

REPORT SUMMARY

REFERENCE NO - 14/504905/FULL		
APPLICATION PROPOSAL Erection of 1 no. detached house and garage for farm owner/manager as shown on drawing nos. WF/6/1, 2, 9, 10 received 21/10/14; 3A, 4A, 6A, 7A, 8A, 11A received 29/11/14; 5B received 5/12/14.		
ADDRESS Warnhams Farm Hunt Street West Farleigh Kent ME15 0ND		
RECOMMENDATION Refuse		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Development in the countryside is strictly controlled and the case for a new farm dwelling has not been demonstrated in this case.		
REASON FOR REFERRAL TO COMMITTEE The Parish Council has requested committee consideration.		
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL West Farleigh	APPLICANT Mr Thomas Sewell AGENT Mr David Thompson
DECISION DUE DATE 30/01/15	PUBLICITY EXPIRY DATE 30/01/15	OFFICER SITE VISIT DATE 30/12/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): MA/13/1473 - Erection of one detached dwelling and garage for an agricultural worker - Refused MA/10/1130 - Erection of an extension to an agricultural building - Permitted MA/08/0536 - Extension to existing barn to provide crop storage - Permitted MA/07/2345 - 500 tonne grain silo (not implemented) - Permitted MA/02/2281 - Erection of an agricultural building for general purpose/grain storage - Permitted		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This application relates to an area of farmland, which is located in the open countryside, in the parish of West Farleigh. The site, which is part of an arable field, lies in the Medway Valley Area of Local Landscape Importance and is highly visible in the landscape.
- 1.2 To the north of the site lies the farmyard for Warnhams Farm. This includes two large enclosed structures, formerly hop-picking sheds, sited parallel to each other on either side of an open yard and a general purpose agricultural building/ grain store.

- 1.3 The field, where the development would take place, is generally open, with only low banking to the road edge and no field hedge. An access track from Hunt Street leads up to the farmyard and a row of terraced cottages lie to the east of the track.

2.0 PROPOSAL

- 2.1 Permission is sought for the erection of a single dwelling and garage for an agricultural worker. It would have two storeys, with an eaves height of approximately 5.2m and a ridge height of approximately 9m. The maximum dimensions of its 'footprint' would be approx. 14.3m by 13.6m.

- 2.2 Accommodation would comprise; on the ground floor - lounge, dining room, kitchen, dayroom, utility room, hall, two wc's and farm office. On the first floor - four bedrooms (including two en-suites) and a bathroom. A detached double garage would also be provided.

- 2.3 The buildings would be located to the south of the existing farmyard and accessed via the existing farm-track.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV28, ENV35, ENV43

4.0 LOCAL REPRESENTATIONS

West Farleigh Parish Council wishes to see the application approved and reported to planning committee if the Planning Officer recommends refusal

13 letters of support have been received: the general point being made that the Sewell family are genuine farmers and a dwelling is needed here to support the farm.

5.0 CONSULTATIONS

KCC Highways and Transportation has no objection.

In its initial response to this application Rural Planning Ltd. states:

"I refer to your letter of 12 December 2014 regarding the further application submitted on behalf of Mr Thomas Sewell for the erection of a detached house and garage for the farm owner/manager at the above site.

As you will be aware, a similar proposal was considered under MA/13/1473 and was the subject of my letter of 12 September 2013 and emails dated 24 February and 16 June 2014. The application was refused, on two counts; namely its scale and mass harming the open character and appearance of the countryside, and lack of essential agricultural need for a rural worker to live on site and lack of affordability and sustainability as an agricultural dwelling as part of the general housing stock.

The second issue (alone) falls within my advisory remit and in this regard I must advise, as before, that in my view, having regard to para. 55 of the NPPF, no essential need for the proposed dwelling for a rural worker, amounting to special circumstances, has been demonstrated in this case, for all the reasons set out in my previous letter and emails.

The only material change in circumstances, as far as I can see, is a redesigned dwelling which would provide a slight reduction (some 5%) in floor area; the dwelling would be some 256m² gross external floor area, with 4 bedrooms, rather than 270m²

with five bedrooms. Whilst the dwelling would appear to be affordable for the applicant, it would remain, in my view, of a size and cost beyond that which would be reasonably regarded as suitable to contribute to the general stock of agricultural dwellings in the area (the issue which formed part of the second reason for refusal previously).

My last letter included the following paragraph:

“The Planning Statement indicates that Mr Tom Sewell and family (the intended occupants of the proposed dwelling) currently reside in the area by arrangement with a local landowner for whom Sewell Farms carries out work. This is understood to be at Watringbury, about 2 miles by road from Warnhams Farm. The arrangement is said to be temporary, but there is no specific indication that the arrangement could not continue for the foreseeable future”.

In this regard the applicant’s agent states that I said “there was no reason why the current living arrangements could not continue” without making further investigations. That is not correct; what I stated was that there was no specific indication (i.e. from the Planning Statement) that the arrangement could not continue for the foreseeable future. That still appears to be the position under the current application; nothing has been put forward, as far as I can see, to show that the current arrangements (albeit described as “temporary”) could not continue for the foreseeable future. I would suggest it is for the applicant to explain and verify the circumstances alluded to in this regard, rather than for me to investigate them.

Be that as it may, it remains the case that an essential functional need for residence at the particular site has not been demonstrated; nor has it been demonstrated, in my view (and having regard to the profits gained from the farm business) that affordable existing property in the area could not be purchased or rented.”

Rural Planning Ltd. has since stated:

“I have the following further comments, as requested, regarding Mr Thompson’s letter of 13 January 2015.

Much of Mr Thompson's letter is a repeat of what he submitted in his letter of 03 January 2014 regarding the last application, which I received 20 February 2014, and responded to in my email of 24 February 2014. My response was to agree that my letter of 12 September 2013 should have referred to the 11m grain silo as “permitted” rather than “erected”, but that this detail hardly called into question the validity of the whole report, as Mr Thompson claimed. Otherwise I said that I considered I had provided a fair and objective assessment of the (lack of) case for an essential need for a rural worker to live at the site, for all the reasons set out in my letter.

Those issues were all before the Council when it refused the first application.

Regarding the size of the dwelling: in my letter of 02 January 2015, on the current application, I commented on the (slightly reduced) size of the currently proposed dwelling, as this was a specific matter raised by the previous Planning Officer in her email of 16 June 2014, to which I replied in my email of the same date; this issue was also part of the second reason for the refusal of the first application. Mr Thompson refers to the personal family reasons for wanting 4 bedrooms, and the need for a farm office, but he fails to address the issue that was the Council's concern previously, that the overall size of the dwelling was such that it would not be "affordable or sustainable as an agricultural worker's dwelling as part of the general

stock". It is difficult to imagine that this particular issue would be resolved simply by a redesign from 5 to 4 bedrooms and only a 5% overall reduction in size.

Otherwise (beyond again misquoting what I said about the current living arrangements) Mr Thompson largely appears concerned with two matters which he suggests I should not be taking into account in advising the Council on this application. These are 1) the use of Annex A of the former PPS7 as a means for judging "essential need", and 2) the specific issue (included as part of the Annex A criteria) of whether or not other suitable and affordable dwellings exist in the area.

You have pointed out the role that Annex A continues to play in Planning decisions, and various other similar Appeal examples can be referred to, if need be.

Furthermore I would observe that both these matters formed significant parts of the Planning Statement that Mr Thompson himself submitted in support of the application. He placed considerable reliance on the various aspects of Annex A in his para 5.10 onwards. He raised the specific issue of affordability of other local dwellings in his paras 5.20 and 5.21, and included various house particulars.

I consider it is entirely appropriate for me to comment on issues which form part of the Annex A criteria and which Mr Thompson, on behalf of the applicant, has himself commented (and relied) upon."

MIDKENT EHSS has no objection subject to a condition to cover potential contamination.

6.0 APPRAISAL

Background

- 6.01 This application is effectively a re-submission of application MA/13/1473 (Erection of one detached dwelling and garage for an agricultural worker) which was refused by Planning Committee on 3rd July 2014. I attach a copy of the report for that case, the general content of which is still relevant here. The key question here is whether there has been any significant change in circumstances to warrant a change in the Council's position.
- 6.02 The latest application shows a similar dwelling to that previously refused albeit the agents contend that the dwelling has been reduced in terms of 'footprint' and floorspace; has been reduced from five to four bedrooms; and the dwelling would be cut down into the land to reduce impact.
- 6.03 In terms of the need for the dwelling this latest application maintains that the 'functional and financial tests' are satisfied but also seeks to emphasise a number of points. A dwelling is said to be needed in connection with the monitoring and irrigation of fruit plants. The condition of grain and other crops needs to be continuously monitored, whilst a residential presence is needed for security purposes with regard to machinery, fertiliser, etc. The location of the dwelling has been chosen to allow a manager to view the site. The relevant farm worker currently lives close by in a temporary arrangement and this cannot be relied upon: a permanent on-site solution is needed.

Principle of Development

- 6.04 As stated with the last application, new dwellings in the countryside for agricultural workers may be permissible but need to be specially justified. Annex A to the now superseded PPS7 is regularly used as a tried and trusted methodology to assess

such applications and I am satisfied that it is appropriate to have close regard to it in this case. The Inspectorate continues to use it in the determination of appeals.

- 6.05 As can be seen from the comments of Rural Planning Ltd. (reproduced above for the current application and in the Appendix for the previous refused application) our advisors have examined the content of this latest application and maintain their view that the proposals (albeit in amended form) continue to fail the 'functional test': this is both in terms of the principle of a residential unit here; but also in terms of the scale and cost of the accommodation proposed. In the absence of a proper justification, the principle of a dwelling (and a dwelling of this scale) must fail. I therefore recommend that the previous first reason for refusal be used again for this current application.

Visual Impact

- 6.06 I do not consider that the changes to the design of the house and its setting down into the land make a significant difference as far as impact on the countryside is concerned. I remain of the view that the site is highly prominent in the landscape, due to the openness of the surrounding land. There are long range views for a considerable distance when approaching from the west. Due to its substantial scale and mass, the proposal is considered to result in significant harm to the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. I therefore recommend that the previous second reason for refusal be re-used here.

Residential Amenity

- 6.07 As previously, there would be no significant impact on neighbours.

Highways

- 6.08 There is no objection from the Highways Engineer and I remain of the view that the scheme does not present any significant highways problems.

Landscaping

- 6.09 The site is part of an open field and there are no important landscaping features here. Any landscaping to soften the proposal could be dealt with by condition should Members decide to grant permission.

Other Matters

- 6.10 The site remains part of an intensively managed field and there are no significant ecological issues in this case.

7.0 CONCLUSION

- 7.01 As previously, it is concluded that there is no essential need for this dwelling and it would therefore constitute unjustified and unsustainable development in the countryside. It would also be of a scale and mass which would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. Refusal is recommended.

8.0 RECOMMENDATION – REFUSE for the following reasons:

- (1) In the opinion of the local planning authority, it has not been demonstrated that there is an essential need for a rural worker to live permanently on or near the site, nor would the dwelling be affordable or sustainable as an agricultural worker's dwelling as part of the general stock, due to its overall size and the extent of accommodation proposed. The proposal would therefore result in an unsustainable, isolated dwelling

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in the countryside, contrary to paragraphs 14 and 55 of the National Planning Policy Framework.

- (2) Due to its scale and mass, the proposal would harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance, contrary to policies ENV28 and ENV35 of the Maidstone Borough Wide Local Plan 2000 and paragraphs 17 and 109 of the National Planning Policy Framework.

Note to applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

Case Officer: Geoff Brown

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.