

REFERENCE NO – 20/505514/FULL		
APPLICATION PROPOSAL Erection of 1no. agricultural storage building.		
ADDRESS The Vines Forsham Lane Chart Sutton Maidstone Kent ME17 3EP		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is modest and would not be visually harmful in the countryside.		
REASON FOR REFERRAL TO COMMITTEE Chart Sutton Parish Council requested that the application is reported to the Planning Committee if Officers are minded to recommend approval for the reasons set out in the consultation section of this report.		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Chart Sutton	APPLICANT Mr John O'Rawe AGENT ML Planning Consultancy Ltd
TARGET DECISION DATE 30/04/21 (EOT)		PUBLICITY EXPIRY DATE 09/03/21

Relevant Planning History:

App No	Proposal	Decision	Date
20/502892/FULL	Erection of a two storey oak framed barn extension with glazed link. <i>(Siting, design and scale would be harmful to the character and appearance of the host building, the landscape setting and would not represent a modest extension)</i>	Refusal	2.9.20
19/502492/FULL	Erection of an oak framed barn extension with glazed link <i>(Siting, design and scale, the proposed extension would be harmful to the character and appearance of the host building, the landscape setting and would not represent a modest extension)</i>	Refused, Dismissed at appeal	16.7.19
01/1517	Conversion of existing barn to 1 no. dwelling house and demolition of existing store and erection of detached double garage	Approved	16.11.01

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located to the south of Forsham Lane within an area of open countryside. The site is in an area of Landscape of Local Value as designated in the adopted Local Plan.
- 1.02 The application site relates to agricultural land to the rear of a detached residential barn, namely The Vines. The Vines has been converted into a dwelling following the grant of planning permission 01/1517 in 2001. An access linking Forsham Lane to the site through the property also forms part of the current application site.

- 1.03 The Applicant confirmed by an email dated 1 April 2021 that the site currently consists of a temporary structure housing the equipment which the proposed building is intended to provide. The temporary structure will be removed when the proposed building is implemented.
- 1.04 The nearest residential dwelling is Ashurst Farm. Ashurst Farm is a Grade II Listed Building which is situated approximately 40m north of the proposed building. The agricultural fields to rear of the two properties are separated by stock fencing, located approximately 5.5m to the west of the proposed building.
- 1.05 A public footpath (KH564) is located about 65m to the north of the site across from Babylon Lane, and another public footpath (KH559A) is situated about 90m to the west of the site.
- 1.06 A cluster of agricultural buildings are situated approximately 100m south west of the application site.

2. PROPOSAL

- 2.01 Planning permission is sought for the erection of an agricultural building for the storage of machinery for the management of adjoining agricultural land covering 2.4 hectares and for the storage of hay.
- 2.02 The proposed building has a 12.1m x 9.1m footprint and incorporates a shallow pitched roof with an overall roof ridge height of 4.8m. The Applicant has amended the external materials to timber boarding with a brick plinth in response to the request by the Agricultural Advisor.
- 2.03 The roof will be covered in profile sheeting coloured in green. The east elevation (fronting away from Babylon Lane) of the building consists of two roller doors. The building will be set back from the highway by approximately 60m separated by the garage and main house of the host dwelling which are approximately 25m to the front of the proposed building.
- 2.04 The proposed development benefits from an existing access to Babylon Lane used by the host dwelling.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:

SS1- Maidstone borough spatial strategy

SP17- Countryside

SP18 Historic environment

DM1- Principles of good design

DM2- Sustainable design

DM3- Natural environment

DM4- Development affecting designated and non-designated heritage assets

DM8- External lighting

DM23- Parking standards

DM30- Design principles in the countryside

DM36- New agricultural buildings and structures

Supplementary Planning Documents:

Maidstone Landscape Character Assessment (2012-amended 2013)

Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)

4. LOCAL REPRESENTATIONS

- 4.01 No representations received from local residents.

5. CONSULTATIONS

5.01 Chart Sutton Parish Council

Objection. The size of the proposed building is disproportionate to the agricultural needs of the site. If the planning officer is minded to approve the application, the Parish Council requests that it is reported to the Planning Committee.

5.02 MBC Conservation Officer

No objection. The site is adjacent to Ashurst Farmhouse, which is a grade II listed 16th century farmhouse and forms part of its wider historic agricultural setting. In my view the proposed building would not have a harmful impact on the setting or significance of the listed building and I therefore have no objections in heritage terms.

5.03 Agricultural Advisor (Summarized)

No objection

- Clarified the proposal relates to 2 hectares of agricultural land adjoining the applicant's residence instead of 2 acres as stated in the application form.
- The proposed building is quite modest in scale and it is considered a building of this size to be justifiable in relation to the storage of the hay itself, and for securing the sort of small range of equipment that is likely to be required to generally maintain the land, in any event.
- In terms of design, the proposed enclosed metal-clad design may be thought overly industrialised in appearance and suggest a partly-open structure or otherwise utilising timbered elevations would be a more appropriate approach to consider.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of development
- Agricultural need
- Heritage
- Visual amenity
- Residential amenity
- Highways safety implications
- Ecology and biodiversity

Principle of development

- 6.02 SP17 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. Notwithstanding this, the council is committed to supporting and improving the economy of the borough and providing for the needs of businesses; and there is policy support for new agricultural buildings and appropriate expansions of existing agricultural business in the rural area, provided there is adequate justification for such development and it would not cause unacceptable harm for any material planning reason. The NPPF also leads strong support to the rural economy and seeks to promote agricultural and land based rural businesses.

- 6.03 In terms of land use in this location, it is necessary to balance the needs of agricultural against the impact of the proposals.

Agricultural Need

- 6.04 When considering the need for development, the Council's agricultural Advisor Rural Planning Ltd has provided the following advice:

"The submitted statement explains that the proposal relates to some 2 acres of agricultural land adjoining the applicant's residence; however the submitted plan indicates a somewhat greater area of about 2 hectares (or about 5 acres) - excluding the residential curtilage.

The proposed use of the building is "for the storage of a tractor and machinery required to service the parcel of land....and the storage of hay made on the land".

The storage of a full range of dedicated hay-making equipment might be difficult to justify on a relatively small parcel of land such as this; a more usual arrangement would be for the hay to be made by contractors, or local farmers, bringing equipment to the site as required.

That said, the proposed building is quite modest in scale and I consider a building of this size to be justifiable in relation to the storage of the hay itself, and for securing the sort of small range of equipment that is likely to be required to generally maintain the land, in any event.

However, having regard, for example, to your Local Plan Policy DM 30 ("Design principles in the countryside") the proposed enclosed, metal-clad design may be thought overly industrialised in appearance here. I would suggest a partly-open structure (for better accessibility and ventilation for the hay, and otherwise utilising timbered elevations), would be a more appropriate approach to consider" (NB The Applicant has amended the external materials to timber boarding with a brick plinth in response to the request by the Agricultural Advisor).

- 6.05 Whilst the proposed agricultural building is used for private use rather than a rural business (supported by the NPPF), the Council's Agricultural Advisor considers it as a reasonable addition to the servicing and storage needs of the holding.
- 6.06 It is considered there is a reasonable need for the development and the proposal is necessary for agricultural in line with Policy DM36 of the Local Plan. Therefore, the overarching question is whether the harm to the appearance of the countryside, natural environment and designated heritage assets is so great to outweigh the agricultural need for this development and this will be assessed in the following sections.

Visual amenity

- 6.07 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 Landscapes 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. 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.
- 6.08 As stated in the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015), the site falls within Headcorn Pasturelands and this area's landscape condition is considered as being of high overall landscape sensitivity and is sensitive to change. The relevant summary of actions area outlined below:
- Consider the generic guidelines and mitigation advice for Headcorn Pasturelands

- New development should respect the local vernacular in scale, density and materials
 - Conserve the pastoral land use and resist conversion to arable land
 - Conserve and enhance the small scale field pattern and sense of enclosure
 - Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads
 - Soften the visual prominence of large agricultural barns through native planting.
- 6.09 Policy DM36 sets out that new agricultural buildings will be permitted:
- Where the proposal is reasonably necessary for the purposes of agriculture;
 - The proposal would not have an adverse impact on the amenity of existing residents; and
 - The building or structure would be located within or adjacent to any existing group of buildings, in order to mitigate against the visual impact of development, unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding. Where an isolated location essential the site should be chosen to minimize the visual impact of the building or structure on the character and appearance of the countryside.
- 6.10 The proposed agricultural building would be located about 60m set back from Babylon Lane and the two public footpaths (KH564 and KH559A) and screened by the detached garage, main house and boundary planting of the host dwelling, namely The Vines, and roadside hedgerow.
- 6.11 At a maximum ridge height of 4.8m and a footprint of 9.1m x 12.1m, the new building is a modest agricultural structure siting close (approximately 25m) to the rear of the host dwelling and garage in accordance to Criterion 3 of DM36 that agricultural building should be located adjacent to an existing group of buildings, in order to mitigate against the visual impact of the development.
- 6.12 Whilst it is noted that the application site is an open agricultural field, the site is situated closest to the existing group of buildings, and provides a direct access to Babylon Lane. This situation would minimise any further hardstanding and access causing harm to the countryside.
- 6.13 The Agricultural Advisor commented that the original proposed metal-clad design may be overly industrialised in appearance and suggested a partly-open structure or timbered elevations. Officer discussions with the applicant have secured a revised material of the proposed building to timber elevations in natural colour.
- 6.14 Overall, it is acknowledged that the proposed development would be a new building within an open agricultural field. However, the building is considered to be a reasonable size for its purpose and siting in proximity to the existing group of building. The existing landscape features are considered adequate to ensure the visual impact of the development in 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. The visual harm of the proposed development is considered to be outweighed by the agricultural benefits that the scheme would provide.
- Heritage**
- 6.15 A decision maker is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.

- 6.16 The NPPF (February 2019) requires the impact on the significance of a designated heritage asset to be considered in terms of either "substantial harm" or "less than substantial harm" as described within NPPF paragraphs 195 to 196. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and recent case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.
- 6.17 Where it is considered that a proposal will lead to "...less than substantial harm to the significance of a designated heritage asset...", NPPF paragraph 196 states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.18 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.19 The Grade II listed Ashurst Farmhouse lies approximately 38m to the north of the site. Some views of the proposal would be possible from the listed building and its setting. The Conservation Officer has confirmed that the proposed building would not have a harmful impact on the setting or significance of the listed building and raised no objection in heritage terms.
- 6.20 It is concluded that the proposal will lead to less than substantial harm to the significance of this designated heritage asset and the public benefits of the proposal outweigh any negative impact. The proposal would conserve the setting of the Listed Building.

Residential amenity

- 6.21 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.22 It is considered that the proposed development would be of a sufficient distance (about 25m) to the rear of the host dwelling, to not result in any overshadowing to the living spaces of its host dwelling.
- 6.23 It is acknowledged that the new building would be visible from its adjacent neighbouring property to the west, namely Ashurst Farm. The application site is adjacent to the rear garden and open agricultural field of this neighbour and separated by boundary fence and landscape. The new building would be 38m from the main house of this neighbour. Furthermore, the view of an agricultural building within the countryside is not out of keeping to the character of the countryside. I do not consider the proposal would result in any significant impact on outlook, or loss of privacy to neighbouring properties.

Highway safety

- 6.24 The site benefits from an existing vehicle access and the proposal does not include any proposed hardstanding. It is not considered the proposal would result in any significant impact upon highway safety.

Ecology

- 6.25 Local Plan policy DM3 states: *"To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species"*. It is a requirement of the NPPF and legislation that all proposals result in a net biodiversity gain.
- 6.26 There is no indication that the proposal will lead to the loss of wildlife habitat. A planning condition is recommended seeking ecological enhancements on the site.

7. CONCLUSION

- 7.01 The development of an agricultural building at this location served by existing vehicle access would be necessary for the servicing of adjoining agricultural land. These benefits would outweigh any potential landscape harm and support the rural community.
- 7.02 The impact upon visual amenity is not significant given the modest scale and design of the proposal and its setting being in proximity to existing group of building.
- 7.03 For the reasons set out in this report, the development proposals would meet the requirement as set out in the planning policies and, as such, this report recommends approval subject to conditions.

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 Block, Floor and Elevations Plans, No. ML/JO/5918 Rev A received on 8 Mar 2021
Reason: To clarify which plans have been approved.
 - (3) The materials to be used in the development hereby approved shall be as indicated on the approved plans.
Reason: To ensure a satisfactory appearance to the development
 - (4) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the development such as native species planting or installation of bat/bird nest boxes. The ecological enhancement measures need to be over and above any mitigation measures. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
 - (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) 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 interests of amenity

- (7) The development hereby approved shall not commence above ground level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native species as appropriate and 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. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically detail the tree line which is proposed to be retained and expanded as indicated by the applicants supporting statement and provide screening where possible to the dwellings to the north]. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- (8) The approved landscaping scheme shall be in place at the end of the first planting and seeding season (October to February) following first use of the building hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first use of the building, 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.

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

Reason: In the interest of amenity.

- (9) No development shall commence above ground level until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a BREEAM – Pre-Commencement (New build non-residential) assessor that the development is registered with BRE under BREEAM (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than the standards equivalent to 'Very Good' has been submitted to and approved in writing by the Local Planning Authority or sufficient evidence submitted to and approved in writing by the Local Planning Authority to demonstrate why it is not technically feasible and viable to meet this standard.

Reason In the interests of sustainable building construction.

Case Officer: Michelle Kwok