

**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 24/501356/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing yurt and erection of single storey round room in curtilage of Elmscroft Cottage.		
<b>ADDRESS:</b> Elmscroft Cottage, Charlton Lane, West Farleigh, ME15 0NY		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions, a s106 legal agreement and no additional material considerations being raised following the departure site notice and press notices (expire on 02.08.2024).</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> <ul style="list-style-type: none"> <li>• The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, require that planning applications “<i>must be determined in accordance with the development plan, unless material considerations indicate otherwise</i>”.</li> <li>• In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.</li> <li>• The proposal is acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impact, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.</li> <li>• It is concluded that whilst the application is not in accordance with the development plan (a departure) the material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Departure from the Local Plan.		
<b>WARD:</b> Coxheath And Hunton	<b>PARISH COUNCIL:</b> West Farleigh	<b>APPLICANT:</b> Dandelion Time <b>AGENT:</b> Felix Lewis Architects Ltd
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 30/04/24	<b>DECISION DUE DATE:</b> 02/08/2024
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

**Relevant planning history**

- 19/505820/FULL Use of dwelling, outbuildings, and land for purposes under class D1 of use classes order 1987 and carrying out associated development including alterations to existing buildings, erection of small buildings and structures and stationing of a mobile home. Approved 06.04.2020.
- 20/504461/NMAMD Non-material amendment: to change the sedum covered flat roof of the main stable block to a pressed zinc roof (original application ref: 19/505820/FULL). Approved 16.11.2020.
- 22/504104/FULL Demolition of existing Yurt and erection of single storey round house within the curtilage of Elmscroft Cottage. Refused 16.11.2022 for the following reasons:  
  

*“The proposed replacement outbuilding by reason of its additional size, bulk, and prominent location distant from the main building and visible from Charlton Lane would cause harm to the character and appearance of the countryside including in terms of loss of openness and sprawl. The outbuilding would be contrary to Policies SP17 and DM30 of the Local Plan (2017) ...”*
- 23/502128/FULL Demolition of existing Yurt and erection of single storey round house within the curtilage of Elmscroft Cottage (Resubmission 22/504104/FULL). Approved 01/09/2023.

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The site is within a countryside location outside of any settlement boundaries. The site is not within a conservation area or subject to any form of other designation. Approximately 130 metres to the south of the application site is the Grade II listed building Elmscroft House.
- 1.02 The site is located east of Charlton Lane in the far north-eastern corner of the garden of Elmscroft Cottage which is approximately 100 metres away to south west. A canvas yurt was previously situated in the location of the currently proposed building. Whilst the application is described as involving demolition, the tent would simply have been 'removed' from the site. The round timber base of the yurt remains.
- 1.03 The site is located within the Farleigh Greensand Fruit Belt, the landscape character assessment notes that this landscape is in "Good" condition and of "High" sensitivity. Guidelines are to conserve this landscape.
- 1.04 In terms of the character of the area, it is rural, the 'wider site' is open but there are various 'utility' buildings such as sheds and chicken coups etc placed around the site which are associated with the uses taking place at Elmscroft Cottage.

View towards application site from Elmscroft Cottage



- 1.05 The buildings visible in the above photo the application seeks to replace (and other 'incidental buildings elsewhere on site) were granted permission under 19/505820/FULL.

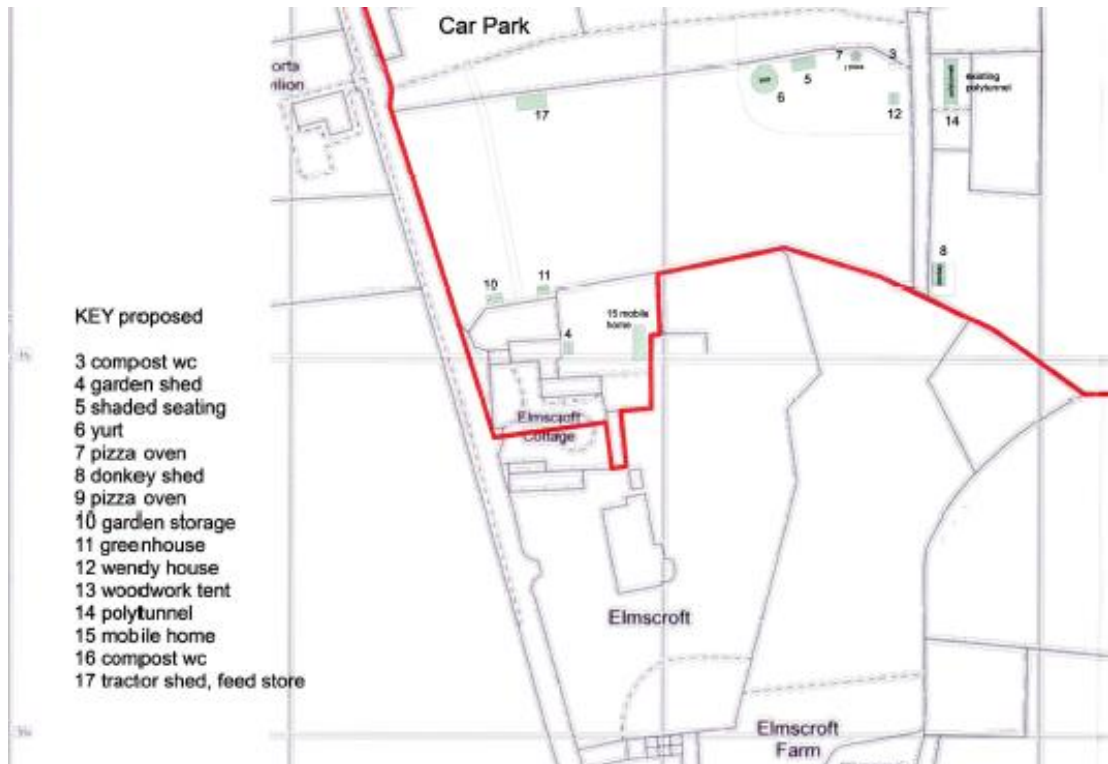
### **2.0 PROPOSAL**

- 2.01 The application site is occupied by the charity, Dandelion Time. Dandelion Time provides a therapeutic programme of activities for small groups of children and their families. These activities include craft, cooking, gardening and care of animals. Creative activities are also offered such as art, drama, and music. Counselling is also provided as required. After school and some holiday activities are provided less frequently for children and families.
- 2.02 Dandelion Time currently employs 24 members of staff and 58 volunteers. Referrals are received from education, health, and social services agencies. Central to the therapeutic work of Dandelion Time is engagement with nature-based activities, particularly growing food, caring for animals and outdoor rural crafts. Children and families work with wood, wool, clay, and other natural materials. These guided activities are used therapeutically to help repair family relationships following traumatic life experiences.
- 2.03 The proposed outbuilding would contain a single room. The single storey round room would be timber clad with a sedum planted roof. The footprint of the building now proposed is smaller than the previously permitted application (23/502128/FULL - 45m<sup>2</sup> compared to 60m<sup>2</sup>), and the maximum height has reduced from just over 6 metres to 4 metres. The

proposed building features a 'shelter' over the entrance which projects 2.7m from the building.

- 2.04 This submission follows the previously approved application (23/502128/FULL). This permission also involved removal of the existing yurt (only Yurt base currently remains) and a replacement single storey circular outbuilding which would mimic the shape of the existing yurt.

Site Plan for original planning permission (19/505820/FULL)



### 3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review (2024)

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. Strategic level legal challenges were made to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Maidstone Borough Local Plan 2017 policies are therefore now superseded. The relevant LPR policies are as follows:

- LPRSS1 Maidstone Borough Spatial Strategy
- LPRSP9 Development in the Countryside
- LPRSP15 Design
- Policy LPRSP14(A) - Natural Environment
- Policy LPRQD4 - Design principles in the Countryside
- Policy LPRQD 2 - External lighting
- Policy LPRTRA4 - Parking
- Policy LPRTRA2 - Assessing the Transport Impacts of Development

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents:

- Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006.
- Maidstone Landscape Character Assessment 2013.

#### **4.0 LOCAL REPRESENTATIONS**

Local residents

4.01 No response

West Farleigh Parish Council

4.02 No objections

#### **5.0 CONSULTATIONS**

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where necessary)

KCC Minerals & Waste

5.01 No objection

Natural England

5.02 No objection. No significant adverse impacts on statutorily protected nature conservation sites or landscapes.

MBC Landscape Officer

5.03 No objection subject to conditions relating to species used and tree protection details.

KCC Archaeology

5.04 No objection subject to a condition requiring the applicant to carry out an archaeological assessment.

5.05 The site is in the historic farm complex of Elmscroft, identifiable as a 19th century or earlier farm and associated remains may survive on the site.

#### **6.0 APPRAISAL**

6.01 The National Planning Policy Framework (NPPF) highlights that the planning system is planned. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".

6.02 There are no policies in the development plan that support the current application for development in the countryside. Whilst a departure from the development plan, this report considers whether other material considerations indicate that planning permission should be approved. The relevant material considerations in this case include the following:

- Character and appearance
- Heritage
- Residential amenity
- Access, parking, and transport
- Landscaping
- Biodiversity

##### **Character and appearance**

6.03 The Maidstone Landscape Character Assessment notes that "*Views across Medway Valley to opposite valley side*" are one of the key characteristics of the local landscape.

6.04 The application building is located on the northeast side of the plot. The significant landscape views from Charlton Lane are to the west and as such the application building has no impact on the important views across the Medway Valley detailed by the Landscape Character Assessment.

6.05 Policy LPRSP15 states that development proposals will be expected to respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage- incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.

- 6.06 Policy LPRQD4 states that where new built development is proposed, there should be no existing building or structure suitable for conversion or re-use. Any new buildings should be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.
- 6.07 The proposed single storey round outbuilding would introduce a permanent building in place of the former yurt. Whilst the former yurt was a canvas tent, it still was a feature in the landscape. It is understood that there are no other existing buildings that could provide the proposed floorspace.

Google Street View (2021) Yurt building highlighted.



- 6.08 A previous application (22/504104/FULL) was refused as it was found the building was in an isolated location “clearly” visible from Charlton Lane. As such the assessment concluded that the proposed building was inappropriately located causing harm to the openness of the countryside.
- 6.09 Whilst it is accepted that the proposed building is some distance from Elmscroft Cottage, it will not be prominent in views from Charlton Lane as it is 120m from the road. The proposed building will also be seen from the road against the backdrop of an existing polytunnel. The current application includes a reduction in the building height which would further reduce its prominence. The sedum roof would disguise some of the built form when viewed from a distance.
- 6.10 The chosen design for a permanent, single storey and single room round outbuilding with a pitched roof would have a similar character to the previous yurt. The scale and massing of the outbuilding would be subservient to Elmscroft Cottage. The chosen design would also use materials that would be in keeping with Elmscroft Cottage.
- 6.11 In summary, the former Yurt was a feature in views of the application site. The building now proposed is lower in height and is 120m from the road. The building will be viewed against the backdrop of an existing polytunnel. As detailed below landscaping is proposed which would further screen the building. The proposed building does not harm local views that the landscape character assessment seeks to maintain.
- 6.12 The applicant has submitted a landscaping scheme in support of the application. This landscaping shows new trees planted between the proposed building and Charlton Lane. These trees would restrict views of the proposed building from the road. An existing hedgerow has also been planted immediately around the building. The MBC landscape officer has suggested conditions relating to tree protection measures and landscape species.
- 6.13 The proposed building does result in harm to the character and appearance of the area overall contrary to SP9, however in terms of other material considerations, the level of harm is found to be acceptable for the reasons that have been outlined.

### **Heritage**

- 6.14 The current application site is 100m to the northeast of Elmscroft House. Elmscroft House is a grade II listed 15th century Wealden Hall property. Elmscroft House was recently granted permission (19/505951/FULL) to return to its original use as a single residence.
- 6.15 The proposed building is single storey and is separated from Elmscroft House by landscaping, boundary walls and other buildings. In this context, the development would not have a harmful impact upon this heritage asset.

### **Residential amenity**

- 6.16 Policy LPRSP15 states proposals should respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, 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.
- 6.17 In summary, with the 100m separation distance from Elmscroft Cottage the proposed building is acceptable in relation to noise, activity or vehicular movements, overlooking and visual intrusion. There is no issue with respect of privacy or light enjoyed by the occupiers of nearby properties. The application is acceptable in relation to neighbour amenity and would accord with policy LPRSP15 of the Maidstone Local Plan Review (2024).

### **Access, parking, and transport**

- 6.18 The application site is located approximately 1 mile south of Maidstone urban area and just over 1 mile west of Coxheath. Whilst there are bus stops approximately 100m to the south of the application site, these stops are not well served. This location as a result is not considered to be a sustainable location.
- 6.19 Local Plan Review policy QD4 details how proposals must not result in unacceptable traffic levels on nearby roads. Whilst not a sustainable location, the proposed building would not generate additional vehicle movements to those generated by the original yurt. Users of the proposed building would most likely be users of the other facilities at the application site. The application site has an off road parking area with an existing access, both are acceptable for existing and future demands.
- 6.20 In summary, the development would not increase traffic movements over those previously generated by the site. The development would not have a harmful impact upon parking in the area or on the wider highway network.

### **Biodiversity net gain**

- 6.21 Unless in the list of specified exemptions, biodiversity net gain is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).
- 6.22 The national biodiversity net gain requirement is 10%. In accordance with local policy LPR14(A), applications for new residential development only received after the above commencement dates are required to provide a total of 20% biodiversity net gain (inclusive).
- 6.23 The current planning application is a non-major application received after the 2 April 2024. The development is not in the list of exemptions and the application does not include residential accommodation. The development therefore will have to achieve 10% biodiversity net gain.
- 6.24 A planning condition is automatically applied to relevant planning permissions (i.e., does not appear in the condition list in this report) that requires the applicant to submit a 'Biodiversity Gain Plan to the local planning authority and for this is to be approved by the local planning authority before development is commenced (paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990).

- 6.25 The determination of the Biodiversity Gain Plan (post planning application decision) under this condition will confirm whether the development meets the biodiversity gain objective. In this context it would generally be inappropriate for decision makers, when determining a planning application, to refuse an application on the grounds that the biodiversity gain objective will not be met.
- 6.26 The applicant has submitted a Statutory Biodiversity Metric and a Biodiversity gain statement with the application which indicate that the proposal could meet the 10% biodiversity net gain. This biodiversity net gain is shown as being achieved through on site provision in the categories of 'native hedgerow' and 'species-rich native hedgerow with trees'.
- 6.27 In line with legislation (Paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990) a s106 legal agreement is necessary to ensure that onsite habitat enhancements are maintained for at least 30 years after the development is completed and to cover the financial cost of relevant monitoring.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.28 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 Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, require that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 7.02 In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.
- 7.03 The proposal is acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impact, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.
- 7.04 It is concluded that whilst the application is not in accordance with the development plan (a departure) the material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.

- 8.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions, a s106 legal agreement and no additional material considerations being raised following the departure site notice and press notices (expire on 02.08.2024) with delegated powers to the Head of Development Management 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.**

#### HEADS OF TERMS:

1. Securing a Habitat Management and Monitoring Plan
2. Securing a Biodiversity Gain Land Monitoring Contribution towards the Council's costs of monitoring compliance with the Habitat Management and Monitoring Plan

#### 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 shall be carried out in accordance with the following approved plans and documents:  
Application for planning permission

351(P)010 Rev 0 Pre-Existing Ground Floor and Roof Plans  
351(P)015 Rev 0 Pre-Existing Elevations  
Heritage Statement  
Biodiversity Report  
A1543(02)AP001 Rev P3 Proposed Site Plan  
A1543(02)AP002 Rev P2 Roof Plan  
A1543(02)AP003 Rev P2 Floor Plan  
A1543(02)AP004 Rev P2 Elevations 01 and 02  
A1543(02)AP005 Rev P2 Elevations 03 and 04  
A1543(02)AP006 Rev P2 Proposed 3D Views  
A1543(01)AP001 Rev P4 Location Plan  
A1543(02)AP002 Rev P4 Existing Site Plan

Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.

- 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 development hereby approved shall not commence until details of protection for trees and new areas of structural planting in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery, or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 5) The development hereby approved shall not commence above ground level until a hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall
  - (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012)
  - (b) 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,
  - (c) provide details of new on-site planting in a planting specification (location, spacing, species, quantity, maturity).
  - (d) provide landscape implementation details and timetable
  - (e) provide a [5] year landscape management planReason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) The building hereby approved shall not be occupied until all the planting shown on the submitted landscaping plan is in place. All such landscaping shall be carried out during the planting season (October to February). Any trees or hedging plants which, within five years from the first occupation of the building are removed, 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 unless the local planning authority gives written consent to any variation.  
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure
- 7) The development hereby approved shall not be occupied until details 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 integrated methods into the building structure by means such as swift bricks, bat tube or bricks as well as enhancements on nearby land such as bird boxes and insect habitats.  
Reason: To protect and enhance the ecology and biodiversity on the site in the future.



- 8) The building shall be used for Class E. (e Medical services not attached to the residence of the practitioner) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).

Reason: Unrestricted use of the building and land would cause demonstrable harm to the character, appearance and functioning of the surrounding area.

- 9) 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:

a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.

b) be in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

c) include a layout plan with beam orientation.

d) provide a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).

e) provide 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 safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

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