

REPORT SUMMARY

REFERENCE NO: - 20/503709/FULL		
APPLICATION PROPOSAL: Change of use of existing paddock to provide a shepherd hut for use as holiday let accommodation and 2nos. of outbuildings (retrospective).		
ADDRESS: Northdown Croft, Pilgrims Way, Hollingbourne, Kent, ME17 1RB		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: <ul style="list-style-type: none"> • The provision of tourist lodge accommodation within rural locations such as this accord with Government guidance in the NPPF and adopted Local Plan policies which are supportive of the principle of holiday/tourism related development in the rural areas of the borough. • The accommodation is modest in scale, both in terms of the single unit, the size of the unit and the number of guests that could be accommodated on the site. • The proposal has been assessed in relation to harm to the character and appearance of the countryside and found to be acceptable. • The site is well screened from public views by existing trees, hedgerows and woodland. • The access arrangements to and from the site are suitable. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear. • The application does not raise any overriding issues of conflict with the relevant Government guidance in the NPPF (2021) or the policies in the adopted Maidstone Borough Local Plan (2017). 		
REASON FOR REFERRAL TO COMMITTEE: Hollingbourne Parish Council request that the application is reported to the Planning Committee if Officers recommend approval as the parish council consider that the application will increase light pollution in the AONB and will contribute to the loss of scarce grazing land.		
WARD: North Downs	PARISH: Hollingbourne	APPLICANT Mrs Best AGENT: Kent Design Partnership
CASE OFFICER: Tony Ryan	VALIDATION DATE: 28/01/2022	DECISION DUE DATE: 02/12/2022 (EOT)
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 18/505496/FULL: Change of use from office/garage to a holiday let – Granted permission
- 09/1608: Change of use of land to horse training facility– Granted permission
- 97/0800: Erection of side and rear extensions– Granted permission
- 91/0831: Erection of single storey stable block and laying out of menage for private use– Granted permission

1.00 DESCRIPTION OF SITE

- 1.01 The application site is outside any designated settlement and is in the countryside. The site is in the Kent Downs Area of Outstanding Natural Beauty. The site is in the Hollingbourne Broad Street Conservation Area, an Archaeological Priority Area and a Groundwater Source Protection Zone. The site is on moderate to poor agricultural land.
- 1.02 The application site includes an existing access track from Pilgrims Way (circa 90 metres long). The access track runs parallel to Broad Street Hill which is located circa 88 metres to the south east. The application site is close to a collection of existing buildings and development that includes an existing building converted to a holiday let (18/505496/FULL), a stable block and menage (91/0831), a hay barn and to the south east the applicant's property.
- 1.03 The land where the tourist accommodation is sited was previously part of the adjacent paddock. The land is adjacent to a car parking area, with the parking area and the access shared with the previously approved holiday let, the applicant's property and the other buildings.

Entrance elevation of the shepherd's hut



2.00 PROPOSAL

- 2.01 The application is for retrospective permission for the change of use of existing paddock to provide a shepherd hut for use as holiday let accommodation (retrospective).
- 2.02 The base of the shepherd's hut living accommodation itself measures circa 2.4 metres by 4.8 metres. Overall, the shepherd's hut structure is 2.8 metres high at the roof eaves and the top of the curved roof is 3.2 metres high with these measures inclusive of the wheels that raise the living accommodation 0.7 metres above ground level. Additionally, the hut has 0.3 metre deep overhanging eaves to both sides.
- 2.03 The application also seeks the retention of 2 nearby timber single storey outbuildings, The base of the log store measures circa 3 metres by 1.2 metres, the

building has a mono pitch roof at a height of 1.8 metres falling to a height of 1.2 metres. The tack store has a base of 4.2 metres by 3 metres and a dual pitch roof with an eaves of 2.5 metres and ridge at 3 metres.

Block plans showing the tourist accommodation.



3.00 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2017): policies SS1, SP17, SP18, SP21, DM1, DM3, DM4, DM8, DM23, DM30, DM37, DM38.
- Landscape Character Assessment (2013) and Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- Kent Downs AONB Management Plan 2021-2026
- Kent Downs AONB Landscape Design Handbook
- Kent and Medway Structure Plan 2006 Supplementary Planning Guidance (SPG4): Vehicle Parking Standards.
- The National Planning Policy Framework (NPPF) (revised 2021)
- National Planning Practice Guidance (NPPG)

- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings were adjourned and recommence on the 7 November 2022). The relevant policies in the draft plan are as follows:

- LPRSP12: Sustainable transport
- LPRSP14: The environment
- LPRSS1: Maidstone borough spatial strategy
- LPRSP9: Development in the countryside
- LPRSP11: Economic Development
- LPRSP14A: Natural environment
- LPRSP14(B): Historic Environment
- LPRSP14(C): Climate change
- LPRSP15: Principles of good design
- LPRTA2: Assessing the transport impacts of development
- PRTRA4: Parking

LPRQ&D 1 Sustainable design
LPRQ&D 2: External lighting
LPRQ&D 6: Technical standards
LPRCD6 Expansion of existing businesses in rural areas
LPRTL2 Holiday lets, caravans and camp sites

4.00 LOCAL REPRESENTATIONS

- 4.01 One response to neighbour consultation was received which states
" Although we do not object in principle to the shepherd's hut we are concerned about the light pollution from the exterior lights which light up the whole of the land between us at night. We suggest that a condition of planning consent should be that the lights are shielded in some way and that trees/hedging is planted between us and the neighbours to reduce the nuisance especially as some trees have come down in the recent storms".

Hollingbourne Parish Council

- 4.02 Objection and recommend refusal on the following grounds:
- The use of the hut as holiday let accommodation will increase light pollution in the AONB
 - Will contribute to the loss of scarce grazing land.
 - The change of use of the paddock to site a Shepherd's hut to be let for business purposes is detrimental to the rural landscape.
 - Tourism and hospitality in this area of outstanding natural beauty are encouraged but this should not be at the expense of, or harmful to the rural landscape.
 - We are in agreement with this previously granted permission for a barn on the property to be converted and let as holiday accommodation permission as this was an existing building on "brownfield" land.

5.00 CONSULTATIONS

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

Environmental Health

- 5.01 No objection subject to conditions on EV charging points and hours of construction.

Kent Police

- 5.03 No objection. Recommend the applicant take this opportunity to review their general security arrangements and to meet the design on the SBD Homes 2019 guide for specifications.

MBC Conservation Officer

- 5.04 No objection.
- The shepherd's hut is a small, single-story structure on wheels with a curved roof with what appears to be traditional architectural features.
 - The materials are generally in keeping with the character of the area and include timber weatherboarding, timber doors, and casement windows.
 - The existing boundary treatment includes mature hedging and trees, which provide a degree of screening.
 - Due to the location, separation distance, and single-story nature, the development has not resulted in harm to the setting of the conservation area or listed buildings

6.00 APPRAISAL

6.01 The key issues are:

- Character and appearance.
- Provision of tourist accommodation in the countryside
- Heritage
- Design, amenity and appearance
- Ecology and biodiversity
- Access, parking and traffic

6.02 The starting point for assessment of applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:

- a) they will not result in harm to the character and appearance of the area and
- b) they accord with other Local Plan policies

Site access from Pilgrims Way.



SP17 a) Character and appearance.

6.03 The application site is located in the Kent Downs Area of Outstanding Natural Beauty (AONB).

The NPPF (para 176) advises that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONBs. There is a duty under section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Policy LLC1 of the Kent Downs AONB Management Plan advises "The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

6.04 The application site is in the Gault Clay Vale, Thurnham Vale landscape character area which is of moderate condition and sensitivity with a recommendation to 'conserve'. The key characteristics include large arable, irregularly shaped fields. Views within Thurnham Vale are limited by the large blocks of woodland, but there are many open views across the arable fields and rolling landform.

- 6.05 Kent Downs AONB landscape design handbook advises "Caravan Parks are an occasional feature in parts of the AONB. Whilst some are well screened by existing hedgerows, woodlands and trees, others are visually intrusive in open countryside. Design Principles ... presumption against large scale...caravan parks and better screening could be applied to existing ones. Seek the location of small scale temporary caravan sites where they would be well screened by existing trees and hedgerows. Avoid the introduction of suburban walls and fences, and conifer planting to define boundaries. Use a framework of new hedges, trees, shaws and woodland planting as appropriate to local character to integrate the site with the surrounding landscape. Encourage the use of dark matt colours for caravans instead of reflective white colours. Avoid unnecessary signage and paraphernalia at the entrance to caravan parks...."
- 6.06 The current application seeks the retention of modest tourist accommodation in the form of a single shepherd's hut (footprint of 2.4 metres by 4.8 metres). The retention of small scale ancillary buildings providing a tack store and log store is also sought. All of the buildings are timber clad with the shepherd's hut painted in a light blue pastel colour. The buildings are on land that was previously part of the adjacent paddock and are discretely located next to existing access and circulation space that is used by another holiday let and the applicant's own property. The buildings are partially screened by existing trees and buildings and a condition is recommended to seek further landscape screening. In this context, the buildings are considered in accordance with the above local plan policy and the design guidelines.

Internal layout from manufacturer's brochure



SP17 b) Accordance with other Local Plan policies

- 6.07 Other relevant Local Plan policies are SP18 (Historic environment), SP21 (Economic development), DM1 (Principles of good design), DM4 (Heritage assets), DM8 (External lighting), DM30 (Design principles in the countryside), DM37 (Expansion of rural business) and DM38 (Holiday caravan and camp sites). These policies are considered below.

Provision of tourist accommodation in the countryside: policies SP21 and DM37

- 6.08 Policy SP21 supports expansion of existing tourism related development in the countryside, provided scale and impact is appropriate for its countryside location. Policy DM37 sets out the following circumstances where planning permission will be granted for the sustainable growth and expansion of rural businesses:
- buildings are an appropriate scale and can be satisfactorily integrated into the local landscape.
 - traffic levels on nearby roads are acceptable
 - no unacceptable loss of local amenity of the area
 - appearance from public roads is acceptable.
- 6.09 The National Planning Policy Framework (NPPF 2021) states that planning decisions should enable the sustainable growth and expansion of business in rural areas, including well-designed new buildings. The NPPF advises that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside. The NPPF advises that planning decisions should recognise that sites to meet local business needs in rural areas may have to be adjacent to, or beyond existing settlements, and in locations that are not well served by public transport. Similar aims are in the Kent Downs AONB management plan (policies VC7, FL5 and FL7).

Heritage: policies SP18 and DM4

- 6.10 The site is in the Hollingbourne Broad Street Conservation Area and in an Archaeological Priority Area. Policy SP18 requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to the assets and their settings.
- 6.11 Policy DM4 requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset. The NPPF states that when considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.12 The application will conserve the existing character of the Hollingbourne Broad Street Conservation Area. The application seeks the retention of a shepherd's hut and two small ancillary buildings, it is considered that any impact that the construction of these buildings had on potential archaeological remains would be inconsequential.

Design, amenity and appearance: policies DM1, DM30 and DM38

- 6.13 Policy DM38 states "*...Proposals for sites for... stationing of holiday caravans ... outside of the settlement boundaries as defined on the policies map will be permitted where*" a number of criteria are met. These criteria are considered below.

"The proposal would not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance".

- 6.14 The nearest residential property is Northdown Croft that is located 45 metres to the south east of the application site. Northdown Croft is owned by the applicant and shares access arrangements with the application site. Pilgrims' Croft is located beyond Northdown Croft and 60 metres to the south east of the application site. Charity Acre is located 71 metres to the west of the application site.

- 6.15 The main part of the application property is located 90 metres from Pilgrims Way. The site is 88 metres from Broad Street Hill and to the rear of Pilgrims' Croft that is accessed from Broad Street Hill
- 6.16 The application is in accordance with policy DM1 of the adopted Local Plan as the development respects the amenities of occupiers of neighbouring properties. The activity, noise, *vehicular movements* associated with this modest accommodation (that sleeps two) that is separated from nearby residential accommodation will not harm neighbour amenity. The separation distances ensure that there are no issues in relation to *overlooking or visual intrusion, and "...the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties"*.
- 6.17 Policy DM 8 advises that external lighting will be permitted where it can be demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed. A planning condition is recommended to seek details of any lighting installed on the site that is associated with the application buildings and to ensure that the lighting meets relevant standards in terms of maintaining dark skys and protection of wildlife.
- 6.18 With the modest nature of the tourist accommodation, the secluded location and the separation distances, it is concluded that the accommodation is acceptable in relation to the impact on residential amenity. With the long access track the main part of the application site is hidden in views from public roads.

The site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species.

- 6.19 As set out at paragraph 6.06, the buildings are partially screened by existing trees and buildings and a condition is recommended to seek further landscape screening.

A holiday occupancy condition will be attached to any permission, preventing use of any unit as a permanent encampment.

- 6.20 A planning condition is recommended to prevent the accommodation being used as permanent residential accommodation. A condition will also require records to be kept of bookings for the accommodation.
- 6.21 Policy DM30 states that proposals will be permitted which would create high quality design and meet a number of criteria. The majority of these criteria are considered above in respect of the remaining criteria, there was no existing building on the application site that was suitable for conversion or reuse.

Ecology and biodiversity

- 6.22 The main biodiversity and ecology issues for consideration in relation to the holiday accommodation are as follows:

- a) Potential impact regarding the loss of habitat,
- b) Mitigation, enhancement and net biodiversity gain.

a) Potential impact regarding the loss of habitat.

- 6.23 The shepherd's hut is sited on land that was previously paddock for grazing horses and there was limited potential for protected or notable species to be present.

b) Mitigation, enhancement and net biodiversity gain

- 6.24 Paragraph 174 of the NPPF (2021) states "Planning...decisions should contribute to and enhance the natural and local environment by... minimising impacts on and

providing net gains for biodiversity...". A planning condition is recommended seeking biodiversity enhancement on the site.

Access, parking and traffic

- 6.25 The application site is accessed from Pilgrims Way by way of an existing track with this access shared with the other tourist accommodation and the applicants property. The access arrangements within the site make provision for vehicles to turn and enter and leave the site in a forward gear.
- 6.26 The trip generation resulting from the development can be adequately accommodated on the local road network without harm to highway safety. The parking provided for the one bedroom accommodation is acceptable. Conditions are recommended in relation to provision of an electric vehicle charging point.

PUBLIC SECTOR EQUALITY DUTY

- 6.27 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.

7.00 CONCLUSION

- 7.01 Government guidance in the NPPF and adopted Local Plan policies are supportive of holiday/tourism related development in rural areas. In the case of the current application the development is modest in scale in terms of the single unit, the size of the buildings and the number of guests.
- 7.02 The site is well screened from public views by existing trees, hedgerows and buildings. A planning condition is recommended to enhance this screening and to mitigate for the loss of this area of grazing land. The application is acceptable in relation to landscape and conservation area impact and the visual amenities of the locality.
- 7.03 Given the modest scale of the accommodation, the level of activity within the site and the small number of additional comings and goings to and from the site are unlikely to be so significant as to result in unacceptable noise and disturbance to the neighbouring occupiers.
- 7.04 The development is in accordance with adopted policies that aim to protect the landscape, the countryside, ecology and ensuring that development is of a good standard of design and fits within its surroundings.
- 7.05 The access arrangements to and from the site are considered suitable for the modest scale development proposed. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear.
- 7.06 The application is in accordance with the relevant Government guidance in the NPPF (2019) or the policies in the adopted Maidstone Borough Local Plan (2017). The grant of planning permission is recommended subject to the conditions set out below.

8.00 RECOMMENDATION

GRANT planning permission subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

1. The development hereby permitted shall be carried out in accordance with the following approved plan references: Design, Access and Heritage Statement, 18.28-SH-01 Shepherd Hut Floor Plans and Elevations, 18.28-PL-02 Rev C Existing and Proposed Block Plans, Shepherd Hut Brochure 18.28-PL-01 B Site Location Plan, 18.28.200 Tack Room and Log Store. Reason: For the avoidance of doubt and in the interests of proper planning.
2. The change of use hereby permitted shall cease, the approved building demolished and the shepherd's hut removed from the site, and all materials brought onto the land for the purposes of such use and arising from the demolished buildings and shepherd's hut shall be removed and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) within 3 months of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include:
 - a) a biodiversity landscape plan setting out how the development will enhance biodiversity including clear ecological enhancement for breeding birds and bats and provision of bat boxes, bird boxes, and native planting.
 - b) Details of existing external lighting on the site and measures to prevent light spillage from this lighting.
 - c) Details of an onsite electric vehicle charging point
 - d) Details of surface and foul water disposal.
 - e) Submission of an accommodation management plan
 - f) together with a timetable for implementation
 - (ii) within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
 - (iv) the approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the countryside location, in the interests of biodiversity and ecology and protection of the adjacent wildlife site.
3. The tourist accommodation hereby permitted shall only be used for bona fide holiday accommodation purposes. The tourist accommodation hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and there shall be no return within a period of 3 months. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
4. The management plan required by condition 2 shall include full contact details (name, address, phone number and email) of a named person responsible for the administration of the booking for the approved accommodation, with the local planning authority informed of any change to these details for the lifetime of the development. A written record of all lettings shall be kept and maintained by the named person responsible for the administration of bookings, with the written record made available for inspection by the Local Planning Authority at their reasonable request. Reason: To prevent permanent residential development in the

open countryside in the interests of sustainable development.

5. Any future 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 approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The submitted details 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 scheme of lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme
Reason: To ensure lighting does not result in adverse harm upon neighbour amenity and the character of the countryside.
6. The site shall be laid out in accordance with the approved layout plan (18.28-PL-02 Rev C) with a single caravan on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no further development, other than that shown on the approved plan shall take place within the site. Reason: In the interests of the amenities of the occupiers of neighbouring residential properties, visual amenity and the character and appearance of the open countryside location.
7. The landscaping required by condition 2 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The landscaping details shall
 - show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,
 - include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
8. All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within five years from planting 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.