

14/504905

The appendix referred to in my report (ie the report for previous application MA/13/1473) was unfortunately omitted from the papers: I enclose it here.

MY RECOMMENDATION REMAINS UNCHANGED

REPORT SUMMARY

REFERENCE NO - 13/1473		
APPLICATION PROPOSAL Erection of one detached dwelling and garage for an agricultural worker		
ADDRESS Warnhams Farm, Hunt Street, West Farleigh, Kent		
RECOMMENDATION REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL See report below		
REASON FOR REFERRAL TO COMMITTEE See report below		
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL West Farleigh	APPLICANT Mr Thomas Sewell Farms Ltd AGENT Legacy Homes
DECISION DUE DATE 17/10/13	PUBLICITY EXPIRY DATE 17/10/13	OFFICER SITE VISIT DATE 03/09/13
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): see below		

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

1.0 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV35, ENV43
 Maidstone Borough-Wide Draft Local Plan: SP5, DM4, DM30, DM35
 Government Policy: National Planning Policy Framework, National Planning Practice Guidance

2.0 HISTORY

2.1 The following applications relate to the farm holding:-

MA/10/1130	Erection of an extension to an agricultural building
MA/08/0536	Extension to existing barn to provide crop storage
MA/07/2345	500 tonne grain silo (not implemented)
MA/02/2281	Erection of an agricultural building for general purpose/grain storage

3.0 CONSULTATIONS

- 3.1 West Farleigh Parish Council: wishes to see the application approved and reported to Planning Committee if officer view differs.

Rural Planning Ltd:

"Planning criteria

Following the withdrawal of PPS7, and its Annex A criteria for agricultural dwellings, the 2012 NPPF simply states (para. 55) that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as "the essential need for a rural worker to live permanently at or near their place of work in the countryside". There is, as yet, no further clarification nationally, or at the local level, to assist in deciding upon "essential need" in individual cases. However there is nothing to suggest that para. 55, albeit in summarised form, promotes any significant departure from the sort of functional and financial considerations that were set out in detail in Annex A, and there appears to be a general consensus amongst decision makers and advisors, and indeed the Planning Inspectorate, that the principles set out in Annex A continue to be a useful tool in judging applications for new isolated agricultural dwellings in the countryside.

The Annex A guidelines on functional need, in relation to permanent new agricultural dwellings, require inter alia that it is essential for the proper functioning of the enterprise that one or more workers is readily available at most times, for example if the worker is needed to be on hand day and night to care for animals or agricultural processes at short

notice or deal quickly with emergencies that could otherwise cause serious loss of crops or products.

Farm Business

Sewell Farms is a well established family farming business operated by the applicant Tom Sewell in partnership with his father J J Sewell, Mrs A J Sewell, and Mrs S. Sewell.

Warnhams Farm comprises an owned arable holding of some 28.68 ha (70.86 acres); Sewell Farms also farm, on a rented or share-farmed basis, a further 808 acres (327 ha).

Other agricultural management and farm contracting work is also undertaken locally. The farm buildings adjoining the application site include two "Tyler " built enclosed concrete/asbestos structures, formerly hop-picking sheds, parallel to each other either side of an open yard, and each about 33.5m x 9.14m, and 5.5/6.0 m to eaves. One includes 3 round grain bins used for storage of about 400 tons of oil seed rape, with two free bays for general storage of machinery and fertiliser. The second has a clear floor area and is principally used for farm machinery storage.

Under MA/02/2281 consent was granted (and later implemented) for a general purpose agricultural building /1000 tonne grain store, 24.38m x 14.48m, 6.1m to eaves and 8.6m to ridge, with pre-cast concrete grain retaining walling to about 3.6m high and steel sheeting above. In the event it appears that the building, as erected, is 18m wide. An 18m square extension at the west end was added under MA/08/0536. A 500-tonne 11m radius, 11m tall grain silo was also erected under

MA/07/2345. Finally a 12m wide grain storage extension was erected on the north side of the building under MA/10/1130, to form an overall structure about 42m x 30m.

Appraisal of claimed essential agricultural need

Regarding the reference to the need to tend fruit on the farm, it is understood that this is not fruit that belongs to Sewell Farms. No fruit sales appear in the submitted accounts.

Rather, under MA/10/0449 planning consent was granted to allow the applicants Clock House Farm Ltd. (Coxheath) to crop raspberries under polytunnels on some 9.7 ha land north of the Warnhams Farm buildings, albeit part of this area is owned by Sewell Farms.

The other adjoining area of tunnels is on land belonging to Ferns Property Development.

Clock House Farm Ltd. also have up to 15 ha polytunnels nearby (consented under ref. MA/09/1061) for strawberries and cane fruit on land on the south side of Hunt Street, land which is also understood to be owned by Ferns Property Development, albeit the north-western part (only) of this land is indicated on the submitted land occupation plan as land tenanted by Sewell Farms. Thus the references in the Planning Statement that suggest this fruit forms part of the applicant's business and responsibility (thus adding weight to a claimed need for someone to reside here to monitor irrigation etc.) would appear to be misplaced.

In any event the actual growers concerned, Clock House Farm Ltd., and other similar specialist growers, commonly have intensive fruit under tunnels on scattered parcels of owned or rented land, without requiring anyone to reside nearby: whilst regular crop monitoring is required, this does not essentially require day and night attendance.

The other main claimed functional reason for needing a new residence here is to monitor stored grain. However, again, many sites are used for storing grain successfully without anyone living next to them: grain in store, whilst needing regular checking, is not something which requires essential day and night attendance at most times.

Nor is the provision of security, at a farm yard such as this, normally regarded as a sufficient reason for a new permanent agricultural dwelling. 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 Wateringbury, 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. The Planning Statement affirms that there are no other residential farm properties which could be used accommodate this farm worker, (my underlining). Be that as it may, it is understood that for many years the principal ownership partners of the business, J J and A J Sewell, have lived at Bowhill Farm House, just 0.5 miles from Warnhams Farm.

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The Planning Statement suggests that other existing accommodation in the area would be too expensive. However... I do not consider it has been shown, therefore, that affordable existing property in the area could not be purchased or rented. It appears that this business has operated successfully to date notwithstanding the lack of any accommodation at the Warnhams Farm buildings. In summary, taking all the above into account, and applying the Annex A guidelines to para. 55 of the NPPF, in my view no essential need for the proposed dwelling, amounting to special circumstances, has been demonstrated in this case."

Environmental Health Manager: No response.

Kent Highways: No objections

4.0 REPRESENTATIONS

4.1 None received to date

5.0 CONSIDERATIONS

5.1 Site Description

5.1.1 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.

5.1.2 To the north of the site lies the farmyard for Warnham's Farm. This includes two 'Tyler' built enclosed structures, formerly hop-picking sheds, sited parallel to each other on either side of an open yard and a general purpose agricultural building/1,000 tonne grain store. This building has been erected as detailed in the planning history above.

5.1.3 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.

5.2 Proposal

5.2.1 Planning 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 8.2m. Its maximum width would be 16m and its depth approximately 15m.

5.2.2 Accommodation would comprise; on the ground floor - lounge, dining room, kitchen, breakfast area, dayroom, utility room, hall, two wc's and farm office. On the first floor - five bedrooms (including 2 en-suites) and bathroom. A detached double garage would also be provided.

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

5.3 Principle of Development

- 5.3.1 Policy ENV28 of the Local Plan does allow for buildings which are reasonably necessary for the purpose of agriculture, providing that there is no harm to the character and appearance of the area and amenities of surrounding occupiers.
- 5.3.2 The National Planning Policy Framework states that "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances..."

The only circumstances given which is of any relevance to this proposal is whether it constitutes "the essential need for a rural worker to live permanently at or near their place of work in the countryside."

The National Planning Policy Framework does not define "essential need" or clarify how it should be assessed.

- 5.3.3 Annex A of the now defunct PPS7 did set out criterion for assessing essential need. Whilst PPS7 is now not in force, there does not appear to be anything to suggest that any significant departure from the sort of functional and financial considerations detailed in Annex A should now be made. Indeed, the Council's agricultural advisor, Rural Planning Ltd, has stated "... there appears to be a general consensus amongst decision makers and advisors, and indeed the Planning Inspectorate, that the principles set out in Annex A continue to be a useful tool in judging applications for new isolated agricultural dwellings in the countryside." In the absence of any other specifically relevant guidance, it is considered reasonable to explore the application against the guidelines of Annex A.
- 5.3.4 Annex A requires a functional test (i.e. whether it is essential for a full time worker to live permanently on site for the functioning of the enterprise and a financial test (as to whether it is a financially sound enterprise, with a reasonable prospect of sustaining the dwelling). It is considered that these two tests are in line with the National Planning Policy Framework because they would aid the assessment of whether the development constitutes sustainable development and that is a key principle of the National Planning Policy Framework. Clearly if the enterprise cannot support the dwelling proposed or the dwelling is so large that the retention of the agricultural occupancy condition is threatened, then there is the real risk that it would no longer be able to serve its original purpose, with the result being an unsustainable isolated dwelling in the countryside.
- 5.3.5 The Annex A guidelines on functional need, in relation to permanent new agricultural dwellings, require inter alia that it is essential for the proper functioning of the enterprise that one or more workers is readily available at most times, for example if the worker is needed to be on

hand day and night to care for animals or agricultural processes at short notice or deal quickly with emergencies that could otherwise cause serious loss of crops or products.

- 5.3.6 Firstly, it is understood that fruit farmed on the land does not belong to the applicant and indeed, no fruit sales appear in the submitted accounts. The Council's agricultural advisor has stated that, in any event, "the actual growers concerned, Clock House Farm Ltd, and other similar specialist growers, commonly have intensive fruit under tunnels on scattered parcels of owned or rented land, without requiring anyone to reside nearby: whilst regular crop monitoring is required, this does not essentially require day and night attendance."

He goes on to state:

"The other main claimed functional reason for needing a new residence here is to monitor stored grain. However, again, many sites are used for storing grain successfully without anyone living next to them: grain in store, whilst needing regular checking, is not something which requires essential day and night attendance at most times.

Nor is the provision of security, at a farm yard such as this, normally regarded as a sufficient reason for a new permanent agricultural dwelling."

- 5.3.7 The application appears to cite security as a key reason why a dwelling is needed. However, it is not considered to show any reason why this specific site has a significantly greater security need than any other (chemicals and farm machinery are likely to be stored upon many farms). No information has been submitted stating why, for example, security issues could not be dealt with in a different way, such as through the installation of CCTV, nor is there any supporting information from the Kent Police to indicate that there are overriding security issues which can only be dealt with in this way.
- 5.3.8 Considering all of these points, including the advice of Rural Planning Ltd, it is concluded that there is no essential functional need for a farm worker or manager to live permanently on site.
- 5.3.9 Notwithstanding this, it has not been conclusively shown that there is no other available property in the vicinity of the site which could accommodate the applicant. Indeed, paragraph 5.20 of the Planning Statement advises that "many of the available nearby dwellings ... are completely outside of the price range of an agricultural worker." This does not show that there are no suitable properties and in any event, no comparison is made between the cost of available properties and the cost of constructing the proposed dwelling, which is not expected to be low, given its very substantial scale.
- 5.3.10 There is also no specific indication as to why the applicant's current living arrangements (stated to be temporary) could not continue for the foreseeable future. It is also noted that, whilst the Planning Statement

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advises that there are no other suitable properties available; the agricultural advisor has stated that he understands that the principal ownership partners of the business live just 0.5 miles from Warnham's Farm.

- 5.3.11 In terms of the financial test, it is accepted that the enterprise could sustain the proposed dwelling, based upon the financial information submitted.
- 5.3.12 However in order to remain sustainable, it is considered that agricultural dwellings should be suitable for general use by agricultural workers, rather than exclusively supportable by the applicant. In this case, this is a five bedroomed dwelling, with three reception rooms, and the agricultural advisor has stated that, in his opinion, the size and cost of the dwelling goes well beyond what could reasonably be regarded as suitable to contribute generally to the stock of agricultural dwellings. The development is therefore considered unacceptable and unsustainable for this reason also.
- 5.3.13 I note that emerging policy DM35 seeks to apply functional and financial tests and to limit the scale of the dwelling to the needs of the enterprise.

5.4 Visual Impact

- 5.4.1 The site occupies a very rural location, with sparse development along Hunt Street. There is no hedging alongside the road and in consequence, there are long range views for a considerable distance along Hunt Street in which the site is highly prominent.
- 5.4.2 It is noted that an attempt has been made to group the development with the existing farm buildings, as the site chosen is to the corner of the field, adjacent to the farmyard. However, as stated, this is a highly prominent and open site, rendered more prominent by the fact that it lies upon the slope of the Medway Valley, with the land rising in a southward direction. Development in this location will be highly visible in long range views especially from the west.
- 5.4.3 The proposed dwelling is of a substantial, rather than a modest, scale. Indeed it would provide accommodation well beyond the basic requirements of a dwelling with 5 bedrooms (2 being en-suite), large lounge, separate dining and breakfast areas and dayroom. This results in a very substantial footprint with maximum width and depth of approximately 16m and 15m. The dwelling also has a typical two storey eaves height and a roof pitch of around 35 degrees. These factors combined result in a dwelling of very substantial bulk, which, in this prominent location, would unacceptably erode the openness of the Medway Valley Area of Local Landscape Importance and harm its character and appearance.
- 5.4.4 The proposed double garage with pitched roof would further add to the bulk on site. It is also noted that in general, the design of the proposal

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does not attempt to reduce the bulk. It does not utilise differing roof slopes or a reduced eaves height to reduce mass and although a catslide roof is proposed, this would face away from the road, with the full two storey eaves and solid section of brickwork facing the road. Indeed, the side elevation of the house, facing the road, generally lacks fenestration and would provide a bland appearance in views of the countryside.

- 5.4.5 As stated, 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. The application is therefore considered unacceptable in this regard.
- 5.4.6 I note that emerging policy SP5 of the draft local plan similarly seeks to preserve the quality of the Medway Valley Area of Local Landscape Importance.

5.5 Residential Amenity

- 5.5.1 The nearest residential properties are Warnhams Cottages, to the southeast of the farm yard. These dwellings would be located too far from the proposed dwelling (around 60m between the site and nearby dwellings) to experience any significant loss of light, outlook or privacy. There would be no significant noise and disturbance issues because only one dwelling is proposed and it would utilise the existing access track to the farm.

5.6 Highways

- 5.6.1 The proposal would utilise the existing farm access track, which is considered acceptable for this single dwelling. The Kent Highways Engineer raises no objection to the application.

5.7 Landscaping

- 5.7.1 There is no important landscaping which would be lost (the site is simply part of a field containing crops). Any landscaping to soften the proposal could have been dealt with by a condition.

5.8 Other Matters

- 5.8.1 There are no significant ecological issues due to the site's use as an arable field where I understand that crop spraying has taken place.

6.0 CONCLUSION

- 6.1 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

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harm the open character and appearance of the countryside in the Medway Valley Area of Local Landscape Importance. Refusal is recommended.

7.0 RECOMMENDATION

REFUSE PLANNING PERMISSION 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 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.

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.