

## Urgent Update: Planning Committee 24 November 2022

### Item 18 Pages 63-84

#### Staplehurst Transits, Staplehurst Road, Marden, Kent, TN12 9BT

#### APPLICATION 22/503914/FULL

Bottom of agenda page 64: The application has not been advertised as a departure and this advert would be required in the event of planning permission being granted.

Additional Information submitted by the applicant after the publication of the agenda. This information has been considered as follows:

#### 1. **DM34, 3(i) – Requirement to demonstrate existing functional need**

Agenda papers: Pages 73-74, Paras 6.30 to 6.36

- 1.01 Whilst the applicant sets out the new dwelling is required to allow Staplehurst Transits to compete with other much larger haulage companies, following publication of the agenda the applicant has submitted the following information:
- *"The business over the last 10+ years has broken turnover & profit records most years".*
  - *"The current year of 2022 Staplehurst Transits has already broken the previous year's turnover record by September with 3 months of the year left to go".*
  - *"Year on year Staplehurst Transits Limited has increased its turnover and profit which shows we are financially sound and have an aim for the future".*
  - *"To show that our growth at Staplehurst Transits Limited has been recognised over the past 5 years we have been included in this years top 50 Mega growth awards for privately owned companies by the KM Group"*
- 1.02 The applicant has stated that whilst the occupier of the new house and the lorry driver would meet minimum health and safety staffing levels (2 staff members), in the absence of the house, 3 new warehousemen plus the driver (4 staff members) would be required. There is no reasoning given for the extra two members of staff.
- 1.03 The additional information does not change the officer conclusion that there is no functional need for a new house in this location and the development is therefore contrary to DM34 3(i) (Agenda papers Page 74 para 6.36).

#### 2. **DM34, 3 (iii) – Requirement to demonstrate that the existing agricultural or forestry activity has been:** **a) established for at least 3 years,** **b) profitable for at least one of the 3 years,** **c) are currently financially sound, and** **d) have a clear prospect of remaining financially sound.**

Agenda papers: Page 74, Para 6.37 to 6.41

- 2.01 As per the papers (Page 74 paras 6.39) in terms of DM34 point a) above, the applicant's supporting statement notes that *"Staplehurst Transits was founded in 1973 and therefore clearly meets the above criteria"*.
- 2.02 In addition to the information on the profitability of the company set out at paragraph 1.01 above, the applicant has submitted further detail on the actual

level of company profit. It is concluded from the submitted information that the requirements of DM34 Points b) to d) have been met.

**3. DM34, 3 (v) – Requirement to demonstrate that the new dwelling is no larger in size than is justified by the needs of the enterprise or more expensive to construct than the income of the enterprise can sustain.**

Agenda papers: Page 75, Paras 6.44 to 6.46

- 3.01 As per the papers (Page 75 para 6.44), the supporting text to policy DM34 advises that *"It is the needs of the holding, not the preferences of the individuals concerned which will determine whether a dwelling is essential or not"*.
- The applicant has confirmed again that the cost of the new dwelling will not be funded by the business ('holding') in any way, but it will be funded entirely by the individual concerned.
  - The applicant has confirmed the size of the permanent dwelling is dictated by the "individuals concerned" in terms of the size of the intended occupiers family.
- 3.02 The additional information does not change the officer conclusion that the proposal is contrary to DM34, 3 (v) (Agenda papers Page 74 para 6.36).

**4. Conclusions**

Agenda papers: Page 78 -79, Para 7.01 to 7.10

- 4.01 Following the submission of further information after the publication of the agenda page 79: Paragraph 7.08 of the papers is amended as follows:

~~7.08 "Whilst the applicant advises that the 24 hour use is required for the ongoing viability of the business, the submitted application does not include any financial information about existing or future viability (as required by DM34). Whilst DM34 also requires a new house to relate to the needs of the business, in this case the applicant has confirmed that the construction finance is entirely separate from the business and the new house is entirely funded by the operations director selling their existing home"~~

- 4.02 All other conclusions in the report remain unchanged

**5. Recommendation**

Agenda papers: Pages 79-80, reasons for refusal.

- 5.01 The officer recommendation is amended as follows

**REFUSE planning permission for the following reasons:**

- 1) The proposed two storey, 4 bedroom house and double car barn, together with the change of use of agricultural land to domestic garden, associated access infrastructure and domestic paraphernalia in this countryside location, would have a detrimental urbanising impact on the existing character of the area consisting of an open rural landscape with a failure to contribute positively to the conservation and enhancement of that landscape. The proposal was found to be contrary to policies SS1, SP17, DM1, DM30 and DM33 of the Maidstone Borough Local Plan (2017), policy NE3 of the Marden Neighbourhood Plan and the National Planning Policy Framework (2021).

- 2) The submitted proposal does not involve the expansion of an existing rural business and fails to demonstrate any functional or essential need for a new dwelling in the countryside including in relation to dwelling size, business need, availability of alternative accommodation, with more effective, full time methods of dealing with out of hours security and deliveries. ~~The application also fails to demonstrate that the use is currently financially sound or that it has the clear prospect of remaining so.~~ The proposal is contrary to policies DM34 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
  
- 3) The proposed two storey, 4 bedroom house and double car barn are located in an unsustainable location where future occupiers would be heavily reliant on the private motor vehicle to travel for their day to day needs. This would be contrary to the aims of sustainable development as set out in in Policies SS1, SP17, and DM1 of the Maidstone Borough Local Plan (2017), Policy In2 of the Marden Neighbourhood Plan and the National Planning Policy Framework (2021).