

APPLICATION: MA/09/1161 Date: 2 July 2009 Received: 30 July 2009

APPLICANT: Mr Allister Thomas

LOCATION: PALADIN HOUSE, LENHAM ROAD, KINGSWOOD, MAIDSTONE,
KENT, ME17 1LU

PROPOSAL: Change of use of land from agricultural to residential and erection of a detached annexe (resubmission of MA/08/0960) as shown on block plan and floorplan/elevations received on 3/7/09 and site location plan received on 30/7/09.

AGENDA DATE: 15th October 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, H31
The South East Plan 2009: CC1, C4
Village Design Statement: N/A
Government Policy: PPS1, PPS7

HISTORY

The relevant planning history is as follows:

MA/09/0960 – Change of use of land from agricultural to residential and erection of a detached annexe – Refused.

MA/83/0866 – Extension – Permitted.

CONSULTATIONS

ULCOMBE PARISH COUNCIL “wishes to see the application refused because the development is outside the village envelope. The parish council feels that if agricultural land such as this were given permission for housing it would set a precedent that could not be reversed. The parish council was of the view that it would be preferable for an extension to be added to the existing house to provide the additional accommodation that is required.”

RURAL PLANNING LTD states that the land is unlikely to be within the 'best and most versatile' category and the loss of such land to agriculture would not be significant.

THE KENT COUNTY COUNCIL HIGHWAYS OFFICER has no objection.

THE COUNCIL'S ENVIRONMENTAL HEALTH OFFICER has no objection.

REPRESENTATIONS

LETTERS OF OBJECTION RECEIVED FROM CPRE KENT AND TWO NEARBY HOUSES, the main points of objection being:

- a) A previous application was refused on the basis that the annexe would not be a modest extension and would harm the countryside. The proposal is akin to a new detached house and would spoil the character of the rural area.
- a) The development would lead to a loss of privacy, a loss of sunlight and added noise and light pollution to neighbours.
- b) Local fauna and flora would be affected by the residential use, the building and by any felling of trees.
- c) The annexe would not seem to have vehicular access. If access is achieved along the access track between Paladin House and The Oaks then the land could turn into a parking lot.

CONSIDERATIONS

Description of the Site

The application site occupies a countryside location beyond the defined limits of any settlement. Paladin House is a sizeable detached dwelling that forms part of a frontage of built development (mainly housing) along the south side of Lenham Road, west of the crossroads at the top of Ulcombe Hill. Agricultural land lies beyond the southern boundaries of the gardens to these dwellings. The detached properties 'The Oaks' lies to the west and Greenfinches to the east.

The Proposal

The application involves two related elements: the first is retrospective and involves the change of use of the southern half of the site from agricultural use to residential garden; the second being the erection of a detached residential annexe on the north western part of that new garden area. The annexe building would be essentially 6m by 5.5m with an eaves height of 2.2m and a ridge height of 4.5m; of timber boarding under a plain tile roof.

Planning Considerations

Development in the countryside is to be generally restricted through the provisions of Development Plan Policy and Central Government Guidance. As an exception to the general theme of restraint, modest extensions and outbuildings may be allowed, whilst changes of use to garden land may be permissible subject to the provisions of Local Plan Policy H31.

On the proposed change of use to garden, I regard the change of use to be acceptable: the land area is small and does not represent good quality agricultural land so its loss to agriculture is not significant. In visual terms, I do not consider that use as garden in itself causes harm to the character of the countryside given that this represents something of a rounding off (bearing in mind the alignment of neighbouring gardens) of residential garden land. The new boundary essentially follows the established line set by 'Greenfinches' and 'Veronique' to the east. It should be noted that the previous application for similar development, MA/08/0960, was not refused on the garden extension element.

Turning to the annexe, the annexe previously proposed and refused was a significantly larger structure than now proposed, with accommodation over two floors. That building measured approx. 8m by 7m, 2.5m to eaves and 6m to ridge. That application was refused as the building proposed was considered not to be modest and to be akin to a new detached dwelling that would represent an undesirable southward extension of the built form, harmful to the character of the countryside. It can be seen that the scale of the building has now been reduced significantly. To my mind, the structure is much more modest and is now of a scale more akin to a domestic outbuilding than the detached dwelling previously referred to. The impact on the appearance of the countryside would be reduced to the extent that I consider this application acceptable.

No trees of any significant amenity value would be lost as a result of this scheme and there is no evidence that the site is of particular value for wildlife.

There is no objection from the Kent County Council Highways Officer. The application states that there are no plans to provide independent car parking facilities and I assume that the occupants would utilise the existing access and parking arrangements for the main house.

This would be a single storey structure which would be a significant distance from neighbouring housing. The plans show that it would be around 14m away from the boundary with the neighbouring property to the east, 'Greenfinches' whilst, to the other side, 'The Oaks' would not be adversely affected. Against this background, the structure would not cause any significant loss of amenity to neighbours as a result of loss of privacy, loss of light, loss of outlook or increased noise or light pollution.

Ulcombe Parish Council has advised me that it wishes this application to be considered by committee. Looking at its comments, the Development Plan does allow for the change of use of agricultural land to garden land in certain circumstances, whilst the proposal does not involve new housing; rather it involves a residential annexe outbuilding.

I recommend that planning permission be granted.

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 shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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 satisfactory appearance to the development. This in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

3. The building hereby approved shall be used only as residential accommodation ancillary to the use of the adjacent dwelling 'Paladin House' and it shall not be used as an independent dwelling;

Reason: A new independent dwelling in such a location would be an unsustainable form of development and harmful to the character of the countryside. This condition imposed in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

4. With regard to the additional garden area hereby approved (as shown hatched on the attached plan), notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no further development within Schedule 2, Parts 1 and 2 shall be carried out in that area without the prior

written consent of the Local Planning Authority;

Reason: In the interests of visual amenity. This in accordance with Policies ENV28 and H31 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.