

APPLICATION: MA/13/1325 Date: 17 July 2013 Received: 25 July 2013

APPLICANT: Mr Ashley Bernhard & Ms Beverley Clack

LOCATION: STALLANCE COTTAGE, RECTORY LANE, SUTTON VALENCE,
MAIDSTONE, KENT, ME17 3BT

PARISH: Sutton Valence

PROPOSAL: Change of use of land from agriculture to residential use - erection of solar panels, garden shed, mower and storage shed and greenhouse and erection of decking to house as shown on drawing nos: A/B/2013/10 and 11.

AGENDA DATE: 10th October 2013

CASE OFFICER: Graham Parkinson

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

- It is contrary to views expressed by the Parish Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV34, H31
- Government Policy: NPPF

2. HISTORY

- 2.1 MA/96/0084: Two storey side extension new porch & other alterations
APPROVED 14-Mar-1996
- 2.2 MA/07/0347– erection of a detached double garage with workroom above.
APPROVED-28-Mar-2007

3. CONSULTATIONS

- 3.1 Sutton Valence Parish Council: Objects to proposal and its comments are summarised as follows:
 - Do not wish to see agricultural land converted to gardens as farming plays a significant role in the community which it wishes to see continue.

- 3.2 MBC Heritage advisor: No objection as the development does not have any material impact on the setting of nearby Listed Buildings.
- 3.3 English Heritage: No objection.
- 3.4 MBC Landscape and Design: Regarding the impact of decking that has been constructed on nearby trees, given its completion in 2007 it does not appear to have had any adverse impact on nearby trees. Concerned that the change of use of land to garden will adversely impact on the Special Landscape Area particularly as solar panels are to be sited in this area.

4. REPRESENTATIONS

- 4.1 8 properties consulted. No representation received

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The site is occupied by Stallance Cottage, located in a slightly elevated position above adjoining agricultural land, in use as orchards, to the south.
- 5.1.2 Running along the northern perimeter of the site is a public footpath enclosed by high hedges and closeboarded fencing defining the property boundary on this side.
- 5.1.3 Running along the west of the site is track serving an isolated group of dwellings sited approximately 100 metres south of the application site and separated from it by the area of orchard referred to above.
- 5.1.4 Abutting Stallance Cottage along its southern and eastern sides are elevated areas of decking with handrails above, attached to which to the east is an open sided building having an octagonal 'footprint' capped by a pitched roof with an octagonal profile.
- 5.1.5 Abutting and defining the existing southern boundary of the Stallance Cottage curtilage is a dense hedge, Abutting this to the south is a long narrow roughly triangular area of land having a maximum length of just over 70 metres and an average width of approximately 10 metres. This area of land is separated from the adjoining farmland by a low post and rail fence. This area is used as part of the garden curtilage of Stallance Cottages and on its western side is occupied by an angled row of solar panels having length of just under 10 metres, a height of

approximately 1 metre above ground level and a width of 1.5 metres. At the eastern end of this area a storage shed and greenhouse has been erected.

5.1.6 In a wider context the site lies in open countryside, designated as a Special Landscape Area (SLA).

5.2 Proposal

5.2.1 Retrospective planning permission is sought for the following:

- The decking and octagonal structure erected abutting Stallance Cottage. The elevated decking runs along the much of the southern and eastern elevations of the property and projects on average 2.5 metres out from the building with an height of just under 1 metre topped by railings 500mm in height, The octagonal open side structure has a height of just under 4.5 metres and a width of 3 metres.
- A timber weatherboarded garden shed having a low pitched roof having a 'footprint' of 2.7x3.7 metres and a ridge height of 2.3 metres. This does not require planning permission as it is sited within the acknowledged garden curtilage of the property, is less than 2.5 metres height and on its own and in combination with other buildings covers less than 50% of the existing curtilage.
- The change of use of the land to the south to provide an extension to the existing garden curtilage. This area of land has an area of approximately 700 sqm metres (0.07 ha). At the eastern end of the area a shiplap timber mower/storage building has been erected having a footprint of 6.5x5.5 metres and low pitched roof having a ridge height of just over 3 metres. Abutting this building to the south is a greenhouse having a footprint of 1.9x3 metres and a height of just under 2 metres.
- An angled row of solar panels having a length of just under 10 metres, a height of approximately 1 metre above ground level and a width of 1.5 metres sited in the western part of the area comprising the garden extension.

5.2.2 In addition the applicants advise that the area of land forming an extension to their garden was purchased in August 2006. Furthermore, the majority of the decking was constructed in 2007 with a small addition to this constructed more recently.

5.3 Discussion:

- 5.3.1 The key issues in relation to this application are considered to be the impact on the character and setting of the existing building and impact on the character and appearance of the adjoining open countryside and Special Landscape Area (SLA).

5.4 Impact on character and appearance of the Building

- 5.4.1 Dealing first with the impact of decking and octagonal open sided structure attached to the building, it is considered that these represents small scale minimalist structures that have little material impact on the, character, setting or appearance of the building. As such no objection is identified to their retention and this view is supported by the Councils Heritage advisor.

5.5 Impact on rural character of the area and the SLA:

- 5.5.1 The existing curtilage of the property has been extended to the south in the form of a long narrow roughly triangular area of land having a maximum length of just over 70 metres and an average width of approximately 10 metres. On its western side, this area is occupied by an angled row of solar panels having a length of just under 10 metres, a height of approximately 1 metre above ground level and a width of 1.5 metres while at the eastern end of this area a storage shed and greenhouse has been erected.
- 5.5.2 Dealing with the extension to the garden curtilage, policy H31 of the adopted local plan states that permission will not be granted if this will harm the character and appearance of the countryside or result in loss of the best and most versatile agricultural land.
- 5.5.3 This area of land occupies a slightly elevated position which potentially increases its prominence. However given its relatively small area (0.07 ha) and close proximity to an orchard, which screens out potential long range views of the site from the south, it is considered that its impact on the wider landscape is minimal. Regarding loss of land having agricultural potential, given the small area of land affected (and which in any event could substantially revert back to agricultural use should circumstances dictate) it is not considered this represents a sustainable objection to the use of the land for garden purposes.
- 5.5.4 Turning to the impact of the development that has taken place in this area, the mower/storage shed and greenhouse are both relatively small, low key buildings which do not add greatly to the impression of built mass on the site nor, due to their design and siting, appear incongruous or out of character in a rural setting.
- 5.5.5 The array of solar panels that has been erected, due to its low height, is also considered to have little visual impact. Nevertheless in order to minimise the visual

impact of this and other buildings on the site, it is considered that the existing low post and rail fence should be supplemented by a native species hedgerow. In addition permitted development rights to erect outbuildings and other forms of development allowable under Class E of the General Permitted Development Order 1995 (as amended) should be withdrawn.

- 5.5.6 Subject to the above measures, it is considered that the impact of the development on the wider landscape is acceptable and concerns raised in this regard are not supported as a consequence.

6. CONCLUSIONS

- 6.1 For the reasons set out above it is considered that the development that has been carried out is acceptable in its visual impact and will not result in material harm to the rural and special landscape character of the area, result in any material loss of productive agricultural land while respecting the character and setting of the existing building.
- 6.2 In the circumstances it is considered that the development is acceptable and retrospective planning permission should be granted as a consequence.

7. RECOMMENDATION

GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS:

1. 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), in the area identified as Area B on drawing no: A/B/2013/10, no development within Schedule 2, Part 1, Class E to that Order shall be carried out in this area without first obtaining the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

2. Within 3 months from the date of this planning permission a native species hedgerow shall be provided along the whole length of the western, southern and north eastern boundaries of Area B. These boundaries are shown on drawing no: A/B/2013/10. The hedgerow shall be allowed to grow up to a height of no less than 3 metres and maintained at this height at all times thereafter. Any part of

the hedgerow that becomes dead, dying or diseased shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority and shall be retained at all times in accordance with the terms of this condition.

Reason: In the interests of visual amenity.

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 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 there are no overriding material considerations to indicate a refusal of planning consent.