

**REPORT SUMMARY**

<b>REFERENCE NO - 18/501199/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of a new dwelling with garden and parking.			
<b>ADDRESS</b> Land Adj To The Bungalow Rose Lane Lenham Heath Maidstone Kent ME17 2JP			
<b>RECOMMENDATION: REFUSE</b> for the reasons set out in Section 8.0.			
<b>SUMMARY OF REASONS FOR REFUSAL</b> The site is outside of any settlement as defined by the Maidstone Borough Local Plan 2017. In these locations new residential development is not readily supported and the development of the site would not comply with the policies contained within the adopted local plan.			
<b>REASON FOR REFERRAL TO COMMITTEE –</b> The application has been called in by Cllr Sams who wishes to see the application approved.			
<b>WARD</b> Harrietsham And Lenham	<b>PARISH/TOWN COUNCIL</b> Lenham	<b>APPLICANT</b> Mr Donald Warden <b>AGENT</b> Designscape Consultancy Limited	
<b>DECISION DUE DATE</b> 02/05/18	<b>PUBLICITY EXPIRY DATE</b> 11/04/18	<b>OFFICER SITE VISIT DATE</b> 20/03/2018	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/500757 (17/01884/AS)	Adjoining Authority Consultation from Ashford Borough Council – Prior approval for change of use from agricultural barns and land within its curtilage to two dwelling houses and associated operational development	MBC – No objection  Ashford BC decision – Prior Approval is Not Required	26/02/2018  28/03/2018
16/505452/FULL	Development of 2no. dwellings	Application Refused  Appeal Dismissed	19/09/2016  17/02/2017
95/1768	Erection of a single storey building for use as a garage and store including formation of a new vehicular access as shown on drawing no. 92/1008/02 03 dated 18 December 1995.	Application Refused	23/02/1996
91/0669	Outline Application for the erection of farm bungalow	Application Refused	08/07/1991
85/0964	Outline application, erection of bungalow and double garage ancillary to	Application Refused	29/08/1985

	smallholding and spile fencing manufacture		
85/0126	Outline application for erection of agricultural workers bungalow	Application Refused	16/05/1985
72/0064/MK2	Outline application for the erection of detached dwelling with garage or parking space	Application Refused	13/07/1972

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site is accessed from Rose Lane and is located to the west of the residential property 'The Bungalow'. The residential property 'Mulberry Barn' is located approximately 72m to the west of the application site. The large barns of Cherry Farm are located south east of the site.
- 1.02 To the north of the site is another field owned by the applicant's family which was subject to an application (reference: 16/505452/FULL) and dismissed appeal for 2no dwellings. Beyond this site further to the north is the Rose Lane Industrial Estate.
- 1.03 Further to the east of the site and the 'The Bungalow' is the applicant's family business which contains two barns. As outlined within the planning history these barns have permission under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 to be converted into two dwelling houses.
- 1.04 The application site area is approximately 1.125ha being roughly square in shape and measuring some 38m deep north-south and 32m wide east-west.
- 1.05 The site is located within the open countryside, although no other designations apply. It is not located within a flood zone and there are no listed buildings in the immediate vicinity of the site. To the south of the site runs public footpath KH402 which runs in an east-west direction.

### 2.0 PROPOSAL

#### *Access*

- 2.01 Access to the site would be from Rose Lane to the south with a new access provided. Further to the west, Rose Lane meets with Forstal Road which runs in a northerly direction and meets with Ashford Road (A20).

#### *New Dwelling*

- 2.02 The proposal is for the erection of a new dwelling with private amenity area and parking provided. The dwelling would be located to the east and centre of the site close to the existing 'The Bungalow' residential property.
- 2.03 The proposed dwelling is of contemporary design being single storey and of a simple rectangular design with a flat green roof. The dwelling would have a maximum height of 3.4m and would measure 13.5m x 15.5m. The dwelling would principally face the

south with large bi-fold doors provided facing to the south with private amenity space located to the south and west.

- 2.04 The dwelling would provide four bedrooms and would provide accessible living for the disabled family member. Four parking spaces would be provided to the east of the proposed dwelling. The proposal includes the retention of the existing vegetation to the north and east with additional planting around the remaining site boundaries.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: SS1, SP17, DM1, DM2, DM12, DM23 and DM30  
Supplementary Planning Documents:

### **4.0 LOCAL REPRESENTATIONS**

Lenham Parish Council: Wish to see application Approved

Cllr Sams: Wishes to see the application go to planning committee meeting because of the personal circumstances of the applicant that warrant members' consideration.

### **5.0 CONSULTATIONS**

- 5.01 KCC Highways: No comment
- 5.02 KCC PROW: KH402 runs along the southern boundary of the site and should not affect the application.

### **6.0 APPRAISAL**

- 6.01 The key issues for consideration relate to:

- Principle of development
- Design and Appearance
- Sustainability
- Highways Matters
- Residential Amenity
- Ecology
- Other Matters

#### **Principle of Development**

- 6.02 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.03 Policy SS1 of the local plan seeks to locate new housing within Maidstone town centre, the rural service centres and the larger villages. In other locations, protection will be given to the rural character of the borough.
- 6.04 The NPPF tightly restricts housing development in the countryside. It promotes sustainable development and outlines that new isolated homes in the countryside should be avoided unless there are special circumstances.

- 6.05 The application site is outside of the Lenham village boundary settlement and as such can be described as being within the countryside as set out in Policy SP17 of the Maidstone Local Plan 2017. Policy SP17 sets out 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'*.
- 6.06 The proposal for the erection of an additional dwelling in such a remote location which is poorly served by basic services and public transport is fundamentally contrary to national and local policy and guidance. The proposal would lead to increased domestication of the countryside in an unsustainable location.
- 6.07 The proposal is therefore contrary to local and national policy and would not be supported in principle.

### **Design and Appearance**

- 6.08 Paragraphs 56 and 57 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.09 It goes on to state that planning policies and decisions should not attempt to impose architectural styles or particular tastes, however, it is proper to seek to promote or reinforce local distinctiveness. 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 and the way it functions.
- 6.10 Policy DM1 of the local plan requires that proposals should respond positively to, and where possible enhance the local character of an area. Policy DM30 of the local plan states that outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfying the requirements of other policies in this plan should meet the following criteria:
- The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
  - Impacts on the appearance and character of the landscape would be appropriately mitigated
  - Proposals would not result in unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges;
  - Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area;
- 6.11 Taken in isolation, the design and appearance of the proposed dwelling is of high quality. However, its design would not be 'truly outstanding or innovative' and there is no justification for development of one house as proposed here. The design for this dwelling could be replicated on many sites within Maidstone's rural areas, and, as such, isolated developments should not be promoted.

- 6.12 Whilst the design of the dwelling is acceptable in terms of its architectural merit, this would not outweigh the harm which would arise from the loss of an open site in the countryside thereby harming the character and appearance of the area.

### **Sustainable Development**

- 6.13 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, these being the economic, social and environmental roles. Paragraph 14 sets out that at the heart of the NPPF is the presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay, unless material considerations indicate otherwise. Paragraph 55 of the NPPF sets out that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain vitality of rural communities.'*

#### *Economic Role*

- 6.14 The proposal is for the provision of a single dwelling. If granted planning permission the development would create jobs during the construction phase and the new dwelling could support local businesses, however the economic role that a new dwelling would play in this location would be limited.

#### *Social role and Environmental role*

- 6.15 The NPPF sets out that that role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.16 The environmental role as set out in the NPPF states that the planning system should *'contribute to protecting and enhancing our natural, built and historic environment'*, overlapping somewhat with the social role.
- 6.17 The Council can demonstrate a 5 year housing land supply and as such there is no overriding need to identify additional housing sites and although windfall development would contribute to the overall supply, such development should be focussed on sites where the local plan supports such proposals.
- 6.18 The social and environmental role requires the creation of a high quality built environment. Policy SP17 of the local plan sets out the criteria for assessing development within the countryside which includes that proposals will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Policy DM30 sets out that *'The type, siting, materials and design, mass and scale of development...would maintain, or where possible, enhance local distinctiveness including landscape features.'* and that *'any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.'*
- 6.19 Policy DM12 of the local plan sets out:
- 'All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.'*

6.20 Policy DM1 of the local plan sets out amongst other criteria:

*'Respond positively to and where possible enhance, the local...character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and vernacular materials where appropriate.'*

6.21 The prevailing character of the area is of detached dwellings with large areas of open space between these dwellings. The development of this site would remove a large area of the currently open piece of land between 'The Bungalow and 'Mulberry Place' and along with the domestic paraphernalia into this undeveloped green area would encroach into countryside and urbanise the site. The intensification of built development and the resultant loss of openness would not respect the existing pattern of development but would be detrimental to the character of the countryside in this location.

6.22 Indicative landscaping is shown to the south and west of the application site which if permission were granted full details of the landscaping could be secured by planning condition. However, it is not considered that this landscaping overrides the fundamental policy objection to this development. The granting of planning permission in such an unsustainable location cannot be justified and the proposal would not accord with the environmental dimension of sustainable development.

#### **Accessibility of the site and Highway matters**

6.23 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council standards.

6.24 Local plan policy DM23 states that car parking standards for residential development will:

- i. Take into account the type, size and mix of dwellings and the need for visitor parking; and
- ii. Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.

6.25 The proposal shows parking provision for four car parking spaces and proposes that the driveway will be a paved wheelchair friendly driveway. Policy DM23 and Appendix B of the local plan requires that within a rural setting, dwellings of four bedrooms provide 2 independently accessible car parking spaces per unit. The parking provision for the proposal is in line with the policy requirements.

6.26 The village of Lenham has a good range of services and the village is considered a sustainable settlement. However its services and facilities are concentrated within the built up area at least 3km from the site (as the crow flies). The nearest bus stop is 2.7km away. The route from the application site along Rose Lane and Forstal Road is unlit, narrow and does not have a footway. Given the isolated location of the dwelling, occupiers would inevitably have a high reliance on private vehicles and the site cannot be considered sustainably accessible.

#### *Overall*

6.27 It is not considered that the proposed development would fulfil the social or environmental role of sustainable development and meet national or local planning

policies which seek to promote high quality development and maintaining/enhancing the character of the local area, promoting distinctiveness.

### **Residential Amenity**

- 6.28 The potential new dwelling would be located approximately 21m to the west of 'The Bungalow'. The main house and that of the application property are both single storey and due to the scale of the proposed dwelling and the separation distance I would not consider the proposal to have a detrimental impact on the private amenity of the neighbour.
- 6.29 Additionally, whilst there would be an increase in the quantity of traffic along the access road, it is not considered this would amount to an unacceptable level of noise and disturbance.

### **Ecology**

- 6.30 The application site appears to be managed grass land and it is considered that there would be no reasonable likelihood of protected species being present on the site and affected by the proposals as a result of the management of the land (which has meant that the grass has been consistently mown). Should members be minded to approve the application a condition requiring ecological enhancements within the site could be sought.

### **Other Matters**

- 6.31 Personal circumstances have been put forward by the applicant within the supporting Design, Access and Planning Statement which sets out that the proposal would provide a new dwelling which would be of disabled friendly design for one of the family members and would allow the applicant to maintain an interest in the family run business adjacent to 'The Bungalow'. Government policy in the NPPF states that plans should be made in accordance to provide a mix of housing that can cater for the different needs of the community including older and disabled people.
- 6.32 Whilst weight is given to the personal circumstances of the family, greater weight is given to the fact that the dwelling would be a permeant addition in an unsustainable location which would cause harm to the countryside hereabouts. In addition, Government advice within the NPPF supports the re-use of redundant farm buildings above new isolated dwellings in the countryside.
- 6.33 Policy DM30 Criterion iv. outlines that within the countryside where new development is proposed, there should be no existing building or structure suitable for conversion or re-use to provide the required facilities. In addition to the harm to the countryside from the proposal, the fall back position for the applicant should planning permission be refused, is that prior approval has been given for two new residential dwellings through the conversion of the two barns within the applicants land ownership.

## **7.0 CONCLUSION**

- 7.01 The site is outside of any settlement as defined by the Maidstone Borough Local Plan 2017 and would result in an isolated dwelling in the countryside that would result in

unjustified visual intrusion that would cause harm to the character and appearance of the countryside.

**8.0 RECOMMENDATION – REFUSE** for the following reasons:

- (1) The proposal is in an unsustainable location that would result in a harmful form of development far removed from basic services that would result in reliance on the private vehicle for future occupants. This would be contrary to policies SS1, SP17 and DM30 of the Maidstone Local Plan 2017 and paragraphs 17, 49 and 55 of the National Planning Policy Framework 2012.
- (2) The proposed development would consolidate sporadic development in this rural location that would cause visual harm to the character and appearance of the countryside hereabouts. The proposal would fail to protect and enhance the countryside and to permit the development would be contrary to the aims of policies SS1, SP17 and DM30 of the Maidstone Local Plan 2017 and paragraphs 17 and 55 of the National Planning Policy Framework 2012.

Case Officer: Adam Reynolds

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