

APPLICATION: MA/12/1167 Date: 18 June 2012 Received: 21 June 2012

APPLICANT: Mr William Lee

LOCATION: FIVE OAK STABLES, STILEBRIDGE LANE, LINTON, MAIDSTONE, KENT, ME17 4DE

PARISH: Linton

PROPOSAL: Erection of day room; laying of hard standing; and erection of 1 No. external lights as shown on the site location plan, block plan (rev A) and 2No. un-numbered drawings, supported by a design and access statement, all received 21st June 2012, and a covering letter received 24th September 2012.

AGENDA DATE: 4th April 2013

CASE OFFICER: Catherine Slade

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

- it is contrary to views expressed by **Linton Parish Council**.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV46, ENV49
- Other: Residential Extensions Development Plan Document.
- Government Policy: National Planning Policy Framework 2012, Planning Policy for Traveller Sites 2012.

## **2. HISTORY**

MA/12/0407 - An application for discharge of conditions relating to MA/11/0729 (Erection of 5 no. stables, hay store, mess room and tack room, and associated hard surfacing) being details of condition 1 (disposal of run off) and condition 5 (storage and method of disposal of faecal, bedding or other waste) – APPROVED.

MA/12/0406 - Application for a non material amendment to MA/11/0729 (erection of 5 no. stables, hay store, mess room and tack room, and associated hard surfacing) being the insertion of 1no. frosted glass window and door to the tack room; the insertion of 1no. frosted glass window to the mess room; and the insertion of 11no. clear corrugated roof sheets to stables – APPROVED.

MA/11/0867 - An application to discharge conditions relating to MA/10/1833 - (Change of use of land to residential caravan site for one gypsy family with two caravans, including laying of hardstanding and construction of access road) - being details of condition 3, landscaping and condition 4, drainage – APPROVED.

MA/11/0729 - Erection of 5 no. stables, hay store, mess room and tack room, and associated hard surfacing - APPROVED WITH CONDITIONS.

MA/10/1833 - Change of use of land to residential caravan site for one gypsy family with two caravans, including laying of hardstanding and construction of access road - APPROVED WITH CONDITIONS.

MA/10/1253 - Erection of 5 no. stables, hay barn and stores for private use only – REFUSED.

MA/98/1330 - Use of land for charitable fund-raising purposes only on no more than 12 occasions in any one calendar year, for 'Open Days' and/or seasonal events – APPROVED WITH CONDITIONS.

MA/76/1240 - Erection of greenhouses – APPROVED.

### **3. CONSULTATIONS**

- 3.1 **Linton Parish Council** wish to see the application refused on the following grounds:
- 3.2 *"We feel that planning control is in place to enable local authorities to prevent inappropriate development; Linton Parish Council wishes to see this totally inappropriate application refused as we feel that it is an application to build a fixed dwelling which is contrary to the ethics of the travelling community."*
- 3.2 The **Maidstone Borough Council Environmental Health Officer** raises no objection to the proposal.

### **4. REPRESENTATIONS**

- 4.1 Two representations were received from a single household. These raised concern in respect of the scale of the development and its visual impact.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The proposal site is located in open countryside within the parish of Linton to the south east of the junction of Stilebridge Lane, an unclassified single track highway, with Linton Hill, the A229. The site has no specific environmental designations.
- 5.1.2 The site is level, and has a lawful use for the stationing of caravans for residential purposes by persons of Gypsy status under the scope of planning permission MA/10/1833. Built development on the site comprises areas of hard surfacing and fencing and a cess pool in the west of the site which facilitate the residential occupation of the land, as well as a stable building and associated hard surfacing to the east of the area on which the caravans are sited.
- 5.1.3 The site is located at the foot of the Greensand Ridge, and is approximately level. The site is screened from the adjoining public highways by mature native hedges, behind which is close boarded fencing. The land to the south and east of the site, which is in the ownership of the applicant, is used for the grazing of horses. The land to the north of Stilebridge Lane and to the west of Linton Hill is agricultural land.

### **5.2 Proposal**

- 5.2.1 The proposed development is the erection of a detached single storey building to provide an amenity block, the extension of the hard surfacing within the site, and the introduction of a lighting column to the site entrance. The application originally sought consent for three lighting columns however the scale of this element of the development has been reduced through negotiation with the applicant.
- 5.2.2 The proposed amenity block would have a rectangular footprint measuring 11m by 6.2m, giving an overall footprint of 68.2m<sup>2</sup>. The building would have a simple pitched roof form, with a ridge height of 4.2m and eaves heights of 2.2m. The amenity block would provide a kitchen/dining area, a bathroom and laundry, and would be sited in the west of the site, adjacent to the position of the mobile and the tourer. The building would be 2m from the existing frontage hedge at its closest point and would be sited on an existing hard surface.
- 5.2.3 The extension of the hard surfacing comprises additional areas to the south and east of the stable building, and a small increase in the area in the west of the site to accommodate the introduction of the amenity block in addition to the

mobile home and tourer which already benefit from planning permission and two off road parking spaces.

5.2.4 The light to the entrance is mounted on a 3m pole in the proximity of the site access from Stilebridge Lane, which is located 85m to the west of Linton Hill. The light is movement activated.

5.2.5 Planning permission for the hard surfacing and the light is sought retrospectively, whilst the application is prospective in respect of the amenity block.

### **5.3 Principle of Development**

5.3.1 The key Local Plan policy by which applications of this type should be judged is ENV28, which restricts development in the open countryside to a few clearly defined exceptions, in order to protect its character and appearance. However, the proposal site benefits from planning permission for the residential occupation of the land by persons of Gypsy status, and the land is currently occupied in accordance with the existing consent; the development for which planning permission is sought would serve the existing lawful use, which has previously been fully accessed and found to be acceptable.

5.3.2 Maidstone Borough Council has no adopted policies in respect of Gypsy and Traveller sites, however national planning policy relating to such development is set out in Planning Policy for Traveller Sites 2012. The document does not make specific reference to associated structures associated with such uses, however as Members will be aware, appeal decisions and case law have established that a certain amount of ancillary development, including amenity blocks, is to be expected in order to support the use of the land for residential purposes.

5.3.3 The principle of the development for which planning permission is sought, is therefore considered to be acceptable.

### **5.4 Design and Visual Impact**

5.4.1 The scale and design of the proposed amenity building is considered to be appropriate and visually acceptable within the context of the site. Whilst I note that concern has been raised by a local resident in respect of the visual impact of the development, to my mind the proposed amenity block and hard surfacing would be adequately screened by the existing landscaping and boundary treatments. Although the roof of the building may be visible from the public highway, it is modest in scale, and comparable in size to other similar structures serving other Gypsy sites, and to my mind it would not be visually dominant or out of keeping in the context of the residential use of the land.

5.4.2 I note that concern has also been raised in respect of the retention of the existing light, the use of a single movement activated, and therefore intermittent, light is not considered to be excessively out of keeping with the residential use or to result in significant visual harm, and such features are not uncommon at residential sites, even in rural locations. As such it is not considered reasonable to refuse this element of the application, although a condition should be attached to any permission requiring the other two lights originally included within the scope of the application to be removed from the site within 1 month of the date of the decision.

5.4.3 It is considered that the proposed development would have a limited visual impact upon the open countryside, and would be subject to limited public views as a result of its scale and spatial relationship to the existing dwelling against which the development would be seen, together with the existing landscape screening to the site. For this reason it is considered that the proposal would have a restricted visual impact upon the character and appearance of the open countryside, the North Downs Area of Outstanding Natural Beauty and the Kent Downs Special Landscape Area and would not result in harm to the scenic beauty of the surroundings.

5.4.4 For these reasons, there is therefore no objection to the proposal on the grounds of design or visual impact.

## **5.5 Other Matters**

5.5.1 There are no neighbouring dwellings which would be impacted in any way by the development. The proposal would not result in any changes to the existing access arrangement or provision of on site parking provision.

5.5.2 Whilst concern has been raised by the Parish Council in respect of the use of the amenity block as a residential dwelling, the purpose of the building is to provide additional facilities ancillary to the use of the land as a residential caravan site, which has a permanent non-personal condition. There is therefore not considered to be any objection on the grounds that the application seeks planning permission for permanent development. Planning permission is not sought for the residential occupation of the building as a dwellinghouse, and the application cannot be assessed on this basis.

5.5.3 The proposal would not have any impact upon the surrounding trees and hedging in excess of what may have resulted from the introduction of the existing hard surfacing, and as the building would not provide habitable accommodation, there is unlikely to be any future pressure for removal of hedging.

## **6. CONCLUSION**

- 6.1 For the reasons set out above, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000 and national planning policy as set out in the National Planning Policy Framework 2012, having regard to all other material considerations, and it is therefore recommended for approval subject to conditions.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. Within 1 month of the date of this decision the 2 existing external lights on the lighting column in the south west of the site identified on the un-numbered block plan received on 21st June 2012 shall be removed;

Reason: To safeguard the character and appearance of the open countryside and the River Medway Area of Local Landscape Importance in accordance with policies ENV28 and ENV49 of the Maidstone Borough-Wide Local Plan 2000 and central government planning policy as set out in the National Planning Policy Framework 2012.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance of the development and safeguard the character and appearance of the open countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and central planning policy as set out in the National Planning Policy Framework 2012.

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

2No. un-numbered drawings, supported by a design and access statement, all received 21st June 2012, and a covering letter received 24th September 2012;

Reason: To ensure the quality of the development is maintained and to secure the character and appearance of the open countryside in accordance with policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000 and

central government planning policy as set out in the National Planning Policy Framework 2012.

**Informatives set out below**

For the avoidance of doubt, this consent grants planning permission for one external light to the site access, and for no other external lights within the site.

Note to Applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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.