

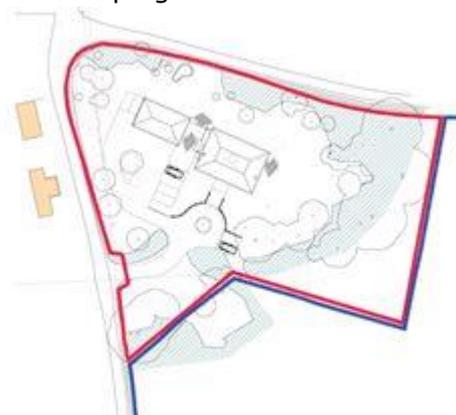
**REPORT SUMMARY**

|   |                                     |   |
|---|-------------------------------------|---|
| <b>REFERENCE NUMBER:</b> 23/504779/FULL   |                                     |   |
| <b>APPLICATION PROPOSAL:</b><br>Demolition of existing dwelling and outbuildings and erection of 1no detached dwelling (Resubmission of refused application 23/500613/FULL).  |                                     |   |
| <b>ADDRESS:</b> Cocketts Bimbury Lane Stockbury Sittingbourne Kent ME9 7QX  |                                     |   |
| <b>RECOMMENDATION: REFUSE PLANNING PERMISSION</b>   |                                     |   |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION:</b><br>The proposal, by reason of the height, bulk, massing, and siting, of the large proposed two storey pitched roof house and garage (replacing a modest single storey bungalow and outbuildings) and introduction of excessive hard landscaping would: <ul style="list-style-type: none"> <li>• erode the largely undeveloped rural nature of the site with a substantial increase in the bulk and massing of development that would be harmful to and fail to maintain or enhance the local character and appearance of this rural location.</li> <li>• result in a building that fails to preserve the rural character and openness of the nationally significant Kent Downs National Landscape (formally known as AONB).</li> <li>• fail to preserve the intrinsic character of the countryside with the proposed dwelling more visually harmful than the existing dwelling.</li> <li>• be contrary to policies SP17, DM1, DM30 and DM32 of the Maidstone Local Plan, the Maidstone Landscape Character Assessment (2013) the Kent Downs AONB (National Landscape) Management Plan (2021 - 2026) and guidance in the NPPF (2023).</li> </ul> |                                     |   |
| <b>REASON FOR REFERRAL TO COMMITTEE:</b><br>Call in by Stockbury Parish Council if officer recommendation is to refuse permission with further comments below in the consultee section.   |                                     |   |
| <b>WARD:</b><br>North Downs   | <b>PARISH</b><br>Stockbury          | <b>COUNCIL:</b><br><b>APPLICANT:</b> Mrs Lesley Hazell<br><b>AGENT:</b> Refine Architecture Ltd |
| <b>CASE OFFICER:</b><br>William Fletcher  | <b>VALIDATION DATE:</b><br>31/10/23 | <b>DECISION DUE DATE:</b><br>12/01/24   |
| <b>ADVERTISED AS A DEPARTURE:</b> No  |                                     |   |

**Relevant Planning History**

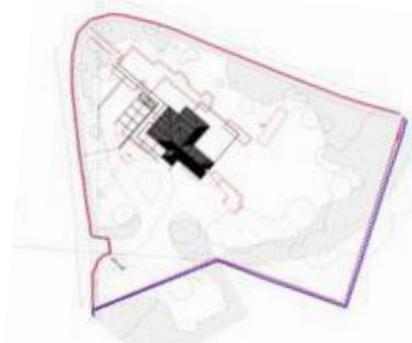
- a) 20/504352/FULL Demolition of existing house and associated outbuildings and erection of 1no. new detached five bedroom house with detached double garage with gym, extended driveway and enhanced landscaping. Refused 23.11.2020.

Layout of 20/504352/FULL



- b) 21/503774/FULL Demolition of existing dwelling and outbuildings and erection of 1no detached dwelling. Refused 22.09.2021.

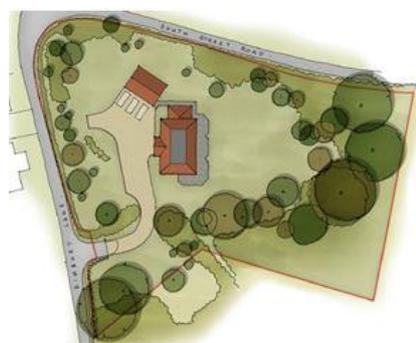
Layout of 21/503774/FULL



- c) 23/500613/FULL Demolition of existing dwelling and outbuildings and erection of 1no. detached dwelling and detached triple garage. Refused 06.04.2023 for the following reasons:

*"The proposal, involving the demolition of a modest single storey bungalow and outbuildings, by reason of the height, bulk, massing, and siting, of the large proposed two storey pitched roof replacement house and garage and introduction of excessive hard landscaping would erode the largely undeveloped rural nature of the site with a substantial increase in the bulk and massing of development that would be harmful to and fail to maintain or enhance local character and appearance of this rural location. The proposal would result in a building that fails to preserve the rural character and openness of the nationally significant Kent Downs AONB and fails to preserve the intrinsic character of the countryside with the proposed dwelling more visually harmful than the existing dwelling. As such the development is contrary to policies SP17, DM1, DM30 and DM32 of the Maidstone Local Plan, the Maidstone Landscape Character Assessment (2013) the Kent Downs AONB Management Plan (2021 - 2026) and guidance in the NPPF (2021)".*

Layout of 23/500613/FULL



- d) Appeal against the decision to refuse planning permission for application 23/500613/FULL was dismissed. The main points made by the Inspector are summarised as follows:

- In the absence of sufficient evidence to the contrary, the proposals would potentially cause unacceptable harm to protected species. This would be contrary to policies DM1 and DM3 of the Maidstone Borough Local Plan 2017 (LP).
- Proposed development would not harm the character and appearance of the area or the landscape quality and setting of the Kent Downs National Landscape. It would not conflict with policies SS1, SP17, DM1, DM5 and DM30 of the LP.
- Development would not result in harm to the setting of the listed building Beaux Aires Farmhouse

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The site is in open countryside and in the Kent Downs National Landscape (previously known as the Kent Downs Area of Outstanding Natural Beauty). The Grade II listed Beaux Aires Farmhouse lies to northwest of the site, along with several other buildings on the west side of Bimbury Lane. The site is within a Groundwater Source Protection Zone. A public right of way (KH60) ends on the opposite (west) side of Bimbury Lane immediately to the south of the application site.
- 1.02 The triangular shaped site is at the junction of Bimbury Lane and South Street Road with both north and west boundaries visible from the highway. Trees and hedges are in the site and around the perimeter (No Tree Preservation Orders present).
- 1.03 The site is currently occupied by a detached bungalow with a pitched roof, hipped on all sides, and several modest, low-lying outbuildings, mostly in timber and in a dilapidated state of repair. Site access is off Bimbury Lane to the south of the main property, with the main property to the northwest corner of the plot. Wooded areas are to the south and east of the site, with agricultural land to the north opposite South Street Road.

### **2.0 PROPOSAL**

- 2.01 Proposal is for the demolition of the existing modest single storey bungalow and outbuildings and construction of a larger two storey pitched roof house (detached garage is no longer proposed).

#### Comparison between existing and proposed buildings

|          | Eaves height | Ridge height | Frontage length | Footprint*        | Volume*            |
|----------|--------------|--------------|-----------------|-------------------|--------------------|
| Existing | 2m           | 4.5m         | 8.8m            | 150m <sup>2</sup> | 120m <sup>3</sup>  |
| Proposed | 5m           | 7.8m         | 20m             | 180m <sup>2</sup> | 1000m <sup>3</sup> |

\*Volume will be more critical than footprint – supporting text to LP: para 8.7

### **3.0 POLICY AND OTHER CONSIDERATIONS**

#### Maidstone Borough Local Plan (2011-2031):

SS1 Maidstone borough spatial strategy  
 SP17 Countryside  
 SP18 Historic environment  
 DM1 Principles of good design  
 DM3 Natural environment  
 DM4 Development affecting designated and non-designated heritage assets.  
 DM8 External lighting  
 DM21 Assessing the transport impacts of development.  
 DM23 Parking standards  
 DM30 Design principles in the countryside  
 DM32 - Rebuilding and extending dwellings in the countryside.

#### Emerging Draft Policy: Maidstone Draft Local Plan:

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2023, the representations and proposed main modifications. It is therefore a material consideration and attracts some

weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time. The relevant policies in the Maidstone Draft Local Plan are as follows:

SS1 – Maidstone borough spatial strategy

SP9 – Development in the countryside

SP10(a) – Housing mix

SP15 – Principles of good design

Q & D4 – Design principles in the Countryside

HOU5 – Density of residential development

TRA4 – Parking standards (Appendix B)

Q&D6 – Technical Standards

Q&D7 – Private open space standards

The National Planning Policy Framework -NPPF (2023)

Section 12 – Achieving well-designed places.

Section 15 - Conserving and enhancing the natural environment.

National Planning Policy Guidelines (NPPG).

Supplementary Planning Documents

- Ministry of Housing, Communities and Local Government: National Design Guide.
- Government's Technical Housing Standards: Nationally Described Space Standards (March 2015).
- Kent Downs AONB (National Landscape) Management Plan (2021 – 2026)
- Maidstone Landscape Character Assessment (2013)

In relation to the existing landscape character of the application site, the site is within the Bredhurst and Stockbury Downs landscape character area in the Maidstone Landscape Character Assessment (2013). The site is found to be in 'Poor' condition and of 'Moderate' sensitivity with guidelines to restore and improve. The recommendations for the application site land include:

- Bredhurst and Stockbury Downs is situated within the Kent Downs National Landscape. The Kent Downs National Landscape is a nationally important designation which offers a high level of development constraint.
- Avoid further built development which is out of context in terms of materials and design.

#### **4.0 LOCAL REPRESENTATIONS**

##### **Stockbury Parish Council**

###### 4.01 Support

- Wishes to see application approved with a condition which requires removal of any mobile homes or static.
- If officers are minded to approve, request committee determination.

##### **Local residents**

###### 4.02 One letter in support on the grounds that the existing building is derelict and the "...monstrosity of the building approved along south street road last year..."

## **5.0 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)*

### **Maidstone Conservation Officer**

- 5.01 No objection on heritage grounds for the following reason:
- No harm to the setting of the Grade II listed Beaux Aires Farmhouse due to the separation distance.

### **KCC Ecology**

- 5.02 No objection subject to conditions on the following:
- Reptile mitigation strategy
  - Construction and environment management plan.
  - Tree protection and management plan
  - Landscape and ecological management plan
  - External lighting
  - Biodiversity enhancements

### **KCC Archaeology**

- 5.03 No objection subject to condition requiring an archaeological watching brief.

### **KCC Highways**

- 5.04 No objection subject to condition requiring a construction management plan.

### **Natural England**

- 5.05 No objection

### **Environmental Health**

- 5.06 No objection subject to condition requiring details of foul drainage.

## **6.0 APPRAISAL**

- 6.01 The key issues are:
- Countryside location and policy SP17.
  - Policy DM32 - Rebuilding dwellings in the countryside
  - Heritage
  - Residential amenity
  - Highways
  - Appeal decision.
  - Other matters

### **Countryside location (policy SP17)**

- 6.02 The application site is in the countryside and the starting point for assessing all applications in the countryside is Local Plan policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
  - b) they accord with other Local Plan policies
- 6.03 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.

6.04 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall.

6.05 In this case, local plan policy DM32 permits the demolition and rebuilding of existing dwellings in the countryside subject to several listed criteria. The submitted proposal is assessed against DM32 below.

**Policy DM32 - Rebuilding dwellings in the countryside**

6.06 Local Plan policies DM1 and DM30 promote high quality design. Development is encouraged which accords with the countryside in terms of bulk, scale, massing, visual amenity, and landscape character. Policy DM32 states that outside the settlement boundaries (as defined on the policies map), proposals for the replacement of a dwelling in the countryside would be acceptable providing the proposal complies with the following criteria.

(i) The present dwelling has a lawful residential use.

6.07 The existing bungalow has a lawful residential use.

(ii) The present dwelling is not the result of a temporary planning permission.

6.08 The existing bungalow has a permanent residential use.

(iii) The present building is not listed.

6.09 The existing bungalow is not listed.

(iv) The mass and volume of the replacement dwelling is no more visually harmful than the present dwelling.

6.10 On the basis of its lower height, a single storey building will be less visually harmful than a two storey building. The supporting text to DM32 (para 8.7) acknowledges this advising that in assessing impact, volume will be more critical than footprint.

6.11 The current proposal will result in an increase in both the volume of the house and the building footprint. The volume would increase by 880m<sup>3</sup> (from approximately 120m<sup>3</sup> to 1000m<sup>3</sup>) and the footprint would increase from 150m<sup>2</sup> to 180m<sup>2</sup>.

6.12 Whilst the presence of existing outbuildings on the application are noted, these are single storey. Policy DM32 and its supporting text are worded to prevent single storey outbuildings or other extensions being used as justification for significantly larger dwellings.

6.13 The mass and volume of the replacement building would be significantly more visually harmful than the present building and the proposal fails to meet the above criteria.

(v) The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside.

6.14 The application site has protection on two levels. Firstly, by reason of the countryside location and secondly due to the location in a designated nationally important landscape.

- 6.15 The Local Plan sets out "The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake" (para 4.95) and "The intrinsic character and beauty of the countryside is an important asset... which is highly sensitive to development" (para 8.6).
- 6.16 With reference to appeal Inspector's comments on landscape screening, Local Plan policy DM32 does not advise that boundary screening makes inappropriate development in the countryside acceptable. Landscape screening can die or be removed and with leaf fall screening is not a constant feature. Adopted policy does highlight the importance of protecting the 'intrinsic' character of the countryside, and whether the building can be viewed from the roadside or public views is irrelevant to this assessment.
- 6.17 Following the earlier appeal decision, on the 22 November 2023 the Kent Downs Area of Outstanding Natural Beauty designation was relaunched and renamed. The new designation the Kent Downs 'National Landscape' brings the designation in line with National Parks.
- 6.18 As part of the relaunch, Parliament passed the Government amendment to the Levelling Up and Regeneration Bill to enhance AONB and National Park Management Plans and the Bill is now an Act. The Kent Downs Management plan states that a threat is "*Loss of and damage to the quality and character... through the cumulative effect of inappropriate, poorly designed general development ....*" (paragraph 4.4)
- 6.19 The changes strengthen the Duty of Regard under section 85 of the Countryside and Rights of Way Act for relevant authorities such as Maidstone Council. The change was from:
- "... a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty" to
  - "a relevant authority ... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".
- 6.20 Paragraph 182 of the NPPF (19 December 2023) states "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and ... [National Landscapes] ...which have the highest status of protection in relation to these issues*".

Comparison between existing and proposed front elevations.



- 6.21 As set out earlier in this assessment, the current proposal will result in an increase in both the volume of the house and the building footprint. The volume would increase by 880m<sup>3</sup> (from approximately 120m<sup>3</sup> to 1000m<sup>3</sup>) and the footprint would increase from 150m<sup>2</sup> to 180m<sup>2</sup>.
- 6.22 The proposed replacement dwelling would be substantially larger than the existing "original" dwelling. The application includes an increase in roof eaves height of 3 metres (from approximately 2 metres to 5 metres) and increase in roof ridge height of 3.3 metres (from approximately 4.5 metres to 7.8 metres).

- 6.23 The existing dwelling is a modest bungalow that has a natural affinity in the landscape setting. By contrast, the appeal proposal would have a greater depth, width, volume, and height than the bungalow. The result would be a building that would be significantly larger in volume, bulk, and mass than that which presently exists on site. The mass and volume of the replacement dwelling is more visually harmful than the original dwelling and the replacement dwelling would not result in a development which is visually acceptable in the countryside.
- 6.24 The proposal fails to meet criteria DM32 (v).
- (vi) The replacement dwelling is sited to preclude retention of the dwelling it is intended to replace, or there is a condition or a planning obligation to ensure the demolition of the latter on completion of the new dwelling.
- 6.25 The new house is on the site of the existing bungalow and the proposal complies with criteria.
- 6.26 In summary for the reasons detailed above the development is contrary to local plan policy DM32. The development causes visual harm to the countryside and is not in compliance with policies DM1 and DM30.

### **Heritage**

- 6.27 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.28 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.
- 6.29 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be); and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.30 The site is in the wider setting of Beaux Aires Farmhouse, which is a Grade II farmhouse and associated historic farmstead. Its listing is as follows:
- (i) House, Early C17. Flint ground floor, timber-framed first floor, plain tile roof. Ground floor rendered, first-floor tile-hung in C20. 2 storeys, roof hipped to left and originally also to right.
  - (ii) Large projecting stack at left end. Irregular fenestration of 2 two-light casements. Door originally central. Early C20 2-storey extension at 45° to right end with short cross-wing on right end. C20 panelled door in the extension. Interior: Ground floor has inglenook fireplace and exposed beams. Clasped purlin roof.
  - (iii) The farmhouse faces south towards the site and has a predominantly rural outlook that contributes to its significance. The existing buildings on site have a modest vernacular scale and character which does not detract from the listed building setting.

- 6.31 With the separation distance, it is concluded that the proposal will not have any negative impact on the setting of the Beaux Aires Farmhouse. The conservation officer has assessed the proposal and has also concluded that there will be no adverse impact on the setting of the Beaux Aires Farmhouse

### **Residential amenity**

- 6.32 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity, or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.33 With the separation distance from the nearest residential property, the new house will not result in a loss of amenity to neighbouring occupiers. The proposed dwelling is located on a plot approximately 4600m<sup>2</sup> in size, and features spacious living areas, all rooms would be adequately lit. The dwelling will provide an adequate standard of accommodation.
- 6.34 In summary, the proposal is acceptable in terms of potential harm to neighbouring amenity through loss of daylight, sunlight, or privacy and the standard of the accommodation.

### **Highways**

- 6.35 Local Plan policy DM 1 states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. Local Plan policy DM21 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.36 The NPPF is clear that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. The impact is not sufficient to conclude that there would be a severe highways impact or an unacceptable impact on highway safety, or to justify refusal on this ground.
- 6.37 In terms of parking provision, Local Plan policy DM23 advises that a minimum of two independently accessible parking spaces should be provided. This is provided for the dwelling.
- 6.38 In summary, the proposal is acceptable in terms of traffic generation, access and parking.

### **Appeal decision**

- 6.39 An appeal Inspector did not uphold the council's reason for refusing the earlier planning application in terms of the visual harm caused by a replacement dwelling of significantly greater height and bulk. The single reason for dismissing the appeal was in relation to ecology. The current application has addressed the ecology issues that were raised by the appeal Inspector.
- 6.40 Whilst the appeal decision is a material consideration in assessing the current planning applications, officers do not agree with the conclusions of the appeal Inspector.
- 6.41 In addition to the appeal decision the assessment of the current application also needs to consider changes in the planning policy background since the appeal decision.

- 6.42 The relaunch and name change to the Kent Down National Landscape designation strengthened the Duty of Regard under section 85 of the Countryside and Rights of Way Act. The Duty of Regard states that the council ... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". It is concluded that this change is sufficient justification for reassessing the visual impact of the proposal.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.43 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. The application proposal does not undermine the objectives of the Duty.

### **CIL**

- 6.44 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time that planning permission is approved or shortly afterwards.

## **7. CONCLUSION**

- 7.01 It is concluded that the application does not address the previous reasons for the refusal of planning permission.
- 7.02 Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
  - b) they accord with other Local Plan policies
- 7.03 The proposal will have a significant impact on local character and appearance introducing a large house in place of the existing modest bungalow. The proposal does not accord with policies DM1, DM30 and DM32 and as a result the proposal is also contrary to policy SP17.

## **8. REFUSE PLANNING PERMISSION for the following reasons:**

The proposal, by reason of the height, bulk, massing, and siting, of the large proposed two storey pitched roof house (replacing a modest single storey bungalow and outbuildings) and introduction of excessive hard landscaping would:

- erode the largely undeveloped rural nature of the site with a substantial increase in the bulk and massing of development that would be harmful to, and fail to maintain or enhance the local character and appearance of this rural location.
- result in a building that fails to preserve the rural character and openness of the nationally significant Kent Downs National Landscape (formally known as AONB).
- fail to preserve the intrinsic character of the countryside with the proposed dwelling more visually harmful than the existing dwelling.
- be contrary to policies SP17, DM1, DM30 and DM32 of the Maidstone Local Plan, the Maidstone Landscape Character Assessment (2013) the Kent Downs AONB (National Landscape) Management Plan (2021 - 2026) and guidance in the NPPF (2023).

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.