

APPLICATION: MA/12/0271 Date: 16 February 2012 Received: 16 February 2012
APPLICANT: Mrs M Simmons
LOCATION: RUBY, CHATHAM ROAD, SANDLING, MAIDSTONE, KENT, ME14 3AY
PARISH: Boxley
PROPOSAL: Retrospective application for the change of use of residential care home to single dwelling as detailed on application form and site location plan received 16/02/12.
AGENDA DATE: 29th March 2012
CASE OFFICER: Kathryn Altieri

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

- It is a departure from the Development Plan.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV31
- South East Plan 2009: CC1, CC6, C4
- Village Design Statement: N/A
- Government Policy: PPS1, PPS3, PPS4, PPS7

2. HISTORY

- MA/92/0207 - Single storey rear extension to residential home - refused
- MA/90/0821 - Single storey rear extension for residential home for elderly - refused.
- MA/88/0908 - Change of use to a residential home for the elderly - approved/granted with conditions.
- MA/85/1498 - Erection of garage on site of former garage- approved/granted.
- MA/83/0447 - Ground floor extension and loft conversion - approved/granted with conditions.
- MA/82/1445 - Ground floor and first floor extensions - refused (dismissed at appeal).

3. CONSULTATIONS

- Boxley Parish Council: Does not wish to object

- KCC Highways Officer: Raises no objections;

"There are no highway implications associated with this proposal."

4. REPRESENTATIONS

- None

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site relates to a rectangular shaped plot of land that is occupied by a relatively small detached bungalow that is currently in use a single dwelling. This largely rendered property, known as 'Ruby', has a gable end frontage facing the road, with a flat roofed dormer to either side of the pitched roof; and there is an existing detached single garage and area of hardstanding to the front of the site for parking.

5.1.2 Set back more than 8m from Chatham Road, the site is at the southern end of this highway, some 340m to the south of the junction with Tyland Lane and falls within the countryside and Strategic Gap, as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP). Chatham Road is a no-through route and some 70m to the south of the application site this highway becomes a dead-end for motor vehicles. The site is also within an 'Area of Archaeological Importance'.

5.1.3 'Ruby' is set within an extensive length of ribbon development (to both sides of Chatham Road) that consists of residential properties of differing scale, design and age; the A229 is only some 25m to the west of Ruby; and to the north-east of the site is another extended stretch of ribbon development along Tyland lane, also within the defined countryside.

5.2 Proposal

5.2.1 This is a retrospective application for the change of use of the property from a residential care home to a single dwelling. It is understood that the property has been used solely as a dwelling by the applicant since 2007 and for some time before this date by the previous occupants.

5.2.2 This change of use is a departure from the Local Plan, as it is contrary to policy ENV28 of the Maidstone Borough-Wide local Plan 2000, and has been advertised as such.

5.3 Relevant planning history

5.3.1 Under planning permission MA/88/0908, the application site was granted planning permission for a change of use from a residential property to a residential care home.

5.4 Principle of Development

5.4.1 The application site lies outside the defined urban area and is within the designated countryside, as shown by the Maidstone Borough-Wide Local Plan 2000.

5.4.2 Development in the countryside, especially new housing, is tightly controlled under the terms of Development Plan Policy and central Government guidance. Policy ENV28 of the MBWLP governs development in the countryside and sets out types of development that may be acceptable as an exception to the general theme of restraint. This policy does not make provision for new dwellings.

5.4.3 The South East Plan 2009 also follows Government advice outlining that the principal objective is to achieve and maintain sustainable development and to protect the countryside under policies CC1, CC6 and C4.

5.4.4 PPS7 places a firm emphasis on countryside protection. Paragraph 15 of PPS7 states;

"Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced."

5.4.5 The countryside is a valuable and finite resource and central Government guidance reflects policy ENV28 in seeking to protect it.

5.4.6 New dwellings in the countryside are strictly controlled by local and central Government policy and guidance. In common with the advice in PPS3, PPS7 seeks to place a firm control on new housing in the countryside. Paragraph 9(ii) states that local planning authorities should:

"...strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in Development Plans."

5.4.7 Whilst local and national policy and guidance is understandably restrictive towards residential development in the countryside, I am of the view that this change of use is justifiable.

5.4.8 Indeed, this small bungalow clearly takes on the domestic appearance of a residential property, it is set within a long row of residential properties and it is difficult to see what other use the building could be put to if not a dwelling (which it was originally built to be). Moreover, I am of the view that a single dwelling in this location is less intense and more sustainable than a residential care home; and less harmful in terms of its impact upon the amenity of surrounding neighbours. It is therefore considered that this change of use, given its specific circumstances, is a more sustainable form of development than the existing lawful use; and given its unaltered appearance and location very much grouped with other dwellings, does not represent a visually harmful form of development that would be detrimental to the character and appearance of the countryside.

5.4.9 Under MA/88/0908, the residential care home was intended to accommodate five residents only. Given this low number of inhabitants and resultant low number of staff, I am of the view that the loss of this care home has not resulted in a significant detrimental impact upon the economic development of the area.

5.4.10 This property was originally built as a residential bungalow and its standard design and appearance is very much indicative of a dwelling. It is not considered to be a "rural building" (i.e. related to agriculture, an oast house or timber framed barn) and so policies ENV44 and ENV45 of the Maidstone Borough-Wide Local Plan 2000 are not considered relevant in this particular case.

5.5 Visual Impact

5.5.1 There are no external alterations for consideration under this planning application. Therefore, it is my view that this change of use does not significantly affect the character and appearance of the area or adjacent buildings; and nor does it result in a development that would further appear visually incongruous in the countryside.

5.5.2 The site is also in the Strategic Gap as shown by the (MBWLP), but because there is no operational work to consider, the change of use does not significantly extend the built up extent of the settlement and therefore causes no adverse effect.

5.6 Residential Amenity

5.6.1 Given the existing outbuildings, current boundary treatments, separation distances and the orientation of 'Ruby' and the neighbouring properties, there is no significant concern with loss of privacy to any neighbour. Indeed, the existing rear first floor opening directly overlooks the private garden of 'Ruby'

and not any neighbouring property or immediate outdoor amenity space; the property to the north ('The Moorings') is set further back from the road and there is a separation distance of some 8m between the two dwellings; and the immediate neighbour to the south ('Rendlesham') is set back much further into its plot than 'Ruby' and so largely unaffected.

5.6.2 It should also be noted that when planning permission MA/83/0447 (ground floor extension and loft conversion) was granted and implemented, the property was under residential use and the issue of residential amenity was fully considered by the Case Officer at this time.

5.6.3 I also consider the application site to be of an acceptable size, providing ample outdoor amenity space for its occupants.

5.6.4 It is therefore considered, because of the nature of the development, there is no significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of privacy, outlook, daylight and sunlight.

5.7 Highways

5.7.1 The use of the property as a single dwelling is considered to be less intensive, in terms of vehicle movements, than its previous use as a residential care home. Indeed, given the application site's countryside location, residential use of this building is considered to be more sustainable than as a care home. Furthermore, the site has ample off road parking provision for a property of this size by way of the single detached garage and hardstanding to the front of the building. I am therefore of the view that this change of use does not have a significant impact upon highway safety and parking provision; and nor would it generate any further parking need.

5.8 Other Matters

5.8.1 Given the nature of the application, there are no significant issues with regards to landscaping, ecology/biodiversity, drainage or the property being in an 'Area of Archaeological Potential'.

5.8.2 It is also worth noting that it is likely that this property has been in continuous residential use for more than four years and so immune from Planning Enforcement action.

6. CONCLUSION

6.1 Central Government guidance and Local Plan policies seek to protect the countryside and locate new housing within the settlement boundaries of the

major/principle urban areas and established rural settlements. However, this application has its own special individual circumstances; and given the reasons set out in the main body of this report, I do not consider that it represents an unjustified form of development that causes unacceptable harm to the character and appearance of the countryside.

7. RECOMMENDATION

THE HEAD OF PLANNING BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION SUBJECT TO THE EXPIRY OF THE PUBLIC CONSULTATION PERIOD, THE NEWSPAPER ADVERT AND NO NEW ISSUES RAISED:

The proposed development is not in accordance with Development Plan policy or central Government guidance. However in this specific case, the proposed change of use would not represent an unjustified form of development that would cause unacceptable harm to the character and appearance of the countryside. For the reasons set out, it is considered to represent circumstances that can outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.