

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: 30th August 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: National Planning Policy Framework 2012, Good Practice Guide on Planning for Tourism 2006

## **2 BACKGROUND**

- 2.1 This application was reported to Planning Committee on 8<sup>th</sup> March 2012. I attach a copy of my Committee Report as Appendix 1. In response to the representation of the applicant to the Committee, during which a variation of condition 3 was requested in order to allow occupation of the premises for periods in excess of 4 weeks, Members deferred making a decision to enable the applicant to provide evidence regarding the length of the educational courses likely to be the reason for staying at the site.

## **3 ADDITIONAL INFORMATION RECEIVED**

- 3.1 The required information was sought from the agent by letters dated 20<sup>th</sup> March and 20<sup>th</sup> July 2012. Although an email was received on 13<sup>th</sup> June 2012 reiterating

the request for the relaxation of the restriction of occupation of the unit, no evidence or information has been provided to support relaxation of the occupation restriction of the holiday let.

- 3.2 The applicant has subsequently requested by letter dated 25<sup>th</sup> July 2012 that the application be determined with the recommended condition 3 in place as set out in the previous report. A copy of the letter is attached as Appendix 2.

#### **4 PLANNING AND POLICY CONSIDERATIONS**

- 4.1 The proposal has previously been recommended for approval subject to conditions as set out in the report presented to Planning Committee on 8<sup>th</sup> March 2012 for the reason that the conversion of the building to tourism use is in accordance with policies ENV44 of the Maidstone Borough-Wide Local Plan 2000 and TSR5 of the South East Plan 2009.
- 4.2 Since the time of the previous Planning Committee meeting, the National Planning Policy Framework 2012 has been published; this document supports development that would result in economic growth in rural areas including proposals for sustainable rural tourism which respect the character of the countryside such as this.
- 4.3 Condition 3 restricting occupation of the proposed holiday accommodation is in accordance with guidance as set out in the Good Practice Guide on Planning for Tourism (which remains in place) and the normal practice of Maidstone Borough Council when permitting applications for tourism development.
- 4.4 Notwithstanding the representation of the applicant to the Planning Committee requesting variation of the condition, no satisfactory information or evidence has been provided to support relaxation of the normal condition of restraint of occupation and the applicant has now withdrawn the request. I therefore recommend that the condition remain as set out below. The applicant is aware that an application to vary the condition can be made in the future if evidence supporting the relaxation of the occupancy restrictions can be provided.
- 4.5 Subject to the imposition of this condition, and the others attached to this report, the proposal is considered to be acceptable for the reasons set out in the previous report, and I therefore recommend the application for approval subject to conditions, as per the previous recommendation.

#### **5 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.