which relates sympathetically to the existing building and the rural area. respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

- 6.10 The application site is located with the Kent Downs AONB. In addition to the Local Plan policies outlined above, the site is within the Gault Clay Vale Landscape Area (16) within the Council's Maidstone Landscape Character Assessment (amended 2013); and the Harrietsham to Lenham Vale Landscape Area (16) within the borough's Landscape Capacity Study (2015).
- 6.11 The Landscape Character Assessment advises that in the Harrietsham to Lenham Vale Landscape Area proposals should amongst other things "Conserve the mosaic field pattern and hedgerow boundaries and restore further traditional boundaries where practicable".
- 6.12 Whilst the site is more visible from the adjacent public right of way, it is agreed that the site benefits from some existing landscape screening along the road (submitted planning statement page 29). Contrary to the submitted planning statement the key issue is not whether the site and development is visible. NPPF advice regarding AONBs is clear that it is the *intrinsic* character, landscape and scenic beauty that should be protected. This assessment of harm to intrinsic character is largely independent of what roadside or other public views are available and relate to protection of the nature of the land in itself.
- 6.13 The subject building is large, measuring 18.1 metres by 11 metres (footprint of 199 square metres), with the existing building measuring 6.5 metres to the roof ridge and 2.2 metres to the roof eaves. As noted above that whilst the building is visible in public views with greater visibility when trees are not in leaf, the visibility of the development is not the main consideration. It is considered that the building causes harm to the intrinsic character and appearance of the Kent Downs Area of Outstanding Natural Beauty.
- 6.14 It is concluded that the existing building due to scale and design, results in adverse harm to the character and appearance of the countryside hereabouts that falls within the Kent Downs Area of Outstanding Natural Beauty, contrary to policies SP17, DM1, and DM30 of Maidstone Local Plan. (2017) and the National Planning Policy Framework (2019).

Proposed building alterations, personal circumstances and gypsy status.

- 6.15 The planning definition of 'Gypsies and Travellers' has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows: "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such*".
- 6.16 Whilst the permanent brick subject building is on an established Gypsy and Traveller site, the current application does not involve Gypsy and Traveller accommodation with the applicant (due to carer responsibilities) and her son (health and medical needs) not travelling permanently and as a result of not meeting the planning definition of 'Gypsies and Travellers'. In this context policy DM15 does not apply to the assessment of the current planning application.

- 6.17 Notwithstanding, the fact that this is not Gypsy and Traveller accommodation there is a need for the accommodation to be on this site due to the wider family support network with the applicants two daughters and their families living on the site. These two static caravans occupied by the two daughters were approved under applications 09/1510 and 14/504218/full. With no planning conditions attached to these permissions restricting the siting of the caravans on the site, the relocation of these two caravans on the site (see change between fig 2 and 3) would not require permission.
- 6.18 Town and Country Planning Act 1990 Section 70(2) provides that when determining planning applications, the LPA shall have regard to: the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.19 As concluded above, it is found that the existing building is contrary to Local Plan policies and the NPPF in relation to the unsustainable location of the site and the harm to the *intrinsic* character of the protected landscape of the Kent Downs Area of Outstanding Natural Beauty. It then needs to be considered whether there are other material planning considerations that would justify a decision other than the refusal of planning permission.



Figure 8: The front elevation of the existing building

- 6.20 Whilst an applicant's personal circumstances are rarely a material planning consideration, an exception to this rule is in circumstances where they are clearly relevant, and this includes the provision of facilities for someone with a physical disability. The personal circumstances of the applicant's son are material considerations in relation to this planning application (as set out in the Part 2 exempt report) and weigh in favour of granting planning permission.
- 6.21 The provision of specialist accommodation is also supported by the Local Plan and the NPPF. Local Plan policy SP19 seeks the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough. The council will work with partners to support the provision of specialist and supported housing for disabled and vulnerable people. Paragraph 61 of the NPPF states that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families,

travellers, people who rent their homes and people wishing to commission or build their own homes).

- 6.22 The submitted Planning Statement advises that "Externally, the building currently includes a gable element which results in a bulky roof arrangement. However, as per the proposed plans, the intention is to remove this gable and create a simple pitched roof to reduce overall bulk and mass of the building."
- 6.23 Following discussions with the applicant and whilst the applicant was not prepared to reduce the footprint of the building, further alterations have been secured to the existing building. This alteration will remove the existing expansive barn hip roof and replace it with a double valley roof as shown below, the footprint of the building and the ridge height will not change. The applicant has also confirmed that the proposal involves "...extensive landscaping to both the front and rear of the building..." and a planning condition is recommended seeking the landscaping and the building changes and the removal of a utility block (see fig 4) .

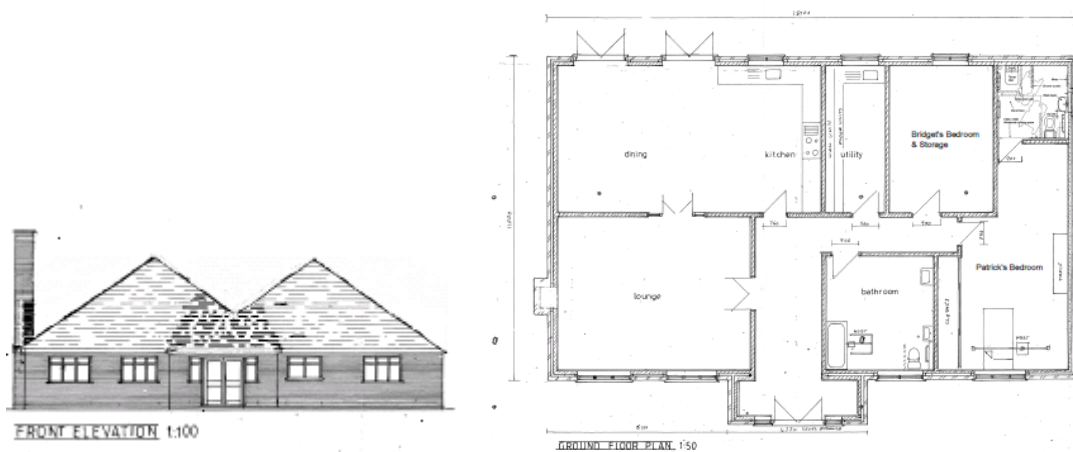


Figure 9 The front elevation of the building with proposed works completed.

Residential Amenity

- 6.24 The constructed dwelling is larger than the approved dayroom, in terms of all matters from footprint, scale, massing to form. It is stated in the Planning Statement that the development would result in two bedrooms, one for the applicant and one for her son with a fitted hoist, there will be a bathroom, lounge, kitchen/diner and utility to support the family. The proposed floor plan shows a large combined kitchen/dining room, a large lounge, a bedroom (with storage) for the applicant, bathroom, utility room and a bedroom for her son with a wet room.
- 6.25 It is stated that on page 34 of the submitted Planning Statement that the use of the site remains unchanged, and will be occupied only by the applicant and her son, and the proposals will include the demolition of the utility room as this will no longer be required. It is clear that the dwelling will be used by the applicant and her son, and this will be secured through a planning condition.
- 6.26 The dwelling is located a significant distance from neighbouring residential properties, and as such, would not result in harm to the visual or residential amenities of neighbouring occupiers.

Other Matters

- 6.27 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. 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.
- 6.28 Recommended condition 3 below provides a timescale for the proposed works to take place. These works include the removal of the existing front gable, alterations to form a double pitch roof and the demolition of the utility building on the site. The condition requires the works to the existing building to take place within 18 months of an approval decision. The 12 month period requested by the Parish Council is considered to short for the nature of the works proposed. The applicant has said that the kitchen in the utility building will continue to be used post occupation of the new dwelling until the funds are available for a new kitchen. In response to this condition 3 requires the demolition of the utility building 6 months after first occupation of the new dwelling.

PUBLIC SECTOR EQUALITY DUTY

- 6.29 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions.
- 6.30 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.

7. CONCLUSION

- 7.01 The dwelling is located in an unsustainable location and even with the proposed revisions would result in harm to the character and appearance of the AONB contrary to the adopted Local Plan and the NPPF.
- 7.02 In contrast the personal circumstances of the applicant are material to the assessment. The dwelling provides for the significant medical and health needs of the applicant's son and the provision of adaptable accommodation is supported by the Local Plan and the NPPF. In contrast the personal circumstances of the applicant are material to the assessment. The dwelling provides for the significant medical and health needs of the applicant's son and the provision of adaptable accommodation is supported by the Local Plan and the NPPF. The application includes alterations to the constructed building to reduce the bulk and massing of the roof.
- 7.03 When the identified harm is weighed against the benefits of the scheme to the applicant; the balance of considerations lies in favour of granting planning permission.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning 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) No development shall take place other than in accordance with the following approved plans:
- Drawing title: Ordnance Survey (Site location plan)
 - Drawing title: Proposed Floor Plan, Elevations and Section – ref. 62-19 1-1 Rev. D (dated May 2020)
 - Drawing title: Site Layout – Rev. A
- Reason: In the interests of proper planning and to ensure the quality of the development is maintained.
- 3) The use hereby permitted shall cease and the building demolished with all structures, equipment and materials brought onto the land for the purposes of such use and the construction of the building shall be removed and the land restored to its condition before the development took place within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- (i) within 3 months of the date of this decision a Site Delivery Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include a timetable for implementation including completion of the development not longer than a period of 18 months from the approval date and shall include full details and a timetable for the implementation of:
- the internal layout of the site;
 - the removal of the existing utility building not later than 6 months after first occupation of the altered building and the submission of the audit trail evidencing the removal and disposal of the resulting spoil, rubble and building materials by licensed waste carrier;
 - the extent of retained hardstanding and parking;
 - the means of foul and surface water drainage of the site;
 - proposed and existing external lighting on the boundary of, and within the site;
 - a soft landscaping scheme, including new tree and hedgerow planting including details of species, plant sizes and proposed numbers and densities;
 - measures to enhance biodiversity at the site;
- (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.
- Reason: To ensure the visual amenity, character and appearance of the countryside location which forms part of the designated Kent North Downs AONB.
- 4) The soft landscaping scheme submitted in compliance with condition 3(i) shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall 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.
- Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 5) The approved landscaping shall be carried out in the planting season with the approved landscaping in place by the end of the first planting season following first occupation. (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation 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.

- 6) The external lighting details submitted in compliance with condition 3(i) 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 and set out how the lighting meets the Bat Conservation Trust guidelines. 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 and wildlife.

- 7) The building hereby approved shall only be occupied by the applicant and her son. When the building ceases to be occupied by either the applicant or her son, the use shall cease, the building shall be demolished and the building and all associated hard surfaced areas broken up and the resulting materials, together with associated building materials, fencing and equipment in association with the use brought onto the land shall be removed and the land restored to its former condition.

Reason: The site is in an area where a new dwelling is not normally permitted and an exception has been made to reflect the personal need of the applicant and her son; and to safeguard the character and appearance of the countryside and the Kent Downs AONB.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E or F shall be carried out without the permission of the local planning authority.

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (9) The means of foul and surface water drainage details submitted in compliance with condition 3(i) shall include details of the method of sealing the septic tank, size of individual cess pits and/or septic tanks and/or other treatment systems, the precise location of plant on the site plus any other relevant information such as where each system will discharge to. The scheme of foul drainage shall be fully implemented in accordance with the details approved within 2 months of the date of approval in writing and shall be maintained in a functioning condition thereafter;

Reason: In the interest of local amenity and to prevent pollution of the environment.

INFORMATIVES

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. 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 Nasrin Sayyed