

APPLICATION: MA/11/1153 Date: 7 July 2011 Received: 23 September 2011

APPLICANT: Mr S Townshend

LOCATION: BRIDGEHURST OAST, HOWLAND ROAD, MARDEN, TONBRIDGE,
KENT, TN12 9EP

PARISH: Marden

PROPOSAL: Change of use of agricultural land to residential use and the
formation of a new access and driveway with timber gates on brick
piers as shown on drawing nos. 1543.P01 and P02 received on
11/7/11; and drawing no. 1543.05 received on 23/9/11.

AGENDA DATE: 15th December 2011

CASE OFFICER: Geoff Brown

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Marden Parish Council and committee consideration has been requested

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, H31
- The South East Plan 2009: CC1, CC6, C4
- Village Design Statement: Marden Design Statement
- Government Policy: PPS1, PPS7, PPG13

2. HISTORY

MA/01/1421 - Erection of extension to outbuilding and replacement of asbestos roof – Permitted

MA/81/1766 - Demolition of out-building and construction of new – Permitted

MA/76/0544 – Alterations and extensions – Permitted

MA/75/1436 – Conversion of Oast house to dwelling – Withdrawn

MA/74/0538 – Conversion of Oasthouse and barn into dwelling and addition of garage block – Permitted

3. CONSULTATIONS

MARDEN PARISH COUNCIL states:

“Although planning applications normally need to be considered on their own merits, it is sometimes necessary to review closely related developments jointly so that a consistent approach can be taken to decision making.

Marden Parish Council objects to application MA/10/2122 (Bridgehurst Barn) on the grounds that the new access proposed for this barn conversion is less safe than the existing shared access. However, despite concluding otherwise previously (see MA/97/1104), Kent Highway Services (KHS) is now stating that the new access is safe. This is despite the proposed new access having poorer visibility for vehicles turning right than the existing shared access. Therefore the existing shared access – with its greater visibility – must also be considered safe by KHS.

Should this be so, then the exceptional circumstances claimed for MA/11/1153 (Bridgehurst Oast) – i.e. that the existing shared access is dangerous thus justifying a new access and a change of use of agricultural land – do not exist and that application should be rejected.

Alternatively, MBC may conclude that the existing shared access is not safe, in which case the proposed new access for MA/11/1153, could be justified. This is because, although it has poorer visibility for vehicles turning left, it would offer improved visibility for vehicles turning right into or out of Bridgehurst Oast than currently provided at the existing shared access.

Of course, in that case, the proposed new access for MA/10/2122 must also be considered unsafe due to the even worse visibility for vehicles turning right into or out of Bridgehurst Barn than currently provided at the existing shared access, and thus that application should be rejected.

In the event MBC determines one of the above applications before the other, we resolve the right to make further comment on the above points in light of the first decision (whatever that may be).

However, if MBC is minded to approve MA/11/1153 then we would request that the following conditions/informatives be applied:

- (1) That the hedges on either side of the new access be kept trimmed hard back to minimise offsets from the edge of carriageway agreed by KHS in writing; for the full length of the visibility splay on the Staplehurst side, and as far as the existing shared access on the Marden side. This is necessary in the interests of road safety.

- (2) That prior approval is given by KHS and the Environment Agency in writing for the proposed ditch culverting under the access (including the necessary headwalls). This is necessary in order to minimise the risk of flooding the highway which is already a known problem along this section of Howland Road.
- (3) That the proposed high gates and brick piers adjacent to the road should be replaced by traditional wooden farm gates. This is necessary in order to avoid suburbanisation of the countryside. However, if security is a concern, then the second pair of gates nearer the property could be of the higher type as these would not be visible to passing traffic.

A Committee Call-In is only requested in the event that both MA/10/2122 and MA/11/1153 are recommended approval since that would clearly demonstrate a fundamental disparity between the assessment of the safety of the existing shared access in the two cases."

KENT HIGHWAY SERVICES: The Highways Officer points out that a speed survey and an analysis of cash data were carried out in the context of the application to convert the nearby Bridgehurst Barn (MA/10/2122). She states that the vision splay at the point of the new access now proposed is in excess of minimum guidelines and there is no objection to the formation of this new access subject to conditions. She does not consider that there is an over-riding safety issue with regard to the formation of the new access as an alternative to the existing access to the Oast. She comments:

"It is my understanding that the application has been made for the new access as the applicant feels that this would be safer. The existing access is located on a bend and there have been 3 reported injury crashes at this location within the latest 3 year period to 30.6.11 of which 2 involved slight injury and one involved serious injury. Whilst the crashes all involved loss of control on the bend and not turning incidents, it is no surprise that the occupant wishes to improve safety at the access. Vision splays at the existing access are in excess of the minimum and the proposed new access provides improved vision splays and in light of the crash record on this bend, the new access may be a better alternative to the existing."

MBC CONSERVATION OFFICER has no objection, commenting that this proposal would have no significant effect on the setting of the nearby listed building.

OFFICER COMMENT: this application was erroneously advertised as affecting the character of a conservation area. That was not appropriate, nor was it appropriate to advertise the application as affecting the setting of a listed building.

4. REPRESENTATIONS

None received

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located off the north east side of Howland Road in the countryside east of the village of Marden. Bridgehurst Oast is a single dwelling, with its origins in a mid-1970's conversion, with a sizeable garage/outbuilding to its rear. The site is served by a track that leads off north-eastwards from the bend in Howland Road, passing the north western flank of the Oast and the south eastern flank of Bridgehurst Farmhouse (which is a Grade 2 listed building). The track serves the farmhouse and the Oast and also shares the line of Public Right of Way KM274 which goes on to cross the railway line to the north of the group of buildings.

5.1.2 The Oast enjoys gardens that border more open land to the east and south east. Bridgehurst Farmhouse has a traditional barn to its north west corner and planning permission was recently granted for its residential conversion under reference MA/10/2122. At this point, Howland Road is a road of rural character without lighting or footways and bordered by grassed verges and hedging.

5.2 Proposal

5.2.1 This application proposes the formation of a new access track to serve the oast to improve visibility when leaving and entering the property on the basis that the existing shared access point is dangerous. The applicant is particularly concerned as to the situation when he is travelling west towards Marden and then stops to turn right into the site: because of the configuration of Howland Road at that point he states that vehicles travelling west may run into the rear of his stationary vehicle, whilst forward visibility for his right turn is restricted so, whilst turning, there is a danger of a collision with vehicles travelling in the opposite direction.

5.2.2 The new access point would be created to Howland Road approx. 50m to the south east of the current shared access. The ditch would be culverted, a section of approx. 6m of hedge would be removed and a 3m wide access drive would be formed, generally of pea shingle but with a short tarmac section close to the highway. Timber gates with red stock brick piers would be formed approx. 6m from the border of the Howland Road carriageway. The new track would essentially run along the south eastern margins of the existing garden with existing fencing marking the north western boundary of the track and new

hedging marking the south eastern. The point of access to Howland Road would have new hedging on either side up to the aforementioned new gates.

5.3 The Principle of Development

- 5.3.1 Development in the rural area is to be restricted under the terms of Development Plan Policy and Central Government Guidance. The access track proposed here is shown beyond the existing residential curtilage and would effectively extend the residential garden into more open land to the south east. Countryside protection policies apply, including Local Plan Policy H31 which states that permission will not be given for the change of use of agricultural land to domestic garden if there would be harm to the character of the countryside and/or the loss of valuable agricultural land.
- 5.3.2 The main issue here involves an assessment of the impact of the development on the character of the countryside balanced against any advantages in terms of highway safety.

5.4 Highways Considerations

- 5.4.1 On the highways issue, Kent Highway Services raises no objection to the application and are of the view that the new access would be safer than the existing. I take this advice but go further, in that, having examined the situation on site, I agree with the applicant that the existing shared access presents significant highway danger. Due to the winding nature of the highway, when vehicles are waiting to turn right into Bridgehurst Oast there is a danger of unsighted vehicles running into them from the rear, whilst forward visibility for vehicles accessing the oast is poor. Whilst this application would not result in the closure of the existing access, clearly its use would be significantly reduced to the significant benefit of highway safety. There are also minor benefits in removing some traffic from the public right of way in terms of reducing potential vehicular/pedestrian conflicts.

5.5 Visual Impact

- 5.5.1 In terms of visual impact, the new access would require the removal of a short stretch of roadside vegetation but this principally involves the loss of young leylandii to the side of the existing 1.8m high roadside panel fencing. There is no doubt that the new access point would be visible from the highway but, given the intention to establish new hedgerow planting around the access point and further into the site, I do not consider that the access point and associated driveway would be prominent or significantly harmful to the countryside. The small extension of garden land to facilitate the new access arrangements is not extensive and would read as a minor eastward extension of the garden,

particularly given the proposed establishment of new hedging along that boundary.

5.5.2 There would be no significant impact on the setting of the listed farmhouse.

5.6 Other Matters

5.6.1 The development would not involve the loss of any trees of any significance and there are no arboricultural issues here. Whilst the loss of a section of native species hedgerow may have been an issue in ecological terms, the section here principally involves leylandii and I do not consider there to be any significant ecology issues arising from this application. The works proposed would have no significant impact on the residential amenities of other dwellings in the locality, the new access being well separated from the nearest dwellings. The land here is not generally classified as being of prime agricultural quality and, in any event, the loss of such a small strip is of minimal significance.

6. CONCLUSION

6.1 I consider that there are significant benefits here in providing a new access for the Oast in terms of highway safety. The harm to the countryside of the new access and associated walls, etc. is not, in my view, significantly harmful and is outweighed by the highways benefits. I therefore recommend that permission be granted.

6.2 Looking at the comments of the Parish Council, in my view the access approved to serve the Bridgehurst Barn conversion (ref MA/10/2122) is in a better position, in highway safety terms, than the existing access to the farmhouse and Oast. The necessary visibility splays are within the limits of highway land and there is therefore no need for a condition. I recommend an informative with regard to obtaining the permission of Kent Highway Services and The Environment Agency for works within the highway and to create a culvert. I have no objection to the style of the proposed gated entrance and see no need to seek alterations.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing nos. 1543.P01 and P02 received on 11/7/11; and drawing no. 1543.05 received on 23/9/11;

Reason: To ensure the quality of the development is maintained in accordance with the advice in PPS1 and PPS7.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the planting of a new hedge, of indigenous species, to be established along the south eastern edge of the access drive hereby approved;

Reason: No such details have been submitted. This in accordance with Policies ENV6 and ENV28 of The Maidstone Borough-Wide Local Plan 2000.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development. This in accordance with Policies CC1 and CC6 of The Maidstone Borough-Wide Local Plan 2000.

Informatives set out below

You are advised to contact Kent Highway Services and The Environment Agency in order to discuss the necessary consents and arrangements for works within the highway and for the culverting of the ditch.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000

and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.