

APPLICATION: MA/11/1891 Date: 3 November 2011 Received: 4 November 2011

APPLICANT: Mr Waller

LOCATION: CHIEFGLEN K9 TRAINING SCHOOL LTD, BRISHING LANE,  
BOUGHTON MONCHELSEA, MAIDSTONE, KENT, ME17 4NF

PARISH: Boughton Monchelsea

PROPOSAL: Erection of a polytunnel for a dog training school as shown on drawing number PL-02 received 4th November 2011, email dated 22nd December 2011, and drawing number PL-01 rev A and design and access statement received 13th January 2012.

AGENDA DATE: 26th January 2012

CASE OFFICER: Catherine Slade

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

- it is contrary to views expressed by Boughton Monchelsea Parish Council.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV32
- South East Plan 2009: CC1, CC4, CC6, C4, BE6
- Village Design Statement: Not applicable
- Government Policy: PPS1 Delivering Sustainable Development, PPS4 Planning for Sustainable Economic Development, PPS5 Planning and the Historic Environment, PPS7 Sustainable Development in Rural Areas

## **2. HISTORY**

2.1 The relevant parts of the site history are summarised below.

- MA/10/0433 - Retrospective application for the retention of existing boundary fence and gate – APPROVED
- MA/07/2307 - Retrospective application for the retention of mobile home, Portacabin and kennels associated with use of land for specialist dog training - APPROVED WITH CONDITIONS
- MA/03/2186 - Retrospective application for laying of hard surface to create car park and creation of access – APPROVED WITH CONDITIONS

- MA/94/1127 - Retrospective application for the change of use of land from agriculture to a mixed use comprising a dog training area and the stationing of a steel storage contained and the erection of various obstacles and jumps used in association with dog training - APPROVED WITH CONDITIONS

2.2 As detailed above, the land has a lawful use for the training of dogs and associated activities.

### **3. CONSULTATIONS**

3.1 A site notice was posted at the site on 25th November 2011, and a press advertisement was published which expired on 11<sup>th</sup> December 2011.

3.2 **Boughton Monchelsea Parish Council:** Wish the application to be reported to Planning Committee in the event of a recommendation to grant planning permission. The Parish Council made the following detailed comments:

*"The Parish Council is concerned that development is becoming intensified on this piece of land, which is designated only for agricultural use. If the Borough Council are mindful to approve the application then the Parish Council would like to see temporary permission only given. The proposed structure is temporary therefore it would be reasonable to give temporary permission."*

The wish to see the application reported to Planning Committee has been confirmed in writing.

3.3 **Maidstone Borough Council Landscape Officer:** Raises no objection and makes the following detailed comments:

*"Following your site assessment at Chief Glen K9 training school, and having viewed your photographs, it is clear that the area of what appeared to be trees adjacent to the proposed polytunnel type structure is in fact brambles and shrub species and there are no trees of significant size in the vicinity. As such, I agree with your assessment that a tree survey is not required before determining this application and raise no objection to the proposal on arboricultural grounds."*

3.4 **Maidstone Borough Council Conservation Officer:** Raises no objection.

3.5 **Kent County Council Archaeological Officer:** Raises no objection to the proposal subject to the imposition of a condition requiring a programme of archaeological work to be undertaken, and made the following detailed comments:

*"The site of the application is extremely sensitive archaeologically in view of the discovery of a Roman Villa complex and a possible mill on this site. Remains associated with this Roman occupation may survive here and it would be*

*important to ensure that the polytunnel does not disturb any remains. This site has been quarried historically but the extent and depth of ground disturbance is not well documented. Further more I note that the proposed ground disturbance with the polytunnel is minimal, probably just the spikes holding the plastic covers up. However, in view of the sensitivity of the site, I recommend the following condition is placed on any forthcoming consent:*

*No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

*Reason: To ensure that features of archaeological interest are properly examined and recorded.*

*I would be pleased to discuss any of the above further and discuss an appropriate strategy to address archaeological concerns.”*

3.6 **Kent County Council Biodiversity Officer:** Raises no objection to the proposal.

3.7 **Environment Agency:** Raise no objection to the proposal.

#### **4. REPRESENTATIONS**

4.1 No representations were received as a result of the publicity procedure.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

5.1.1 The proposal site is located in open countryside designated as being within the Southern Anti-Coalescence Gap. The site has no other policy designations in the Local Plan, however much of the site is within Zone 2/3 flood risk areas as recorded by the Environment Agency and part of the site is an area of archaeological potential, being recorded as the site of a Roman building. Two listed buildings, Brishing Court (Grade II\*) and Brishing Barn (Grade II) are located approximately 125m to the south west of the site of the proposed structure, on the opposite side of the highway and further up the valley side.

5.1.2 The site comprises a roughly rectangular parcel of land of 1.4Ha, which has a lawful use for the training of dogs and their handlers for security and search purposes (including training for narcotics and explosives operations), as well as general obedience training. Associated with the use is various operational development on the land, including hard surfaces, fencing and other boundary

treatments, and training structures, as well as the stationing of a mobile home, Portacabin and kennels on the land for purposes in connection with Chief Glen K9 Training School. Planning permission for the existing uses and structures was granted retrospectively, as set out above. The current application is not retrospective.

5.1.3 The site is relatively level, and comprises open areas used for training of animals in the south and central parts of the land, with a hard surfaced car park area associated with the access located in the south west corner of the site. The mobile structures granted planning permission under the scope of MA/07/2307 are located in the west of the site. The north of the site is wooded, and wooded "fingers" extend southwards from this area along the east and west site boundaries, screening the commercial structures on the site. In addition, there is mature hedging to the site boundaries.

5.1.4 The site is located on the eastern side of Brishing Lane, an unclassified rural highway extending southwards from the urban area of Maidstone. The site has an existing vehicular access to the public highway, which was granted retrospective planning permission under the scope of MA/03/2186. A public footpath, the KM110, is located in close proximity to the north boundary of the site, adjacent to the River Loose on the far bank.

## **5.2 Proposal**

5.2.1 The erection of a detached polytunnel style structure to provide a facility for all year round dog training regardless of weather conditions. The proposed structure would have a curved profile, and comprise a 50mm steel frame which would support a polythene membrane, over which camouflage netting would be laid. The covering material will be trenched into the ground in order to provide stability, but no foundations or base would be required.

5.2.2 The structure would have a maximum height of 2.59m, and a footprint of approximately 70m<sup>2</sup>, having a width of 5.49m and a length of 12.8m.

5.2.3 The structure would be sited within the central part of the site which is currently laid to grass, adjacent to an area of woodland. The structure would be positioned along a north east-south west axis.

## **5.3 Site History and Principle of Development**

5.3.1 There are no specific policies in the Development Plan which relate to the specific character of the development, however development in the open countryside is subject to general policies of restraint, as set out in ENV28 of the Maidstone Borough-Wide Local Plan 2000. In addition, Local Plan policy ENV32 seeks to prevent consolidation or extension of existing areas of development in the

Southern Anti-Coalescence Belt. The requirement to achieve the protection and enhancement of the natural environment through the control of new development is set out in policies CC1, CC6 and C4 of the South East Plan 2009. These Development Plan policies are supported by guidance in PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.

- 5.3.2 Notwithstanding the above, the use of the land for a dog training school is lawful subject to conditions restricting the hours of operation of the use, and the number of animals that can receive training at any one time. The current application would not increase either the intensity of the use, or the area over which it can take place. The lawfulness of the existing use and its appropriateness to a rural setting are material considerations in the determination of the current application.
- 5.3.3 Furthermore, PPS4 Planning for Sustainable Economic Development provides support for small scale economic development in rural areas in appropriate locations.
- 5.3.4 Given the lawfulness of the current use of the land, the location and principle of the proposed development is considered to be acceptable.

## **5.4 Planning Considerations**

- 5.4.1 The key considerations in the determination of the application are therefore considered to be the impact of the proposal on the character and appearance of the open countryside and the area of archaeological potential.

## **5.5 Impact on the character and appearance of the open countryside**

- 5.5.1 Policy ENV28 of the Local Plan seeks to prevent development which, notwithstanding its acceptability in principle, would result in harm to the character and appearance of the area.
- 5.5.2 In this case, the scale of the proposed development is modest, having a maximum height of 2.59m, and whilst the design of the structure is of little merit, it is appropriate in the context, and the use of camouflage netting would provide an element of visual continuity with the surrounding vegetation in terms of the texture and colour of the surface of the structure.
- 5.5.3 The structure would be located centrally within the site, and would be screened by existing landscaping, comprising mainly deciduous mature trees and hedging, to views from public vantage points including from Brishing Lane and the KM100 public footpath.

5.5.4 For these reasons it is considered that the proposal would have a limited visual impact upon character and appearance of the open countryside, and would not be detrimental to the overall openness of the rural setting.

## **5.6 Impact on the area of archaeological potential**

5.6.1 The site is located in an area of archaeological potential, and is recorded as being the site of a Roman building. I note the comments of the Kent County Council Archaeological Officer, however given the limited scope for excavations and the scale and character of the proposed development, it is my view, in the circumstances of this case, that the proposed condition is unduly onerous on the developer.

5.6.2 I instead propose the imposition of a condition requiring an archaeological watching brief to be undertaken in the event of any excavations taking place in order to record any finding of interest and significance.

## **5.7 Other Matters**

5.7.1 The Parish Council have requested that a condition be imposed requiring the development to be conditioned to be temporary, however in the circumstances of this case, the land having permanent planning permission for the use which the proposal would facilitate and the limited impact that would result from the development, it is considered that a temporary grant of planning permission, rather than the permanent permission sought in the application, would be both unreasonable and unnecessary, and would therefore fail the tests for conditions, as set out in Circular 11 of 1995 (Use of Conditions in Planning Permission). Notwithstanding this, it is considered appropriate in the circumstances of this case to impose a condition requiring the structure to be removed once the use of the land as Chief Glen K9 training school ceases, which would be in accordance with the condition attached to MA/07/2307.

5.7.2 It is not considered that the proposal would have any impact upon the residential amenity of occupiers of neighbouring dwellings, or the setting of the nearby listed buildings, by virtue of the separation distances involved.

5.7.3 The Kent County Council Biodiversity Officer has confirmed that the proposal would have a limited impact upon the ecology of the site and surroundings, and require no specific mitigation or enhancement measures to be undertaken.

5.7.4 The use of the proposed structure is such that it is considered to be of low environmental risk in respect of flooding, and the Environment Agency have raised no objection to the proposal.

5.7.5 The use of the land is controlled by conditions attached to the previous permissions, and as such it is not considered that the proposal would result in any significant additional traffic generation, prejudicial to highway safety, and the site has an existing vehicular access and on site car parking. There is therefore not considered to be any objection to the proposal on highway grounds.

## **6. CONCLUSION**

6.1 For the reasons set out above and having regard to the policies of the Development Plan and any other material considerations, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000, the South East Plan 2010 and central government policy, guidance and advice, and I therefore recommend to Members that planning permission be granted subject to conditions.

## **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 shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by a suitably qualified archaeologist so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority:

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with policy BE6 of the South East Plan 2009 and central government planning policy and guidance in PPS5 Planning and the Historic Environment.

3. This permission is granted for the installation of a polytunnel for so long as it is required and used in connection with the Chief Glen K9 Training School. Within one month from the date on which the polytunnel ceases to be so required and used, it shall be removed and the site or the relevant part thereof be reinstated to the approval of the Local Planning Authority;

Reason: To maintain the character and appearance of the open countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000, and CC6 and C4 of the South East Plan 2009.

4. The development hereby permitted shall be carried out in accordance with the following approved documents:

drawing numbers PL-01 and PL-02, supported by a design and access statement, all received 4th November 2011, and email dated 22nd December 2011;

Reason: To ensure the quality of the development is maintained and to prevent harm to an area of archaeological potential in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and CC6, C4 and BE6 of the South East Plan 2009, and central government planning policy and guidance in PPS1 Delivering Sustainable Development, PPS5 Planning and the Historic Environment and PPS7 Sustainable Development in Rural Areas.

**Informatives set out below**

Please note that restrictive conditions relating to the use of the land are attached to planning permissions MA/94/1127 and MA/07/2307. The use of the land should be carried out in compliance with said conditions, which relate to hours of operation, intensity of the use in terms of numbers of animals and occupation of the mobile home.

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.