

PLANNING COMMITTEE MEETING

Date: Thursday 15 March 2018
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Boughton, Clark, Cox, English (Chairman), Harwood, B Mortimer, Munford, Powell, Prendergast, Round (Vice-Chairman), Spooner, Mrs Stockell and Vizzard

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Notification of Visiting Members	
4. Items withdrawn from the Agenda	
5. Date of Adjourned Meeting - 22 March 2018	
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
7. Disclosures by Members and Officers	
8. Disclosures of lobbying	
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
10. Minutes of the meeting held on 22 February 2018	1 - 6
11. Presentation of Petitions (if any)	
12. Deferred Items	7 - 8
13. 16/503467 - Old Oak Paddocks, Chart Hill Road, Staplehurst, Kent	9 - 14

Issued on Wednesday 7 March 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	16/506432 - Orchard Spot, Orchard Farm Nursery, Chartway Street, Sutton Valence, Kent	15 - 24
15.	17/505670 - Bletchingley Oast And Bletchingley Farm Industrial Estate, Pristling Lane, Staplehurst, Tonbridge, Kent	25 - 38
16.	17/506491 - Wheatsheaf Barn, Wheatsheaf Farm, Hazel Street, Stockbury, Kent	39 - 46
17.	5017/2017/Tree Preservation Order - Land At Lodge Close, The Street, Ulcombe, Kent	47 - 52
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20.	Chairman's Announcements	

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 4 p.m. on the working day before the meeting. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 22 FEBRUARY 2018

Present: Councillor English (Chairman) and
Councillors Boughton, Cox, Harwood, Hastie,
B Mortimer, Munford, Powell, Prendergast, Round,
Spooner, Mrs Stockell and Vizzard

Also Present: Councillor Mrs Gooch

406. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Clark.

407. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Hastie was substituting for Councillor Clark.

408. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Gooch indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/505995 (Court Lodge Farm, The Street, Teston, Maidstone, Kent).

409. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

410. URGENT ITEMS

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

411. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 17/505898 (1 Yew Tree Close, Lordswood, Chatham, Kent), he was a Member of Boxley Parish Council. However, he had not participated in the Parish Council's discussions regarding the proposed change of use, and intended to speak and vote when the application was considered.

Councillor Spooner disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 17/505294 (Southfield Stables, South Lane, Sutton Valence, Maidstone, Kent). He explained that he was a friend of Mr Graham Norton, a Director of Wealden Homes, the applicant, and that he would leave the room when the application was discussed and voted on.

412. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

413. MINUTES OF THE MEETING HELD ON 1 FEBRUARY 2018 ADJOURNED TO 8 FEBRUARY 2018

RESOLVED: That the Minutes of the meeting held on 1 February 2018 adjourned to 8 February 2018 be approved as a correct record and signed.

414. PRESENTATION OF PETITIONS

There were no petitions.

415. GYPSY AND TRAVELLER SITES - NEED AND SUPPLY

The Committee discussed the response of the Strategic Planning, Sustainability and Transportation Committee to its request that consideration be given to the issue of unmet demand for affordable Gypsy and Traveller sites in the Borough.

It was noted that the Strategic Planning, Sustainability and Transportation Committee had agreed to incorporate the issue in the review of the Local Plan. The Committee had also agreed to refer the matter to the Communities, Housing and Environment Committee having regard to that Committee's responsibilities.

Members continued to be concerned about the unmet demand for affordable Gypsy and Traveller sites in the Borough and the associated enforcement, social, community, environmental and planning policy issues. Specific reference was made to the recent Gypsy and Traveller count. It was suggested and agreed that the matter be included on the agenda for the next meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee to enable a discussion to take place with the appropriate Officers with a view to a report back to the Planning Committee at the earliest opportunity.

RESOLVED: That an item be included on the agenda for the next meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee to enable a discussion to take place with the appropriate Officers on the subject of the unmet demand for affordable Gypsy and Traveller sites in the Borough, and associated

issues, with a view to a report back to the Planning Committee at the earliest opportunity.

416. DEFERRED ITEMS

17/503291 – ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT

The Principal Planning Officer said that he had nothing further to report in respect of this application at present.

17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO. UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

The Principal Planning Officer said that he had nothing further to report in respect of this application at present.

417. 17/505294 - OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING STABLES, HORSE WALKER, CABINS/CONTAINER, SHED AND TOILET WITH EXISTING CARAVANS REMOVED TO ALLOW FOR CONSTRUCTION OF ACCESS ROAD AND ERECTION OF 3 DETACHED SINGLE STOREY BUNGALOWS WITH GARAGING /CAR BARN INCLUSIVE OF ECOLOGICAL COMMUNAL GARDEN, WITH ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE AND LANDSCAPING RESERVED FOR FUTURE CONSIDERATION - SOUTHFIELD STABLES, SOUTH LANE, SUTTON VALENCE, MAIDSTONE, KENT

Having disclosed an Other Significant Interest, Councillor Spooner left the meeting whilst this application was discussed.

The Chairman and Councillors Munford and Mrs Stockell stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Mrs Porter of Sutton Valence Parish Council and Mr Norton, for the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report, as amended by the urgent update report, with the amendment of conditions 3, 8, 10 and 14 as follows:

Condition 3 (Materials)

Notwithstanding the information on the approved plans, no development above damp proof course level shall take place until written details and samples of materials (including the use of black timber weather boarding and avoiding the use of uPVC doors and frames) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details of the materials shall include sparrow boxes/bricks incorporated into the development.

Reason: In the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

Condition 8 (Foul and Surface Water Drainage)

Prior to the commencement of the development hereby approved details of the foul and surface water drainage and an assessment of the hydro-geological context of the development and the site, incorporating sustainable drainage principles, shall be submitted to and agreed in writing by the Local Planning Authority. In connection with the ecological communal garden the sustainable drainage system shall be in the form of a pond or swale. The agreed scheme shall be implemented in strict accordance with the approved plans prior to first occupation of the development hereby permitted.

Reason: To ensure that the principles of sustainable drainage are incorporated into this development and to ensure ongoing efficacy of the drainage provisions.

Condition 10 (Landscape and Ecological Management Plan)

A landscape and ecological management plan, including long term design objectives, management responsibilities, access arrangements and maintenance schedules for the ecological communal garden (which shall include a native species natural orchard woodland), shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

Condition 14 (Plans/Drawings)

Delete reference to drawing number PL-SV-004 Rev A – Proposed Soft Landscaping.

2. That the landscaping reserved matter application and the details to be submitted pursuant to condition 3 (Materials) are to be reported back to the Planning Committee for determination/approval.

Voting: 8 – For 2 – Against 2 – Abstentions

418. 17/505898 - CHANGE OF USE OF COMMON LAND TO REAR OF PROPERTY TO RESIDENTIAL GARDEN LAND - 1 YEW TREE CLOSE, LORDSWOOD, CHATHAM, KENT

The Chairman said that he had received apologies from Councillor Mrs Hinder, Ward Member, who had raised objections to this application, but was unable to attend the meeting.

The Committee considered the report of the Head of Planning and Development.

The Principal Planning Officer advised the Committee that he wished to amend recommendation no.4 to seek construction details of all fencing, walling and other boundary treatments to prevent damage to trees.

Councillor Hinder of Boxley Parish Council addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the setback which is subject to this application is an attractive element of the street scene in Gleaming Wood Drive which reflects and mirrors a woodland edge, and its loss would diminish the quality of the street scene and the rhythm of these open space setbacks on Gleaming Wood Drive thereby being contrary to policy DM1 of the Maidstone Borough Local Plan.

RESOLVED: That permission be refused for the following reason:

The setback which is subject to this application is an attractive element of the street scene in Gleaming Wood Drive which reflects and mirrors a woodland edge, and its loss would diminish the quality of the street scene and the rhythm of these open space setbacks on Gleaming Wood Drive thereby being contrary to policy DM1 of the Maidstone Borough Local Plan.

Voting: 13 – For 0 – Against 0 – Abstentions

419. 17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT

All Members except Councillors Hastie, B Mortimer and Mrs Stockell stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Kelly, an objector, Councillor Coulling of Teston Parish Council, and Councillor Mrs Gooch (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

- Amend the application to extend the site area to include the private road up to the point where it meets the public highway and to serve a Certificate B notifying all persons having an interest in the private road providing site access;
- Seek details of the S106 agreement restricting further development at the site; and
- Enable the Conservation Officer to be in attendance when the application is discussed.

Voting: 13 – For 0 – Against 0 – Abstentions

420. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted and that the Officers be congratulated on their success in defending Committee and delegated decisions at appeal.

421. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that a meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee had been arranged to take place the following week. If Members wished to include items on the agenda, then they should send details to their Spokespersons direct.

422. DURATION OF MEETING

6.00 p.m. to 7.45 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

15 MARCH 2018

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Check whether the correct certificates were served; • Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth; • Investigate the potential for traffic calming measures on the shared access; • Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted; • Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises; • Discuss with the applicant the possibility of limiting the hours of operation on Saturdays; and • Enable a representative of Kent Highway Services to be in attendance when the application is discussed. 	<p>19 December 2017 adjourned to 4 January 2018</p>
<p><u>17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE</u></p>	<p>1 February 2018 adjourned to 8 February 2018</p>

<p><u>DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Investigate the scope for improved pedestrian links from the site entrance to existing footways; • Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network; • Enable a representative of Kent Highway Services to be in attendance when the application is discussed; • Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and • Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks. 	
<p><u>17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Amend the application to extend the site area to include the private road up to the point where it meets the public highway and to serve a Certificate B notifying all persons having an interest in the private road providing site access; • Seek details of the S106 agreement restricting further development at the site; and • Enable the Conservation Officer to be in attendance when the application is discussed. 	<p>22 February 2018</p>



16/503467 - Old Oaks Paddocks

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REPORT SUMMARY

15 March 2018

REFERENCE NO – 16/503467/FULL			
APPLICATION PROPOSAL: Retention of existing mobile structure to be used for residential purposes.			
ADDRESS: Old Oak Paddocks, Chart Hill Road, Staplehurst, TN12 0DE			
RECOMMENDATION: GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION: The retention of existing mobile structure, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Borough Local Plan 2017) and the provisions of the NPPF and there are no overriding material planning considerations justifying a refusal of permission.			
REASON FOR REFERRAL TO COMMITTEE: Requested by Boughton Monchelsea & Chart Sutton Parish Council			
WARD Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea & Chart Sutton	APPLICANT – Mr D Courtnell AGENT – Mr M Kidner	
DECISION DUE DATE 29/6/2016	PUBLICITY EXPIRY DATE 9/6/2016	OFFICER SITE VISIT DATE 21/02/18	
RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/504604/FULL	Retrospective - Day room on a travellers site	Permitted	22.05.2015
12/1101	An application for discharge of conditions relating to MA/11/1780 details of conditions 6 - landscaping and 9 - materials.	Permitted	25.09.2012
11/1780	Change of use of land to use as a residential caravan site for one gypsy family, including stationing of two caravans, erection of a day room, hardstanding and new access.	Permitted	19.04.2012

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application is within the open countryside and also lies within the Low Weald Landscape of Local Value, as designated by the Maidstone Borough Local Plan, 2017. The site lies some 100m South East of Little Rabbits Cross Barn and 80m West of The Fives and Hurstfield. Approximately 130m North West of the site is a traveller's site known as Chart View. Chart View is a permanent traveller site and serves two static caravans.
- 1.2 The premises provide a grass paddock, a single storey dayroom for travellers, a stable, provision for the stationing of a touring caravan, a car parking area and a mobile structure used for residential purposes which has replaced a smaller static caravan.

2.0 PROPOSAL

- 2.1 Retrospective planning permission is sought for the retention of a mobile building to enable the family to remain settled on the permitted gypsy and traveller site.

3.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Local Plan (2011-2031): Policies SS1, SP17, DM1, DM15 & DM30
- Planning Policy for Traveller Sites 2015 (PPTS)
- Neighbourhood Plan: N/A

4.0 LOCAL REPRESENTATIONS

- 4.1 Seven residents were notified, 2 local representations were received, and the objections are as follows:

- The structure does not appear, from the photographs submitted, to be mobile as defined by the Mobile Homes Act 2013.
- No details of the materials used for the build have been submitted and the structure would appear to be permanent
- Since the structure has been erected the private drive which the residents of Old Oak Paddocks are using now has flooding issues which in the winter freezes over becoming accident risk. The structure and the flooding are right on a blind bend and is increased hazard.
- What will be their means of access be once the right of way is bought into force.

- 4.2 Chart Sutton Parish Council – object to the application for the following reasons:

- There is no justification for building a house in that area.
- If this is approved it will set a precedent for others.
- The Parish Council believes that this is a house and not a mobile structure, as it is attached to the ground and is not moveable. Surely it is also too large to be 'mobile'.

Chart Sutton PC wish to see this application refused and require it to go before the planning committee if the conclusion of MBC is contrary to that of the Parish Council

5.0 CONSULTATIONS

None

6.0 APPRAISAL

Key Issues

- 6.1 The key planning considerations relate to the visual impact of the development on the character and appearance of the open countryside, the impact on the amenities of the adjoining occupiers.

Policy Background

- 6.2 Local Plan Policy SP17 indicates that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not

result in harm to the character and appearance of the area. The distinctive landscape character of the Low Weald will be conserved and enhanced.

- 6.3 Local Plan Policy DM1 deals with the principles of good design with regard paid to, amongst other things, scale and site coverage.
- 6.4 Local Plan Policy DM15 is specific to gypsy development, allowing for development subject to compliance with certain criteria, which includes sustainability, landscape character, the cumulative effect of development, highway safety, flooding and ecology.

Visual/Landscape Impact

- 6.5 Policy DM15 of the Local Plan indicates that planning permission Gypsy and Traveller development will be granted if it would not result in significant harm to the landscape and rural character of the area.
- 6.6 The site is located outside the village boundary of Staplehurst in an area where there is a mix of traveller sites and private dwellings. Views of the site are not prominent from the nearby road network. The main residence is located to the southern end of the site and the dayroom is positioned to the north west of the main residential structure. The site is enclosed by mature mixed hedging and also from planting that has been provided as required by previously discharged conditions imposed on previous planning permissions. As such, the site is very well screened from general view and has helped the development to be absorbed into the landscape.
- 6.7 Policies SP17 and DM15 of the Local Plan are particularly relevant in this context as the structure has been both located and screened by vegetation so as to have minimal impact on its surroundings. It is therefore considered that the proposal complies with the criteria set out in both the above policies.

In terms of a fall back position in April 2012 permission was granted (11/1780) for the change of use of the application site to provide a residential caravan site for one gypsy family, including stationing of two caravans, erection of a day room, hardstanding and new access.

Design

- 6.8 Although the site has been developed generally in accordance with approved details the static structure, the subject of this application, has been placed on the site, unlawfully, to provide residential accommodation for the owners of the site. The structure does not fall within the definition of a caravan as far as the Caravan Act is concerned. There are three critical tests that need to be met in respect of caravans namely: size, construction and mobility.
 - Size: The dimensional limits for caravans are 20m length, 6.8m width and an internal ceiling height of 3.05m. Although the structure satisfies the length and ceiling height measurements its width of 7.45m is approximately 0.65m greater than the considered maximum width of a caravan.
 - Construction: The structure was built in two halves upon two mobile chassis. To properly accord with the definition of a caravan the final act of assembly should be to bolt the two halves together. There is some evidence on site that this was indeed the case but, from its completed state in situ, this requirement is difficult to certify without exposing elements of the building.
 - Mobility: The Caravans Act 1968 requires that twin mobile home units, when assembled, are physically capable of being moved by road from one place to another. Subject to prior designed bracing of the structure it is possible to lift and

transport the unit to another site subject to the necessary notices being served on the highway authority.

- 6.9 As the structure on site cannot be classified within the definition of a caravan, as far as the 1968 Act is concerned, consequently it must be defined as a static structure used for residential accommodation. However, the extra width would not necessarily render the structure incapable of being mobile or detract from its appearance as; visually it appears as a static mobile home. The brick skirting around the base is an accepted addition to static mobile homes and is prevalent on most gypsy and traveller sites.
- 6.10 The Council has in the past refused such an application at Orchard Farm Nursery, for the retention of a 'mobile structure', which was also dismissed at appeal. However, no real parallels can be drawn between these two developments as the mobile structure at Orchard Farm was 2.35m wider as compared to 0.6m in this instance. It was also 1.2m longer with a much increased height, unlike this structure which is 200mm below the maximum height permitted.

Highway impact

- 6.11 The existing access to the site has been in use by the owners of the site for some time. There will be no change in the expected traffic generated by the proposed use

Ecology Impacts.

- 6.12 Given the site's existing development, there would be no conflict with Policy DM15.

Sustainability

- 6.13 Gypsy and traveller sites are often located in the countryside and the application site follows this pattern. The site is well connected to public transport links with frequent bus movements to both Staplehurst and Maidstone. As such, it is not considered the site is so remote from services to justify refusal on sustainability grounds particularly having regards to the existence of the wider site and adjoining lawful gypsy and traveller sites.

Residential amenity

- 6.14 Local residential properties outside the site are distanced in excess of 80m. As such, in terms of amenity there would not be a significant impact in terms of loss of light, privacy or overbearing impact on adjoining properties and would not adversely affect the living conditions of local residents.

7.0 **CONCLUSION**

- 7.1 It is not considered that the increased width (0.6m) of the mobile structure would visually impact on the character and appearance of the rural area, especially given the existing use of the land as a gypsy and traveller site. The structure provides a more sustainable building to accommodate the occupiers' current needs and for the period until the children leave school.
- 7.2 Policy allows that, subject to strict control and in order to satisfy the Borough's responsibility to accommodate the Gypsy and Traveller community in development commensurate with their traditional lifestyle, such development can be acceptable in the countryside. The proposed development is largely screened to long distance views and is set well back from the public highway network and would therefore be in accordance with policy DM15. As a result the impact of development upon the

character of the countryside, the Low Weald Landscape of Local Value and the amenity of the settled community would be acceptable.

- 7.3 Material circumstances indicate that subject to imposition of appropriate conditions a permanent planning permission should be granted.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

1. No more than one other caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (maximum of two) shall be stationed on the application site at any time;

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

2. The mobile structure shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

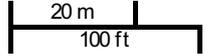
Reason: The site is in the countryside where the stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the Gypsy and Travelling community.

3. No commercial activities shall take place on the land, including the outdoor storage of materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the surrounding Landscape of Local Value.

Case Officer: James Bailey

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.



16/506432 - Orchard Spot

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REPORT SUMMARY

15 March 2018

REFERENCE NO – 16/506432/FULL			
APPLICATION PROPOSAL: Retrospective application for the change of use to residential caravan site for one gypsy family with two caravans (1no. static caravan and 1no. mobile home), with creation of hardstanding, erection of amenity building and erection of garden shed.			
ADDRESS: Orchard Spot, Orchard Farm Nursery, Chartway Street, Sutton Valence			
RECOMMENDATION: GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed change of use of the land, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Borough Local Plan 2017), and the provisions of the NPPF and there are no overriding material planning considerations justifying a refusal of permission.			
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Broomfield & Kingswood Parish Council who has requested that the application be determined by Committee.			
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT – Mr Sonny Hawes AGENT – Philip Brown Associates	
DECISION DUE DATE 27/10/2016	PUBLICITY EXPIRY DATE 26/9/2016	OFFICER SITE VISIT DATE 20/01/18	
RELEVANT PLANNING HISTORY (including relevant history on adjoining sites): No planning history for the land within the redline outline of the application – the following planning history relates to adjoining land within Orchard Farm Nursery.			
App No	Proposal	Decision	Date
17/503647/FULL	Erection of a day room/utility building.	Permitted	11/07/17
15/501168/FULL	Change of use of land to use as a residential caravan site for one gypsy family with one mobile home, one touring caravan, utility building and hardstanding – Permitted. (Permanent permission)	Permitted	21/04/16
15/507195/FULL	Retrospective application for replacement of gypsy mobile home with one single storey detached dwelling (180sqm footprint) – Refused/ Dismissed at appeal – Enforcement Notice served with Four year compliance.	Refused Dismissed EN Issued	02/02/17 08/06/17
12/1544	Retrospective application for the change of use of land to use as a residential caravan site for 2 Gypsy families with up to 4 caravans of which no more than 2 would be static caravans, including the laying of hard surfacing and the erection of 2 amenity buildings	Permitted	25/04/016
12/0605	Change of use of land to use as residential caravan site for one gypsy family with two caravans, erection of an amenity building and laying of hardstanding – Permitted	Permitted	25/05/12

11/1489	Variation of condition 01 of planning permission reference MA/09/1697 (retrospective application for the change of use of land to residential for stationing of one no. mobile home) to allow the use to be carried on only by Mr & Mrs Ray Pearce and their dependent children	Permitted (personal)	27/10/11
11/1534	Change of use of land to use as a residential caravan site for 2 gypsy families involving the siting 4 caravans of which no more than 2 are to be static mobile homes; the erection of 2 amenity blocks; and the laying of hard standing and construction of a driveway – Approved.	Permitted	01/01/11
10/2119	Change of use of the land to a mixed use as a horticultural nursery with a farm shop and cafe. Provision of a revised access	Permitted	29/03/11
09/1697	Retrospective application for the change of use of land to residential for the stationing of 1 no. mobile home	Permitted (personal)	02/07/10
09/0463	Erection of farm shop to serve plant nursery	Permitted	28/07/09
07/2532	Retention of mobile home as an ancillary staff shelter/restroom and office in connection with the use of the plant nursery	Permitted	27/05/08
07/1491	Temporary planning permission for the erection of a mobile home for a period of 3 years relating to the horticultural nursery. (resubmission of planning application MA/06/1922 for the erection of a detached house and garage	Refused (allowed on appeal)	10/09/07
06/1922	Erection of a new detached house and garage	Refused (allowed at appeal)	08/12/06

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to a gypsy and traveller site located on the north side of Chartway Street. It is a small pocket of land whereas the wider site contains gypsy traveller pitches with a mixture of static caravans, tourers and utility blocks, the majority of which benefit from both permanent and personal consents, as set out in the history above. The wider site is generally orderly and well maintained, and the small area of land the subject of this application, sandwiched between other such sites, is no exception.
- 1.2 There is a permanent dwelling on adjoining land to the east which was refused permission (15/507195/FULL) and later dismissed at appeal. The dwelling is due to be removed in line with an enforcement notice that was subsequently served and has taken effect without appeal. There is one plot where there is a current application for a

further residential caravan site which has not been determined. There are further gypsy traveller sites to the east.

- 1.2 The site is served by an established access from Chartway Street and the access also serves five other plots. In a wider context the site is located in open countryside but not subject to any specific landscape designation.
- 1.3 To the east is Finches holiday caravan site accommodating 18 seasonal pitches with caravan storage and facilities. To the north is open countryside and to the south is the Ridge golf and country club.
- 1.4 The application site is located in the north east corner of the site, occupied by one static caravan, one amenity building and one shed.

2.0 PROPOSAL

- 2.1 Retrospective planning permission is sought to continue using the site as a Gypsy and Traveller site for Mr Hawes and his family, in accordance with the proposal's description.
- 2.2 The pitch would be located within the existing Orchard Farm Nursery Gypsy and Traveller site. Access would be via the existing site access which would be shared with the existing site occupants. The future occupants of the site have been identified as belonging to the Gypsy and Traveller community.
- 2.3 The application is supported by the following documents:
Gypsy Status Declaration
Design and Access Statement

3.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Local Plan (2011-2031): Policies SS1, SP17, DM15 & DM30
- Planning Policy for Traveller Sites 2015 (PPTS)
- Neighbourhood Plan: N/A

4.0 LOCAL REPRESENTATIONS

- 4.1 No local representations were received in relation to this application.
- 4.2 Broomfield & Kingswood Parish Council – object to the application for the following reasons:
 - The site's growth is becoming of an unacceptable size; there is a threat to the impact of the local landscape and the site creates a dominance of traveller communities within Broomfield and Kingswood.
 - Councillors wish to see the number of pitches or plots limited to the circumstances of the specific size and location of the site and the surrounding population's size density by setting a maximum number of static and mobile homes permitted on this site.
 - There is concern that further expansion will cause tensions between settled and traveller communities.

Broomfield & Kingswood PC wish to see this application refused and require it to go before the planning committee if the conclusion of MBC is contrary to that of the Parish Council

5.0 CONSULTATIONS

5.1 KCC Highways – No objections

5.2 KCC Archaeology – No comment

6.0 APPRAISAL

Key Issues

6.1 The key planning considerations relate to the visual impact of the development on the character and appearance of the open countryside, the impact on the amenities of the adjoining occupiers and parking and highway safety issues. These need to be balanced against any identified need for such sites and any personal circumstances that may be advanced by the applicant.

Policy Background

6.2 Policy SS1 is a spatial strategy policy for all of Maidstone Borough. The policy refers to a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) that sets the quantitative need for sites and the methodology for site delivery.

6.3 Local Plan Policy SP17 'The Countryside' states that 'development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area.'

6.4 Local Plan Policy DM15 is specific to gypsy development, allowing for development subject to compliance with certain criteria, which includes sustainability, landscape character, the cumulative effect of development, highway safety, flooding and ecology.

6.6 Issues of need are dealt with below, but in terms of broad principle local planning policies and also central government guidance both permit Gypsy and Traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.

Need for Gypsy sites

6.7 Local Planning Authorities are required to set their own Local Plan targets for pitch provision in their area. In order to address this, Salford University were commissioned to carry out a Gypsy and Traveller and Travelling Show-people Accommodation Assessment (GTAA) which was published in 2012 to cover the period October 2011 to March 2031.

6.8 The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016 - 105 pitches

April 2016 – March 2021 - 25 pitches

April 2021 – March 2026 - 27 pitches

April 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

- 6.9 This is the best current evidence of need, and forms the evidence base to the Local Plan, although it should be acknowledged that the GTAA preceded the August 2015 publication of the revised PPTS which redefines amongst other things, status qualifications, and as a result the accuracy (albeit not substantially) of the GTAA figures.
- 6.10 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan.
- 6.11 The GTAA predates publication of the revised PPTS, which sought to redefine the definition of Gypsies and Travellers. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the local plan. The GTAA had already asked those surveyed whether they had ceased to travel. The only recognised omission was whether those who had ceased to travel intended to resume travelling. The Inspector concluded that a new survey to address this would be unlikely to result in anything but small changes to the needs figures. The Inspector concluded that the needs evidence is adequate.

Supply of Gypsy Sites

- 6.12 Under the terms and conditions of The Housing Act (2004), accommodation for Gypsies and Travellers is a specific form of housing, which Councils have a duty to provide. Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.
- 6.13 Between the base date 01.10.2011 of the GTAA and 31.12.2017, a net total of 134 permanent pitches were provided. This means that a further 53 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of provision to 21.12.2017 can be broken down as follows:
- 112 permanent non-personal pitches
 - 22 permanent personal pitches
 - 3 temporary non personal pitches
 - 34 permanent personal pitches
- 6.14 The PPTS states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption (currently anticipated as late 2017). The Local Plan allocates a number of sites sufficient to provide 41 additional pitches by 2031. Although this figure does not satisfy identified demand there will be potential uplift through the provision of windfall sites yet to come forward. Accordingly it is considered that the objectively assessed need (OAN) for 187 pitches can realistically be achieved.
- 6.15 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate a 5.3 year supply of Gypsy and Traveller sites at the base date of 1st April 2016. However even where it can be demonstrated a 5 year supply of Gypsy and Traveller sites exists this does not preclude further gypsy and traveller sites being permitted if the provisions of policies SP17 and DM15 of the local plan are considered to be satisfied. Unidentified or 'windfall' Gypsy and Traveller sites also contribute to meeting the adopted targets for gypsy and traveller development within the Borough.

Gypsy status

- 6.16 The planning definition of ‘gypsies & travellers’ as set out in the PPTS, has been amended to exclude those who have ceased to travel permanently. Annex 1 of the PPTS defines gypsies and travellers as:-

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.”

- 6.17 To determine whether an applicant falls within the definition, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.18 The occupants comprise a married couple, Sonny and Michelle Hawes, and their young son who is now of school age. Originating from the Maidstone area they are related to other local gypsy families. Since marrying in 2010 they have travelled by means of a touring caravan, finding work in the south east of England for up to five months per year, returning to the application site for the winter period.
- 6.19 Based on the evidence available it can be reasonably concluded that the applicants are of Gypsy heritage and are from the travelling community. A condition is recommended to ensure that the site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015

Human Rights and Equality

- 6.20 Regard has been had to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty under the Equality Act 2010. Article 8 of the European Convention on Human Rights (as incorporated by the HRA) requires that decisions ensure respect for private and family life and the home. The Article 8 rights of the children must also be seen in the context of Article 3 of the United Nations Rights of the Child which requires that the best interests of the children shall be a primary consideration.

Visual/Landscape Impact

- 6.21 Guidance set out in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also indicates that where sites are in rural areas they not should dominate the nearest settled community and or place undue pressure on local infrastructure.
- 6.22 No specific reference is made to landscape impact although this is addressed in the NPPF and also Policy DM15 of the Local Plan which indicates that planning permission for G&T development will be granted if it would not result in significant harm to the landscape and rural character of the area.
- 6.23 It is generally accepted that mobile homes comprise visually intrusive development out of character in the countryside. Consequently, unless well screened or hidden away in

unobtrusive locations they are normally considered unacceptable due to adverse visual impact. Where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours.

- 6.24 Policies SP17 and DM15 of the Local Plan are particularly relevant in this context. The site has been located so as to have minimal impact on its surroundings. To the rear a wide band of trees separates the site from open fields. It is considered that the proposal complies with the criteria set out in Policies SP17 and DM15.

Highways

- 6.25 The access onto Chartway Street has satisfactory visibility splays. With the nature of the development it will not generate significant traffic movements. In these circumstances and in the absence of objection from Kent Highways no objection is identified to the development on these grounds..

Cumulative Impacts:

- 6.26 The site lies in close proximity to several existing Gypsy and Traveller sites. The Parish Council has expressed concern that the site's growth is becoming of an unacceptable size and there is a threat to the impact of the local landscape creating a dominance of traveller communities within Broomfield and Kingswood. Councillors wish to see the number of pitches or plots limited to a maximum number on this site. There is concern that further expansion will cause tensions between settled and traveller communities.
- 6.27 The application site, sandwiched between the neighbouring sites within the established Gypsy and Traveller site, Orchard Farm Nursery, was created in 2014, but lay vacant until 2016, since which time it has been occupied by Mr Hawes and his family. Given its location within the wider site the use is not considered to encroach any further into the countryside. Moreover, it is unlikely that any further sites could be introduced at Orchard Farm Nursery as its capacity would be reached should this application be successful.
- 6.28 The NPPF and PPTS 2015 provide some guidance in respect of cumulative impact. The Government's aim is to reduce tension between the settled and travelling communities and in order to achieve this PPTS 2015 requires that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of development does not dominate the nearest settled community. In this instance, the proposal would not result in an overly cramped form of development or one that would unacceptably dominate the existing residential community.

Ecology Impacts.

- 6.29 Given the site's existing development, there would be no conflict with Policy DM15.

Sustainability

- 6.30 Gypsy and traveller sites are often located in the countryside and the application site follows this pattern. The site is located within 1.5 kilometres of Kingswood and approx. 2 kilometres from Sutton Valance allowing access to schools, medical provision and shopping facilities. As such, it is not considered the site is so remote from services to

justify refusal on sustainability grounds particularly having regards to the existence of adjoining lawful gypsy and traveller sites.

Residential amenity

- 6.31 One proposed pitch would be of sufficient size to ensure that, spatially, living conditions would be acceptable for future occupiers.

7.0 CONCLUSION

7.1 It is not considered that this site would visually impact on the character and appearance of the rural area. Policy allows that, subject to strict control and in order to satisfy the Borough's responsibility to accommodate the Gypsy and Traveller community in development commensurate with their traditional lifestyle, such sites can be acceptable in the countryside. The proposed development would be largely screened to long distance views from the north and east whilst the site would be located within a wider existing gypsy and traveller settlement. Views of the wider settlement from properties beyond would not be possible and would therefore be in accordance with policy DM15. As a result the impact of development upon the character of the countryside and the amenity of the settled community would be acceptable.

7.2 Granting planning permission would assist in meeting the Council's unmet need for Gypsy and Traveller accommodation in the Borough and would comply with both the Maidstone Local Plan and National Planning Guidance. Material circumstances indicate that subject to imposition of conditions a permanent planning permission should be granted.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

1. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the application site at any time;

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

2. The site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

Reason: The site is in the countryside where the stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the Gypsy and Travelling community.

3. No commercial activities shall take place on the land, including the outdoor storage of materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the surrounding Landscape of Local Value.

4. Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the local planning authority;

Reason: To prevent overdevelopment of the site and to safeguard the rural character and appearance of the surrounding Landscape of Local Value.

5. All hard-standings shall be permeable to enable surface water to percolate directly to the ground below and shall be retained as such thereafter.

Reason: To minimise flooding of neighbouring land and the highway and in the interests of sustainable drainage.

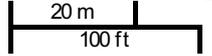
6. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Layout Plan 1:200, Elevational Plans x 2 and Location Plan dated 11/08/2016.

Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

Case Officer: James Bailey

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.



REPORT SUMMARY

15 March 2018

REFERENCE NO - 17/505670/FULL			
APPLICATION PROPOSAL – Change of use of vacant oasthouse and stables to 2 residential dwellings; demolition of all outbuildings and clearance of site to erect 3 no. two storey houses and 2 no. semi-detached single storey cottages.			
ADDRESS - Bletchingley Oast And Bletchingley Farm Industrial Estate Pristling Lane Staplehurst Tonbridge Kent TN12 0HH			
RECOMMENDATION – Grant Planning Permission subject to planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION – The development, subject to planning conditions is considered to comply with all relevant policies of the Development Plan (Maidstone Borough Local Plan 2017) and there are no overriding material considerations to indicate a refusal of planning permission.			
REASON FOR REFERRAL TO COMMITTEE – Staplehurst Parish Council wants the application determined by the planning committee if the case officer is minded to recommend approval.			
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Wealden Land Ltd AGENT Wealden Homes	
DECISION DUE DATE 03/01/18	PUBLICITY EXPIRY DATE 15/12/17	OFFICER SITE VISIT DATE 13/12/2017	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA89/2025	Change of use of redundant farm buildings to business and leisure use	Refused	15.02.1990
MA/91/0219	Change of use of redundant farm buildings to business and leisure use	Permitted	17.11.1995
MA/99/0979	Demolishing of farm buildings and workshop and conversion of oast and barn to one dwelling, conversion of barns to 3x1 bed holiday cottages and erection of 4x2 storey houses	Refused	23.07.1999
MA/89/0244	Change of use of redundant farm building to business use as clarified by letter and plan dated 9/5/89	Refused	27.07.1989
MA/00/0497	Demolishing of redundant farm buildings and workshops, conversion of the existing oast to 1No. dwelling house, conversion of the existing barn to stabling and garaging and erection of 3 dwelling houses with garaging and access onto Pristling Lane.	Refused	02.06.2000

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The Bletchingley Farm Industrial Estate contains a 19th century oasthouse, a former barn and stable block, various disused and dilapidated agricultural buildings and some modern prefabricated asbestos-cement units used as vehicle repair works.
- 1.02 The farm forms part of a small enclave of buildings set approximately 1.5 miles from the village of Staplehurst. The oasthouse and stable block are positioned relatively tightly together towards the north-eastern part of the site approximately 30 metres from the road.

- 1.03 Within the group of buildings are the prefabricated asbestos-cements units set close to the southern part of the site. To the north west of the site close to the entrance is a badly dilapidated open fronted pole barn. The site forms part of the open countryside outside of any urban or village development boundary shown on the Proposals Map to the Maidstone Borough Local Plan (2017). There is a vast expanse of concrete hardstanding throughout the site.
- 1.02 The farmyard has been separated from the main farmhouse- Bletchingley Farm, which is a grade II listed building located approximately 30 metre to the east of the application site. Directly north of the site across Pristling Lane are the residential units at Chapmans Farm Oast and Chapman Farmhouse which is also a grade II listed building. A pair of semi-detached cottages stands a little way from the main cluster of buildings on the application site to the south east. The application site containing a small complex of former agricultural buildings which is set amongst agricultural fields to the west south and north-west.
- 1.03 The site's Special Landscape designation no longer exists with the adoption of the new local plan (2017). Currently, six local businesses including an MOT garage, a radiator specialist and a business specialising in the restoration of classic cars and buses operate from the site. There is a large category B grade Oak to the east of the site entrance and ground levels at the site are generally flat. The public right of way KH269 runs outside the northern boundary of the site and should not be affected by this application.

2.0 PROPOSAL

- 2.01 The proposal involves demolition of most of the large former farm buildings at the site. The main body of the oast and adjacent stable block are to be retained with the other buildings replaced by three two storey detached houses and two semi-detached single storey cottages. The vacant oasthouse and stable block are to be converted into two residential dwellings.
- 2.02 The proposed conversion of the oasthouse includes installation of new windows and doors and weatherboarding. The proposed works include cleaning of the bricks and tiles on the building and replacing any damaged ones. The oast cowl would be fixed and repainted. The converted oasthouse would have a lounge, dining room, family room, kitchen, hall and unity room on the ground floor. There would be four bedrooms on the first floor with a family bathroom and ensuite bathroom for the master bedroom. The external surfacing materials are indicated to match the appearance of the original oasthouse. The oasthouse would benefit from a two bay car barn proposed to its eastern elevation.
- 2.03 The conversion of the single-storey stable block involves the removal of the large corrugated sheeted barn at the back. The converted stable block would have an L-shaped floor plan arrangement comprising three bedrooms, kitchen, dining lounge, a family bathroom and ensuite bathroom for the master bedroom. The stable block would have a car parking space to the east of the building.
- 2.04 The new build dwellings proposed would be of traditional design, and in summary;
- Plot 3 is a detached two storey four bedroom dwelling with a hipped slate roof. The ground floor has a family room, lounge, kitchen, dining room, hall, utility area and a downstairs toilet. There would be four bedrooms on the first floor with a family bathroom. An ensuite bathroom is proposed for the master bedroom and bedroom

2. This dwelling would have a ridge height of approximately 9 metres, with eaves at 5 metres. It would benefit from a two bay car barn proposed close to its northern flank.

- Plot 4 is a detached two storey four bedroom dwelling with pitched slate roof. The ground floor has a lounge, kitchen diner, utility area and a downstairs toilet. There would be four bedrooms on the first floor with a family bathroom. The floor plan indicates provision of an ensuite bathroom for the master bedroom. The building on this plot would have a ridge height just above 8 metres, with eaves at 5 metres. It would benefit from a two bay car barn proposed to its eastern flank.
- Plots 5 and 6 are two semi-detached dwellings with hipped end roofs and first floor accommodation within the roof space. They would have a double gabled fronted projection at both ends, with two pitched roofed dormers. The three bed units would have a lounge, kitchen dinner, an ensuite master bedroom on the ground floor, with two bedrooms and family bathroom within the roof space. The buildings would have a ridge height of 7.7 metres with eaves at 3 metres. The property on plot 5 would benefit from a two bay car barn located close to its southern elevation. The dwelling on plot 6 would share the large four bay car barn to be sited on the northern flank with the property on plot 7.
- Plot 7 is a detached two storey dwelling with a pitched hipped end roof. The ground floor has a living room, kitchen diner with utility area and a downstairs toilet. There would be four bedrooms on the first floor with a family bathroom, ensuite bathroom proposed for the master bedroom. The building would have a ridge height just above 8 metres with eaves at 5 metres. It would benefit from the large four bay car barn to be sited to its rear south.

2.5 The proposal also includes removal of the existing unsightly open storage of double decker buses and coaches at the site.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): Paragraph 49, 50, 53, 55, 56, 57, 61 and 128, 129, 131, 132, 134, 137 and 138.
Development Plan: SP17, SP18, SP23, DM3, DM1, DM5, DM8, DM11, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan
Policy PW2 of the Staplehurst Neighbourhood Plan

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 5 representations received from local residents raising the following (summarised) issues:

- Loss of local businesses and jobs
- Adverse impact on highway safety – traffic report does not reflect true nature of existing levels of vehicular traffic
- Inappropriate density for a countryside location
- Proposal is contrary to Staplehurst Neighbourhood Plan

4.02 **Local Residents Support:** 1 representation received from a local resident raising the following (summarised) issues:

- Enhancement to the visual appearance of proposal site

- Proposal would bring environmental enhancement to the site
- Reduction in noise and odours
- Contribute to vehicular traffic reduction and corresponding improvement in highway safety

5.0 CONSULTATIONS

- 5.01 **KCC Highway and Transport:** No objection subject to the submission of a construction management plan before commencement of work at the site.
- 5.02 **Heritage and Conservation:** No objection subject to the retention of existing timber windows on oasthouse and stable block.
- 5.03 **Landscape Officer:** No objection subject to retention of B grade oak tree to the east of the site entrance.
- 5.04 **Staplehurst Parish Council:** Object to the proposal on grounds that development would be contrary to policy PW2 of the Staplehurst Neighbourhood Plan. The Parish Council further states that the loss of small businesses currently operating at the site would not be consistent with objective 12 of the Staplehurst Neighbourhood Plan. The distance from village facilities and narrow lanes makes the site unsustainable.
- 5.05 **KCC Public Rights of Way:** Public rights of way KH269 runs outside the northern boundary of the site and should not affect this application.
- 5.06 **UK Power Networks:** No objections subject.
- 5.07 **Environmental Health:** No objections subject to conditions covering Land Contamination
- 5.08 **Health and Safety Executive:** No objection
- 5.09 **Natural England:** Has no comment to make on this application
- 5.10 **Southern Water:** No objection

6.0 APPRAISAL

Main Issues

The application seeks planning permission for the demolishing of the former dilapidated farm buildings at the site to be replaced by three two-storey detached houses and two semi-detached single storey cottages, together with the conversion of the vacant oasthouse, stable block to two residential dwellings. The main issues for consideration are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Heritage Impact
- Parking/Access and Highway Safety implication
- Landscaping
- Ecological Impacts

Principle of Development 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises The Maidstone Borough Local Plan (2017).

- 6.02 Government guidance in the National Planning Policy Framework (NPPF) states (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states (para. 55) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.01 The Local Planning Authority is satisfied that it is able to demonstrate a 5 year housing land supply and as such the policies in the adopted Local Plan should be afforded full weight. The adopted Maidstone Local Plan (2017) identifies the site as falling in the open countryside outside any settlement boundary. The site is therefore subject to policy SP17 of the adopted Maidstone Borough Local Plan (2017) which states that 'development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area'.
- 6.02 The application site is classed as previously developed land (brownfield site) and therefore policy DM5 of the adopted Maidstone Borough Local Plan is relevant. Policy DM5 allows for the residential development on brownfield land in exceptional circumstances in the countryside, where the outlined criterion is satisfied and the development would result in significant environmental improvement, and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.
- 6.03 The land surrounding the buildings currently includes a vast expanse of hardstanding and unsightly structures and it is considered that significant environmental enhancement can be achieved within this scheme through the improvements and proposed enhancement to the visual appearance of the site that includes a well designed soft landscaping scheme and a condition is recommended to ensure that this includes additional native tree planting.
- 6.04 Policy SS1 of the adopted local plan addresses the need for development to be delivered at the most sustainable towns and villages where employment, key services and facilities together with a range of transport choices are available. Whilst located outside the settlement boundary, the site is within 1.5 miles of the village of Staplehurst, in the group of the second most sustainable locations in the hierarchy as set out in policy SS1 of the adopted local plan. Staplehurst has a number of facilities including direct bus service to Maidstone Town Centre, a train station, primary school, a parade of shops, petrol filling station, library and a public house. The closest bust stop is 1.2 miles from the site on A229 Cranbrook Road, close to the Pinnock Lane Junction. Therefore, whilst outside the village boundary, it is considered to be a reasonably sustainable location and would meet the objectives of the local plan and NPPF in this respect.
- 6.05 The land surrounding the buildings currently includes a vast expanse of hardstanding and unsightly structures and it is considered that significant environmental enhancement can be achieved within this scheme through the improvements and proposed enhancement to the visual appearance of the site that includes a well

designed soft landscaping scheme and a condition is recommended to ensure that this includes additional native tree planting.

6.06 Policy DM12 requires that new housing development should be at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. The proposal involves the conversion of an existing oast house and stable block together with the introduction of new Kentish Style dwellings. The new build housing which will replace the existing undistinguished poor quality commercial buildings are of acceptable density in the context of neighbouring developments and would not give rise to any substantial harm to the character and layout of the area.

6.07 In summary and having regard to the development plan policies and government guidance set out above, the principle of this proposed development within this commercial farmstead is considered acceptable. On balance, the development is in a reasonably sustainable location and as set out in more detail below the proposal would preserve the historic significance of the nearby grade II listed buildings.

Visual Impact

6.08 The application involves the conversion the oasthouse and brick stable block that are positioned relatively tightly together and towards the north-eastern part of the site. The proposal includes the replacement of the undistinguished and poor quality existing commercial buildings with modestly sized Kentish style dwellings and garages of traditional simple design. The buildings would have an informal layout and the density is considered acceptable in relation to neighbouring residential development. The development would not appear cramped or visually harmful in this countryside setting. The design would maintain the existing open frontage of the site and the development would be complemented by additional native planting which would help maintain the setting of the farmstead, whilst providing open views of the stable block and oasthouse.

6.09 The new buildings are set back from Pristling Lane and this would help maintain the views in the direction of Bretchingley Farmhouse when approaching the farmstead from the west along Pristling Lane. Whilst there would be short and medium range views of the development from publicly accessible areas within the vicinity of the site, these views are currently of the undistinguished poor quality commercial buildings and the double decker buses and coaches stored at the site. The replacement Kentish style dwellings have been appropriately designed and would not appear significantly more dominant or visually harmful than the existing buildings. The proposed new buildings would enhance the visual appearance of the site and the general locality.

6.10 The proposed relaxed clustering of the new buildings reflects the rural character of the area. The proposal would be in keeping with the pattern of development in the vicinity of the site, particularly given the appropriate scale and design of the buildings. The development would not obscure views of the surrounding countryside any more than the existing farm buildings at the site or detract from the ability to experience the wider countryside.

6.11 External facing materials are indicated to include traditional clay roof tiles and midnight black timber weatherboarding which would ensure that the development assimilates well within its surroundings.

6.12 In summary, the development is a relatively small scheme replacing undistinguished poor quality commercial buildings on previously developed land. The proposed

landscaping scheme would help to soften any impact on the surrounding countryside. In this context the development is considered acceptable in relation to its visual impact.

Residential Amenity

- 6.13 The development would provide acceptable internal floor space compliant with national space standards for future occupants. Similarly, the outdoor amenity areas indicated on the plans submitted are of adequate proportions and would provide acceptable amenity space for future occupants of the dwellings.
- 6.14 In considering separation distances, orientation, positioning and angles of fenestration, the proposal is acceptable in relation to the amenities of the future occupants of the proposed buildings and the occupants of neighbouring residential dwellings in terms of outlook, privacy, light or general disturbance. Replacing the unsightly commercial buildings at the site would contribute to a reduction in noise and odours which would benefit the amenities of occupants of neighbouring residential properties.

Heritage Impact

- 6.15 Government guidance in paragraph 132 of the NPPF requires Local Planning Authorities to give great weight to conserving designated heritage assets when considering the impact of proposed development on their significance. In this case, the site is located in the setting of a number of grade II listed buildings and the existing oats building at the site is a non-designated heritage asset. Therefore, the Local Planning Authority needs to be satisfied that the development would either preserve or enhance the setting of these heritage assets.
- 6.16 The application is accompanied by a heritage statement which clearly sets out the heritage value of the farm building and the impact of the development on the setting of nearby heritage assets. Paragraph 132 and 134 of the NPPF (2012) provides useful guidance on the issue of assessing the potential harm to heritage assets. It requires (para 134) that where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
- 6.17 Any harm which the proposed development might entail is outweighed by the benefits of bringing this unsightly commercial site into viable use as it would prevent further decay of the non-designated heritage assets at the site whilst enhancing the setting of the nearby listed buildings. This view is supported by the Council's conservation officer who has confirmed that the application would not harm the setting of the nearby grade II listed buildings. The proposal would make a positive contribution to local character and distinctiveness in accordance with the NPPF (paragraph 131) which again weighs in favour of the approval of the application. In order to preserve the historic architectural significance of the oasthouse and stable block, the conservation officer recommends that a condition requiring the retention of the existing timber windows is appended to the grant of planning permission.

Parking, Access and Highway Safety

- 6.18 The submitted plans indicate the provision of two car parking spaces for each dwelling; this is compliant with the requirements set out in policy DM23 of the adopted Maidstone Borough Local Plan. KCC Highways confirms that adequate cycle parking can be accommodated within car barns provided in the scheme.

- 6.19 It is proposed to use the existing access from Pristling Lane which is to the north of the site. This access has good sightlines in both directions. Paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The application is accompanied by a transport statement which states that the proposed development would reduce car trips on Pristling Lane by 50 percent.
- 6.20 Having assessed the information in the transport statement against the national trip generation database, TRICS, the KCC Highways considers this information accurate. Considering that the proposal would reduce vehicular traffic on Pristling Lane with a corresponding improvement in highway safety as indicated in the Transport Statement the impact cannot be considered severe and the application cannot be justifiably refused on highway safety grounds. In this context, the proposal is considered acceptable in relation to parking, access and highway safety and this view is supported by the Highways Authority.

Landscaping

The application is accompanied by a landscape scheme which indicates the loss of a number of low quality (category C) trees. Whilst the Landscape Officer raises no objection to the loss of the low quality trees due their current condition/grading, the likely loss of the category B grade Oak to the east of the site entrance is unjustified. A condition is recommended to ensure the retention of this tree in the landscape scheme. Other landscape conditions request the submission of details in compliance with the Maidstone Landscape Guidelines to include additional native hedge planting within the 'mitigation strip' to help mitigate the loss of mature trees and enhance biodiversity.

Biodiversity implications

- 6.21 The guidance in the NPPF encourages opportunities to incorporate biodiversity enhancements in and around new developments.
- 6.22 A bat survey report has been submitted as part of this application which indicates that the barn is used as a roost by a single or small number of pipistrelle bats. This level of use is considered to be of low conservation significance in accordance with Bat Mitigation Guidelines.
- 6.23 The bat survey report recommends the installation of four woodcrete bat boxes onto trees and buildings. Two of the boxes are to be installed on trees prior to the commencement of work at the site. The remaining two are to be installed onto the side of the buildings away from the road. The report states that the optimum time for work to be carried out is September/October and such work if possible should avoid the winter month (November to March). It is necessary to append a condition to the grant of permission requesting that this mitigation is incorporated in the development. Further biodiversity enhancement measures involving incorporation of gaps under the boundary fences for animals is recommended and would be secured by condition.

Other Matters

- 6.24 Comments have been received from local residents and Staplehurst Parish Council including an online petition with 750 signatories objecting to the proposal on grounds that the development would result in the loss of the 6 businesses currently operating at the site.
- 6.25 Whilst objective 12 of the Staplehurst Neighbourhood Plan seeks to promote a strong local economy with good access to jobs and employment opportunities, the

application site is not designated employment site in the adopted local plan (2017) or the Staplehurst Neighbourhood Plan and there are no policies that prevent the loss of businesses in this location. In the circumstances a planning objection on the grounds indicated by the Parish Council cannot be sustained.

- 6.26 Staplehurst Parish Council has stated objectives set out in policy PW2 of the Neighbourhood Plan as grounds for objecting to this proposal. Whilst policy PW2 focuses on restricting new development in the open countryside, in the same way as policy SP17 of the Local Plan) the application site is previously developed land and therefore considered under policy DM5 of the Local Plan and a planning objection based on policy PW2 of the Neighbourhood Plan cannot be justified.
- 6.27 The other issues raised by Staplehurst Parish Council and local residents have been addressed in the main body of this report.

7.0 CONCLUSION

- 7.01 The proposed development which includes the conversion of the oasthouse and stable block is acceptable and in accordance with the relevant provisions of the development plan (Maidstone Borough Local Plan (2017)). The proposal is in a sustainable location, and the visual impact is acceptable in relation to the protection of the countryside.
- 7.02 The proposal would not harm the setting of nearby listed buildings and the removal of the undistinguished poor quality commercial buildings and open air bus storage would result in significant visual enhancement to the site. I have also considered matters relating residential amenity, highway safety, landscape and ecological impact and the proposal was found to be acceptable in these areas. In the circumstances a conditional approval is recommended.

8.0 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 past slab level until written details and samples of the materials to be used in the construction of the external surfaces of the new build dwellings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) Prior to any part of the development hereby approved reaching damp proof course, details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details will be in place before

first occupation of any part the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

- (4) Prior to occupation of the proposed new dwelling a minimum of one publicly accessible electric vehicle charging point per dwelling shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

- (5) Conversion works shall not commence until full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery for the oasthouse and stable block in the form of large scale drawings.

The development shall be carried out in accordance with the approved details;

Reason: To ensure no acknowledged heritage element of the building is lost and to safeguard the appearance and the character of the buildings.

- (6) Prior to any part of the development hereby approved reaching damp proof course, details of all fencing, walling and other boundary treatments which shall include gaps under the fences for wildlife have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained thereafter;

Reason: To facilitate biodiversity enhancements within the scheme; ensure a satisfactory appearance to the development and safeguard the enjoyment of their properties by future occupiers.

- (7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, in accordance with soft Landscape Plan: with reference number WH-BF-003, 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 long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines; it shall indicate measures to enhance biodiversity on the site, the retention of the large category B grade Oak to the east of the site entrance and include the method of remediation for existing areas of hard surfacing which are proposed to be returned to cultivation.

Reason: To ensure adequate protection of trees and a satisfactory external appearance to the development and in the interests of biodiversity.

- (8) 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

buildings 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 external appearance to the development.

- (9) No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. The development shall proceed in accordance with the approved measures. Reason: To enable the Landscape Officer assess the impact of the development on trees to be retained and in the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- (10) The development shall not commence until there has been submitted to and approved in writing by the local planning authority a written schedule of repairs for the retained buildings. The development shall thereafter be implemented in accordance with these details that should be completed prior to first occupation and any changes to this would require the express consent of the local planning authority; Reason: To enable the Local Planning Authority assess the impact of the works on the non-designated heritage assets and ensure their suitable repair and retention.

- (11) The development shall not commence until there has been submitted to and approved in writing by the local planning authority a written schedule of repairs for the retained buildings. The development shall thereafter be implemented in accordance with these details that should be completed prior to first occupation and any changes to this would require the express consent of the local planning authority;

Reason: To enable the Local Planning Authority assess the impact of the works on the non-designated heritage assets and ensure their suitable repair and retention.

- (12) The approved details of the parking/turning areas shall be completed before the commencement of the use of the 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) (Amendment) (England) Order 2015 (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.

- (13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any development that falls within Schedule 2, Part 1, Class A, or any erection of outbuildings, boundary treatments or laying of hardstanding shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

- (14) No development shall take place until details of a sustainable drainage scheme for the disposal of surface water and waste water have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this development and to ensure ongoing efficacy of the drainage provisions.

- (15) Prior to any part of the development hereby approved reaching damp proof course, details of the materials to be used in the construction of the external surfaces of the driveway, parking and turning areas hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out and retained thereafter in accordance with the approved details.

Reason: In the interest of countryside amenities and to safeguard the character of the non-designated heritage assets.

- (16) No development shall take place until details of on site parking and turning for all construction traffic have been submitted to and approved in writing by the local planning authority. The details shall be implemented before construction commences and retained until the completion of the construction.

Reason: To ensure adequate on site parking and turning provision is made for construction traffic in the interest of highway safety and the free flow of traffic.

- (17) The recommendations and enhancement measures set out in the submitted KB Ecology Bat Survey and Mitigation Strategy with (reference 2016/12/05) dated 5th July 2017 shall be implemented in full in accordance with the outlined mitigation strategy to the satisfaction of the local planning authority.

Reason: To ensure adequate provision is made for wildlife in accordance the provisions of the NPPF.

- (18) Any external lighting installed at the site shall be in accordance with a lighting design strategy that has previously been submitted to and approved in writing by the LPA. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
 - c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest of biodiversity protection and visual amenity.

(19) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- All previous uses;
- Potential contaminants associated with those uses;
- A conceptual model of the site indicating sources, pathways and receptors;
- Potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment on (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

(20) A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To safeguard health of future occupants of buildings.

(21) The development hereby permitted shall be carried out in accordance with the following approved plans: WH-BF-002, WH-BF-003, WH-BF-008, WH-BF-015, WH-BF-018 WH-BF-20, WH-BF-023, WH-BF-025, WH-BF-026, WH-BF-027, WH-BF-028, WH-BF-029, received on 30th October 2013;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

Case Officer: Francis Amekor

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.



17/506491 - Wheatsheaf Barn Wheatsheaf Farm

Scale: 1:1250

Printed on: 6/3/2018 at 16:47 PM by EllyH



REPORT SUMMARY

15 March, 2018

REFERENCE NO - 17/506491/FULL			
APPLICATION PROPOSAL - Demolition of farm buildings and construction of a detached house and garage			
ADDRESS - Wheatsheaf Barn, Wheatsheaf Farm, Hazel Street Stockbury ME9 7SA			
RECOMMENDATION - REFUSE PLANNING PERMISSION			
SUMMARY OF REASONS FOR RECOMMENDATION - <p>The site located outside of any settlement boundary as defined in the adopted Maidstone Borough Local Plan 2017 is in an unsustainable location that is poorly related to basic services and transport and as a result would require occupiers to be reliant on the private motor car. It is therefore contrary to policies SS1 and SP17 of the Maidstone Borough Local Plan (2017) and government advice in paragraph 55 of the National Planning Policy Framework (2012).</p> <p>The development of a new house and associated domestic paraphernalia would unacceptably erode the openness of the surrounding area and consolidate the existing loose pattern of built environment, which would constitute an unjustified and unwelcome addition to existing sporadic residential development in Hazel Street contrary to policy DM30 of the adopted Maidstone Borough Local Plan (2017).</p> <p>The development would be harmful to the landscape character and scenic beauty of the Kent Downs AONB contrary to provisions set out in policy SP17 and DM30 of the adopted Maidstone Borough Local Plan (2017) and government advice in paragraph 115 of the National Planning Policy Framework (2012) which states that great weight should be given to the conservation of landscape and scenic beauty of designated AONB.</p>			
REASON FOR REFERRAL TO COMMITTEE - Cllr Patrik Garten have requested that the application is reported to the Planning Committee if officers are minded to recommend refusal.			
WARD North Downs	PARISH/TOWN COUNCIL Stockbury	APPLICANT Mr G J Crabtree AGENT BDB Design LLP	
DECISION DUE DATE 16/02/18	PUBLICITY EXPIRY DATE 26/01/18	OFFICER SITE VISIT DATE 07/02/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/09/0408	Conversion of a redundant farm building to holiday let	Application Permitted but never implemented	5.08.2009

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a roughly rectangular shaped plot of land located on the east side and fronting Hazel Street close to its junction with Southless Lane. The site is located in the parish of Stockbury in an area of open countryside designated as an Area of Outstanding Natural Beauty. The site is flanked on two sides (north and east)

by open farmland with Willow Tree Barn; a converted agricultural barn on land to the south of the application site. The western boundary of the site on Hazel Street is characterised by native hedge planting which partially screens the adjacent Willow Tree Barn in views from the road.

- 1.02 The site is occupied by a pole barn type structure set back from the Hazel Street by approximately 10 metres. The barn which has a depth of 18.5 metres and width of 14 metres has a ridged sheeted roof. The building has a large mono-pitched lean-to on its northern side measuring 24.5 x 9.5 metres and a much smaller lean-to partly to the eastern side which has the dimensions 6.5 x 5.5. The building is just under 6 metres above ground level and mainly enclosed with vertical timbers on the north-west, south-west and part of the south-eastern elevations with gaps under the eaves. The north eastern part of the building is largely open. The building is prominently sited on elevated ground which drops away gently in a general northward direction.
- 1.03 The previous permission granted in 2009 under application reference number MA/09/0408 for the conversion of the redundant farm building to holiday let was never implemented. As the change of use of the land and the building never occurred, the land and the subject building is still considered as being in agricultural use.

2.0 PROPOSAL

- 2.01 The application proposes erection of a detached five bedroom dwelling with associated vehicular access and landscaping. The proposed dwelling is of traditional design reflecting the character of existing properties to the south of the site. The ground floor would provide a living room, kitchen/breakfast, dining hall, a study and a downstairs toilet. There would be three bedrooms on the first floor with a family bathroom and ensuite bathroom proposed for the master bedroom. The application proposes additional two bedrooms in the loft and incorporates two pitched roof dormers within the roof of the front and side elevations. The dwelling would be just under 9.5 metres above ground level with eaves at 4.7 metres.
- 2.02 Surfacing materials are indicated in the Design and Access Statement to be derived from the surrounding area in keeping with the traditional vernacular approach. It would include yellow stock facing brickwork, plain tile hanging at first floor level, plain tiles to main roof and dormers, painted softwood joinery and black rain water goods. The submitted plans also indicate the use of bonded gravel upon the driveway, together with native hedge planting along the site boundary to amplify existing boundary treatment.
- 2.03 The proposal includes a detached two bay carport/store which would have a width of 10 metres and depths of 6 metres. It would be just under 6 metres above ground level with roof eaves at 2.3 metres. It would be of timber construction with pitched tiled roof. Access would be taken from a new drive proposed onto Hazel Street to the west of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The National Planning Policy Framework (NPPF): Paragraph 49, 55, 56, 57, 61 and 115 of the NPPF
National Planning Practice Guidance (NPPG):
Development Plan: SP17, DM3, DM8, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan
Kent Downs AONB Unit's design guidance

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** No representations have been received from local residents either in support or objecting to this application.

5.0 CONSULTATIONS

5.01 **KCC Highways and Transport:** No objections subject to conditions covering provision of onsite loading, turning and wheel washing facilities.

5.02 **Natural England:** No objection

6.0 APPRAISAL

Main Issues

6.01 The application site is located on the east side of Hazel Street in an area of open countryside designated as an Area of Outstanding Natural Beauty. The main issues for consideration in this submission seeking to redevelop the land for a five bedroom house, carport/store together with associated access and landscaping are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Parking, Access and Highway Safety
- Landscaping and Ecology

Principle of development:

6.02 Government guidance in the National Planning Policy Framework (NPPF) states (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF further states (para. 55) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The NPPF advises Local Planning Authorities to avoid new isolated homes in the countryside.

6.03 The Local Planning Authority is satisfied that it is able to demonstrate a 5 year housing land supply and as such the adopted Local Plan should be afforded full weight. The adopted Maidstone Local Plan (2017) identifies the application site as falling in the open countryside outside any village boundary.

6.04 Policy SP17 of the Local Plan states that 'development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

6.05 The application site forms part of the designated Kent Downs Area of Outstanding Natural Beauty which has the highest status of landscape protection. Policy SP17 states that 'great weight' should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty. The policy further states that new development in the AONB should demonstrate that it meets requirements of national policy, and the high quality design as set out in policy DM30 and the Kent Downs AONB Unit's design guidance has been achieved.

- 6.06 Policy DM30 of the adopted local plan seeks to achieve high quality design in all development in the countryside particularly AONBs. It emphasises the need for type, siting, materials and design including mass and scale of development within the Kent Downs AONB to maintain or enhance local distinctiveness including landscape features. Policy DM30 also requires that the impact of development on the appearance and character of the landscape is appropriately mitigated. The suitability of the required mitigation is assessed through the submission of a Landscape and Visual Impact Assessment. This application is not accompanied by any such document and it is considered that the new house will have a harmful impact on the character of the area.
- 6.07 Further development plan policies relevant to this submission are policy DM3 which seeks to protect the visual character of Maidstone landscape and policy DM12 that requires new housing development to be at a density that is consistent with achieving good design and which does not compromise the distinctive character of the area in which it is situated.
- 6.08 Policy SS1 of the adopted local plan sets out the special strategy for Maidstone Borough. The Maidstone urban area is the most sustainable location in the hierarchy where new development is firstly directed followed by the rural service centres and the larger villages as defined on the proposals map to the Maidstone Borough Local Plan (2017). The application site is not located in the Maidstone urban area, rural service centres or a larger village and does not have any close relationship with any of these areas.
- 6.09 In view of the remoteness of the site from local services, a development such as that proposed is likely to result in a significant reliance on car-based journeys. This would conflict with one of the principal objectives of the Local Plan and the NPPF to focus new development in sustainable locations. Furthermore, a development in this location would result in an increase in built form in this part of the open countryside and an urbanising impact. The local planning authority is able to demonstrate a 5 year housing land supply and as a result the proposed new single dwelling is not required to meet housing need and as such there is no justification for the dwelling given the harm that would be caused.
- 6.10 The previous planning permission granted in 2009 under application reference number MA/09/0408 was for the conversion of the redundant farm building to a holiday let however this permission was never implemented. As the change of use of the land and building never took place, the land and building are still considered in planning terms as being in agricultural use. For these reasons, policy DM5 of the adopted Maidstone Borough Local Plan which allows for the re-use of brownfield sites is not relevant as agricultural land is specifically excluded from the definition of brownfield land (previously developed land) that is given in the NPPF.
- 6.11 Having regard to the above development plan policies and government guidance, it is noted that the proposals do not fall within any of the exceptions in paragraph 55 of the NPPF There are no policies in the adopted local plan (2017) that support the principle of a new residential development at this location. The development is therefore contrary to policies of the adopted local plan the NPPF.
- 6.12 The applicant states in the Design and Assess Statement that the fallback position is a new residential unit through the prior approval system, this is on the basis that if the site were not in an AONB a prior approval application could be submitted for the conversion of the existing barn to a residential unit. Class Q of Part 3 of the GPDO

allows for agricultural buildings to be converted to residential use where the site is not in an AONB. This claimed fallback position is incorrect on several grounds; there are no plans to remove the application site from the AONB so the restriction on using prior approval will remain. In the unlikely event that the prior approval route were available, the structural capacity of existing structures would need to be considered to demonstrate that they could be 'converted' and a proposal would still require formal assessment whilst it is noted that the areas to be assessed are limited by legislation.

Visual Impact:

- 6.13 The intrinsic character and beauty of the countryside in this location is an important asset which is highly sensitive to new development. The application site is located on elevated grounds within the Kent Downs Area of Outstanding Natural Beauty and the impact of the development on the character of the area is a fundamental issue for consideration. In this case, the proposed development would replace a partially open farm building. The existing building is a fairly typical farm building that is common in rural locations. The existing farm building is also of a lesser bulk when compared with the proposed dwelling and detached garage which are of a considerable mass.
- 6.14 Whilst it is accepted that the building design is in keeping with the Kentish vernacular tradition, redeveloping this site for a residential dwelling and associated domestic paraphernalia, would be more dominant and create a suburban appearance. The suburban character resulting from the proposal is increased when the new building is seen in the context of existing neighbouring buildings would be damaging to the rural character of the area.
- 6.15 The pattern of development in the immediate vicinity of the site is sparse with the rear boundary of the proposal site within 60 metres of designated ancient woodland. Whilst much of the proposed development would be built over the footprint of the existing pole barn, permitting a residential development at this site would consolidate the sparse and sporadic pattern of development in an unsustainable location. The development would result in significant visual harm to countryside amenities, contrary to guidance in paragraph 55 the NPPF which states that the housing should be located where it would enhance and maintain the vitality of rural communities.
- 6.16 The site is highly visible from much of the surrounding countryside, from several directions and the domestic nature of the proposal would be detrimental to the natural beauty of the AONB. Moreover, introduction of a visually prominent built form onto this site would inevitably erode the openness of this part of the countryside to the detriment of views of the scenic beauty of the AONB. Contrary to policies DM3 and SP17 of the adopted local plan and the advice in paragraph 115 of the NPPF that great weight should be given to the conservation of landscape and scenic beauty of designated AONBs.
- 6.17 The pole barn building at the site whilst significantly lower than the proposed new building at just under 6 metres above ground level is still highly visible in the surrounding area. In the circumstances, it would be impossible to screen the proposed residential building which is 9.5 metres above ground level from public views. Whilst there is hedging along sections of the site boundary, this will not provide any significant screening due to the development given its location on elevated grounds. There are no planning objections to the design detail of the development.

Residential Amenity

- 6.18 Turning to the impact on residential amenity, in line with requirements set out in the adopted local plan, the proposed development needs to be assessed in terms of the level of amenity for future occupants and the occupiers of neighbouring residential properties.
- 6.19 With the existing rural location this development would have a single residential neighbour. The separation distance between this dwelling and existing boundary treatment along the southern boundary would be such that the scheme would not adversely affect the amenities of this neighbour in terms of loss of light, outlook and privacy. It is not considered that there would be any significant noise and disturbance to neighbouring residents as a result of this development. The proposed new house would provide an adequate standard of amenity for future occupiers

Access, Parking and Highways Safety:

- 6.20 The application proposes to retain the existing drive in addition to creating a new parallel pedestrian access to the front of the dwelling. The proposed access would have good sight lines in both directions and given the nominal additional traffic likely to be generated by the proposal, the impact on highway safety and the free flow of traffic is likely to be minimal. Kent County Council Highways have examined the access proposals and raise no objection. Therefore, there are no objections on parking and highways safety grounds. Should members be minded to approve Kent County Council Highways have requested conditions to secure the provision of adequate loading/unloading for construction vehicles, vehicle parking spaces and measures to prevent the discharge of water onto the public highway.

Landscaping and Ecology

- 6.21 The application is not accompanied by a detailed landscaping scheme, which is unfortunate given the landscape importance of the site. If members are minded to approve planning permission a condition would be attached seeking the submission and approval of a full landscape scheme.
- 6.22 In terms of ecology, the application includes a preliminary Ecological Appraisal Report prepared by the applicant. The space surrounding the existing pole barn is largely intensely managed and it is unlikely to be of significant ecological value.

7.0 Conclusion

- 7.01 The development would constitute an unjustified and unwelcome addition to the existing sporadic residential pattern of development. The site is in an unsustainable location that is poorly related to basic services and transport and would require occupiers to be reliant on the private motor car to access basic services. It is contrary to policy SP17 and DM30 the adopted Maidstone Borough Local Plan (2017) and government advice in paragraph 55 of the National Planning Policy Framework (2012).
- 7.02 The development would be harmful to the landscape character and scenic beauty of the Kent Downs AONB contrary to provisions set out in policy SP17 and DM30 of the adopted Maidstone Borough Local Plan (2017) and government guidance in paragraph 115 of the NPPF.

8.0 RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

- 8.01 The site located outside of any settlement boundary as defined in the adopted Maidstone Borough Local Plan 2017 is in an unsustainable location that is poorly related to basic services and transport and as a result would require occupiers to be reliant on the private motor car. It is therefore contrary to policies SS1 and SP17 of the Maidstone Borough Local Plan (2017) and government advice in paragraph 55 of the National Planning Policy Framework (2012).
- 8.02 The development of a new house and associated domestic paraphernalia would unacceptably erode the openness of the surrounding area and consolidate the existing loose pattern of built environment, which would constitute an unjustified and unwelcome addition to existing sporadic residential development in Hazel Street contrary to policy DM30 of the adopted Maidstone Borough Local Plan (2017).
- 8.03 The development would be harmful to the landscape character and scenic beauty of the Kent Downs AONB contrary to provisions set out in policy SP17 and DM30 of the adopted Maidstone Borough Local Plan (2017) and government advice in paragraph 115 of the National Planning Policy Framework (2012) which states that great weight should be given to the conservation of landscape and scenic beauty of designated AONB.

Informative

- (1) The following plans were considered as part of the assessment if the submitted planning application:
- Drawing Number 2978-01 Location Plan
 - Drawing Number 2978-04A
 - Drawing Number 2978-15 North East & South East Elevations and Existing
 - Drawing Number 2978-03 Ground Floor Plan
 - Drawing Number 2978-13 Existing Barn, Existing Layout
 - Drawing Number 2978-10 Car Port Floor Plan
 - Drawing Number 2978-08 Rear Elevation
 - Drawing Number 2978-05 Second Floor Plan
 - Drawing Number 2978-11 Carport front and side elevations
 - Drawing Number 2978-02 Proposed Site Plan
 - Drawing Number 2978-12 Carport and side Elevations
 - Drawing Number 2978-09 Side Elevation
 - Drawing Number 2978-06 Front Elevation
 - Drawing Number 2978-07 Side Elevation

Case Officer: Francis Amekor

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

**Maidstone Borough Council
PLANNING COMMITTEE**

REPORT BY THE HEAD OF PLANNING SERVICES

**The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5017/2017/TPO**

Land At Lodge Close, The Street, Ulcombe, Kent

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order No 5017/2017/TPO.

FOR DECISION

RELEVANT PLANNING HISTORY

5002/2017/TPO Tree Preservation Order. Lapsed and remade as 5017/2017/TPO

SUMMARY TPO INFORMATION

TPO Served (Date): 02.10.2017	TPO Expiry Date 02.04.2018
Served on: Rumwood Green Farm, Sutton Road, Langley, Maidstone, Kent	
Copied to: Public Right Of Way GIS Team MKIP Parish/Town Council Land Charges Team The Forestry Commission Planning Applications Unit	

OBJECTIONS AND CONSULTATIONS

Whilst no formal objection has been received to the making of this Order, it was made to replace 5002/2017/TPO, to which a detailed objection was received from Clive and Nell Ticehurst on behalf of Sean Charlton of Rumwood Green Farm (Current owner) and Tassell Brothers of Church Farm (previous owner), together with a request to have the opportunity to make a representation at the appropriate planning committee. The main reasons for objection are reproduced below.

The TPO which was inappropriately raised and should be annulled.

It is inappropriate to impose a TPO when the philosophy of the Woodland Management Plan (WMP) is to preserve the woodland site. The woodland has been managed within a farm wide Higher Level Stewardship agreement with the RPA, drawn up and overseen by the Kent Wildlife trust, and the philosophy has always been to ensure its long term future.

A TPO would only be required when there is a perceived threat. It was raised as an emergency TPO. No threat exists as the woodland is being preserved for the future using the WMP. Whilst there may be concerns that trees are being cut down it is clear from the site visit by Nick Gallavin on 10th February 2017 that only dangerous and dead trees, or those growing in the silted areas of the watercourses, have been cut. Any further works to thin the dominant Sycamore and Alder, for example, will to allow replanting to be as successful as possible to develop a wider, age diverse, native species sympathetic to the locality. It would have been appropriate to provide the Tree Evaluation Method for Tree Orders (TEMPO) for the site when issuing the TPO. Mr Nick Gallavin carried out a brief survey of the site on 10th February 2017 when he delivered the TPO notice. He agreed that the woodland is overcrowded and all the trees are suffering as a result. He raised no concerns regarding the trees that had been cut as they were growing in the silted areas of the watercourses. He also noted the poor condition of the Oak and Ash trees and that thinning of the younger trees is required in order to preserve the age diversity of the woodland.

The long term plan is to manage these failing trees as best we can whilst re-planting of Broad Leaf Deciduous species in combination with thinning of the over-crowded self seeded trees to ensure the woodland for future generations All of these actions are within the WMP.

The woodland is being managed to a Woodland Management Plan (WMP) as part of a wider project to enhance the quality and longevity of the site. More recently many self seeded Sycamore, Willow, and Alder trees have taken the opportunity to populate silted areas of the watercourses. These have crowded the woodland creating a heavy canopy which is preventing young growth and subsequent age diversity. Self seeded Alder and Willow have been removed from the water course, and their root plates dug out as part of the silt removal. These trees were unstable as they had no firm root plate in the silt, and the roots were blocking the streams. The WMP will ensure the future of the woodland and local landscape character when viewed from the village and wider area.

The water courses within and around the woodland were lost to over silting. These were blocked by the self seeded trees rooted in silt, fallen trees, and waterborne debris causing the stream through the wood to deviate from its man made path. The watercourses were excavated in the 1970's, with some repairs to the dam more recently, but have again become heavily silted. The water courses have been de-silted to improve the quality of the land and reduce the winter flooding. This flooding has benefited wetland tree species such as Willow and Alder which have a lower habitat and amenity value if allowed to dominate within the site. Additionally a silting pond has been improved, and controls put in place to divert flood water around the site to ensure the stream follows its original path to reduce the silt load being carried onto the woodland in future. The re-instatement of this boundary stream will reduce the flood risk to the wider environment and the low lying areas of the stream path through the village of Ulcombe. It will also improve the habitat along the Ulcombe Stream by removing the obstacle of the weir on the main lake, within the woodland, from the stream path. This will encourage a wider migration opportunity for aquatic populations further up the stream.

The provisional TPO was raised in response to complaints by individuals who lack the skills, knowledge, training or experience to comprehend the works necessary to rejuvenate and ensure the long term future of the woodland. These complaints implied that inappropriate felling was taking place which "may" threaten the "amenity" of the woodland. As no such action has taken place, or was ever planned, the issuing of a TPO is inappropriate.

As the land has no right of access the “amenity” value can only be that offered by the silhouette of the wood when viewed from the footpath or Ulcombe village. The site is privately owned, and there is no public access to the site. There is no “right of way” over the land other than an adjacent footpath, and therefore it does not provide any public amenity by view of access.

The control mechanism of the TPO causes excessive delays to managing the woodland correctly.

APPRAISAL

The site is wooded with a diverse age range of deciduous trees, including mature Oaks. Tree Preservation Order 5002/2017/TPO was made in response to requests from the Parish Council following concerns raised by residents about the recent activity in the woodland. It is understood that the site has recently changed hands and that a fishing consortium is involved with the recent activity on the site.

The site historically contained ponds and watercourses, thought to be monastic fish pools, but these have since become heavily silted, with volunteer tree species colonising the silted watercourses. The works being undertaken on the site are seeking to restore the original watercourses and the main pond. This has included the use of mechanical diggers and produced a significant amount of excavated spoil, which has been mounded around mature trees within the surrounding woodland, and necessitated the felling of trees. Ancillary activities include the introduction of hardcore for the creation of access tracks and parking areas and the siting of a container. These operations are the subject of an ongoing planning enforcement case. Should planning permission be required, any subsequent planning consent could be implemented without the need for further application under the TPO.

Whilst the objection refers to a woodland management plan, the Council has not been provided with a copy of this to date. It is not considered that the recent activities on site constitute good woodland management. The felling and excavation works that have been carried out are for the purposes of the restoration of the watercourses rather than sound woodland management. The change of ownership may also annul any existing agreement to manage the woodland in accordance with that plan. In the absence of this information, officers are not currently reassured that the work being carried out is in accordance with the plan, or whether there is a continuing requirement to adhere to it.

It is acknowledged that the restoration of the watercourses may be necessary to enable the subsequent intended use as a fishing venue and this might be considered to be desirable. However, the operations necessary to implement this are potentially damaging to the woodland ecosystem and the ancillary creation of hardstanding areas and soil heaps results in the permanent loss of woodland area. It is therefore recommended that at this time, the woodland should enjoy the continued control provided by a TPO. Whilst this is inconvenient for the landowner or occupier due to the need to obtain the consent of the local planning authority prior to undertaking works, there is no fee for an application and works to address dead and dangerous trees can be undertaken without following the full applications process. Furthermore, if the intended works are contained within an existing woodland management plan, this could be submitted as an application.

Given the uncertainty surrounding operations on the site, it is recommended that the woodland enjoys the continued protection of a Tree Preservation Order.

RECOMMENDED

Confirm without modification Tree Preservation Order No 5017/2017/TPO

Contact Officer: Nick Gallavin

Head of Planning Services

Appendices: Plan and schedule for 5017/2017/TPO

APPENDIX I – TPO SCHEDULE

Article 3

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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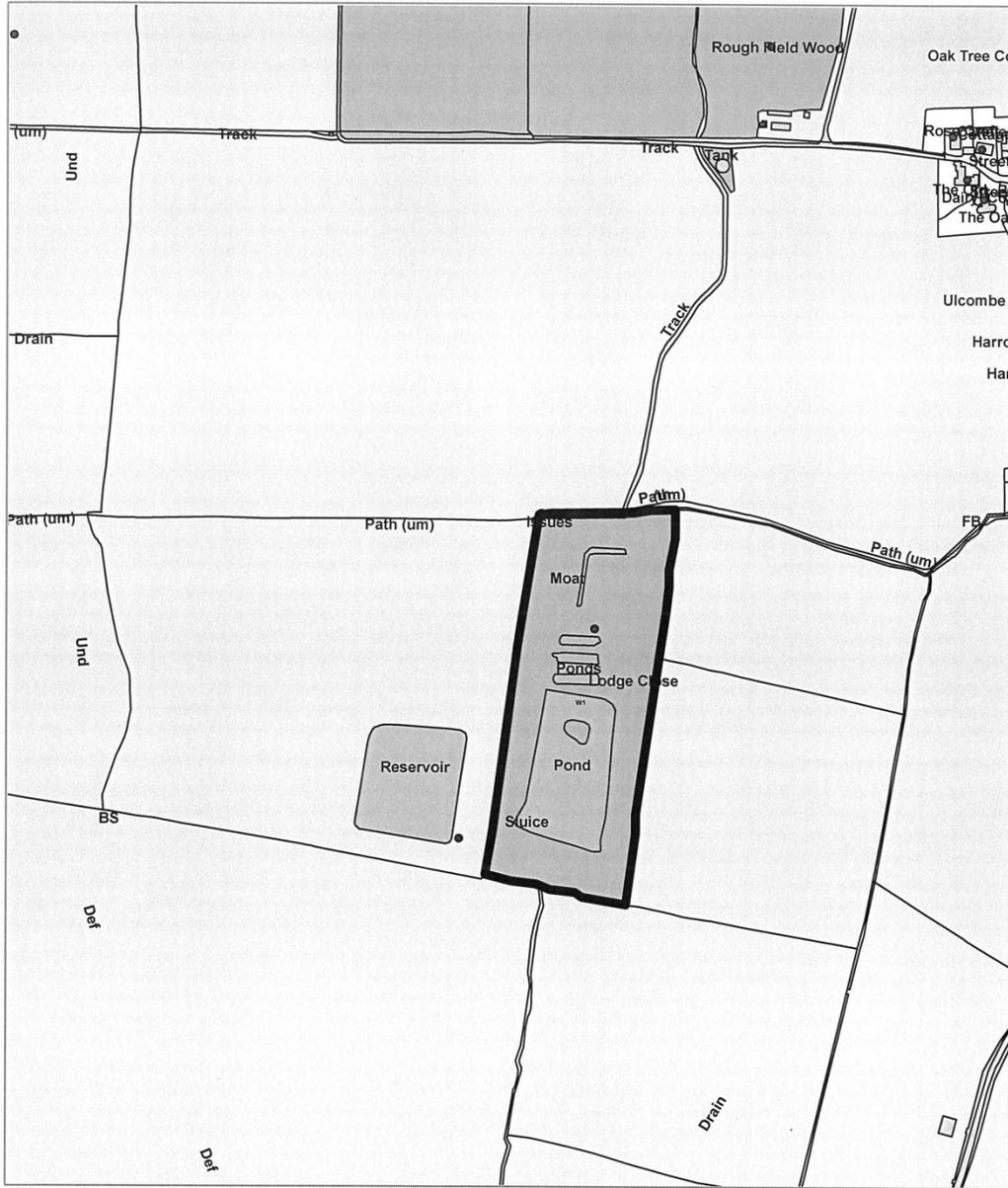
None

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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W1	Various Woodland of whatever species standing	Whole site
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APPENDIX II – TPO PLAN



THE MAIDSTONE BOROUGH COUNCIL

Tree Preservation Order No. 5017/2017/TPO
 Land At Lodge Close, The Street, Ulcombe, Kent



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**Maidstone Borough Council
PLANNING COMMITTEE**

REPORT BY THE HEAD OF PLANNING SERVICES

**The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5019/2017/TPO**

Valley Park Community School, Huntsman Lane, Maidstone, Kent

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to Confirm Tree Preservation Order No. 5019/2017/TPO without modification for which an objection has been received.

FOR DECISION

RELEVANT PLANNING HISTORY

17/501471/FULL Erection of a three storey secondary school with associated access, car parking and landscaping. Currently under appeal for non-determination

5011/2017/TPO - Area Order. Lapsed and remade as 5019/2017/TPO

SUMMARY TPO INFORMATION

TPO Served (Date): 05.10.2017	TPO Expiry Date 05.04.2018
Served on: Invicta Grammar School, Huntsman Lane, Maidstone, Kent, ME14 5DS	
Copied to: Kent Highway Services Mid Kent Division GIS Team MKIP Land Charges Team Planning Applications Unit	

OBJECTIONS AND CONSULTATIONS

An objection to the TPO was received from Barker Parry Town Planning. The text of the objection is reproduced in italics, with the officer response set out below each point:

We are in receipt of the 'Request for Authority to Make a TPO' report in which it states the following reasons for the immediate protection of the trees:

"The Council considers that the tree or tree(s) Contribute to amenity and local landscape character and it is expedient to make a Tree Preservation Order (TPO)"

The 'Request for Authority' makes no further elaboration on the changes to the TPO from the previous version issued in March 2017, albeit this TPO relates to a reduced area of protection.

This TPO differs from the earlier version in that it identifies specific trees for protection compared to the Area designation of the original Order.

The service of this TPO is considered to be excessive and only serving to further frustrate the delivery of a much-needed Secondary School within Maidstone. The TPO itself is undermined by the decision of the Local Planning Authority to 'grant planning permission, subject to a S106 Agreement' had they have remained as the Decision Maker, on the same day as the service of this notice.

The justification for the appeal against non-determination is solely associated with the lack progress on the application and the ongoing attempts by the Council to frustrate the process, including a TPO and lack of information pertaining to the suggested S106, which has now been outstanding since June 2017.

The service of this further TPO on the same day as the Planning Committees resolution is perverse and only serves to highlight the ongoing intentions to frustrate the delivery of this school.

The inability to at least pollard these trees increases the risk of nesting birds in this location. Should nesting occur, it will prevent development for 12 months, thus rendering it impossible to deliver the proposed school. We have already been prejudiced and cannot deliver the school for the September 2018 academic year and this may jeopardise the opening of any part of the school by September 2019.

A TPO is not designed to frustrate the planning process. A full planning consent can be implemented without the need for further application under a TPO. Rather, the original TPO was made in response to plans to pre-emptively fell trees to create a temporary access before planning permission had been obtained and before Members had had the opportunity to explore access options. At this point in time, with a current appeal, there is no guarantee that the site will obtain planning consent. Pre-emptive felling could turn out to be premature and potentially in a different location to where an access might be located. Timing of felling could ultimately be affected by nesting birds, but this is not considered justification to fell on a preventative basis.

There are five main grounds for objecting to a TPO, as set out within the DETR 'A Guide to the Law and Good Practice'. These are as follows:

- 1) Challenging the LPA's view that it is expedient in the interests of amenity to make a TPO;*
- 2) Claiming that a tree included in the TPO is dead, dying, diseased or dangerous;*
- 3) Claiming that a tree is causing damage to property;*
- 4) Pointing out errors in the TPO or uncertainties in respect of the trees which are supposed to be protected by it; and*
- 5) Claiming that the LPA have not followed the procedural requirements of the Regulations.*

The trees on this site and as now covered by this TPO have been in the ownership and maintenance of the Valley Invicta Academies Trust for a significant period of time, with no TPO imposed on the site.

It has not been considered necessary or expedient to protect the trees in the past as they have not previously been considered to be under threat.

Some 32 trees contained within areas of the TPO are proposed for removal as part of the delivery of this secondary school. In making a resolution on the 5th October 2017, the Planning Committee endorsed the removal of these trees. It is not therefore considered expedient to make the TPO.

Although the committee indicated that they would have granted consent had an appeal not been lodged, the decision is now in the hands of the Planning Inspectorate.

The nature of the TPO is also questioned, the guidance advises that, if the trees merit protection in their own right they should be specified as individual trees, not to be an easy way to protect trees of particular merit that stand close to each other.

The lack of any clarity obtained from the 'Request for Authority' provides little insight into the Council's true intentions. Certainly large areas of the groups contained within the TPO are of limited value and have C classification. The Council has taken to stating the quantum of tree species contained within each group, if the Council consider these to be worthy of specific protection, they should be listed as individual trees within the TPO.

Trees are identified in the Order as groups and woodlands for their cohesive merit. Individual tree protection is used for specimens that stand alone or as clearly identifiable individuals. Officers consider that the Group and Woodland categories have been used appropriately in this case.

In respect of the woodland categorisation, woodland TPO's should not be used as a means of hindering beneficial management work, which may include regular felling and thinning. Given the resolution by Councilors and the ownership of the tree belt, this is exactly what the Council is doing in respect of this tree

belt. It is hindering good quality management of the area unnecessarily and affording protection to large swathes of C category trees that do not warrant protection.

If the Council considered individual trees to be of merit, they have full access to the tree survey submitted in support of the planning application for the school in March 2017 and whilst this appears to have been used to some extent, had further information been requested we would have sought to work with them. In its current form, the TPO is considered excessive and completely disproportionate. It will prevent good management of the site, which is not in the interests of the amenity of the area or the general public, whilst running contrary to the decision made by Councilors on the same day as it was issued.

In light of the Tree Survey undertaken on behalf of BAM Construction and submitted to the Council in support of the planning application, it is requested that the decision to confirm this TPO will not be taken and that the proposed Order will be withdrawn.

A TPO does not prevent beneficial woodland management. Urgent works may be undertaken under the exceptions to the Tree Preservation Regulations (as has already taken place on this site since the TPO was made in the form of highway safety works) and non-urgent works can be the subject of an application. Local Planning Authorities must grant consent for works in Woodlands that are considered to be appropriate woodland management. It is therefore not considered that the confirmation of the TPO will prevent good management of the site.

Should the Council wish to progress with this matter further, we would welcome discussions on both the required extent of the proposed Order and on those trees which are considered to be of sufficient value to warrant an additional level of protection.

The Council cannot progress the Order as currently proposed, as it is not based on a sufficient level of understanding associated with both the risk to trees on the site given the proposed works at the site and the quality of the trees. Evidently, the extent of any Order should be proportional to the works envisaged and the Council is aware of the intentions at the site, having now endorsed the principles contained within the application.

We therefore object to the Order in its current form and formally request that in light of the detailed tree information available to you that the Order is withdrawn as soon as is practically possible to ensure that development is not hindered, to the disadvantage of the Borough.

APPRAISAL

It is not considered that any of the issues raised in the objection should prevent the confirmation of the Order in its current form. The woodland and group categories are considered to have been used appropriately and are based on the information provided by the objector in their tree survey.

It is therefore recommended that the TPO be confirmed without modification.

RECOMMENDED

Confirm Tree Preservation Order No. 5019/2017/TPO without modification

Contact Officer: Nick Gallavin

Head of Planning Services

Appendices: Plan and schedule for 5019/2017/TPO

APPENDIX I - TPO SCHEDULE

SCHEDULE

Article 3

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

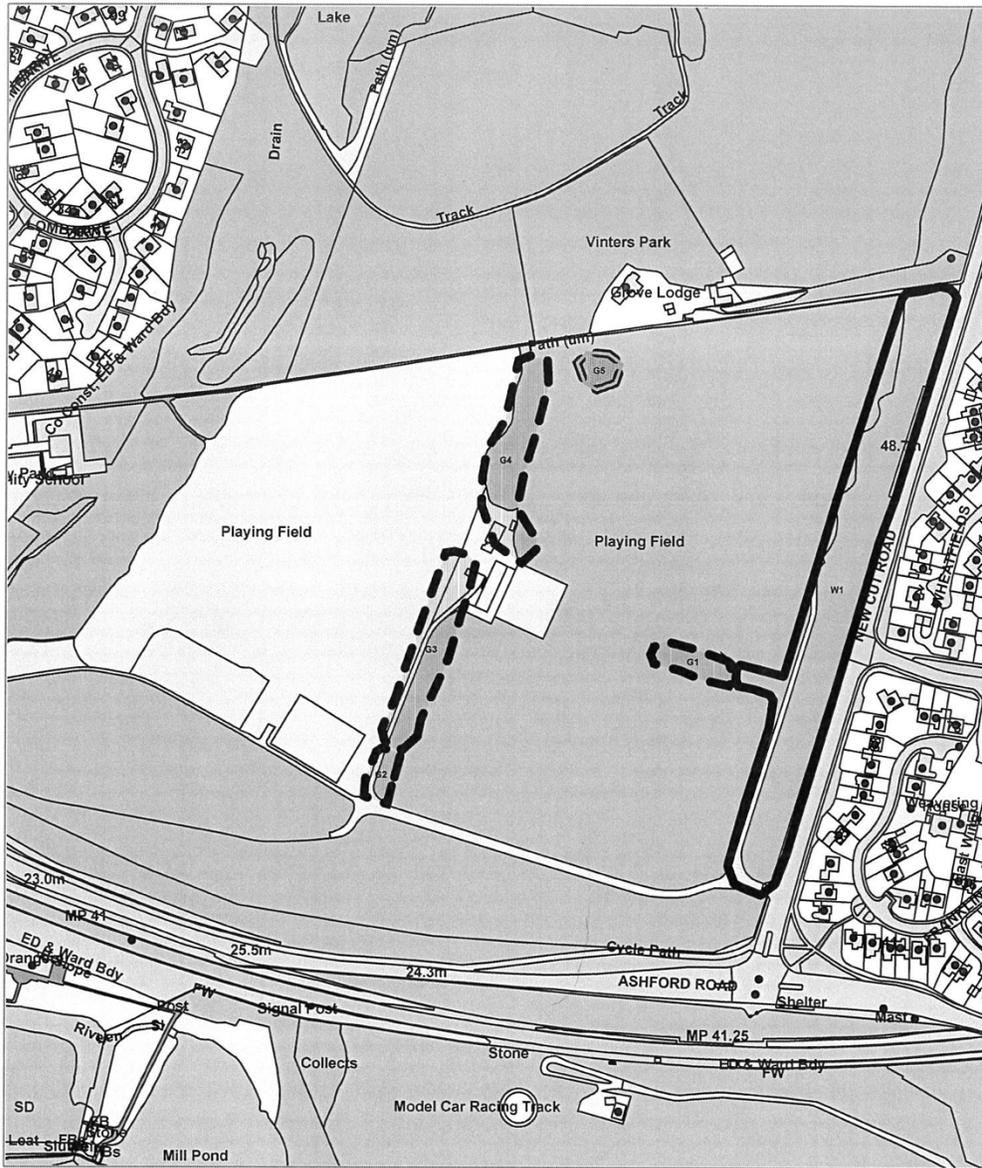
Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Consisting of 5 Pine, 1 Beech, 1 Field Maple, 2 Horse Chestnut	Adjacent W1 on west side
G2	Consisting of 1 Norway Maple, 1 Sycamore, 1 Beech, 1 Pine, 1 Oak	Southern edge of site
G3	Consisting of 1 Pine, 3 Oak, 1 Holm Oak, 1 Horse Chestnut, 6 Norway Maple, 1 Field Maple, 1 Norway Spruce	North of G2 / centre of site
G4	Consisting of 4 Cedar, 8 Oak, 1 Lime, 5 Cherry, 1 Ash	North of G3 / northern central part of site
G5	Consisting of 2 Holm Oak	Northern boundary

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Mixed woodland including mainly Oak, Ash, Beech, Yew, Cherry, Sycamore, Holly, Pine, Poplar, Birch, Holm Oak, Hornbeam, Horse Chestnut, Ailanthus, Field Maple, Norway Maple, Hawthorn	Eastern boundary of site fronting New Cut Road

APPENDIX II – TPO PLAN



THE MAIDSTONE BOROUGH COUNCIL

Tree Preservation Order No. 5017/2017/TPO
 Valley Park Community School, Huntsman Lane, Maidstone, Kent ME14
 5DT



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Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 15th March 2018**

APPEAL DECISIONS:

1. **16/508051/FULL** Demolition of existing dwelling and erection of 6 dwellings with garages and associated access and landscaping provision.

APPEAL: Dismissed

466 Loose Road
Maidstone
Kent
ME15 9UA

(Delegated)

2. **17/503306/OUT** Outline application (some matters reserved) for the demolition of existing dwelling and erection of 3no. detached Passive dwellings with new access (Access and Layout being sought).

APPEAL: Dismissed

16 Trapham Road
Maidstone
Kent
ME16 0EL

(Delegated)

3. **16/504022/FULL** Construction of new dwelling house

APPEAL: Dismissed

3 Kingsbroom Court
Kingswood
Kent
ME17 3ST

(Delegated)

4. **17/504218/FULL** Two bedroom detached dwelling

APPEAL: Dismissed

6 Copsewood Way
Bearsted
Maidstone
Kent

ME15 8PL

(Delegated)

5. 17/500403/OUT

Outline Demolition of no's 38 - 42 Buckland Hill and erection of a building containing 35 no. 2 bed and 22 no. 1 bed sheltered accommodation units including associated works (Access, appearance, layout and scale being sought).

APPEAL: Dismissed

38-42
Buckland Hill
Maidstone
Kent
ME16 0SA

(Delegated)
