

APPLICATION: MA/10/0538 Date: 26 March 2010 Received: 29 March 2010

APPLICANT: Mrs P Bowles

LOCATION: WEAVERS COTTAGE, COPPER LANE, MARDEN, TONBRIDGE, KENT, TN12 9DH

PARISH: Marden

PROPOSAL: Erection of a new ecological live/work unit including external store and car port (re-submission of MA/09/2029) as shown on drawing nos. 001 RevP, 002 RevL, 004 RevE, 005 RevH, 006 RevG, 007 RevD, 009 RevA, 010, 011 received on 29th March 2010 and 003 RevF and 008 RevB received on 30th March 2010.

AGENDA DATE: 1st July 2010

CASE OFFICER: Richard Timms

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

- Councillor Blackmore has requested it be reported for the reason set out in the report

### **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28  
The South East Plan 2009: CC1, CC6, H1, C4  
Government Policy: PPS1, PPS3, PPS7

### **1. HISTORY**

MA/09/2029 Erection of a new dwelling including external store and car port – REFUSED

MA/08/1445 Erection of single dwelling including store outbuilding and carport - WITHDRAWN

## **2. CONSULTATIONS**

- 3.1 **Marden Parish Council:** Would like to see the application REFUSED for the following reasons:

*"Councillors felt that for this application to be approved as a departure of planning policy ENV28 the build would need to be of exceptional design and after reading through the Design and Access statement felt that this was not the case.*

*Live/work builds were not currently in any planning policy and it was felt that the agent had not covered any argument to show this as a departure.*

*That justification/evidence had not been given in the Design and Access Statement as to why new accommodation was needed instead of an extension to existing property or building an outbuilding specifically for the business. If the proposed build is for a specialist use the agent needed to argue the case.*

*For them to review the application and reconsider justification would need to be made and additional information provided."*

- 3.2 **Councillor Blackmore:** If you are minded to refuse this application please report it to planning committee for the following reasons:

*"This is a much needed live/work unit in the village. Live/work units are not specifically addressed in the present Development Plan. This property will be a good example of a modern energy efficient property which uses current technology to deliver a sustainable building which should have low running costs."*

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

## **3. CONSIDERATIONS**

### **4.1 Site & Setting**

4.1.1 The site is located outside the defined settlement boundary of Marden being around 380m east of the edge of the village and for planning purposes falls within the open countryside.

4.1.2 The application site is within the north part of the garden of the applicants existing detached dwelling, 'Weavers Cottage'. Its northern boundary runs alongside Howland Road for some 43m and returns south alongside Copper Lane for around 38m. It then heads west for some 43m before returning north for 39m to Howland Road. There is an access off Copper Lane which serves the existing dwelling. There are a number of trees and hedges within the site, a conifer hedge set behind trees along the north boundary and a hedgerow along the east boundary. There are two dwellings and a group of farm buildings east of

the site of which some are used for business purposes. South of the site is the existing dwelling and grassland beyond and west of the site is the dwelling 'Weavers'. Further north on the opposite side of Copper Lane are open agricultural fields.

## **4.2 Proposed Development**

- 4.2.1 Whilst the agent has described this proposal as a new 'live/work unit' I consider it to essentially be for a detached 4 bedroom two storey dwelling with detached car port and store. I note that studio/study space is provided on the ground floor for the applicant's textile business and the basement would be used for some work storage, however I do not consider this to represent a live/work unit. I consider a live/work unit to be a mixed use whereby a property is designed primarily for employment floorspace but which also includes a small element of residential space connected to the employment premises. I consider this proposal to be a dwellinghouse (C3 use) with a small studio (around a sixth of the floorspace) and basement storage not uncommon for dwellings of this size.
- 4.2.2 The house would be occupied by the applicant where she would run her business as a professional textile artist, specialising in quilts. Her business involves personal work for commissions and exhibitions, research, teaching, workshops and courses and associated paperwork. Currently, she has been using her dining room but as the business has grown this solution is no longer considered adequate. It is stated that a larger space is needed for the large amount of storage for textiles and related materials, accommodating workbenches and long arm quilting machines.
- 4.2.3 The dwelling would be erected within the north end of the existing garden of 'Weavers Cottage' with the existing access shared. The dwelling would be positioned centrally within the site with its main frontage facing southwest and new driveway on the east side. It would be set back some 11m from Copper Lane and 3.5m from Howland Road at its nearest point. The walls and roof panels for the dwelling would be largely prefabricated off-site and then erected within a 2/3 day period on site. The construction employs sustainable materials and techniques resulting in lower energy use. It is submitted that the dwelling has been designed to meet or exceed the guidelines and standards for Lifetime Homes and Level 4 of the Code for Sustainable Homes.
- 4.2.4 The dwelling would have a basement with utility room and plant room. The ground floor would have a living/dining area, kitchen, study/studio and the first floor would have the four bedrooms and bathroom. The building would have a main section with pitched roof on an east to west axis, ridge height 6.9m and eaves 4.5m. There would be a two storey gable projection off the southwest side, set down from the main roof by 0.4m but with a slightly higher eaves height and balconies to the sides. The studio area would project from the north

corner of the dwelling with a flat roof. The detached car port would be to the east of the dwelling with a flat roof. Materials would be pre-fabricated panel timber walls with white timber boarding, plain clay tiles for the pitched roofs of the dwelling and light grey single ply membrane for the flats roofs. The new driveway would have a permeable gravel finish.

### **4.3 Planning History**

4.3.1 Two applications for similar development have been submitted at the site in 2008 and 2009. The 2008 application (MA/08/1445) was withdrawn and the 2009 application (MA/09/2029) was refused in January this year for the following reasons:

1. *The proposed development lies outside a defined settlement, within open countryside and represents a form of unsustainable development for which there is no overriding justification. The proposals would further consolidate existing sporadic development detrimental to the character and appearance of the countryside hereabouts. This 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.*

4.3.2 This application was similar in that it also proposed a two storey house but the workspace was provided in a detached outbuilding. A similar personal case was put forward to justify the new dwelling but it was not consider sufficient to outweigh established policies for the location of new housing.

### **4.4 Assessment**

4.4.1 It needs to be considered whether or not the latest proposals, which basically now provide larger and integral work space overcome the previous reason for refusal. In doing this I will assess the principle of the development, the personal circumstances and the visual impact.

4.4.2 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." The recent re-classification of private gardens from previously-developed (brownfield land) in PPS3 means that the site is now regarded as greenfield land. PPS3 'Housing' outlines at paragraph 36 that, "the priority for development should be previously developed land in particular vacant and derelict sites and buildings".

- 4.4.3 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 Marden 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.
- 4.4.4 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.
- 4.4.5 In this case, the application site is not within a site allocated for housing development. It is not located within the confines or next to a rural settlement but is found on a rural road with sporadic and scattered development nearly 400m from the eastern edge of the Marden settlement boundary. The dwelling is not proposed for a farm, forestry or other rural worker and it is therefore considered that the proposed development would result in residential development within the open countryside for which there is no justification. PPS7, PPS1 and PPS3 seek to locate new residential development at the major/principle urban areas and established rural settlements and as such the proposals are in direct conflict with Development Plan policy. To provide a dwelling at the site would result in an unsustainable form of development where any future occupants would rely on the private motor car for services, facilities, health care needs etc. This is contrary to the principle aims of PPS1, PPS3 and PPS7.
- 4.4.6 It therefore needs to be considered whether the need and provision of some work space within the dwelling are sufficient grounds for allowing otherwise unacceptable residential development in the countryside taking into account sustainability and visual impact considerations. Essentially the applicant's case is that the proposals would accord with PPS4, that the dwelling will be energy efficient and sustainable being the type of development the Government encourages, and that the applicant's personal circumstances justify the need for the development.

#### **4.5 Principle of Development**

- 4.5.1 I appreciate the 'live/work unit' concept is mentioned in PPS4 at plan making policy EC2 where it is stated that Local Planning Authorities should ensure that their Development Plan "*facilitates new working practices such as live/work.*" Clearly at present there is no Local Plan policy to support the proposals. However, I note that at paragraphs 85 and 132 of the 'PPS4 Impact Assessment' reference to live/work is made but this is in the sense of businesses starting up at homes through the use of information technology and home working rather than through the erection of new dwellings with a small element of work space.

To my mind the concept of live/work is either home working from an existing dwelling, or possibly through the conversion of a suitably located existing building, where the property is designed primarily for employment purposes but which also includes a small element of residential space connected to the employment premises. This would represent a mixed use and I do not consider this proposal to represent such a use as it is essentially a large new 4 bedroom dwelling (C3 use) with a small studio work space. Notwithstanding my view that the proposals do not represent a live/work development, I note that no unilateral undertaking has been put forward to secure such a use in perpetuity.

4.5.2 In looking at the merits of the development the only positives of the development are that the applicant would not need to travel to work (which she doesn't at present) and the sustainable construction methods. The negatives are that trips would still need to be made by car for shops, services, health care etc. and trips by students, deliveries etc. would be made to the site by car, which is likely to increase as the business grows. My view is that simply a reduction of work vehicle movements is not sufficient bearing in mind the unsustainable location and remaining vehicle movements that would be made to and from the site. Whilst the sustainable construction methods are commendable, this is now common place with many new builds and again not sufficient grounds in my view to allow the development. In addition, the employment floorspace could not be used separate of the dwelling so the employment potential is restricted to the occupier and once they vacate the premises or no longer choose to run a business, an unsustainable dwelling would be left.

#### **4.6 Need for Development**

4.6.1 it is stated that the applicant works from home at irregular hours and that a rural location is required to draw inspiration for the work. It is stated that an industrial unit would not be conducive to creativity and would be expensive and that in the last three years an alternative home has not been found. I am not convinced that the applicant's job does demand a rural location. I appreciate it may be preferable to be in rural surroundings but I do not consider this is essential to run this business. I appreciate the cost of adapting the existing house may be high but note that the applicant states that the outlay for renting a unit '*might*' eat up too large a proportion of her earnings, not that it definitely will. Nonetheless, I do not consider this is sufficient grounds to allow the development. It is stated that the applicant has tried to find studio premises nearby but no suitable space is available. No specific evidence has been provided in this respect, however again I do not consider these are sufficient grounds to allow the development. On this basis I do not consider applicant's personal circumstances demonstrate an overriding need for the development, which would remain at the site long after the applicant vacates it.

#### **4.7 Visual Impact**

4.7.1 Turning to the visual impact, Policy ENV28 states that permission will not be granted for development which harms the character and appearance of the area. The new dwelling, which is of considerable size, and for which there is no justification, would be clearly visible from Howland Road and Copper Lane. The proposals would introduce unwelcome additional development to an undeveloped garden that would cause visual harm to the character and appearance of the countryside hereabouts.

#### **4.8 Conclusion**

4.8.1 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. I do not consider the provision of on-site work accommodation and some reduction of work trips is sufficient to outweigh this conflict, bearing in mind the significant amount of other trips that would still occur to and from the site. There is no overriding need for this development, the proposals would result in clear visual harm to the countryside and clearly this harmful development would remain long after the applicant vacates the site. For these reasons, I consider that the development is unsustainable and visually harmful and does not comply with local and national policy. I therefore recommend that it is refused.

### **5 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 unsustainable development for which there is no overriding justification. The proposals would further consolidate existing sporadic development detrimental to the character and appearance of the countryside hereabouts. This 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 proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.