

REFERENCE NO - 21/503063/FULL		
APPLICATION PROPOSAL Retrospective application for change of use of land and field shelter to provide events venue, including erection of covered seating areas to rear and sides of field shelter, erection of woodcutters cabin to be used in conjunction with events venue, and use of mobile facilities including 2no. store rooms, 2no. marquees, 3no. toilet blocks, 1no. disabled WC, 2no. shepherds huts, 4no. shipping containers, with associated car parking and woodland walkway.		
ADDRESS The Dreys Squirrel Woods Rumstead Lane Stockbury Kent ME9 7RT		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION The development is a well-established business for weddings/events and overnight temporary accommodation which, by its nature, necessitates a rural location which is key to the rustic setting and desired ambience of the business model. The site is visually contained within the woodland, and neither the activity nor associated structures are readily seen from outside the site so there is no harm to the character and appearance of the AONB/countryside. Conditions are suggested so that it does not cause harm, remains appropriate in scale and appearance for the sensitive location, can be satisfactorily integrated into the local landscape and does not cause light pollution or harm residential amenity. Woodland and Grassland Management Plan conditions are suggested and also a condition that the structures associated with the use be removed should the use cease.		
REASON FOR REFERRAL TO COMMITTEE The use in the Countryside and AONB is not one specifically supported by Policy SP17 of the MBLP.		
WARD North Downs	PARISH/TOWN COUNCIL Stockbury	APPLICANT Mr & Mrs Keulemans AGENT Bloomfields
TARGET DECISION DATE 31/03/22		PUBLICITY EXPIRY DATE 03/03/22

Relevant Planning History (incl adjoining sites)

Longton Wood
Stockbury Valley
17/504923/FULL Part retrospective and part proposed application for change of use of woodland to airsoft activity centre and erection of associated structures (retrospective) and proposed change of use for camping, filming, re-enacting, woodcraft, Duke of Edinburgh and life skills.
Allowed on Appeal 23.04.2021

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 This countryside site of approx. 3.7ha is east of Detling Hill and lies on the upper plateau of the Kent Downs Area of Outstanding Natural Beauty. The application site contains part of the Ancient Woodland (AW) of Squirrel Wood and is surrounded by AW on all boundaries.

- 1.02 The vehicular access to the site is off the western side of Rumstead Lane, between the dwellings of Foxdene and Squirrel Lodge along a single width track. After approx 160m of undulating topography, it reaches the 50-space car parking area (0.24ha) in the northern part of the application site. The car park is approx. 80m from the events venue and is comprised of tarmac scalplings/Type 1. It lies in an area that kept clear long term for electricity pylons.
- 1.03 There is approx. 1.67ha of sweet chestnut woodland between the car park and the main part of the venue through which there is a winding hessian covered path approx. 130m long with circular area in a clearing (for woodland blessings). The main venue buildings and glamping accommodation is in a larger pastoral clearing of approx. 1.67ha in the southern part of the application site. This path area is currently lit with strings of LED festoons.
- 1.04 The public footpath KH76 runs for 130m E-W through the site past the car park and a bridleway KH89 runs along the SW boundary of the site. On the other side of KH89 lies Longton Wood, which is an airsoft activity centre used for camping, filming, re-enacting, woodcraft, Duke of Edinburgh and life skills.
- 1.05 The site lies in Flood Zone 1 and partly over a groundwater source protection zone 3. It lies in an Area of Archaeological Potential.

2. PROPOSAL

- 2.01 The site has an MBC granted premises licence (first granted in 2016) for a variety of activities including performance/dance, indoors and outdoors live music generally until 2:00am Mon- Sat and 22:30 Sundays.
- 2.02 The application seeks retrospective planning permission for a change of use from equestrian/motocross/camping to an events venue with overnight glamping, associated structures, car parking facilities and woodland walkway. The current commercial use commenced as a glamping site in 2011. Since about 2016, the other structures were added, a licence was granted and it has been used for weddings, blessing, celebrations, parties, glamping and camping, as well as an educational forest/rural visitor premises for schools, Kent Police and other private businesses.
- 2.03 There are 5 FT and 3 PT staff. As part of the wedding package, between 22 and 30 extra staff are brought in for events. Between March to the end of October up to fifteen additional staff are brought in, in addition to external local suppliers.
- 2.04 The structures cover 361sqm in total and are made of timber and/or metal or are mainly canvas tents/marquees. The structures are placed upon padstones, rest on the land or are erected on a temporary basis. There are no conventional buildings with footings. The main structures are all single storey:
- Main Marquee (teepee style) 220sqm footprint
 - Reception Marquee (teepee style) 120 sqm footprint
 - Field shelter (dates from 1960s) extended to form bar 240 sqm footprint
 - Covered timber seating areas
 - Shepherd's huts x2
 - Woodcutter's cabin x1
 - 12 Bell Tents (removed off-season)
 - Shipping containers x 5 (Catering and storage areas)
 - Mobile WC/shower block x4

- 2.05 In terms of noise control, the venue has been set up by a specialist sound engineer and that the sound levels are capped with automatic monitoring with phone notifications if the set sound levels are exceeded.
- 2.06 The ecological appraisal concludes minimal impact on the habitats and potential species. In terms of the AW, most of the structures lie beyond the buffer of 15m, except for the Woodcutters Cabin, pedestrian walkway and vehicular track within the woodland, and the car parking area. Footfall through most of the woodland is discouraged. No protected species issues were identified but there is scope for biodiversity enhancements.
- 2.07 The Arboricultural Report concludes that woodland at the site is "Plantation on Ancient Woodland" and there is no evidence of severe impact to trees. No new impermeable hard surfaces exist and all objects, surfaces and temporary structures are temporary and removable. The report recommends measures to further reduce impact.
- 2.08 The Flood Risk Assessment submitted concludes that there are no adverse impacts to the surrounding area in relation to flood risk. Surface water will drain to an existing watercourse and foul sewage is to holding tank and then removed from site.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 SS1, SP17, DM1, DM3, DM8, DM21, DM30, DM38
Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020)
Kent Downs AONB Management Plan (2021-2026) SD1, SD3, SD7, SD8, LLC1, WT1, WT7, AEU5, AEU 14
Landscape Character Assessment: Hucking Dry Valleys Local Character Area
Regulation 19 Local Plan Review

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations received from local residents
- 4.02 Cllr Garten: Requires a condition imposed to control lightening in the AONB.

5. CONSULTATIONS

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

KCC (Highways and Transportation)

- 5.01 No objection

KCC (PROW):

- 5.02 Public Rights of Way KH76 footpath runs along the eastern boundary and is on the main track to the site and vehicles must give way to people walking the footpath.

UK Power Networks

5.03 Close proximity to a substation.

Southern Water Services

5.04 No comments

Environment Agency

5.05 No comments

KCC (Flood and Water Management)

5.06 No objections

Kent Police

5.07 No objection

KCC Ecology

5.08 Potential for protected species. There will be no deteriorating effects on the woodland with measures to avoid and/or minimise potential. The grassland is a habitat of principal importance/BAP habitats, for which there is biodiversity duty in the NERC Act. A grassland management plan must be informed by a detailed botanical survey of the grassland, undertaken at the correct time of year and by a suitably experienced ecologist.

5.09 Habitat management will be sufficient for Biodiversity Net Gain. Only recommended tree planting is pedunculate oak. Suggest restriction of any additional lighting.

Kent Downs AONB Unit

5.10 Application would conflict with paragraph 176 of the NPPF and potentially contrary to paragraph 180 which seeks to protect Ancient Woodland. The proposal would also be in conflict with policy SP17 of Maidstone's Local Plan as well as the aims and objectives of the Kent Downs AONB Management Plan, in particular principles SD1, SD3, SD7, SD8, LLC1, WT1, WT7, AEU5 and AEU 14 and fails to comply with management objectives set out for the relevant local Landscape Character Areas.

Natural England

5.11 Unlikely significant impacts on statutory designated nature conservation sites or landscapes. Standing Advice on Ancient Woodland. The development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006.

Forestry Commission

5.12 Provide details of Government Policy and information on the importance and designation of Ancient Woodland.

Environmental Protection

5.13 Original Comments: The site is in a rural area, and traffic noise is unlikely to be significant. No air quality issues but suggest installation of Electric Vehicle charging points for a sustainable travel option. No indication of land contamination nor of high radon concentrations. No record of any known Private Water Supplies in the vicinity. Currently it appears that chemical toilets are being used.

5.14 Further Comments: There are no noise complaints on our system relating to this site and the noise dampening effect of the trees helps prevent noise breakout. A noise management plan could be required.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Countryside/AONB
- Ancient Woodland/Ecological Impact
- Highways Matters

Countryside/AONB

- 6.02 The site lies in the countryside where Policy SP17 requires no harm to character and appearance, great weight to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty and account taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD.
- 6.03 The NPPF in terms of the AONB states that great weight should be given to conserving and enhancing landscape and scenic beauty due to its highest status of protection. The conservation and enhancement of wildlife are also important, and the scale and extent of development should be limited. Within AONBs, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Consideration should include an assessment of the local economy; meeting any need in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. The NPPG states that development within nationally protected landscapes needs to be located and designed to reflect status as landscapes of the highest quality.
- 6.04 Design requirements of policies DM1 and DM30 are that new buildings should be unobtrusively located and well screened by vegetation reflecting the landscape character of the area.
- 6.05 The site appears to have been a glamping site since 2011 and then significantly expanded in about 2016. It is thus now a well-established business with Premises Licences having been granted by MBC since 2016.
- 6.06 Policy DM38 specifically addresses the impact of camping sites in the countryside: being permitted if no unacceptable loss in the amenity of the area or impact on nearby properties and acceptable appearance of the development, the site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species.
- 6.07 The tests of the NPPF in terms of the AONB are met because the development has provided for a fairly unique and relatively unobtrusive enterprise for wedding or woodland blessings and similar social events in a naturalistic setting and so a countryside location is inevitable. The site is visually contained within the woodland, and neither the activity nor associated structures are readily seen from outside the site other than in glimpsed views from public rights of way. The main visual impact on the PROW is the view of the car park from KH76.
- 6.08 The agent includes a long list of other users which are public benefits as so qualify as evidence that the development is in the public interest including Local schools/groups, scouts; Kent Police dogs and tactical firearms training, use by filmmakers, musicians, a local cancer charity.

- 6.09 In terms of the AONB's tranquillity, (principle SD7 of the Kent Downs AONB Management Plan), there are other noisy uses locally such as greyhound training and a waste transfer station as well as the traffic on the A249 itself. The land to the north-west (Longton Wood) was allowed on appeal for an airsoft activity centre. The application site itself was previously used by unauthorised motocross. Therefore, on balance I do not consider that the use is unacceptable in terms of impact on existing levels of tranquillity. The Environmental Protection Officer raises no concerns on noise and the measures described in the application to control noise can be subject of a condition. There are no records of noise complaints despite the business having been established for a number of years operating in its present form since 2016 (although the Covid19 pandemic would have interrupted its more recent use).
- 6.10 The proposal would not be in conflict with policy SP17 in my view as it does not harm the character and appearance of the countryside. It is a low density use overall and has an unobtrusive layout and relatively sensitive materials, design and appearance. The site is well screened and visually contained from the wider landscape by virtue of Ancient Woodland and other mature landscaping so there are no long distance visual impacts at all. In terms of medium distance impacts, those parts of the main event venue that are glimpsed from the 2 PROWs are set some distance away (over 100m) and have limited visual harm due to the screening provided by mature trees and natural habitat around the site. Otherwise, the venue has been provided sensitively, with a low impact upon landscape character, the ancient woodland and biodiversity. In terms of short distance views, the vast majority of the structures on the site are chattels or can otherwise be easily removed. The main materials of canvas and timber are naturalistic and in-keeping with the rustic setting. The least sensitively designed elements of the development visually are the storage containers but these are screened by fence panels and their non-permeance (compared to say more aesthetically pleasing formal storage buildings) is beneficial as it means that they can be removed very easily once no longer needed.
- 6.11 In allowing the nearby activity centre at Longton Wood in the countryside and AONB, the Inspector considered the impact of that leisure use on the landscape value of the AONB as per SP17, concluding that activity had a limited impact, being visually contained within the woodland, and neither the activity nor associated structures being readily seen from outside the site other than in glimpsed views from public rights of way. Similar conclusions are reached in regard of this development.
- 6.12 Tourist/holiday accommodation can be intrusive in the countryside and should normally only occupy well screened locations. This site is generally well screened by virtue of the extensive ancient woodland tree belts. The access point at the junction with Rumstead Lane is visible but does not need altering as visibility is acceptable.
- 6.13 Whilst it is large, the car park is on land that would have the same appearance in being an all-weather open area needed for managing the woodland, the openness dictated by the power line running through. The surfacing is relatively low key and fully permeable. On most days of the week and in the off-season, there will be very few or no vehicles parked so the impact is acceptably low.
- 6.14 The public use of the 2 PROW may allow visibility by the public of the car park and southern part of the venue respectively, but the form, low density and generally rustic materials of the development and its temporary and intermittent nature minimises visual harm. The limited visual harm from the car park can be reduced further by a scheme to improve screening.
- 6.15 The scheme in terms of the overnight "glamping" accommodation complies with policy DM38. The business has grown from glamping to add the events and

weddings in a sensitive manner and is still relatively low-key. However, if planning permission is granted, conditions are needed to ensure that this low-key nature continues.

- 6.16 Overall, I am of the view that the tests in the NPPF and MBLP have been met for this major development and that Policy SS1 that requires conservation of the AONB and protection of rural character, is not breached.
- 6.17 In terms of policies DM1 and DM30 the use of natural and rustic materials at this development is a key feature throughout, eg coppiced wood from site, painted timber or reclaimed metal. The canvas marquees and bell tents can easily be removed from site, leaving only concrete pads in relation to the former. The bell tents are completely removed seasonally and rotated at the venue in relation to demand. Whilst there are some less sensitive structures such as storage cabins, these are screened by timber fence panels and overall, I am satisfied that policies DM1 and DM30 are complied with

Ancient Woodland/Ecological Impact

- 6.18 Paragraph 180 of the NPPF, Policy DM3 and Principles WT1 and WT7 of the Kent Downs AONB Management protect against the loss or deterioration of Ancient Woodland as an irreplaceable habitat unless there are wholly exceptional reasons, and a suitable compensation strategy exists. The arboricultural and ecological reports satisfy that there is no harm to the AW and the KCC Ecology officer, Natural England and the Forestry Commission raise no objections in this regard.
- 6.19 Priority habitats of grassland and woodland will be enhanced and restored by Grassland and Woodland Management Plans being submitted for approval.
- 6.20 A condition will be needed on lighting to ensure is it not harmful to biodiversity nor intrusive to intrinsically dark landscapes to accord with policies DM3 and DM8 of the MBLP and principle SD7 of the Kent Downs AONB Management Plan.

Highways Matters

- 6.21 The site is accessed via Rumstead Lane for a distance of 1km from the A249. Rumstead Lane is narrow with passing places. However, the proposal does not result in any unacceptable levels of traffic and overall, there are no highways concerns with the proposal in terms of Policy DM21.

Other Matters

- 6.22 The PROW officer has no concerns with the scheme, and I am satisfied that it does not breach the related principles AEU5 and AEU14 of the Kent Downs AONB Management Plan.
- 6.23 There are no residential properties sufficiently close that would suffer a direct loss of residential amenity except in regard of the traffic comings and goings at the entrance which passes close by 2 houses. However, the use has been in operation as a wedding/events venue for several years without complaint from any residents of Rumstead Lane and no objections to this planning application have been received from local residents or from the Parish Council.
- 6.24 The Regulation 19 Local Plan Review has limited weight at this stage and does not alter the policy context of the proposal as described above.

PUBLIC SECTOR EQUALITY DUTY

- 6.25 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 development is a well-established business for weddings/events and overnight temporary accommodation which, by its nature, necessitates a rural location which is key to the rustic setting and desired ambience of the business model.
- 7.02 The site is visually contained within the woodland, and neither the activity nor associated structures are readily seen from outside the site so there is no harm to the character and appearance of the AONB/countryside.
- 7.03 Conditions are suggested so that it does not cause harm, remains appropriate in scale and appearance for the sensitive location, can be satisfactorily integrated into the local landscape and does not cause light pollution or harm residential amenity. Woodland and Grassland Management Plan conditions are suggested and also a condition that the structures associated with the use be removed should the use cease.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 01 B Shepherds Hut Plan and Elevations
 - 02 C Shower Hut Floor Plan and Elevations
 - 03 C Toilet Hut Floor Plan and Elevations
 - 04 D Field Shelter and Bar Plan and Elevations
 - 06 C Reception Marquee Plan and Elevations
 - 05 B Main Marquee Plan and Elevations
 - 07 B Shipping Container Plan and Elevations
 - 08 B Toilet Plan and Elevations
 - 09 B Woodcutters Cabin Plan and Elevations
 - 10 B Shipping Container (10ft) Plan and Elevations
 - 14 A Shipping Container (30ft) Floor Plan and Elevations
 - 12 F Proposed Block Plan
 - 15 B Store Room and Disabled WC Floor Plans and Elevations

Reason; For the avoidance of doubt.
- 2) The land and structures shall be used only for purposes detailed in the application documents. The glamping tents hereby approved shall not be erected prior to the first day in March in any calendar year and shall be dismantled prior to the end of October in the same calendar year. If the use hereby approved ceases, all structures, hardstanding, and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed within 3 months of

cessation of the use.

Reason: To safeguard the character and appearance of the countryside and AONB.

- 3) The overnight accommodation hereby approved shall be used solely for the purposes of short stay (28 day maximum per person per annum) holiday accommodation and not as a permanent unit of accommodation nor a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
Reason: The site and location is not suitable for the provision of residential accommodation and in order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.
- 4) No additional paths or hard surfaces shall be installed and no additional structures shall be erected. No additional chattels, tents or marquees shall be stationed within the site for longer than an event's duration or 72 hours, whichever is the shorter.
Reason: In the interests of the open landscape quality of the AONB and to protect trees from possible root damage
- 5) The Noise Management Measures detailed in the Planning Statement hereby approved shall be complied with for all events involving music, films, plays, dances.
Reason: In the interests of the tranquillity of the AONB and local residential amenity.
- 6) The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:
 - i) Within 3 months of this planning permission, details and a timetable of screening of the car park area from the Public Rights of Way shall be submitted for the written approval of the Local Planning Authority.
 - ii) Within 3 months of this planning permission, a woodland management plan (WMP) and timetable for its implementation shall be submitted for the approval of the local planning authority. The content of the WMP will include the following:
 - a) description and evaluation of features to be managed
 - b) woodland plan showing identifiable compartments and indicating habitat variants
 - c) aims and objectives of management
 - d) prescriptions for management actions, including special measures for protected species/sensitive habitat areas
 - e) a list of locally appropriate native species that will be used in the planting
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - g) details of the body or organisation responsible for implementation of the plan
 - h) ongoing monitoring and remedial measures.

iii) Within 3 months of this planning permission, a grassland management plan (GMP) and timetable for its implementation shall be submitted for approval by the local planning authority. The content of the GMP shall include the following:

- a) description and evaluation of features to be managed
- b) grassland plan informed by detailed botanical survey
- c) aims and objectives of management
- d) prescriptions for management actions, including special measures for protected species/sensitive habitat areas
- e) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- f) details of the body or organisation responsible for implementation of the plan
- g) ongoing monitoring and remedial measures

iv) Within 11 months of the date of this decision, the WMP and the GMP shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Schemes or fail to give a decision within the prescribed period, an appeal should have been made to and accepted as validly made by the Secretary of State.

v) If an appeal is made in pursuance of (iv) above, that appeal should have been finally determined and the submitted Scheme should have been approved by the Secretary of State.

vi) The approved Landscape Screening, WMP and GMP shall have been carried out and completed in accordance with the approved timetable.

Reason: To ensure ecological impacts of the development are mitigated and Biodiversity Net Gain is secured.

- 7) The existing external lighting is shown on "Email re Existing Lighting" received 07.03.22. No additional external lighting, whether temporary or permanent, shall be placed or erected within the site unless details have been submitted to and approved in writing by the local planning authority. Any details to be submitted 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 approved details and retained as such thereafter.

Reason: To minimise impact on the dark skies of the AONB.

- 8) Within 1 month of the date of this decision the following arboricultural measures will be put in place, as detailed in the Arboricultural Report: thicker ridged matting pinned in place; exclusion of guests from Root Protection Areas by barriers; prevention of vehicular access beyond packed surface; utilisation of banks person when backing in larger vehicles. These measures shall be retained thereafter.

Reason: To reduce harm from root compactation on trees within the site.

INFORMATIVES

- 1) UK Power Networks advise that the proposed development is in close proximity to a substation and if within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act.
- 2) No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
 - The applicant pays for the administration costs o The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of six weeks notice is required to process any applications for temporary closures.

The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
- 3) Any new tree planting should be limited to pedunculate oak.
- 4) Measures should be taken to reduce risk of soil contamination by fuels or oil leaks or spillages.

Case Officer: Marion Geary