

APPLICATION: MA/11/1187 Date: 14 June 2011 Received: 22 December 2011

APPLICANT: Mr Robert Chapman

LOCATION: THE OLD COACH HOUSE, SPENNY LANE, YALDING, KENT

PARISH: Collier Street

PROPOSAL: Change of use of building to holiday let as shown on the site location plan and drawing numbers 10/1165/01 and 10/1165/02 supported by a letter from Freedom Homes all received 15th July 2011, design and access statement received 2nd November 2011, and arboricultural report received 22nd December 2011.

AGENDA DATE: 8th March 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 Collier Street Parish Council.

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV44, T13
- South East Plan 2009: CC1, CC6, T4, C4, TSR5
- Government Policy: PPS1, PPS4, PPS7, Good Practice Guide on Planning for Tourism 2006

2. **HISTORY**

2.1 None relevant.

3. **CONSULTATIONS**

3.1 **Collier Street Parish Council:** Wish to see the application refused and request that the application is reported to Planning Committee on the following grounds:

‘The land being agricultural, this application represents a change of use.

The building is little more than a stable at present and cannot be remodelled without substantial rebuilding which is contrary to the MBC Development Plan.

We would have expected to see a flood risk assessment.

In our opinion a soakaway is not a practical option in this location.'

- 3.2 **MBC Conservation Officer:** Raises no objection to the proposal and makes the following detailed comments:

"This building seems to be shown on the 1876 OS map although it looks to have been substantially renovated/ rebuilt in recent years. Whilst it is of little historical or architectural note and makes no significant contribution to the character of the surrounding countryside, it is not out of character either and so may therefore be considered appropriate for conversion to a holiday let."

- 3.3 **MBC Landscape Officer:** Raises no objection to the proposal, although wishes to make the following comment:

'I am satisfied that the subsequently submitted arboricultural report, which includes in arboricultural method statement and tree protection plan, demonstrates that the impact on adjacent trees is acceptable if suitable protection measures, construction methodology and arboricultural supervision are in place. I therefore support the proposal, subject to a condition requiring full compliance with the recommendations of the arboricultural report.

The proposed new hedge planting is also acceptable.'

4. REPRESENTATIONS

- 4.1 One representation was received which have raised concern over the impact on the character of the site through the introduction of hard surfacing and the possibility of future residential development on the land. The representation also queried the need for such accommodation.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The site is located in open countryside with no specific policy designations in the Local Plan. It is within the parish of Collier Street, and is located to the east of Spenny Lane, an unclassified rural highway. The site is in close proximity to an area recognised by the Environment Agency as being prone to flood, but is not considered to be so itself.
- 5.1.2 The site comprises the south eastern part of a field located immediately adjacent to the north west boundary of The White Hart public house and a building located in the southern corner of the land.
- 5.1.3 The site is approximately level, and has an existing vehicular access to Spenny Lane. The site entrance is located approximately 45m to the north west of the

junction of Spenny Lane and Claygate. The site has substantial mature deciduous landscaping to the boundary with the public highway.

- 5.1.4 The existing building is a single storey detached building of a simple pitched roof form which provides a single interior space. It has a depth of 5.4m and a width of 11.1m. The heights to eaves and the ridge are 2.7m and 5.5m respectively. The building is positioned at 90° to the boundary of the site, and abuts the public highway.
- 5.1.5 The land is currently in use for the grazing of horses, and the building serves that use, although the Local Planning Authority has no record of a formal change of use of the land or the erection of the building.

5.2 Proposal

- 5.2.1 The current application seeks planning permission for a change of use of the land and existing building to provide a holiday let and associated garden and parking areas. The application includes operational development including alterations to the existing building comprising the introduction of two ground floor windows and four roof lights to the north west elevation; a rearrangement of the existing openings to the ground floor of the south east elevation; and the introduction of a first floor window to the gable of the north east elevation; and the introduction of an area of hard surfacing to provide a driveway and off road parking within the site.
- 5.2.2 The proposed development would result in a holiday let with open plan lounge/kitchen diner, a bedroom and a bathroom at ground floor level, and a bedroom and shower room in the roof space.

5.3 Principle of Development

- 5.3.1 The site is located in open countryside and therefore subject to strict control over new development, however Local Plan policy ENV44 allows for the conversion and re-use of existing rural buildings for commercial purposes, including tourism uses, subject to a number of criteria including the design of the existing building; being able to carry out the conversion without major reconstruction; the visual impact of the development; impact on village vitality; highway considerations; impact upon neighbouring amenity and the amenity of future occupants.
- 5.3.2 PPS4 also supports the reuse of rural buildings for economic uses, whilst policy TSR5 of the South East Plan seeks to secure a mix of tourist accommodation.
- 5.3.3 In my view, the existing building is modest, and I concur with the view of the MBC Conservation Officer that whilst the building is of limited historic or

architectural interest per-se, it is of a simple rural form and appearance which is in keeping with the rural setting, although it would not satisfy the stricter criteria in this regard for a conversion to a dwellinghouse. In order to secure the use of the building for holiday purposes and prevent the establishment of a permanently occupied dwellinghouse which would not otherwise be acceptable in policy terms, a condition is suggested that would restrict the occupation of the building and require a record to be maintained of its occupation. The Council usually allows for holiday use all year round due to the changing nature of holidays in this country and as recognised under the Good Practice Guide on Planning for Tourism, but restricts the period of time occupants can stay at such accommodation to 4 weeks. I consider this is appropriate in this case. Also, in order to secure the simple rural form of the building and prevent the proliferation of domestic paraphernalia within the site confines it is considered appropriate in this case to impose a condition restricting permitted development rights.

- 5.3.4 Although some external alterations are proposed to the building, it is considered that these are modest in scale, and would not detract from its overall character and appearance, and would not constitute a major or complete reconstruction of the building. The proposal would result in the introduction of hard surfacing to form a driveway, however this is limited in extent to allow the provision of a parking area which would be screened by the existing building, and as such considered to be visually acceptable in the context of the change of use. However, it is considered that a condition be imposed requiring the submission of details of the surfacing materials in order to secure the appearance of this feature.
- 5.3.5 The operational development proposed would be effectively screened from public view by the existing landscaping to the site boundary with the highway which is to be retained as set out in the arboricultural report. The report also details additional proposed planting to the other boundaries of the site. To secure this screening, it is considered reasonable and necessary for a condition to be imposed requiring the development to be undertaken in accordance with the recommendations of the arboricultural report.
- 5.3.6 I do not consider the provision of a single holiday let would threaten the vitality of surrounding villages but would help support the local rural economy.
- 5.3.7 The proposal would utilise an existing vehicular access, and is not considered to be likely to result in a level of vehicle movements that would prejudice highway safety. Off road parking for two vehicles would be provided within the site, which is considered to be an appropriate level of provision given the size of the premises and the proposed use, and the rural location. It is not considered that the proposal would have any impact upon the closest residential dwellings, which

are located in excess of 100m from the site, and the standard of accommodation provided is considered to be of adequate quality for tourist accommodation.

5.3.8 For these reasons (subject to the conditions set out above), it is considered that the principle of the change of use is acceptable in terms of Maidstone Borough-Wide Local Plan 2000 ENV28 and ENV44 and central government planning policy and guidance.

5.4 Other Matters

5.4.1 The proposed development would be located in close proximity to a number of mature trees which play a positive role in the visual amenity of Spenny Lane, however an arboricultural report has been submitted in support of the application which demonstrates that these specimens and the existing planting can be retained, and the MBC Landscape Officer has raised no objection to the proposal in this regard.

5.4.2 Foul drainage is shown to be a septic tank and surface water would be dealt with by means of a soakaway.

5.4.3 The building is old, however the roof and the weatherboarding to the gables have recently been replaced and therefore any resident bat population will have previously been disturbed. The proposal would not result in the loss of any trees that might provide bat habitat. As such it is not considered that the submission of a bat survey is reasonable in the circumstances of this case.

5.4.4 Whilst it is noted that concerns have been raised in respect to flood risk issues, as set out above, the application site is not considered to be at risk of flood by the Environment Agency, and therefore no objection is raised to the development on this ground.

6. CONCLUSION

6.1 The principle of the change of use is acceptable in the circumstances of this case, being the conversion of an existing rural building for commercial purposes in accordance with policy ENV44 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy and guidance in PPS4 Planning for Sustainable Economic Growth.

6.2 It is not considered that the proposal would result in any unacceptable harm to the character or appearance of the open countryside, residential amenity or highway safety, and in all other respects satisfies the criteria for development of this kind, as set out in policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

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 GRS Arboricultural Consultant Arboricultural Report ref. GRS/TS/AIS/AMS/TPP/12/11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations' and as per the recommendations set out within the GRS Arboricultural Consultant Arboricultural Report ref. GRS/TS/AIS/AMS/TPP/12/11. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The sitting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and secure the character, appearance and functioning of the site and surrounding area in accordance with policies ENV6, ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

3. The development hereby permitted shall only be used as holiday accommodation and shall not be occupied continuously by any person or persons for a period in excess of 28 days in any one single letting. There shall be no consecutive lettings beyond four weeks to the same person, family or group and a written record of all lettings shall be kept and made available for inspection by the Local Planning Authority at their reasonable request;

Reason: To ensure the use of the building is effectively restricted to tourist accommodation as the introduction of a permanent residential use would be contrary to policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy and guidance in PPS3 Housing and PPS7 Sustainable Development in Rural Areas.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Classes A-H and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority in relation to the development hereby permitted;

Reason: To safeguard the character, appearance and functioning of the building and surrounding area in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

5. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To safeguard the character, appearance and functioning of the site and surrounding area in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

6. All planting, seeding or turfing comprised in the approved details of landscaping as set out in GRS Arboricultural Consultant Arboricultural Report ref. GRS/TS/AIS/AMS/TPP/12/11 shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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 safeguard existing trees to be retained and secure the character, appearance and functioning of the site and surrounding area in accordance with policies ENV6, ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC1 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

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

site location plan and drawing numbers 10/1165/01 and 10/1165/02;

Reason: To safeguard the character, appearance and functioning of the site and surrounding area in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and CC6 of the South East Plan 2006, and central government guidance in PPS1 Delivering Sustainable Development.

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.