

Ref: 17/506419/FULL

Consultations

We have now received the following response;

Kent Downs AONB Unit: Objects to the proposal on grounds that the proposed replacement dwelling would neither conserve nor enhance landscape and scenic beauty nor the local character and distinctiveness of the Kent Downs AONB, emphasising that the reasons why agricultural buildings do not benefit from permitted development rights in AONBs and National Parks is to ensure that such proposals do not adversely impact on the national protected landscapes.

Additional representation

Representations have been received from the applicant's agent contending that 'a lawful start has been made which has been accepted by the Council in 2013 during the determination of the planning application MA/13/1838.

The scheme proposed under application reference number MA/13/1838 was to vary condition 5 of permission MA/09/0408 (Conversion of redundant farm building to two holiday lets) to allow separate management of the holiday lets. Condition 5 appended to the grant of this variation reads as follows;

The accommodation hereby approved shall only be used as holiday lets for periods not exceeding more than twenty-eight days in any one single letting. There shall be no consecutive lettings beyond twenty-eight days to the same person(s), family or group and a written record of all lettings shall be kept and made available for the inspection of the Local Planning Authority at their reasonable request. The building shall not be sold separately from Wheatsheaf Farm or used as an independent dwelling(s), and the letting for use as holiday accommodation shall be managed in conjunction with the occupation of Wheatsheaf Farm;

Reasons: To prevent a new permanent residential use in the countryside, which would be contrary to policies CC1, CC6, C3 & C4 of the South East Plan RSS 2009 and Policy ENV28 of the Maidstone Borough-wide Local Plan 2000, and to ensure the use of the building is effectively restricted to tourist accommodation in accordance with policy ENV44 of the Maidstone Borough-WIDE Local Plan 2000.

The intention of the national and local plan policies is to restrict the creation of a new residential development countryside locations designated as AONB, and notwithstanding the applicants assertion, the question remains whether the approved scheme has been implemented in full for the use of the land and building to be deemed to have changed from agricultural to tourism use. In this regard, the tourism use previously approved scheme comprised of two elements; the operational development involving physical conversion of the agricultural building to tourist accommodation; and the change of use of the building and land from agricultural to a use falling within tourism. The evidence submitted by the applicant fails to support the assertion that these two elements have occurred at the site and as such the extant permission is not deemed to have been implemented and no benefits in the form of a fall-back position can be derived thereof. Therefore, as the existing agricultural use of the building and land has not been superseded by an implemented planning permission, it needs to be considered that the agricultural use remains in force.

The other issues raised by the applicant has already have been addressed in the main body of

the report.

RECOMMENDATION

Officers recommendation remains unchanged.