

APPLICATION: MA/09/0134 Date: 27 January 2009 Received: 1 July 2009

APPLICANT: Mr & Mrs C Oakes

LOCATION: MANOR FARM HOUSE, LADDINGFORD, MAIDSTONE, KENT, ME18 6BX

PROPOSAL: Change of use of redundant farm building to B1 use as shown on drawing numbers 1697/1 and 02A received on 30/1/09; and drawing number 1697/03B received on 1/7/09.

AGENDA DATE: 15th October 2009

CASE OFFICER: Geoff Brown

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

- a) it is contrary to views expressed by Yalding Parish Council
- b) Councillor Nelson-Gracie has requested committee consideration for reasons set out below.

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV44
The South East Plan 2009: CC1, C4, BE6, NRM4
Village Design Statement: N/A
Government Policy: PPS1, PPG4, PPS7, PPG15, PPS25

HISTORY

There is no planning history directly relevant to this application.

CONSULTATIONS

YALDING PARISH COUNCIL wishes to see the application refused and states:

"Yalding Parish Council objects to this application because it does not consider that the road from the highway to the premises is suitable for vehicles that would be generated by the B1 use. In addition there is nowhere for a very large vehicle to turn at the entrance to the site."

THE ENVIRONMENT AGENCY has no objection.

THE KENT COUNTY COUNCIL HIGHWAYS OFFICER has no objection.

THE COUNCIL'S CONSERVATION OFFICER has no objection. Whilst it would be preferable to retain existing window designs to retain the agricultural character of the building, there is no objection to this proposed change of use. Conditions on materials samples and joinery details would be appropriate to help protect the setting of the listed building nearby.

REPRESENTATIONS

COUNCILLOR NELSON-GRACIE has requested committee consideration should I be minded to recommend approval. He states: "The access track is a narrow single lane with one passing place in a quarter of a mile length, and not as described in the design and access statement. As such it will not sustain the additional traffic and will cause danger and difficulty to existing residents. I also understand that it is proposed to remove some protected trees, although I have not been able to verify this."

LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM NINE LOCAL HOUSEHOLDS. The following points are raised:

- a) The development proposed would introduce noise, disturbance and pollution to a quiet rural area, detrimental to its character and harmful to the amenities of those residents that live along the access track. This locality was essentially converted to a residential area many years ago and this form of development is wholly inappropriate.
- b) If permission were to be granted the proposed hours of use are not acceptable.
- c) The single lane access track is not suitable to accommodate the increase in traffic that would be generated by this development. It could not cope with heavy vehicles which would cause danger and inconvenience to pedestrians, cycles and vehicles. The single grassed passing place and narrow grass verges would be inadequate.
- d) There would be increased wear and tear on the access road and environmental damage to the verges.
- e) The local road network in the Laddingford/Yalding area is not suitable to handle more heavy traffic.
- f) The local bus service is inadequate to serve the development.
- g) The access road floods which currently causes vehicles to be abandoned or park inconveniently to the detriment of highway safety and amenity. Emergency access is difficult in such situations.
- h) The removal of trees is undesirable. There would be harm to local wildlife.
- i) Foul sewage provision would be inadequate.
- j) Hazardous substances may be stored.
- k) A future conversion to warehousing use (B8) would be harmful to road safety and amenity.
- l) There is no need for this development: there are more than enough commercial premises in this area.
- m) The application is generally vague and not forthcoming as to the nature of the business proposed.

CONSIDERATIONS

Description of the Site

The application site is located to the north east of the village of Laddingford, just beyond the defined village boundary. A private access track leads away eastwards from the road, passing residential properties on its southern side, before arriving at a long range of farm buildings. The access track is single width, surfaced in tarmac and has grass verges, with a grass surfaced passing bay on its north side roughly a third of the way along its length from the highway.

The building the subject of this application involves the eastern end of the aforementioned range. It has a 'footprint' of approx. 14m by 14m. It is of brick under a cement sheeted, asymmetrical roof and has loading doors facing west onto a hard surfaced parking and loading area. The building is bounded to the north by orchard trees and to the south by the access track on the south side of which are the residential properties including the nearest, the Grade 2 listed Manor Farmhouse.

The Proposal

This application proposes the conversion of the building from agricultural use to those falling within Class B1 (offices, light industrial, etc.) of the Use Classes Order. No exterior extension of the structure is proposed but the plans show the creation of a new first floor thereby creating an overall floorspace of approx. 340 sq.m. The main external changes involve the insertion of ground and first floor windows in the north elevation, replacement windows in the south elevation and alterations to the large loading door opening on the west elevation to create a pedestrian entrance doorway. External materials would match existing. Outside, the existing hardstanding would be extended to create a parking and turning area for 14 cars: this would require the removal of four fruit trees. No changes are proposed to the access road that serves the site.

Planning Considerations

The application site is situated in the countryside, just beyond the bounds of Laddingford 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.

As an exception to the general theme of restraint, policy and guidance allow for the conversion or redevelopment of rural buildings to commercial uses. The advice in PPS7 (Sustainable Development in Rural Areas) on the reuse of rural buildings and Local Plan Policy ENV44 are relevant here. This proposal to convert an existing redundant agricultural building to office or light industrial uses is acceptable in principle but the on-site circumstances must be appropriate.

In terms of impact on the appearance of the countryside, I consider that the impact would not be great. The building and its immediate environs are not particularly prominent in the landscape and the changes to the exterior of the building are of reasonable design. The extension to the hardstanding is acceptable as it would be very well screened by surrounding development and neighbouring orchards and trees. There is no objection from the Conservation Officer in terms of the impact of the development on the listed building.

A small number of fruit trees would be lost as a result of the development but this is not significant in view of the extent of orchard that would remain. Trees in the vicinity are not protected by a tree preservation order. There is no evidence that this site is of any particular ecological value and, to my mind, the impact on local fauna and flora would be minimal.

On the issue of residential amenity the scheme would not result in any loss of light, loss of privacy or loss of outlook to residential property. In terms of noise and disturbance and pollution, a B1 use is a use which, by definition, should not adversely affect the amenities of neighbours. There would clearly be comings and goings by vehicles and pedestrians associated with the new use and this would generate noise, etc. As mentioned above, the access road passes by the front elevations of residential properties. However, the building, with its loading doors, hardstanding area and associated access, already exists and has the potential to create disturbance from agricultural usage and I am not convinced that the situation would get significantly worse as a result of a small scale B1 use.

The aspect of this application that has caused most concern involves the adequacy of the private access track, however the main consideration from a highway safety aspect are implications for the public highway. It is considered that any vehicles meeting on the private track do not have any significant implications for road safety on the public highway. Indeed, Kent Highway Services raise no objection with their view being that the local road network and the access are capable of satisfactorily accommodating the traffic generated by the scheme. 14 parking spaces are proposed on the extended parking area and I consider this, and the turning areas, to be appropriate to serve an office/light industrial use in this location.

I also note that the applicants' agents point out that there is a passing bay on the north side of the access track which, on inspection, amounts to an extension of the grassed verge. Clearly, the building could be used for agricultural use (with attendant heavy vehicle movements) and against this background I consider that an objection in relation to the use of the private track could not be sustained.

Whilst this site is in the countryside, it is certainly not remote and is reasonably close to the villages of Laddingford and Yalding. There is also a limited bus service through

Laddingford. I therefore consider the parking provision adequate and the proposal to be reasonably sustainable in terms of its location.

On the issue of flooding, the Environment Agency has raised no objection to this application and there are therefore no grounds for refusal on that matter or on the adequacy of the proposed foul drainage disposal.

These are the significant planning considerations. Development Plan Policy and Central Government Advice allow for such proposals. Issues concerning the upkeep of the access track, the need for the development and the storage of hazardous substances are not planning matters that can be given any weight. Applications can be speculative and do not need to stipulate an 'end user' or the precise nature of the use within B1. I recommend that planning permission be granted. Hours of use should be restricted and a condition should be imposed to prevent a change to a warehousing use. In terms of the physical alterations, I note the comments of the Conservation Officer but I consider a 'matching materials' condition to be sufficient for a development of this nature: the building the subject of this application is beyond the curtilage of the listed farmhouse, is utilitarian in design and of no significant age or character.

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 materials to be used for the external alterations to the building shall match the existing external materials;

Reason: In the interests of visual amenity and in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

3. The site shall be used only for those uses that fall within Use Class B1 of the Town and Country Planning (Use Classes) Order 1987;

Reason: Other uses are potentially harmful to residential amenity and prejudicial to highway safety. This in accordance with Policy ENV44 of the Maidstone Borough-

Wide Local Plan 2000.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by 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) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety. This in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted This in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) 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 ensure a satisfactory setting and external appearance to the development. This in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

7. The use hereby approved shall take place only between the hours of 0730 to 1830 hrs Mondays to Fridays and 0730 to 1300 hrs on Saturdays. The use shall not take place on Sundays and Bank Holidays;

Reason: In the interests of residential amenity. This in accordance with Policy ENV44 of the Maidstone Borough-Wide Local Plan 2000.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.