

APPLICATION: MA/09/0848 Date: 16 June 2009 Received: 18 June 2009

APPLICANT: Mr J McKay & Mrs A Jones

LOCATION: APPSMOOR FARM, SOUTH STREET ROAD, STOCKBURY,
SITTINGBOURNE, KENT, ME9 7QS

PROPOSAL: Proposal for a replacement dwelling, the demolition and removal of existing farm building and a tidy up of the site as shown on drawing number 07/82/SK15 received on 19/5/09; and site location plan and drawing numbers 07/82/SK01B, 07/82/SK14A and 07/82/SK16 received on 18/6/09.

AGENDA DATE: 3rd September 2009

CASE OFFICER: Geoff Brown

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

- It is contrary to views expressed by the Parish Council.

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV33, ENV34, H32

The South East Plan 2009: CC1, C3, C4

Village Design Statement: N/A

Government Policy: PPS1, PPS3, PPS7

HISTORY

The relevant planning history is as follows:

MA/08/0064 – Erection of a replacement dwelling with double garage – Refused.

MA/06/1320 – Proposed replacement of yacht with a mobile home and the use of the mobile home and the remaining lorry body as a residence – Refused.

MA/06/0426 – An application for a certificate of lawfulness for an existing development being the occupation of a yacht and lorry body with peripheral ground as a single residential unit – Approved.

CONSULTATIONS

STOCKBURY PARISH COUNCIL wishes to see the application approved and states:

"1. Demolition of existing and temporary buildings to be replaced by one dwelling only.
2. It is understood that the applicants are paying rates for industrial storage.
Accordingly, the parish council suggests a change of use to residential is imperative."

THE KENT COUNTY COUNCIL HIGHWAYS OFFICER has no objection.

THE COUNCIL'S ENVIRONMENTAL HEALTH OFFICER has no objection. A condition requiring an examination for contamination is advised should permission be granted.

REPRESENTATIONS

Three letters of objection have been received from local residents and CPRE Kent objects. The following points are raised:

A) The replacement dwelling would be much more substantial and prominent than the existing situation. The lorry body can not be seen from the road. No tidy up of the site is necessary.

B) This would be an unsustainable form of development.

C) The demolition of the barn is not relevant as it is outside the area granted a certificate.

D) The yacht now on site is a wreck and has not been lived in.

E) The demolition of the barn is of concern as it may contain asbestos.

CONSIDERATIONS

Description of the Site

The application site is located on the north side of South Street Road, close to its junction with Chalky Road. This is land within open countryside, within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape (SLA). Vehicular access from the highway leads northwards into the site, arriving at a twin-span agricultural building on the west side with a hardstanding 'yard' in front of it. To the north of the barn is a lorry body and a yacht propped up on a steel cradle. There is open agricultural land to the west and north of this site.

To the east is the 'old' farmhouse and curtilage of Appsmoor Farm, now in separate ownership, the house being of 1960's/1970's design. A replacement dwelling for that unit has recently been constructed further to the rear (pursuant to planning permission MA/07/0732) and that project appears to be nearing completion: a condition requires that the 'old' farmhouse will need to be demolished in due course.

This site is unusual in that the aforementioned lorry body and yacht can together be lawfully used as a single residential unit by virtue of the certificate of lawful development issued under reference MA/06/0426.

The Proposal

This application proposes the removal of the lorry body and the yacht and their replacement with a permanent dwelling in the northern part of the site. The agricultural building would be removed as a part of the scheme. A two bedroomed chalet bungalow is proposed in a Kent vernacular style, with an eaves height of approx. 2.5m and a ridge height of approx. 7m. The 'footprint' of the proposed dwelling is roughly 10m by 5.5m. The building would be of buff brick and clay tilehanging under a clay tile roof. A parking and turning area is shown to the front and a patio to the side.

Planning Considerations

The application site is situated in open countryside, beyond the bounds of any town or village. Development in such a location is the subject of the Central Government Guidance and Development Plan Policies that seek to restrict new development in order to protect the countryside. New housing in isolated rural locations is to be particularly controlled. As an exception to the general theme of restraint, the rebuilding of existing lawful dwellings may be permissible in principle and Local Plan Policy H32 covers such development. The site is also located in the AONB/SLA and therefore this is a landscape of national importance: in such a location priority should be given to the preservation of the landscape over other planning considerations.

The main issue in this case centres on criterion 3 of H32 which requires that 'The new dwelling is no more visually intrusive than the original dwelling'. In most cases the Council is considering whether an existing dwelling of permanent construction can be replaced with a new (usually larger) building. Clearly this case is unusual in that this application seeks permission to replace a yacht and lorry body (that forms the existing residential unit) with a permanent dwelling. In my view the existing residence has little visual impact: the lorry body and yacht being located well into the site; are quite well screened by boundary hedging and trees; are of relatively small size; and are positioned so that they are screened by the adjacent agricultural building or are seen with that building as a backdrop.

Members may recall application reference MA/08/0064 which was reported to Planning Committee and refused due to the adverse impact of the scheme on the AONB/SLA. That application put forward a larger replacement dwelling than that proposed here but the planning considerations are much the same. To my mind any new dwelling of permanent construction is likely to be more visually intrusive and the dwelling proposed here would have a significantly greater impact than the current arrangement. I also consider that the proposals would represent a significant increase in the intensity

of domestic activity with the likelihood of formal gardens being created, an increased number of parked cars, more domestic paraphernalia, etc. Whilst the new dwelling would be situated well away from the highway, the countryside (and particularly the AONB/SLA) needs to be protected for its own sake and I consider that the scheme would have an adverse impact on the character and appearance of the countryside.

The application proposes the removal of the twin-span agricultural building as a part of the redevelopment. That building does not form part of the existing residential unit. In my view, whilst that building is of unattractive, utilitarian design, such buildings are a common sight in the Kent countryside and I do not regard this one as being particularly harmful. I do not consider that the visual benefits arising from its removal would compensate for the fundamental harm caused by the new dwelling, etc. proposed.

No trees of any significance would be lost as a result of the development.

Turning to impact on residential amenity, the only neighbour directly affected would be the occupier of the aforementioned replacement dwelling to the east. I consider the position and design of the proposed house would be such that there would be no significant loss of light, outlook or privacy to that neighbour. The small bedroom window at upper floor level facing the neighbour is so small as to be insignificant in privacy terms.

There is no objection from the Highways Officer. This application involves the replacement of one form of residence with another and, whilst the site is remote, I do not consider that there are sufficient grounds to refuse the application due to over-reliance on the private motor car.

Looking at the comments of the Parish Council, a storage rate for the barn is indeed being paid to the Council. However, in the absence of any planning permission, I view the lawful use of the barn as agricultural. I note that the submitted plans mark it as an "existing agricultural building". In any event, if the lawful use were for storage I do not see this as a valid reason for removal and replacement with a dwelling. I will instruct the enforcement team to investigate the use of the barn. The presence (or not) of asbestos in the barn is not a planning issue.

In all, I consider the application should be refused due to its adverse visual impact on a landscape of national importance. Comparisons have been drawn with the neighbouring development and that at 1 and 2 Hove Cottages, Chalky Lane (around 100m to the south): whatever the merits of those decisions, each case must be treated on its own merits and both of those other cases involved replacing dwellings of permanent construction with new ones.

RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reason:

1. The application is considered to be contrary to The South East Plan 2009 Policies CC1, C3 and C4; and Maidstone Borough-Wide Local Plan 2000 Policies ENV28, ENV33, ENV34 and H32 in that the new dwelling and associated development would be significantly more visually intrusive than the existing residential unit which is based on a lorry body and yacht. The development would be harmful to the character and appearance of the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area. The visual benefits of the removal of the agricultural building would not outweigh the fundamental harm caused.