

REPORT SUMMARY

REFERENCE NO - 15/507259/FULL			
APPLICATION PROPOSAL Erection of a new single storey, contemporary residential dwelling with associated landscaping, parking and access			
ADDRESS Land adjacent Rock House Boughton Lane Boughton Monchelsea Kent ME17 4LY			
RECOMMENDATION – REFUSE PERMISSION with powers delegated to officers on the basis that no new material planning issues are raised up to the 26 February 2016 when the departure from the development plan notices expire			
SUMMARY OF REASONS FOR REFUSAL The proposed new dwelling in the open countryside location does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. The open countryside location with poor access to public transport, services and facilities is likely to result in reliance on the private car and as such the proposed development is not considered to represent sustainable development in accordance with the provisions of the National Planning Policy Framework (NPPF). The proposed new dwelling is not justified as one of the exceptions in the NPPF (para. 55) where a new isolated home in the countryside could be permitted. The formation of the new access on Boughton Lane, the significant extent of the proposed built form, and the further domestication of this part of the open countryside is likely to be harmful to the character and appearance of the open countryside location. The small contribution the new dwelling would make to the current shortfall in the required five-year housing supply is not considered to outweigh the conflict with the environmental aims of the NPPF relating to sustainable development and the visual harm that will result.			
REASON FOR REFERRAL TO COMMITTEE The proposed new dwelling in the open countryside location represents a departure from the Development Plan. Boughton Monchelsea Parish Council support the application and would like to see it approved. The Parish Council have stated that if officers are minded to recommend refusal then they would wish to see the application reported to the Planning Committee.			
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Mr Doug Smith AGENT DHA Planning	
DECISION DUE DATE 29/10/15	PUBLICITY EXPIRY DATE 26/02/16	OFFICER SITE VISIT DATE 30/09/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/96/0150	Extension to existing outbuilding for enlarged garage and gymnasium.	Approved	13.03.96
MA/90/964	Conservatory extension.	Approved	24.07.90
MA/90/1046	Pool house enclosure.	Refused	29.08.90

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the rear (west) of the substantial detached two-storey residential property at Rock House which is situated on the west side of Bottlescrew Hill, to the south of its junction with Boughton Lane. The existing residential property has a gated access drive off Bottlescrew Hill and an extensive garden area which is bounded by Boughton Lane to the north.
- 1.02 The application site covering 0.61 hectares was formerly an unused part of the garden to the existing residential property at Rock House. The land is now physically separated by a close boarded timber fence and hedge. The existing residential property incorporates a number of outbuildings mainly set around the hardstanding area to the rear (west) of the dwelling and accessed from the access drive.
- 1.03 The site has a relatively narrow frontage to Boughton Lane to the north from where it is accessed and 55m approx. back (south) from the frontage to Boughton Lane is the main body of the site with approximate maximum dimensions of 74m by 74m. The main body of the site comprises a central grassland clearing with mature woodland and hedging around the perimeter.
- 1.04 The existing residential property at Rock House, a substantial mid-19th century dwelling, is not a listed building but the site is located adjacent to The Quarries Conservation Area and within reasonably close proximity to a number of listed buildings, including Rock Cottage, Harts House, Swiss Cottage and The Maltings to the south of Rock House.
- 1.05 The site is located within the open countryside outside the urban area of Maidstone and any village development boundary shown on the Proposals Map to the Maidstone Borough-Wide Local Plan. The site forms part of an area of Local Landscape Importance as defined on the Proposals Map and part of the Southern Anti-Coalescence Belt as defined on the Proposals Map. The site forms part of an area identified as being of archaeological potential.
- 1.06 The site is adjoined by several Public Rights of Way, including footpaths KM101 to the west/south-west of the site and KM102 to the south of the site and bridleway KM331 to the south-west of the site.

2.0 PROPOSAL

- 2.01 The application proposes the development of the site with the erection of a detached dwelling with roof garden and room, with associated landscaping and access from Boughton Lane.
- 2.02 The proposed dwelling is accessed from a 70m driveway off Boughton Lane and is to be more or less centrally located within the main body of the site south of the access. The proposed dwelling has a 24m x 17m footprint with a further detached garage/workshop block with a 15m x 7m footprint adjacent to the north-eastern corner of the dwelling fronting an entrance forecourt at the end of the access driveway.
- 2.03 The proposed dwelling is predominantly single-storey with a flat roof and incorporates a central open plan living and kitchen/dining room with two bedrooms either side of the central open plan area, a utility room and a study/library room. Within the proposed entrance hallway are stairs leading up to a first floor flat roofed addition with a 6m x

7.3m space providing a rooftop room with access to a roof terrace and garden. The gross internal floor area of the proposed dwelling is 399 sq. m.

- 2.04 Externally the proposed driveway and entrance forecourt are to be gravel with bands of ragstone. To the rear (west) of the proposed dwelling an extensive (17.8m x 25.8m approx.) landscape decked partly raised terrace with pond is proposed with a further smaller partly raised decked terrace area (14.5m x 6.8m approx.) with swimming pool to the southern side of the dwelling.
- 2.05 To the southern side of the proposed dwelling an elevated walkway is proposed extending 11m from the outside edge of the raised decking leading to a circular (5.5m diameter) raised cabin set amongst the existing tree canopies adjacent to the southern boundary. The mature woodland and hedging around the perimeters of the site is shown in the proposals to be retained with new planting provided along the access driveway.
- 2.06 The proposed dwelling is of modern contemporary design and construction. Materials incorporate fair-faced reinforced in-situ concrete, timber doors, sliding screens and cladding with grey aluminium glazed windows and sliding glass walls. The proposed detached garage/workshop outbuilding is to have a ragstone finish.
- 2.07 The Design and Access Statement submitted with the application states that the aim is for the house to achieve Passivhaus standard and utilise cutting edge yet practical technologies. The Statement states that the house will be fuelled by a ground source heat pump linked to an electric immersion system for top up heating and hot water and that concealed rooftop photovoltaic panels will generate power that will offset the immersion demands. The Statement states that the building fabric will be highly insulated and sealed to achieve very high U-values and airtightness and that all glazing will be high performance triple-glazed in thermally broken window frames. The Statement states that the dwelling will utilise a rainwater harvesting system and a charging point will be provided for an electric motor vehicle.
- 2.08 The applicant's Design and Access Statement states that the new low profile building is located discretely on the site. The applicant states that the existing landscape is to be retained and supplemented and this with the new dwelling will screen the proposed house.

3.0 PLANNING CONSTRAINTS

- 3.01 The site is located within the open countryside outside the urban area of Maidstone and any village development boundary shown on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.02 The site forms part of an area of Local Landscape Importance as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.03 The site forms part of the Southern Anti-Coalescence Belt as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.04 The site forms part of an area identified as being of archaeological potential.
- 3.05 The existing residential property at Rock House and the south-eastern corner of the plot of the proposed development adjoins part of the northern boundary of The Quarries Conservation Area.

- 3.06 The site is within reasonably close proximity to a number of listed buildings, including Rock Cottage, Harts House, Swiss Cottage and The Maltings to the south of Rock House.
- 3.07 The site is adjoined by several Public Rights of Way, including footpaths KM101 to the west/south-west of the site and KM102 to the south of the site and bridleway KM331 to the south-west of the site.

4.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Development Plan: Maidstone Borough-Wide Local Plan 2000: Policies ENV6, ENV28, ENV32, ENV35, ENV49, T13
- Maidstone Borough Council Draft Local Plan: Policies SS1, SP5, DM1, DM2, DM4, DM5, DM6, DM10, DM30

5.0 LOCAL REPRESENTATIONS

- 5.01 14 neighbouring properties were notified of the application and a site notice was displayed. No responses/representations on the application have been received to-date from the occupiers/users of the neighbouring properties.
- 5.02 The application has recently been re-publicised (press and site notices) as a departure from the local plan and the deadline for comments in respect of the press notice expires the day after (26th February) the committee meeting. The recommendation on the application takes into account the possibility of local representations being received on the application after the committee meeting.

6.0 CONSULTATIONS

- 6.01 **Boughton Monchelsea Parish Council:** The Parish Council comment that they would like to support this application and see it approved. Comment further that the proposed house is fully sustainable and of modern construction, it is self-contained and in its own context, and that they would like to see continued screening for surrounding properties and the conservation area. Advised that members agreed that if officers are minded to recommend refusal then the Parish Council would wish to see the application reported to the MBC Planning Committee.
- 6.02 **Conservation Officer:** Raises no objection subject to conditions re full details/samples of materials, large scale details of doors and windows, landscaping and removal of all 'permitted development' rights. Commented as follows:

'The application site lies just outside the boundary of the Boughton Monchelsea (The Quarries) Conservation Area and relatively close to listed buildings at Rock Cottage and Harts House. It is elevated considerably above these designated heritage assets. The land also falls within the curtilage of Rock House, which although not listed is a fine house of circa 1840 which in my view should be considered as a non-designated heritage asset.'

The application is accompanied by a detailed Heritage Statement which concluded that because of the height difference and the existing boundary planting to the application site there will be no inter-visibility between the proposed house and the designated heritage assets. I agree that this is likely to be the case – there might be

some glimpses of the proposed “contemplation cabin” from the conservation area but this, in my view, could add interest to the scene and would not cause harm. Neither do I consider that harm would result to the setting of Rock House from the proposals.

The proposed house is an interesting modern site-specific design which would not have any wide impact on the local landscape. Mention is made in the Heritage Statement of the draft Conservation Area Management Plan which is currently out for consultation and which suggests that Rock House (including the application site) could be considered for inclusion in an extended conservation area. This is not yet a firm proposal, but even if the conservation area were to be extended to include the site it is my opinion that these proposals would not cause harm to it.'

6.03 **Environmental Health Officer:** Raises no objection. Comments that the proposed development does not have any implications for noise, air quality or radon. Recommends that as the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

6.04 **Kent Highways:** Comments that the application proposes a new access on to Boughton Lane to the north of the site and that a submitted report shows that there is sufficient visibility achievable from this access in relation to the speed of vehicles at this section. Further comments that Boughton Lane is an unclassified road, and therefore a new access here would not require planning permission. Comments that there have been no accidents on this section of Boughton Lane and it is not expected that there will be a significant amount of traffic generated from this site. Advises that the site allows for the sufficient parking and turning of cars, however the applicant should provide tracking diagrams showing that a fire tender can safely access, turn around and exit the site in a forward gear. Subject to the above, and the conditions outlined below, Kent Highways do not raise objection:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

Advises that the applicant should contact KCC – Highways and Transportation regarding construction of the required vehicular crossing or any other works within the highway for which a statutory licence must be obtained and an informative should be attached to any grant of planning permission informing the applicant that it is their responsibility to ensure, before the development commences, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

6.05 **KCC Archaeological Officer:** Comments as follows:

'The site of the application lies within an area of archaeological potential associated with Iron Age activity and post medieval industrial activity. The site lies c.300m north of the Scheduled Monument of Boughton Camp, an Iron Age settlement or oppidum. Associated Iron Age activity sites have been found in the surrounding area, for example c200m to the north opposite Boughton Mount and there is potential for Iron Age and later remains to survive. In addition, there are clear indications that this area was known for extraction of ragstone from the Medieval Period or earlier. Evidence of post medieval or earlier quarrying may survive on the site.'

I note the site is set within a strongly marked curving boundary, originally the boundary of Rock House land perhaps. The early maps also indicate a small outbuilding in the south west corner of the site. It is not very clear but the 1st Ed OS map suggests the application site may have been part of the post medieval Boughton Quarries industrial complex. Remnants of historic landscape features may survive on site.

The application is supported by a Heritage Statement by Heritage Collective. This statement seems to focus on the buildings and there is no assessment of archaeology or historic landscape issues. It would have been preferable for a Heritage Statement to cover all elements of the historic environment not just buildings. It is not clear from the application details whether the site is a former quarry site itself or how this land relates to Rock Cottage. However, there are no designated heritage assets on the site itself and as such I recommend the following condition is placed on any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- Archaeological field evaluation works and historic landscape survey in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- Following on from the evaluation and the historic landscape survey, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigations and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;*

Reason: Pursuant to Articles 35(1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works, other than demolition works, commencing on site. This is because, at the time of granting permission, full details were not yet available but this information is necessary to ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.'

- 6.06 **KCC Public Rights of Way Officer:** Comments that the development site is adjoined by several Public Rights of Way including footpath KM101 and KM102 and bridleway KM331 and that the existence of rights of way is a material consideration. Comments further that it is noted that this development does not directly affect the Right of Way and in light of this no objection is raised to the application. Recommends a number of general informatives to be attached to any grant of planning permission relating to the protection/safeguarding of the Public Rights of Way. Further recommends that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- 6.07 **Natural England:** No comments to make on this application. Advise that the lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 6.08 **Southern Water:** Advise that the sewer records show the approximate position of a public foul sewer within the site and that the exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Further advise that no development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works and that no new soakaways should be located within 5 metres of a public sewer. Advise that due to changes in legislation regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property and should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. Request an informative is attached to any grant of planning permission relating to the need to make a formal application to Southern Water for a connection to the public foul sewer. Advise that their initial investigations indicate that there are no public surface water sewers in the area to serve this development and that alternative means of draining surface water from this development are required. Advise further that this should not involve disposal to a public foul sewer. Comment that the application contains a proposal for a swimming pool for private use and if the pool produces filter backwash water this would need to be discharged to the public foul sewer. Advise that the rate and times of discharge of this water to the sewer, and discharge of the contents of the pool (if these need to be drained to the sewer), would have to be agreed with Southern Water. Request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."
- 6.09 **UK Power Networks:** No objections to the proposed works.

7.0 BACKGROUND PAPERS AND PLANS

7.01 The current application is accompanied by the following drawings/documents:

Drawing No. RC-P-Location – Location Plan (Existing)
Drawing No. RC-P-Location – Location Plan (Proposed)
Drawing No. RC-P-Block – Block Site Plan (Proposed)
Drawing No. RC-P-Site – Ground Floor Plan (Proposed)
Drawing No. RC-P-L0 – Ground Floor Plan (Proposed layout)
Drawing No. RC-P-L1 – First Floor Plan (Proposed layout)
Drawing No. RC-P-LR – Roof Plan (Proposed layout)
Drawing No. RC-E-001 – East Elevation (Proposed)
Drawing No. RC-E-002 – South Elevation (Proposed)
Drawing No. RC-E-003 – West Elevation (Proposed)
Drawing No. RC-E-004 – North Elevation (Proposed)
Drawing No. RC-EC-001 – East Elevation (Proposed in context)
Drawing No. RC-EC-002 – South Elevation (Proposed in context)
Drawing No. RC-EC-003 – West Elevation (Proposed in context)
Drawing No. RC-EC-004 – North Elevation (Proposed in context)
Drawing No. RC-S-AA – Proposed Section A-A
Drawing No. RC-S-BB – Proposed Section B-B
Drawing No. RC-GRG – Garage/Workshop Block (Proposed plan and elevations)
Drawing No. RC-CC – Contemplation Cabin (Proposed plan and elevations)
Design & Access Statement (August 2015)
Planning Statement (September 2015) – DHA Planning
Heritage Statement (July 2015) – Heritage Collective
Arboricultural Report (20.04.15) – Phelps Associates
Extended Phase 1 Ecological Survey & Phase 2 Ecological Surveys (October 2012) – AB Ecology
Updating Extended Phase 1 Habitat Survey and Updating Protected Species Surveys (July 2015) – AB Ecology
Site Access Sightline Statement (April 2015) – Paul Mew Associates
Drawing DHA/10777/02 - Access to Facilities Plan

8.0 APPRAISAL

Principle of Development

8.01 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. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

“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.”

- 8.02 The proposed erection of a dwelling on the site does not fall within any of the above categories considered as appropriate development in the countryside, and therefore the proposal represents a departure from the Development Plan. It is therefore necessary to consider whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified. The provisions of the National Planning Policy Framework (NPPF), particularly with regard to housing land supply, are a key consideration in this regard. 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 completion in the market for land.”

- 8.03 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.
- 8.04 Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, 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.
- 8.05 This lack of a five year supply is a significant factor and at paragraph 49 the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that, as noted above, relevant policies for the supply of housing (such as policy ENV28 of the Local Plan which seeks to restrict housing outside of settlements) should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. 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.
- 8.06 In terms of the location of the site, the NPPF advises that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements.
- 8.07 In this case the site access on Boughton Lane is some 300m from the closest part (the western edge) of the Boughton Quarries village settlement which is small and offers nothing in terms of facilities. The site lies marginally further to the south of the closest part of the main Maidstone urban area (as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan) where an extensive range of facilities and services exist, albeit some distance from the site.
- 8.08 The site is 15 minutes walk from bus routes along Loose Road/Linton Road into Maidstone town centre. There is a small shop/post office on Church Street close to the Boughton Monchelsea village centre to the south, a walk of 15 minutes away. The Boughton Monchelsea Primary School and the New Line Learning Academy are a

walk of 20-25 minutes away to the south and north of the site respectively. The access to these facilities is at least partly accessed from narrow country roads which are to a large extent unlit and lacking footways.

- 8.09 In the circumstances it is considered that future occupiers of the proposed dwelling would be heavily reliant on car-based journeys for their day to day needs. As a result the proposed development is not considered to represent sustainable development with regard to access to public transport and services, and would be contrary to the provisions of the NPPF in this regard.
- 8.10 The overarching principle of the NPPF is a clear 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 and that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of the special circumstances given in paragraph 55 of the NPPF whereby an isolated new dwelling in the countryside could be justified is the exceptional quality or innovative nature of the design of the dwelling. The NPPF states that such design should:
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.
- 8.11 In the Planning Statement supporting the application the applicant acknowledges that the proposal is effectively a new house in the countryside but is of the view that the proposal meets the above tests as set out in paragraph 55 of the NPPF, and the design quality together with the qualitative enhancements made to the landscape will ensure that the scheme has a positive impact upon the locality.
- 8.12 The applicant's Planning Statement states that the proposed new dwelling is sited and designed as a subordinate, but striking building that would complement the main dwelling at Rock House. The statement says that the external treatment of the building and its outbuildings uses a mixture of contemporary materials and technologies combined with local traditional materials such as ragstone and timber cladding. The statement advises that the new dwelling will be built to exacting standards utilising modern methods of construction and based on the 'fabric first' principles of Passivhaus design established in Germany over 25 years ago. The Planning Statement further states that there are very few examples of wholly Passivhaus design within the Borough of Maidstone that incorporate this technology and that it is hoped that its development here, together with long term monitoring of its benefits will be of assistance when future proposals of this nature come forward.
- 8.13 Whilst it is considered that the proposed dwelling will provide contemporary design and construction, and seeks to achieve Passivhaus standard, it is not considered that the design would be outstanding or innovative. It is also not considered that there is any overriding suggestion that the scheme would help raise standards of design more generally in rural areas. It is considered that the visual impact of the formation of the new access into the site on Boughton Lane, the significant extent of the proposed built form, including extensive partly raised decked terrace areas, and the further domestication of this part of the open countryside would be harmful to the character

and appearance of the open countryside setting. For the above reasons, it is not considered that the proposed development would satisfy the four criteria in paragraph 55 of the NPPF required to demonstrate its exceptional quality or innovative nature.

- 8.11 For the above reasons, the proposed erection of a new dwelling in the open countryside location is considered to be unacceptable. The development would represent unsustainable housing development in an isolated location, with regard to public transport and services, with future occupants reliant on the use of the private car. As such the proposal is contrary to the provisions of the NPPF. A further key issue is whether the likely adverse environmental impacts of the proposed development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

Landscape and visual Impact

- 8.12 The open countryside site forms part of the Loose Valley Area of Local Landscape Importance as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan. Policy ENV35 of Maidstone Borough-Wide Local Plan states that in the defined Areas of Local Landscape Importance particular attention will be given to the maintenance of open space and the character of the landscape and encouragement will be given to improvements in public access.
- 8.13 As noted in paragraph 8.01 above, policy ENV28 of the Local Plan relating to development within the open countryside states that in the countryside planning permission will not be given for development which harms the character and appearance of the area.
- 8.14 Government guidance in the NPPF (para. 109) states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 8.15 The site forms part of the Southern Anti-Coalescence Belt as defined on the Proposals Map to the Maidstone Borough-Wide Local Plan. Policy ENV32 of the Maidstone Borough-Wide Local Plan states that within the defined Southern Anti-Coalescence Belt, development which significantly extends the defined urban area or the built up extent of any settlement, or which, as a result of infilling, consolidates existing areas of development, will not be permitted.
- 8.16 The main body of the site in which the proposed new dwelling is to be sited is some 55m approx. back (south) from the frontage to Boughton Lane from where the site is accessed and the main body of the site comprises a central grassland clearing with mature woodland and hedging around the perimeter which forms a screen.
- 8.17 The submitted proposal for a new dwelling includes the following development:
- A new building with a 24m x 17m footprint,
 - A detached garage/workshop block with a 15m x 7m footprint,
 - A(17.8m x 25.8m approx.) partly raised decked terrace with pond to the rear (west) of the dwelling,
 - A further partly raised decked terrace area (14.5m x 6.8m approx.) with swimming pool to the southern side of the dwelling, and
 - the provision of an elevated walkway to the southern side of the dwelling extending 11m from the outside edge of the raised decking leading to a circular (5.5m diameter) raised cabin set adjacent to the southern boundary of the site,

- 8.18 It is considered that the proposal would result in visual impact in this open countryside location. This impact would be greatest in terms of the upper parts of the building including the views from, and across the Loose Valley to the west. With existing trees providing some screening, the impact would be particularly present during the winter months when this screening to the site is less dense.
- 8.19 It is considered that the proposal will introduce significant built form into this part of the open countryside. The scale and extent of the proposed development and the domestication of this land will impact on the character and appearance of this open countryside location. It is considered that the proposal will result in a harmful impact on the locality. The proposal would conflict with the Area of Local Landscape Importance and Southern Anti-Coalescence Belt designations and would conflict with policies ENV28, ENV32 and ENV35 of the Maidstone Borough-Wide Local Plan.

Residential Amenity and Standard of Accommodation

- 8.20 The proposed detached dwelling with roof garden and room would be sited approximately 80m from the existing dwelling at Rock House to the east and approximately 70m from the neighbouring dwelling at Rock Cottage to the south-east of the site. With the separation from adjoining properties it is not considered that there would be any unacceptable loss of amenity to the neighbouring occupiers in terms of loss of light, overshadowing, loss of outlook, overlooking or loss of privacy.
- 8.21 The proposed internal room sizes, layout and private outdoor amenity space to the proposed new dwelling will provide good indoor and outdoor living conditions for future occupiers of the proposed dwelling.

Highways

- 8.22 The proposed detached 4-bedroom dwelling is accessed from a 70m driveway off Boughton Lane with a new access being formed on Boughton Lane to serve the development.
- 8.23 Kent Highways advise that a report (submitted in support of the application) shows that there is sufficient visibility achievable from the proposed access in relation to the speed of vehicles at this section of the road. The proposed dwelling fronts onto an entrance forecourt at the end of the access driveway and a proposed detached garage/workshop block incorporating parking for 3 cars is proposed off the entrance forecourt. Kent Highways advise that the site allows for the sufficient parking and turning of cars and that subject to the applicant providing tracking diagrams showing that a fire tender can safely access the site, turn around and exit the site in a forward gear and a number of conditions (outlined in paragraph 6.04 above) being imposed on any grant of planning permission, Kent Highways do not raise objection to the application.
- 8.24 The proposed development incorporates adequate access and on-site parking arrangements and in terms of traffic movements, it is not expected that there will be a significant amount of additional traffic generated from the site. The conditions requested by Kent Highways can be imposed on any grant of planning permission together with a further condition requiring the submission and approval of tracking diagrams showing that a fire tender can safely access the site, turn around and exit the site in a forward gear. As the highways impact from the development can be successfully addressed through the use of conditions, the impact on the highways network does not form part of the recommended grounds for the refusal of planning permission.

Landscaping and ecology

- 8.25 The site comprises a mixture of managed and unmanaged poor semi-improved grassland, scattered trees, woodland and hardstanding. A close boarded timber fence runs along the eastern boundary of the site. The western boundary and the northern boundary of the main body of the site are bordered by a hedgerow.
- 8.26 The proposed detached predominantly single-storey dwelling with roof garden and room is to be more or less centrally located within the main body of the site within an area of poor semi-improved grassland. The proposed dwelling incorporates a detached garage/workshop block adjacent to its north-eastern corner, a partly raised decked terrace to the rear (west) with a smaller partly raised decked terrace area to the southern side. To the southern side of the proposed dwelling an elevated walkway extends 11m from the outside edge of the raised decking leading to a circular (5.5m diameter) raised cabin set amongst the existing tree canopies adjacent to the southern boundary.
- 8.27 The Arboricultural Report submitted in support of the application concludes that with the erection of protective fencing in accordance with a 'Tree Protection Plan' will ensure no damage is caused. The Planning Statement submitted in support of the application states that poorer tree specimens at the site boundary will be replaced and that additional trees and planting will be added to augment and extend the woodland which is a defining characteristic of the area.
- 8.28 The Ecological Survey reports submitted in support of the application recommend that the proposals should minimise in the form of damage or removal of hazel coppice woodland and areas of ground flora to the northern, southern and western perimeters of the main body of the site and that during the proposed works appropriate exclusion fencing is erected to prevent access to these areas. The reports further recommend that the ecological value of the on-site vegetation could be significantly enhanced by simple habitat management, in particular, the planting of native trees, shrubs and wildflowers within the development would increase biodiversity value greatly.
- 8.29 The Ecological Survey reports recommend measures to protect areas of habitat considered suitable for supporting dormouse, to safeguard and enhance the use of the site by breeding birds, and to provide enhancement of the site for roosting bats and safeguard the use of the site by foraging and commuting bats.
- 8.30 The Ecological Survey reports state that the proposals will require initial clearance of small areas of rough grassland and tall ruderal habitat and that there is potential for high impacts on reptiles (grass snake and slow worms) through injury or killing during proposed clearance works. The reports recommend a strategy of exclusion and translocation is utilised to move reptiles from areas to be impacted by the proposals to appropriate areas within the site with reptile exclusion fencing installed along the perimeter of the working area at the site.
- 8.31 The Ecological Survey reports make recommendations for the provision of a scheme for the retention and protection of badger setts located on and adjacent to the site. The main badger sett within the site is located adjacent to the western boundary of the main body of the site with subsidiary annex entrance to the south-eastern corner of the main body of the site, both within the recommended tree protection/reptile exclusion fence line. The proposed building is in excess of 31m from the closest (partially used) main badger sett entrance and 23m from the closest subsidiary sett entrance.

- 8.32 Subject to the implementation of the recommendations of the submitted Arboricultural Report and Ecological Survey Reports being secured by conditions imposed on any grant of planning permission, it is considered that the landscape and ecological interests of the site can be adequately safeguarded. As the impact on ecology from the development can be successfully addressed through the use of conditions, the impact on the ecology does not form part of the recommended grounds for the refusal of planning permission.

Heritage impact

- 8.33 The existing residential property at Rock House and the south-eastern corner of the plot of the proposed development adjoins part of the northern boundary of The Quarries Conservation Area. To the south of Rock House, within the Conservation Area, are a number of listed buildings, including Rock Cottage, Harts House, Swiss Cottage and The Maltings.
- 8.34 Government guidance in the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF states that the more important the asset, the greater the weight should be and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 8.35 The NPPF states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The NPPF states (para. 133) that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that there are substantial public benefits from the development that outweigh that harm or loss. The NPPF further states (para. 134) that where a development proposal will 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 viable use.
- 8.36 The Conservation Officer has commented (see paragraph 6.02 of the report above) that he agrees with the conclusions of the Heritage Statement supporting the application that because of the height difference and the existing boundary planting to the application site there will be no inter-visibility between the proposed house and the adjoining designated heritage assets. The Conservation Officer raised no objection to the application subject to conditions being imposed on any grant of planning permission relating to details/samples of the materials to be used in the development, large scale details of doors and windows being approved, landscaping details, and removal of all 'permitted development' rights. As the impact from the development on heritage can be successfully addressed through the use of conditions, the impact on the heritage does not form part of the recommended grounds for the refusal of planning permission.

Archaeology

- 8.37 As noted in the representations on the application from the KCC Archaeological Officer (see paragraph 6.05 of the report above), the site of the application lies within an area of archaeological potential associated with Iron Age activity and post medieval industrial activity. The site lies c.300m north of the Scheduled Monument of Boughton Camp, an Iron Age settlement or oppidum. Associated Iron Age activity sites have been found in the surrounding area, for example c200m to the north opposite Boughton Mount and there is potential for Iron Age and later remains to

survive. In addition, there are clear indications that this area was known for extraction of ragstone from the Medieval Period or earlier. Evidence of post medieval or earlier quarrying may survive on the site.

- 8.38 The KCC Archaeological Officer further comments that the 1st Ed OS map suggests the application site may have been part of the post medieval Boughton Quarries industrial complex. Remnants of historic landscape features may survive on site.
- 8.39 The KCC Archaeological Officer recommends a condition be imposed on any grant of planning permission requiring the submission and approval of a specification and timetable for implementation of archaeological field evaluation works and historic landscape survey. The condition following on from the evaluation and the historic landscape survey should include any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigations and recording in accordance with an approved specification and timetable. The recommended condition can be imposed on any grant of planning permission and will ensure the archaeological interests of the site are safeguarded. As the impact from the development on archaeology can be successfully addressed through the use of conditions, the impact on the archaeology does not form part of the recommended grounds for the refusal of planning permission.

Drainage

- 8.40 Southern Water in their representations on the application (see paragraph 6.08 of the report above) request that a condition be attached to any planning approval requiring the submission of details of the proposed means of foul and surface water disposal for the development for approval. The requested condition can be imposed on any grant of planning permission.

Other Matters

- 8.41 Whilst the Parish Council's support for the application is noted (see representations in paragraph 6.01 of the report above), as set out in the following conclusions it is not considered that there is any overriding justification in this case to permit a new dwelling in the open countryside location.
- 8.42 The application site covers an area of 0.61 hectares and the Council's normal policy is to seek affordable housing provision on sites over 0.5 hectares in area (or providing 15 units or more). In this case due to the circumstances of the proposal including provision of a single residential unit it is considered that seeking a contribution towards affordable housing would be unreasonable. The planning application has been advertised as a departure from the development plan.

9.0 CONCLUSION

- 9.01 The site is located within the open countryside outside the urban area of Maidstone and any village development boundary shown on the Proposals Map to the Maidstone Borough-Wide Local Plan. The proposed new dwelling in the open countryside location does not conform with policy ENV28 of the Maidstone Borough-Wide Local Plan which seeks to restrict housing outside of settlements.
- 9.02 The open countryside location for the new dwelling with poor access to public transport, services and facilities will result in reliance on the private car for future occupiers and as such the proposed development is not considered to represent

sustainable development in accordance with the Government guidance in the National Planning Policy Framework (NPPF).

- 9.03 The design of the proposed building would not be truly outstanding or innovative and as a result the proposed new dwelling is not justified as one of the exceptions in the NPPF (para. 55) where a new isolated home in the countryside could be permitted.
- 9.04 The proposed development represents the introduction of significant built form into this part of the open countryside and the extent of the built form, together with the formation of the new access on Boughton Lane and the further domestication of this part of the open countryside will have a harmful impact on the character and appearance of the open countryside location. Such a harmful impact would conflict with the open countryside, Area of Local Landscape Importance and Southern Anti-Coalescence Belt designations for the location and would conflict with policies ENV28, ENV32 and ENV35 of the Maidstone Borough-Wide Local Plan.
- 9.05 The benefit from the development, including the small contribution to reducing the current shortfall in the required five-year housing supply, does not outweigh the conflict with the environmental aims of the NPPF relating to sustainable development or the guidance in the NPPF and the above Local Plan policies relating to protection of the open countryside and important landscape. Refusal of planning permission is therefore recommended for the following reasons.

10.0 RECOMMENDATION – REFUSE PERMISSION with powers delegated to officers on the basis that no new material planning issues are raised up to the 26 February 2016 when the departure from the development plan notices expire

- (1) The proposal represents unsustainable housing development where future occupiers of the dwelling would be heavily reliant on private car based journeys, contrary to the environmental aims of the National Planning Policy Framework 2012 relating to sustainable development.
- (2) The proposed development represents the introduction of significant built form and the extent of the built form, together with the formation of the new access on Boughton Lane and the domestication of this land would have a harmful impact on the character and appearance of the open countryside location and this area of local landscape importance, consolidating existing development and conflicting with policies ENV28, ENV32 and ENV35 of the Maidstone Borough-Wide Local Plan 2000 and the guidance in the National Planning Policy Framework 2012.

Case Officer: Jon Barnes

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