

## REPORT SUMMARY

15 March, 2018

<b>REFERENCE NO - 17/506491/FULL</b>			
<b>APPLICATION PROPOSAL -</b> Demolition of farm buildings and construction of a detached house and garage			
<b>ADDRESS -</b> Wheatsheaf Barn, Wheatsheaf Farm, Hazel Street Stockbury ME9 7SA			
<b>RECOMMENDATION - REFUSE PLANNING PERMISSION</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION -</b> <p>The site located outside of any settlement boundary as defined in the adopted Maidstone Borough Local Plan 2017 is in an unsustainable location that is poorly related to basic services and transport and as a result would require occupiers to be reliant on the private motor car. It is therefore contrary to policies SS1 and SP17 of the Maidstone Borough Local Plan (2017) and government advice in paragraph 55 of the National Planning Policy Framework (2012).</p> <p>The development of a new house and associated domestic paraphernalia would unacceptably erode the openness of the surrounding area and consolidate the existing loose pattern of built environment, which would constitute an unjustified and unwelcome addition to existing sporadic residential development in Hazel Street contrary to policy DM30 of the adopted Maidstone Borough Local Plan (2017).</p> <p>The development would be harmful to the landscape character and scenic beauty of the Kent Downs AONB contrary to provisions set out in policy SP17 and DM30 of the adopted Maidstone Borough Local Plan (2017) and government advice in paragraph 115 of the National Planning Policy Framework (2012) which states that great weight should be given to the conservation of landscape and scenic beauty of designated AONB.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE -</b> Cllr Patrik Garten have requested that the application is reported to the Planning Committee if officers are minded to recommend refusal.			
<b>WARD</b> North Downs	<b>PARISH/TOWN COUNCIL</b> Stockbury	<b>APPLICANT</b> Mr G J Crabtree <b>AGENT</b> BDB Design LLP	
<b>DECISION DUE DATE</b> 16/02/18	<b>PUBLICITY EXPIRY DATE</b> 26/01/18	<b>OFFICER SITE VISIT DATE</b> 07/02/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/09/0408	Conversion of a redundant farm building to holiday let	Application Permitted but never implemented	5.08.2009

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is a roughly rectangular shaped plot of land located on the east side and fronting Hazel Street close to its junction with Southless Lane. The site is located in the parish of Stockbury in an area of open countryside designated as an Area of Outstanding Natural Beauty. The site is flanked on two sides (north and east)

by open farmland with Willow Tree Barn; a converted agricultural barn on land to the south of the application site. The western boundary of the site on Hazel Street is characterised by native hedge planting which partially screens the adjacent Willow Tree Barn in views from the road.

- 1.02 The site is occupied by a pole barn type structure set back from the Hazel Street by approximately 10 metres. The barn which has a depth of 18.5 metres and width of 14 metres has a ridged sheeted roof. The building has a large mono-pitched lean-to on its northern side measuring 24.5 x 9.5 metres and a much smaller lean-to partly to the eastern side which has the dimensions 6.5 x 5.5. The building is just under 6 metres above ground level and mainly enclosed with vertical timbers on the north-west, south-west and part of the south-eastern elevations with gaps under the eaves. The north eastern part of the building is largely open. The building is prominently sited on elevated ground which drops away gently in a general northward direction.
- 1.03 The previous permission granted in 2009 under application reference number MA/09/0408 for the conversion of the redundant farm building to holiday let was never implemented. As the change of use of the land and the building never occurred, the land and the subject building is still considered as being in agricultural use.

## **2.0 PROPOSAL**

- 2.01 The application proposes erection of a detached five bedroom dwelling with associated vehicular access and landscaping. The proposed dwelling is of traditional design reflecting the character of existing properties to the south of the site. The ground floor would provide a living room, kitchen/breakfast, dining hall, a study and a downstairs toilet. There would be three bedrooms on the first floor with a family bathroom and ensuite bathroom proposed for the master bedroom. The application proposes additional two bedrooms in the loft and incorporates two pitched roof dormers within the roof of the front and side elevations. The dwelling would be just under 9.5 metres above ground level with eaves at 4.7 metres.
- 2.02 Surfacing materials are indicated in the Design and Access Statement to be derived from the surrounding area in keeping with the traditional vernacular approach. It would include yellow stock facing brickwork, plain tile hanging at first floor level, plain tiles to main roof and dormers, painted softwood joinery and black rain water goods. The submitted plans also indicate the use of bonded gravel upon the driveway, together with native hedge planting along the site boundary to amplify existing boundary treatment.
- 2.03 The proposal includes a detached two bay carport/store which would have a width of 10 metres and depths of 6 metres. It would be just under 6 metres above ground level with roof eaves at 2.3 metres. It would be of timber construction with pitched tiled roof. Access would be taken from a new drive proposed onto Hazel Street to the west of the site.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- 3.01 The National Planning Policy Framework (NPPF): Paragraph 49, 55, 56, 57, 61 and 115 of the NPPF  
National Planning Practice Guidance (NPPG):  
Development Plan: SP17, DM3, DM8, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan  
Kent Downs AONB Unit's design guidance

#### **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** No representations have been received from local residents either in support or objecting to this application.

#### **5.0 CONSULTATIONS**

5.01 **KCC Highways and Transport:** No objections subject to conditions covering provision of onsite loading, turning and wheel washing facilities.

5.02 **Natural England:** No objection

#### **6.0 APPRAISAL**

##### **Main Issues**

6.01 The application site is located on the east side of Hazel Street in an area of open countryside designated as an Area of Outstanding Natural Beauty. The main issues for consideration in this submission seeking to redevelop the land for a five bedroom house, carport/store together with associated access and landscaping are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Parking, Access and Highway Safety
- Landscaping and Ecology

##### Principle of development:

6.02 Government guidance in the National Planning Policy Framework (NPPF) states (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF further 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. The NPPF advises Local Planning Authorities to avoid new isolated homes in the countryside.

6.03 The Local Planning Authority is satisfied that it is able to demonstrate a 5 year housing land supply and as such the adopted Local Plan should be afforded full weight. The adopted Maidstone Local Plan (2017) identifies the application site as falling in the open countryside outside any village boundary.

6.04 Policy SP17 of the Local Plan states that 'development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

6.05 The application site forms part of the designated Kent Downs Area of Outstanding Natural Beauty which has the highest status of landscape protection. Policy SP17 states that 'great weight' should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty. The policy further states that new development in the AONB should demonstrate that it meets requirements of national policy, and the high quality design as set out in policy DM30 and the Kent Downs AONB Unit's design guidance has been achieved.

- 6.06 Policy DM30 of the adopted local plan seeks to achieve high quality design in all development in the countryside particularly AONBs. It emphasises the need for type, sitting, materials and design including mass and scale of development within the Kent Downs AONB to maintain or enhance local distinctiveness including landscape features. Policy DM30 also requires that the impact of development on the appearance and character of the landscape is appropriately mitigated. The suitability of the required mitigation is assessed through the submission of a Landscape and Visual Impact Assessment. This application is not accompanied by any such document and it is considered that the new house will have a harmful impact on the character of the area.
- 6.07 Further development plan policies relevant to this submission are policy DM3 which seeks to protect the visual character of Maidstone landscape and policy DM12 that requires new housing development to be at a density that is consistent with achieving good design and which does not compromise the distinctive character of the area in which it is situated.
- 6.08 Policy SS1 of the adopted local plan sets out the special strategy for Maidstone Borough. The Maidstone urban area is the most sustainable location in the hierarchy where new development is firstly directed followed by the rural service centres and the larger villages as defined on the proposals map to the Maidstone Borough Local Plan (2017). The application site is not located in the Maidstone urban area, rural service centres or a larger village and does not have any close relationship with any of these areas.
- 6.09 In view of the remoteness of the site from local services, a development such as that proposed is likely to result in a significant reliance on car-based journeys. This would conflict with one of the principal objectives of the Local Plan and the NPPF to focus new development in sustainable locations. Furthermore, a development in this location would result in an increase in built form in this part of the open countryside and an urbanising impact. The local planning authority is able to demonstrate a 5 year housing land supply and as a result the proposed new single dwelling is not required to meet housing need and as such there is no justification for the dwelling given the harm that would be caused.
- 6.10 The previous planning permission granted in 2009 under application reference number MA/09/0408 was for the conversion of the redundant farm building to a holiday let however this permission was never implemented. As the change of use of the land and building never took place, the land and building are still considered in planning terms as being in agricultural use. For these reasons, policy DM5 of the adopted Maidstone Borough Local Plan which allows for the re-use of brownfield sites is not relevant as agricultural land is specifically excluded from the definition of brownfield land (previously developed land) that is given in the NPPF.
- 6.11 Having regard to the above development plan policies and government guidance, it is noted that the proposals do not fall within any of the exceptions in paragraph 55 of the NPPF. There are no policies in the adopted local plan (2017) that support the principle of a new residential development at this location. The development is therefore contrary to policies of the adopted local plan the NPPF.
- 6.12 The applicant states in the Design and Assess Statement that the fallback position is a new residential unit through the prior approval system, this is on the basis that if the site were not in an AONB a prior approval application could be submitted for the conversion of the existing barn to a residential unit. Class Q of Part 3 of the GPDO

allows for agricultural buildings to be converted to residential use where the site is not in an AONB. This claimed fallback position is incorrect on several grounds; there are no plans to remove the application site from the AONB so the restriction on using prior approval will remain. In the unlikely event that the prior approval route were available, the structural capacity of existing structures would need to be considered to demonstrate that they could be 'converted' and a proposal would still require formal assessment whilst it is noted that the areas to be assessed are limited by legislation.

Visual Impact:

- 6.13 The intrinsic character and beauty of the countryside in this location is an important asset which is highly sensitive to new development. The application site is located on elevated grounds within the Kent Downs Area of Outstanding Natural Beauty and the impact of the development on the character of the area is a fundamental issue for consideration. In this case, the proposed development would replace a partially open farm building. The existing building is a fairly typical farm building that is common in rural locations. The existing farm building is also of a lesser bulk when compared with the proposed dwelling and detached garage which are of a considerable mass.
- 6.14 Whilst it is accepted that the building design is in keeping with the Kentish vernacular tradition, redeveloping this site for a residential dwelling and associated domestic paraphernalia, would be more dominant and create a suburban appearance. The suburban character resulting from the proposal is increased when the new building is seen in the context of existing neighbouring buildings would be damaging to the rural character of the area.
- 6.15 The pattern of development in the immediate vicinity of the site is sparse with the rear boundary of the proposal site within 60 metres of designated ancient woodland. Whilst much of the proposed development would be built over the footprint of the existing pole barn, permitting a residential development at this site would consolidate the sparse and sporadic pattern of development in an unsustainable location. The development would result in significant visual harm to countryside amenities, contrary to guidance in paragraph 55 the NPPF which states that the housing should be located where it would enhance and maintain the vitality of rural communities.
- 6.16 The site is highly visible from much of the surrounding countryside, from several directions and the domestic nature of the proposal would be detrimental to the natural beauty of the AONB. Moreover, introduction of a visually prominent built form onto this site would inevitably erode the openness of this part of the countryside to the detriment of views of the scenic beauty of the AONB. Contrary to policies DM3 and SP17 of the adopted local plan and the advice in paragraph 115 of the NPPF that great weight should be given to the conservation of landscape and scenic beauty of designated AONBs.
- 6.17 The pole barn building at the site whilst significantly lower than the proposed new building at just under 6 metres above ground level is still highly visible in the surrounding area. In the circumstances, it would be impossible to screen the proposed residential building which is 9.5 metres above ground level from public views. Whilst there is hedging along sections of the site boundary, this will not provide any significant screening due to the development given its location on elevated grounds. There are no planning objections to the design detail of the development.

### Residential Amenity

- 6.18 Turning to the impact on residential amenity, in line with requirements set out in the adopted local plan, the proposed development needs to be assessed in terms of the level of amenity for future occupants and the occupiers of neighbouring residential properties.
- 6.19 With the existing rural location this development would have a single residential neighbour. The separation distance between this dwelling and existing boundary treatment along the southern boundary would be such that the scheme would not adversely affect the amenities of this neighbour in terms of loss of light, outlook and privacy. It is not considered that there would be any significant noise and disturbance to neighbouring residents as a result of this development. The proposed new house would provide an adequate standard of amenity for future occupiers

### Access, Parking and Highways Safety:

- 6.20 The application proposes to retain the existing drive in addition to creating a new parallel pedestrian access to the front of the dwelling. The proposed access would have good sight lines in both directions and given the nominal additional traffic likely to be generated by the proposal, the impact on highway safety and the free flow of traffic is likely to be minimal. Kent County Council Highways have examined the access proposals and raise no objection. Therefore, there are no objections on parking and highways safety grounds. Should members be minded to approve Kent County Council Highways have requested conditions to secure the provision of adequate loading/unloading for construction vehicles, vehicle parking spaces and measures to prevent the discharge of water onto the public highway.

### Landscaping and Ecology

- 6.21 The application is not accompanied by a detailed landscaping scheme, which is unfortunate given the landscape importance of the site. If members are minded to approve planning permission a condition would be attached seeking the submission and approval of a full landscape scheme.
- 6.22 In terms of ecology, the application includes a preliminary Ecological Appraisal Report prepared by the applicant. The space surrounding the existing pole barn is largely intensely managed and it is unlikely to be of significant ecological value.

## **7.0 Conclusion**

- 7.01 The development would constitute an unjustified and unwelcome addition to the existing sporadic residential pattern of development. The site is in an unsustainable location that is poorly related to basic services and transport and would require occupiers to be reliant on the private motor car to access basic services. It is contrary to policy SP17 and DM30 the adopted Maidstone Borough Local Plan (2017) and government advice in paragraph 55 of the National Planning Policy Framework (2012).
- 7.02 The development would be harmful to the landscape character and scenic beauty of the Kent Downs AONB contrary to provisions set out in policy SP17 and DM30 of the adopted Maidstone Borough Local Plan (2017) and government guidance in paragraph 115 of the NPPF.

## **8.0 RECOMMENDATION**

REFUSE PLANNING PERMISSION for the following reasons:

- 8.01 The site located outside of any settlement boundary as defined in the adopted Maidstone Borough Local Plan 2017 is in an unsustainable location that is poorly related to basic services and transport and as a result would require occupiers to be reliant on the private motor car. It is therefore contrary to policies SS1 and SP17 of the Maidstone Borough Local Plan (2017) and government advice in paragraph 55 of the National Planning Policy Framework (2012).
- 8.02 The development of a new house and associated domestic paraphernalia would unacceptably erode the openness of the surrounding area and consolidate the existing loose pattern of built environment, which would constitute an unjustified and unwelcome addition to existing sporadic residential development in Hazel Street contrary to policy DM30 of the adopted Maidstone Borough Local Plan (2017).
- 8.03 The development would be harmful to the landscape character and scenic beauty of the Kent Downs AONB contrary to provisions set out in policy SP17 and DM30 of the adopted Maidstone Borough Local Plan (2017) and government advice in paragraph 115 of the National Planning Policy Framework (2012) which states that great weight should be given to the conservation of landscape and scenic beauty of designated AONB.

### Informative

- (1) The following plans were considered as part of the assessment if the submitted planning application:
- Drawing Number 2978-01 Location Plan
  - Drawing Number 2978-04A
  - Drawing Number 2978-15 North East & South East Elevations and Existing
  - Drawing Number 2978-03 Ground Floor Plan
  - Drawing Number 2978-13 Existing Barn, Existing Layout
  - Drawing Number 2978-10 Car Port Floor Plan
  - Drawing Number 2978-08 Rear Elevation
  - Drawing Number 2978-05 Second Floor Plan
  - Drawing Number 2978-11 Carport front and side elevations
  - Drawing Number 2978-02 Proposed Site Plan
  - Drawing Number 2978-12 Carport and side Elevations
  - Drawing Number 2978-09 Side Elevation
  - Drawing Number 2978-06 Front Elevation
  - Drawing Number 2978-07 Side Elevation

Case Officer: Francis Amekor

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