

REPORT SUMMARY

REFERENCE NO - 14/505767/FULL			
APPLICATION PROPOSAL Change of use of land from agricultural to residential garden along with the erection of fencing and landscaping.			
ADDRESS The Roundels Gatehouse Farm Oast Hunton Road Marden Kent TN12 9SG			
RECOMMENDATION			
SUMMARY OF REASONS FOR RECOMMENDATION It is considered that continued use of this land for residential purposes does not harm the rural character of the area or result in loss of high quality farmland.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of the Parish Council			
WARD Marden	PARISH/TOWN COUNCIL Marden	APPLICANT Mr S Wardlaw AGENT Mr Mathew Blythin	
DECISION DUE DATE 10/02/15	PUBLICITY EXPIRY DATE 10/02/15	OFFICER SITE VISIT DATE 08.01.15	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
10/1311	Change of use of land from agriculture to residential garden land and erection of a summerhouse	Approve	20/09/10
14/0790	An application for a Certificate of Lawful Development for the use of land as extended residential gardens	Approve	14/07/2014

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site comprises an open area of land having length of just under 130 metres and varying in width from 10 metres at its northern end to 20 metres at its southern end. Its western boundary is defined by a fence along which is some planting beyond which is open countryside while the eastern site boundary is undefined and runs into the existing garden area serving The Roundels, a Grade II Listed Building.

1.02 The wider area is wholly rural in character.

2.0 PROPOSAL

- 2.01 Retrospective consent is sought to regularise use of the area as part of the residential curtilage attached to The Roundels.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV28, H31

4.0 LOCAL REPRESENTATIONS

- 5.01 **Marden Parish Council:** Object on the grounds that proposal is contrary to ENV28 and represents an encroachment into open countryside.

- 5.02 Three neighbouring properties notified of the proposal. No representations received

6.0 CONSULTATIONS

- 6.01 **Rural Advisor:** The land in this area is loamy and clayey, seasonally wet, with impeded drainage. On this basis it appears unlikely that the land would fall within the "best and most versatile" category, and given the small size of the site it would be difficult to regard the loss of land from agriculture as a significant.

7.0 APPRAISAL

- 7.01 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 other material considerations indicate otherwise.

- 7.02 The site falls within open countryside and therefore subject to policy ENV28 and the specific provisions of policy H31.

- 7.03 Policy H31 states that planning permission will not be granted for the change of use of agricultural land to a domestic garden if it would harm the character or appearance of the countryside and/or result in loss of high quality farmland.

Impact on rural character:

- 7.04 The outer (west) line of the area is currently defined by a fence line with some landscaping already abutting it beyond which is open land in agricultural use. This fence line represents the continuation of boundary features abutting the site to the north. These boundary features already clearly differentiate the domestic uses to the east from the open agricultural land to the west.

- 7.05 The fence that has already been erected is 'permitted development' due to its height and siting. Its erection has resulted in severing a narrow irregularly shaped area of land from the adjoining agricultural land providing a clear and well defined transition between domestic and agricultural land. Given that this fence line also continues the line of existing well defined boundary treatments to the north of the site, it is considered to represent both a logical extension to these while providing a clear and defensible outer perimeter between domestic and agricultural uses in this area. In the circumstances, subject to the removal of permitted development rights for outbuildings, it is considered that the impact of the rural character of the area is

limited and that there is no sustainable objection to the use of the land on visual amenity grounds.

Loss of agricultural land:

7.06 The site is both small in area (0.195 ha) while of indifferent agricultural quality. As such there is considered to be no sustainable objection to the proposal due to loss of high quality farmland.

8.0 CONCLUSION

8.01 Notwithstanding the concerns of the Parish Council, it is considered that there are no sustainable grounds for objecting to the continued use of this land for residential purposes based on harm to rural character of the area or loss of high quality farmland. It is therefore recommended that planning permission be granted.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class E to that Order shall be carried out without first obtaining the permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

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 acceptable as submitted.

Planning Committee Report

Case Officer: Graham Parkinson

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.