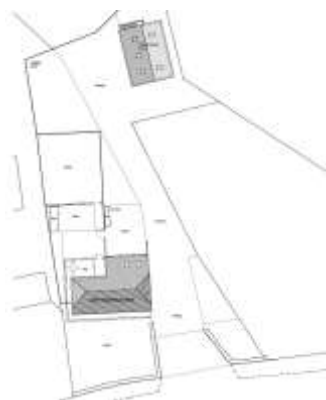


REFERENCE NO – 21/505036/FULL		
APPLICATION PROPOSAL Proposed change of use of land from agricultural to residential and erection of detached garage with ancillary accommodation above.		
ADDRESS Little Hawkenbury Barn, Hawkenbury Road, Hawkenbury, Tonbridge TN12 0DU		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • Visual impact is not significant due to the modest size of the new building and new garden area and the proximity to existing buildings. • The design and appearance of the proposed building is in keeping with the host dwelling and surrounding development including the neighbouring grade II listed dwelling. • The Environment Agency raised no objection subject to conditions 		
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council committee call in if Officers were minded to recommend approval for the reasons set out at paragraph 5.01.		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Mr Lanckmans AGENT Architecture Design
TARGET DECISION DATE 01/04/2022 (EOT)		PUBLICITY EXPIRY DATE 12/10/2021

Relevant planning history:

- Application site



The application that is the subject of this report is identical to that granted planning permission on the 12.09.2017 under reference 17/503377/FULL. The detached garage with ancillary accommodation above is to the north of the parent dwelling, a converted agricultural building that fronts the main road.

This permission was for the “proposed change of use of land from agricultural to residential, and erection of a detached garage with ancillary accommodation above”. This earlier permission was never implemented and has now expired. The approved layout plan showing the existing parent dwelling to the south and the proposed building at the rear is provided adjacent to this text.

- Parent dwelling to the proposed ancillary accommodation



Permission was granted (reference 05/0738) for the conversion of a redundant agricultural barn to a dwelling on the 09.11.2005. The current application site is to the north of the red line boundary that is shown on the adjacent site location plan. This building is the parent dwelling.

Environment Agency raised no objection to the proposal following the removal of ground floor sleeping accommodation.

- Adjoining land at Little Hawkenbury to the north west of the current application site

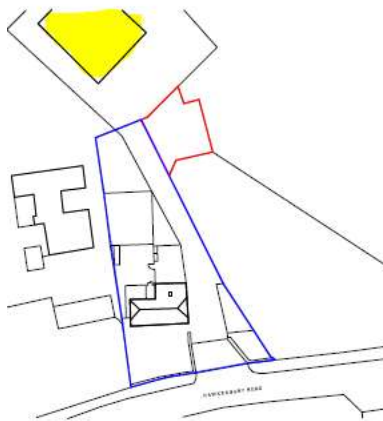


Prior Notification was given on the 04.09.2019 for the change of use of an agricultural building to a dwelling. The application considered transport and highways impact, contamination risk, flooding risk, design and external appearance, noise impact and whether the location or siting of the building made it otherwise impractical or undesirable as a dwelling. The reference is 19/503666/PNQCLA.

The site location plan is provided to the left of this text.

MAIN REPORT

1. DESCRIPTION OF SITE



- 1.01 The application site is located outside of any designated settlement within an isolated group of dwellings in the countryside.
- 1.02 The site on the north side of Hawkenbury Road does not have any special landscape designation. The site falls within Flood Zone 3.
- 1.03 The dwelling called 'Little Hawkenbury' (immediately to the west of Little Hawkenbury Barn) is grade II listed.
- 1.04 The application site is a parcel of land 600 sqm in area that is outlined in red on the plan to the left of this text. The application site is currently grassed with a few trees.
- 1.05 The proposed garden land and building adjacent to the driveway would be ancillary to the dwelling in the converted agricultural building (reference 05/0738) known as Little Hawkenbury Barn (outlined in blue on the above plan).
- 1.06 The agricultural barn to the north of the application site (highlighted in yellow on the above plan) benefits from prior approval (19/503666/PNQCLA) granted in 2019 (must be completed before 18.09.2022). This approval allows for the change of use of this agricultural building to one dwellinghouse and for associated operational development.

2. PROPOSAL

- 2.01 The application seeks planning permission for the change of use of a parcel of agricultural land (600sqm metres) adjoining the existing north-eastern boundary of the residential property at Little Hawkenbury Barn.
- 2.02 The application involves the erection of a detached building. The building provides a domestic garage with two car parking spaces, workshop and storage at ground floor.
- 2.03 At first floor ancillary accommodation ('ancillary' is anything that one could do normally in a standard house such as eat, sleep, sit etc) to Little Hawkenbury Barn

is provided. The first floor includes a living area, kitchenette, bathroom and bedroom.

- 2.04 Planning permission (17/503377/FULL) was granted on 12.9.2017 for the same proposal as currently proposed but this permission has lapsed.
- 2.05 The proposed building would be approximately 9m in width and 6.5m in depth. It would be of black timber construction and would be just 6m in height from the ground level to the highest part of the roof. The roof would be half hipped and covered in plain tiles to match the host dwelling.

3. POLICY AND OTHER CONSIDERATIONS

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

DM33- Change of use of agricultural land to domestic garden land

Aerial photograph



Supplementary Planning Documents:

Draft Headcorn Neighbourhood Plan

(The Final Examiner's Report on the Headcorn Neighbourhood Plan was published on 19 March 2017. In his report the examiner set out a number of failings that were found with the submitted neighbourhood plan. As a result of his conclusions the examiner recommended, in accordance with legislation that the neighbourhood

plan should not proceed to a local referendum. The neighbourhood plan has since been withdrawn. Presently, the Neighbourhood Planning Group is developing a new draft of the Headcorn Neighbourhood Plan. This is pre-Regulation 14 and an early plan stage. The Council continues to work with the Neighbourhood Planning Group to develop the Neighbourhood Plan). With the stage that the Draft Headcorn Neighbourhood Plan is currently at it carries little to no weight.)

Maidstone Landscape Character Assessment (2012-amended 2013)
Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)

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

4. LOCAL REPRESENTATIONS

4.01 No representations received from local residents.

5. CONSULTATIONS

5.01 Headcorn Parish Council

Objection: recommend refusal and referred to MBC Planning Committee if the Planning Officer is minded to recommend approval for the reasons listed below.

- New development in Flood Zone 3 is not supported by the draft Neighbourhood Plan
- The Environment Agency need to be consulted or appropriate flood mitigation steps must be taken in construction.

6. APPRAISAL

Main issues

6.01 The key issues for consideration relate to:

- New building and ancillary link to the parent dwelling.
- Visual impact
- Heritage
- Flood Risk
- Residential amenity
- Highway safety implications
- Ecology and biodiversity

New building and ancillary link to the parent dwelling.

6.02 In general terms, the adopted Local Plan seeks to avoid new build self-contained dwellings located in unsustainable locations. The building proposed here is not a new build self-contained dwelling but an annexe to the main dwelling of Little Hawkenbury Barn.

6.03 In planning terms, annexes should normally have a number of characteristics that make them distinct from a new build self-contained dwelling. These characteristics are considered below.

a. Have a functional link with and be ancillary to the parent dwelling.

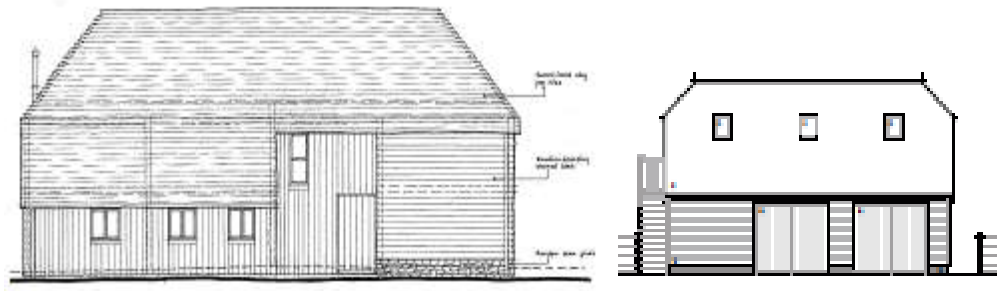
6.04 The occupants of the annexe would rely on facilities within the main dwelling Little Hawkenbury Barn. This includes the full sized kitchen facilities (a kitchenette is provided in the new building).

b. Have the same ownership as the parent dwelling.

6.05 The submitted certificate of ownership confirms that the application site is in the same ownership as Little Hawkenbury Barn. The applicant has stated the intention to use the annex accommodation as additional living space to accommodate his son.

- c. Within the curtilage of the parent dwelling and share its vehicular access.
- 6.06 The application site is in the curtilage of the parent dwelling and both the proposed garden land, and the new building will share the access from Hawkenbury Road.
- d. Well related to the parent dwelling.
- 6.07 The new building will be well related to Little Hawkenbury Barn. The majority of the ground floor of the proposed building will be occupied by two car parking spaces with the upstairs floorspace (living area, kitchenette, bathroom and bedroom) substantially smaller than Little Hawkenbury Barn. In view of the irregular shape of the existing site, it would be impractical to locate the proposed garage/annex closer to the host dwelling.
- e. Have no boundary demarcation or subdivision of garden areas.
- 6.08 The new building is located at the rear of the plot and the driveway, next to an existing vegetable garden.

North elevation of Little Hawkenbury Barn and west elevation of proposed building.



- f. Subservient to the scale of the parent dwelling
- 6.09 The north elevation of Little Hawkenbury Barn (05/0738) is located next to the west elevation of the building currently proposed above for comparison purposes only. The proposed new building is subservient to the scale of the parent dwelling.
- 6.10 In summary, the building proposed is not a new build self-contained dwelling but an annexe to the main dwelling of Little Hawkenbury Barn. A planning condition is recommended that seeks to ensure that this relationship between the proposed building and Little Hawkenbury Barn is maintained in the future.

Visual impact

- 6.11 Local Plan Policy DM33 seeks to protect the character and appearance of the countryside and consider the loss of the best and most versatile agricultural land. Policy SP17 states that development proposals in the countryside should not result in harm to local character and appearance. In addition, policy DM30 sets out that development should maintain or where possible enhance, local distinctiveness including landscape features.
- 6.12 Government guidance in the National Planning Policy Framework (2021 para. 174) states that local planning authorities should recognise the intrinsic character and beauty of the countryside and take into account the economic and other benefits of the best and most versatile agricultural land.
- 6.13 The application site is located in the countryside but is not on land with any special landscape designation. The application site is located in a group of dwellings between the parent dwelling (Little Hawkenbury Barn) and an agricultural barn to the north that has prior approval for conversion to residential. Given its relatively small area (600sqm), the location between approved residential uses and the screening provided by the existing built development, the impact of the proposed change of use to garden land on the wider landscape will be minimal.

- 6.14 Agricultural land is categorised between grade 1 (excellent quality) and grade 5 (poor quality) with grades 1, 2 and 3a considered the 'best and most versatile' . Whilst the application site is 'best and most versatile' (grade 2) agricultural land, given its small area of land it is not considered that the loss of this relatively small area of land represents a sustainable objection to the use of the land for garden purposes.
- 6.15 The proposed building is within an irregular shaped plot of land and the building has a rectangular footprint. The scale and design of the building is reflective of the appearance of the parent dwelling and the existing farm buildings adjoining the site.
- 6.16 After considering the site location and setting, and the sympathetic building scale and design, the proposal was found to be in keeping with the character of the area and in general accordance with policies DM30, DM33 and SP17.

Heritage

- 6.17 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.
- 6.18 The NPPF 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 the NPPF. 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.
- 6.19 Where it is considered that a proposal will lead to "...less than substantial harm to the significance of a designated heritage asset...", NPPF states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.20 When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.
- 6.21 The Grade II listed Little Hawkenbury Farm lies approximately 25m to the south-west of the site. Views of the proposal would be possible from the listed building and its setting. Given the proposed garage is sympathetic to the host dwelling, constructed with matching materials to other existing nearby buildings, and separated by a distance of approximately 25m, the proposed building would not have any harmful impact on the setting or significance of the listed building.
- 6.22 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.

Flood Risk

- 6.23 The site lies within Flood Zone 3 and the submitted planning application is supported by a Flood Risk Assessment. The Flood Risk Assessment states that in

terms of flood proofing, resilience and resistance it is intended to use resilient and robust materials at ground floor level.

- 6.24 The applicant has stated that any electrical or mechanical equipment such as electric boxes, switches, and outlets will be elevated or floodproofed to or above the flood protection level. In terms of external treatments, where possible ground levels will fall away from the existing building. The driveway will be constructed of permeable materials. It is anticipated that existing and proposed rainwater and surface water will be disposed of as existing. Sleeping accommodation will only be provided at first floor level.
- 6.25 The Environment Agency has stated that the proposal is acceptable subject to 4 conditions. Firstly, the development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) and no sleeping accommodation shall be provided at ground level. The second condition remediation strategy if any land contamination is found during development. The third condition requests the submission of drainage proposals and finally a restriction on infiltration of surface water drainage into the ground.
- 6.26 Subject to the above mitigation measures being secured by planning condition, the proposed development was found to be acceptable in relation to managing flood risk.

Residential amenity

- 6.27 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise ... 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".
- 6.28 The proposed development is of a sufficient distance away from the neighbouring dwellings to avoid issues relating to loss of daylight or sunlight, loss of outlook or privacy or general amenity. The change of use to residential land alongside residential land is considered to be compatible use.

Highway safety

- 6.29 The site benefits from an existing vehicle access. The proposed garage providing two parking spaces is located to north of the parent dwelling with the building fronting the existing driveway. The existing access is suitable to accommodate any additional vehicle movements generated by the two parking spaces.

Ecology

- 6.30 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*". It is a requirement of the NPPF and legislation that all proposals result in a net biodiversity gain.
- 6.31 There is no indication that the proposal will lead to any loss of significant wildlife habitat. A planning condition is recommended seeking ecological enhancements on the site.

7. CONCLUSION

- 7.01 For the reasons set out above, the proposed development is acceptable in its visual impact and will not result in any material loss of productive agricultural land while respecting the character and setting of the existing building and listed heritage. The Environment Agency has found the proposal acceptable subject to the mitigation measures in the FRA being secured by condition.

- 7.02 For the reasons set out in this report, the development proposals are in keeping with adopted planning policies and 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:
Existing Block Plan, No. 02 received on 1 Oct 2021
Proposed Plans, No. 01 received on 8 Oct 2021
Site Location Plan, No. 05 received on 8 Oct 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 proposed accommodation shall remain as ancillary to the parent dwelling of Little Hawkenbury Barn with no subdivision between the two buildings and the proposed accommodation shall not form a self contained residential unit. Reason: the application has been considered only as ancillary residential accommodation.
- (5) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through methods into the building structure by means such as swift bricks, bat tube or bricks to provide wildlife niches and additionally through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- (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. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside and in the interests of residential 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 all native species as appropriate, no sycamores

and no plastic guards, 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 occupation 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) 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

- (10) The flood mitigation measures set out in the Flood Risk Assessment from KDS, and drawing no 1 dated September 2021 shall be in place prior to the first occupation of the building hereby approved and maintained for the lifetime of the development.
1. Flood mitigation measures should be included in the final design of the development.
2. No sleeping accommodation shall be provided at ground floor level. Sleeping accommodation shall be on the first floor as shown on drawing from KDS, drawing no1 dated September 2021. Reasons: To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site.

- (11) If during construction works, evidence of potential ground contamination is encountered, works shall cease and the site shall be fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Notwithstanding the above paragraph and in any event, upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with

the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework (NPPF).

- (12) Prior to the commencement of development details of foul sewage and surface water disposal measures shall be submitted to and approved in writing by the Local Planning Authority, with the approved measures in place prior to first occupation of the building and retained permanently thereafter. Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph the NPPF.
- (13) No infiltration of surface water drainage into the ground. Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the NPPF.

Case Officer: Michelle Kwok