

REPORT SUMMARY

REFERENCE NO - 15/504242/FULL		
APPLICATION PROPOSAL Erection of single storey dwelling.		
ADDRESS Land rear of Barker Cottages, New Cut, East Farleigh, Kent, ME15 0HR		
RECOMMENDATION		
SUMMARY OF REASONS FOR REFUSAL The proposed dwelling by virtue of its location outside a defined settlement would result in an unsustainable addition to existing sporadic development in the area harmful to the character and appearance of the surrounding countryside.		
REASON FOR REFERRAL TO COMMITTEE East Farleigh Parish Council wish to see application approved and reported to Planning Committee.		
WARD Coxheath And Hunton Ward	PARISH COUNCIL East Farleigh	APPLICANT Mr Kidner AGENT Mr Kidner
DECISION DUE DATE	PUBLICITY EXPIRY DATE 17/07/15	OFFICER SITE VISIT DATE 26/06/15
RELEVANT PLANNING HISTORY:		

MA/14/0460 - Demolition of existing storage buildings and erection of 2 dwellings with amenity space and new access – Refused (dismissed at appeal)

MA/13/1721 - Demolition of 2 existing storage buildings and erection of 2 dwellings – Withdrawn

MA/13/1722 - Conservation area consent for demolition of 2 storage buildings – Withdrawn

MAIN REPORT

1.0 Site description

- 1.01 The application site consists of a square shaped area of land to the rear of Barker Cottages. The site is an area of grass that is in part overgrown and includes single storey buildings used for storage purposes and a polytunnel. Part of the site falls within the East Farleigh Conservation Area, and this extends to the west of the site. A number of the properties are within the vicinity are Grade II listed including the row of Barker Cottages, and 'Gate House Farm' to the south of the site. The site's southern boundary is adjacent to New Cut, a single track road leading to Stockett Lane to the east of the site; and Dean Street runs in a general north to south direction to the rear of Barker Cottages, to the west of the site. The site is within the countryside for the purposes of the Development Plan and also falls within the parish of East Farleigh. There are a number of residential properties within the vicinity of traditional form and scale.

2.0 Proposal

- 2.01 The proposal is for the erection of a single storey (1-bed) dwelling, which is to be sited close to the eastern boundary of the site. Taking on a general 'L' shape, the dwelling would be built from random limestone and natural slate roof tiles. The new building would take on a traditional

design, with gable-ends and brick quoins; and from its ridge to ground level it would stand some 4m in height from ground level.

- 2.02 The proposal would make use of the existing (and improved) vehicle access from New Cut; and the 2 storage buildings would be retained and used for domestic storage and parking.

3.0 Policies and other considerations

- Development Plan 2000: ENV6, ENV28
- National Planning Policy Framework
- National Planning Practice Guidance

4.0 Local representations

- 4.01 1 representation received raising concern over sustainability; visual impact; overlooking/loss of privacy; impact on countryside, conservation area and near-by listed buildings; and biodiversity.

5.0 Consultations

- 5.01 **East Farleigh Parish Council:** Wishes to see the application approved and if necessary reported Planning Committee.
- 5.02 **Conservation Officer:** Raises no objection in relation to heritage considerations subject to conditions re: samples of materials, the construction of a sample panel of ragstone for approval, joinery details, removal of all PD rights and landscaping.
- 5.03 **KCC Highways Officer:** Does not wish to comment.
- 5.04 **Landscape Officer:** Raises no objection on arboricultural grounds.
- 5.05 **Environmental Health Officer:** Did not comment but raised no objection under the previous application MA/14/0460 subject to a land contamination condition and how foul sewage will be dealt with.
- 5.06 **Biodiversity Officer:** Raises no objection.

6.0 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 other material considerations indicate otherwise.
- 6.02 The application site is upon land defined in the Local Plan as countryside.
- 6.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 which states as follows:-

"In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

(1) That which is reasonably necessary for the purposes of agriculture and forestry; or

- (2) *The winning of minerals; or*
- (3) *Open air recreation and ancillary buildings providing operational uses only; or*
- (4) *The provision of public or institutional uses for which a rural location is justified; or*
- (5) *Such other exceptions as indicated by policies elsewhere in this plan.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources."

- 6.04 The proposed development does not fit into any of the exceptions set out in policy ENV28.
- 6.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm.
- 6.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

"Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land."

- 6.07 The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.
- 6.08 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would

significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

- 6.09 Furthermore, although the NPPF identifies the provision of new housing by way of various means of delivery as a priority (section 6), it also sets out that this is not to take place at the expense of either the built or natural environment. The NPPF also makes it clear that proposed development needs to respect the intrinsic character and setting of the countryside (paragraph 17); and that permission, *"...should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area"* (paragraph 64).

- 6.10 I will now assess the main issues in relation to this proposal.

7.0 Background history

- 7.01 The most recent planning history on the site was an application for the erection of 2 dwellings (MA/14/0460). This was refused by the Council (May 2014) for the following reason;

"The proposed dwelling by virtue of its location outside a defined settlement would result in an unsustainable addition to existing sporadic development in the area harmful to the character and appearance of the surrounding countryside. The development is therefore contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and guidance contained within the National Planning Policy Framework 2012 and National Planning Policy Guidance 2014."

- 7.02 The applicant subsequently appealed the decision and the Planning Inspectorate dismissed this appeal on the grounds of sustainability and visual harm on the 8th January 2015 (copy of appeal decision is attached as APPENDIX 1).
- 7.03 The main difference from the proposal dismissed at appeal is that this application is for a single storey dwelling instead of a pair of semi-detached two storey dwellings.

8.0 Location

- 8.01 In this case, as set out by the Planning Inspector under MA/14/0460, the nearest primary school is some 1423m from the proposal site; East Farleigh train station is around 1437m away; and the nearest supermarkets (Tesco and Lidl) are some 1550m in Tovil to the north of the site. Notwithstanding there being a public house within 150m of the site, as explained in the Inspector's appeal decision, these distances clearly exceed the walking distance recommendations as set out in the Institute of Highways and Transportation publication *'Providing for Journeys on Foot 2000'*. Again, the Inspector also agreed that access to a majority of these services would generally involve the use of narrow, winding and unlit country lanes. Since the Inspector's decision, the speed limit along Dean Street has been reduced to 30mph (from 40mph), but this said I am still of the view that the road environment here is not safe for pedestrians for the reasons just given. I agree that such conditions would not encourage or be conducive to future occupants walking everywhere, particularly the route walking back from East

Farleigh train station and East Farleigh primary school, which would involve walking along both an unlit public footpath on the narrow highway on Forge Lane. This would certainly not be an attractive option on dark autumn/winter evenings or mornings; and given the narrowness of the roads leading to the site, nor would it be a realistic alternative in cycling for commuting to work or shopping exists.

- 8.02 In addition, whilst there is a bus stop near-by, the regularity of the bus service (Nu-venture nos. 26 & 27) during the day is at 2 hour intervals (with no service on Sundays). These times are not particularly convenient for future occupiers as a sustainable and practical mode of transport for daily activities; and these limited service times, the distances involved and nature of the routes to access day to day local services, is unlikely to be attractive or easily accessible to the future occupants of the proposed dwellings. Practically, future occupants of any new residential development in this location would be heavily dependent on travel by car for work, shopping, education, healthcare, leisure and social purposes. New residents are unlikely to frequently walk everywhere given the distances to surrounding villages, rural service centres and towns.

- 8.03 Under this application, the agent has set out walking times to the food stores in Tovil, East Farleigh train station and primary school, but this does not alter the distances as set out earlier; and the agent does concede that Dean Street is a narrow, unlit road with no footpaths which does not present a safe environment for pedestrians. The agent discusses the local bus services, with mention of the 26 and 27 services (Dean Street/Forge Lane) which runs Monday to Saturday;

Service from Maidstone: 10:25, 12:19, 14:19, 16:19, 17:52

Service to Maidstone: 07:42, 07:48, 10:20, 12:13, 14:13

- 8.04 It is accepted that the bus stops on Dean Street are close to the site but the infrequency of the service would not make it conducive in terms of sustainable travel for future occupants. The no. 23 (Nu-venture) service is also referred to which runs between Maidstone and Yalding. This service is more regular with generally a bus every hour from the bus stops close to The Bull public House, Lower Road. However, these bus stops are more than 1.2km away to the west of the site along Forge Lane, and in my view this distance would deter future occupants in using this service and therefore not make it favourable in terms of sustainable travel.
- 8.05 The agent has also submitted a list of local businesses and employee numbers as part of this application. Whilst this demonstrates that there may be employment opportunities in the local area, this in no way guarantees that future occupants will work for these businesses and in any case it still does not overcome the main sustainability objection to this proposal that has been upheld at appeal.
- 8.06 Consequently, the proposal would still not be able to achieve the environmental or social roles of sustainable development in terms of access to services and would therefore continue to be contrary to the overall sentiment of the NPPF. This issue was a clear ground for

dismissing the recent appeal decision and I can see no reason to now go against the decision of the Planning Inspectorate.

9.0 Visual impact and design

9.01 As previously set out, for the purposes of the Development Plan the proposal site is within the countryside.

9.02 With regard to the design of the proposed single storey building, it would have the appearance of a converted agricultural building, with ragstone and brick for the walls and slate for the roof which are considered appropriate for this location. Timber framed windows and doors are also proposed, and again this is considered in keeping with the building and surrounding area. I therefore consider the design of the building to be acceptable and the Conservation Officer also raises no objection in this respect.

9.03 In terms of the 2 single storey buildings on the site, one is almost totally of modern construction and the other has been much altered and reconstructed. It is evident that both are in poor condition and currently make no positive contribution to the character of the Conservation Area. This proposal would seek to their retention and repair, which in the Conservation Officer's view would represent an enhancement of the conservation area. On the advice of the Conservation Officer, I am also satisfied that the proposal would not have an adverse impact on the conservation area or the settings of nearby listed buildings.

9.04 I do not necessarily object to the proposed design in isolation. However, in terms of the visual impact, although largely screened from Dean Street and Forge Lane by virtue of its position to the rear of Barker Cottages, views of the dwelling and its associated domestic paraphernalia would be possible from New Cut. To the rear, the land slopes downwards to a valley area and views of the countryside are possible from the site. The site is currently a landscaped area with 2 more modestly scaled outbuildings, and in my view whilst the proposal is now for one single storey building the fact still remains that the introduction of this larger built form along the eastern-most boundary of the site would fundamentally change the character and appearance of the site to its detriment and protrude further into the countryside than what currently exists on the site. This view is echoed by the Planning Inspector who stated;

"I accept that the proposal could be partially mitigated by the landscaping of any development. However, the fact remains that the introduction of built form in this location, on the edge of the existing hamlet, would encroach into the countryside through the erosion of rural space."

9.05 I would say here that the landscaping suggested is limited; and it would take time to grow and is unlikely to fully screen the proposed development. So whilst the proposal does differ to what was previously dismissed at appeal, I remain of the view that this proposal would still cause unacceptable visual harm.

10.0 Biodiversity implications

- 10.01 A phase 1 ecological survey has been submitted with the application. This is the same survey that was submitted under MA/14/0460 and was carried out on the 12th July 2013. Of most relevance, the report concluded that any works should be carried outside the bird breeding season; and that there is some potential for the commoner reptiles to be present on site and so a presence/absence survey was recommended to establish the status of reptiles on site.
- 10.02 The Biodiversity Officer has taken the view that given the majority of the site is regularly mown, it is unnecessary for a specific reptile survey to be carried out. However, there are a few small patches of habitat within the site which may be used by reptiles (e.g. boundary), and so if I were minded to approve this application it is considered reasonable that details of a precautionary mitigation strategy is submitted by way of a pre-commencement condition that would cover the method used to clear the vegetation; the time of year the works can be implemented; and a site plan showing where areas of suitable reptile habitat will be retained or created within the proposed development.

11.0 Other considerations

- 11.01 The Planning Inspector under MA/14/0460 did not raise any objections to the proposal on the grounds of residential amenity; arboricultural issues; and highway safety. I have assessed these issues again, considering the changes to the proposal and I have no reason to raise any objection on these grounds.
- 11.02 This proposal represents only 1 dwelling to contribute to the 5 year housing supply figure which is insignificant in relation to the overall number. In my view, it is fundamental to achieve appropriate development in suitable locations to contribute to the land supply. In addition, whilst there can be some benefit of 1 new dwelling in terms of enhancing the vitality of rural communities by supporting services in nearby villages, the adverse impact of this unsustainable development outweighs any benefits when assessed against the NPPF as a whole.
- 11.03 Under MA/14/0460, the Environmental Health Officer stated that due to the limited information about the historical use of the site a contaminated land survey would be required. I can see no reason to question this view and if I were minded to approve this application I would duly impose such a condition.
- 11.04 The application confirms that foul sewage would be disposed of via the mains sewer and that surface water would be disposed of through a soakaway. I do not consider it necessary to pursue these details any further. Given the location and nature of the site, and the scale of this proposal, I am also satisfied that there is no reason to pursue further issues such as air quality, and noise. The Council's Environmental Health Officer has also raised no objection in this respect.

12.0 Conclusion

12.01 The issues raised by the 1 neighbour have been addressed in the main body of this report.

12.02 Whilst Maidstone borough does not have a five year supply of housing, in this instance the proposal is considered to be unsustainable form of development that would cause unacceptable visual harm to the countryside. In my view the adverse harm caused by the development would significantly and demonstrably outweigh the benefits of this proposal, contrary to the Development Plan and the aims of the NPPF. I therefore recommend refusal of this application.

RECOMMENDATION – REFUSE for the following reason:

1. The proposed dwelling by virtue of its location outside a defined settlement would result in an unsustainable addition to existing sporadic development in the area harmful to the character and appearance of the surrounding countryside. The development is therefore contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and paragraphs 7, 14, 17 and 64 of the National Planning Policy Framework 2012.

Case Officer: Kathryn Altieri

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.