

REPORT SUMMARY

16 August 2018

REFERENCE NO – 18/502003/FULL			
APPLICATION PROPOSAL – Change of use of part of an area of existing garden to accommodate two Shepherd's Huts providing holiday let accommodation			
ADDRESS – The Oast House, Pilgrims Way, Hollingbourne, Kent, ME17 1RB			
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION – The principle of the provision of holiday let accommodation within rural locations such as this accords with Government guidance in the NPPF and adopted Local Plan policies which generally support holiday/tourism related development in the rural areas of the borough. The proposed holiday let use in this case is very modest in scale and the site is well screened by existing trees and hedgerows. It is not considered that the proposed holiday let use is likely to impact unacceptably on the visual amenities of the open countryside location, the landscape of the AONB, the amenities of neighbouring residential properties, the setting of the adjoining conservation area and listed buildings, archaeological and ecological interests of the site, or highway safety.			
REASON FOR REFERRAL TO COMMITTEE – The application has been called-in for consideration by the Planning Committee by the Ward Councillor, Councillor Patrik Garten, on the grounds that there is a lot of discontent in the hamlet caused by this application.			
WARD North Downs	PARISH/TOWN COUNCIL Hollingbourne	APPLICANT Mr and Mrs Clare AGENT Kent Design Studio Ltd	
DECISION DUE DATE 21.06.18	PUBLICITY EXPIRY DATE 28.06.18	OFFICER SITE VISIT DATE 28.06.18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/501600/FULL	Erection of a single storey rear extension. Conversion of basement with connecting single storey side extension. Alterations to fenestration along South East elevation. Erection of a detached pool house and detached car port.	Withdrawn by applicant	30.07.18
03/0642	Existing lean-to extension extended along front (north-east elevation).	Approved	04.09.03
02/2277	Demolition of existing buildings and erection of a porch extension and detached garage.	Approved	20.02.03
90/1840	Single-storey extension to dwelling.	Approved	28.01.91
90/1636	Erection of domestic garage building.	Refused	26.04.91

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site forms part of the extensive rear garden area to a detached two-storey residential property located on the south side of Pilgrims Way, approximately 60m to the east of the junction of Broad Street Hill with Pilgrims Way. The extensive rear garden area to the property has an overall depth of some 125m and a width of 40m. The application site comprises mainly the end (southern) part of rear garden and

measures 30m approx. in depth and 40m in width. The application site is adjoined by a tennis court enclosed by fencing within the remaining part of the rear garden area. A Public Footpath (KH132A) runs along the eastern boundary of the site and separates the site from the adjoining residential property to the east of the site at The Old House and its extensive rear garden area. Agricultural land adjoins the site to the south and partly to the west. Residential properties on Pilgrims Way adjoin the remaining (northern) part of the western boundary.

- 1.02 The site forms part of the open countryside of the Kent Downs Area of Outstanding Natural Beauty. The main dwelling and the northern part of the extensive rear garden area to the property are within the Hollingbourne/Broad Street Conservation Area but the main body of the application site is outside. The neighbouring residential properties at The Old House to the east and Pilgrims Cottages to the west are Grade II listed buildings. The site is within an area identified as being of potential archaeological interest.

2.0 PROPOSAL

- 2.01 The application proposes the change of use of the end (southern) part of the extensive rear garden area to the residential property to accommodate the siting of two Shepherd Hut units providing holiday let accommodation. The proposed hut structures have a footprint of 11 sq. m, an eaves height of 2.6m approx., and a maximum height of 3.2m approx. Both huts comprise a kitchen, a toilet with shower, a dining area, and a fold down wall bed. The huts are sited either side of a man made pond at the southern end of the extensive rear garden and will be accessed via a pathway through the remaining rear garden area to the existing main dwelling adjacent to the western boundary. An existing detached double garage building accessed via a driveway to the western side of the existing main dwelling is to be used to provide guest parking for the proposed holiday let accommodation with the pathway access to the proposed holiday let huts continuing southwards beyond the garage.
- 2.02 The submitted Design, Access & Heritage Statement states that the two huts are to be clad with rural style materials. One hut is to comprise corrugated steel sheets (green walls with black roof) and the other is to be natural feather edge boarding with corrugated steel sheet roofing. Both huts will have timber joinery windows and doors. The submitted plan shows the planting of a new native species hedgerow between the proposed holiday let accommodation site and the remaining extensive garden area to the existing main dwelling.
- 2.03 In support of the application, the applicants have stated that they are catering for a maximum of 4 people only at any time, it is likely they will attract walkers and ramblers who can enjoy the many walks and attractions the North Downs has to offer, they will be supporting their guests stay by supplying electric bicycles and giving a personal concierge service to visit attractions such as Chapel Down Vineyard, Leeds Castle, local pubs and restaurants and other points of interest. The applicants further state that access and departure to the holiday let huts will be managed sensitively and within time specified periods.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan 2017: Policies SS1, SP17, SP18, SP21, DM1, DM3, DM4, DM8, DM23, DM30, DM37, DM38

National Planning Policy Framework (NPPF) 2018: Paragraphs 11, 47, 83, 84, 109, 130, 172, 175, 193, 194, 196
National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** Thirteen representations received from and on behalf of local residents raising the following (summarised) concerns/objections:

- Introducing a commercial use into a residential curtilage is inappropriate.
- A need for the holiday let accommodation in the area has not been demonstrated in the application.
- There are alternative local facilities for holiday makers.
- The proposals will set a precedent for similar development in the area which will change the character of the area.
- The proposals will change Broad Street in a negative way.
- The proposals will remove important garden space in an Area of Outstanding Natural Beauty.
- The site could develop into a full blown holiday camp/camp site with all the associated holiday activity.
- Guests are likely to be less considerate to neighbours than local residents.
- Potential light intrusion and noise pollution will impact on neighbouring residents.
- Property values in the Broad Street hamlet would be negatively affected.
- The proposals will impact on the adjoining public footpath and change its character.
- The provision of holiday let accommodation will increase traffic on Pilgrims Way.
- Use of the shared driveway and the arrival and departure of additional vehicles to the property and additional parking requirements will have a detrimental impact on the quality of life of neighbouring residents.
- A shared driveway used by residents would not support visitor parking.
- Increased use of the shared driveway would impact on the neighbouring Grade II listed cottage.
- Change of use of the garden land could have an adverse impact on the population of bats in the area.
- Incorrect ownership certificates have been submitted with the application and the required notices were not served.

4.02 **Hollingbourne Parish Council:** The Parish Council do not wish to comment/object.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.01 **Environmental Health Officer:** No objections to the application.

5.02 **KCC Highways and Transportation:** Comment that the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

5.03 **KCC Archaeological Officer:** Comments that the application site lies within an area of archaeological potential relating to activity focussed along the routeway of the

Pilgrims Way and that Anglo-Saxon burials have been found in fields within the general area. Recommends a condition be attached to any grant of consent to secure the implementation of a watching brief to be undertaken by an approved archaeologist so that the excavation is observed and items of interest and finds are recorded.

- 5.04 **Kent Downs AONB Unit:** No objection raised to the application. Comment that they would wish to see the use of the huts controlled to ancillary accommodation/holiday lets only and the materials/colours as specified in the Design and Access Statement. Also request that conditions be attached ensuring the retention of existing vegetation along the southern boundary of the site to help filter views from the PROWs to the south and east and that external lighting is strictly controlled to help meet the objectives of the AONB Management Plan policy SD7 which seeks to retain and improve tranquillity in the AONB including the experience of dark skies at night.

6.0 **APPRAISAL**

Main Issues

- 6.01 The key issues for consideration relate to:

- The principle of holiday let accommodation in the open countryside location
- Visual impact
- Character and appearance
- Residential amenity
- Traffic and parking
- Setting of the conservation area and listed buildings
- Archaeological interests
- Ecology

Principle of development

- 6.02 Government guidance in the National Planning Policy Framework (NPPF) (2018) states (para. 83) that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. The guidance in paragraph 83 further states that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.03 The NPPF further states (para. 84) that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The NPPF states that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 6.04 Policy SP21 of the adopted Maidstone Borough Local Plan is supportive of proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location.
- 6.05 Policy DM37 of the adopted Maidstone Borough Local Plan sets out circumstances where planning permission will be granted for the sustainable growth and expansion

of rural businesses in the rural area. These circumstances include where new buildings are small in scale, appropriate scale for the location and can be satisfactorily integrated into the local landscape; the proposal would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access; and, the new development will not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads.

- 6.06 Policy DM38 of the adopted Maidstone Borough Plan states that proposals for sites for the stationing of holiday caravans and/or holiday tents outside of the defined settlement boundaries will be permitted in certain circumstances. These include where the proposal would not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads, and, the site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species. The policy states that a holiday occupancy condition will be attached to any permission, preventing use of any unit as a permanent encampment.
- 6.07 As noted from the Government guidance in the NPPF and adopted Local Plan policies referred to above, holiday/tourism related development in the rural areas of the borough is generally supported by planning policy. In the case of the current proposals, the proposed holiday let use is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated, and the site is well screened by existing trees and hedgerows along the rear garden boundaries. The location provides excellent walking opportunities for holiday makers and the applicant has indicated that electric bicycles will be available for guests and a personal concierge service will be provided to visit local attractions which will assist in making the location more sustainable in accordance with the guidance in the NPPF. In light of the above, the principle of the use of the rear garden site for holiday let accommodation is considered acceptable. The specific site considerations are assessed under the relevant headings below.

Visual impact

- 6.08 The rear garden site is well screened by existing trees and hedgerows, both along the rear garden boundaries and generally within the main body of the garden. The proposed holiday let huts are very modest in size and height and in the locations proposed in the application the huts will have minimal visual impact in any views from outside the site, including views from the public footpath which runs along the eastern boundary of the rear garden. One of the proposed holiday let huts is already positioned on the site and is currently used by the applicant incidental to the occupation of the main dwelling. This existing hut is currently only glimpsed from certain points outside the site. The huts are considered appropriate for the rural location in terms of design and elevational treatment and whilst the current screening provided by existing trees and hedgerows will naturally reduce during the winter months, additional planting is proposed within the site as part of the current application, and it is not considered that the two modest sized huts will appear as visually intrusive in any views or will have an unacceptable harmful impact on the visual amenities of the locality.

Character and appearance

- 6.09 The site forms part of the open countryside of the Kent Downs Area of Outstanding Natural Beauty. Government guidance in the NPPF states (para. 172) that great weight should be given to conserving and enhancing landscape and scenic beauty in

National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The NPPF further states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 6.10 Given the modest scale of the proposed holiday let accommodation, the modest size and height of the proposed huts, and the screening provided by the existing trees and hedgerows along the site boundaries and within the site generally, it is not considered that the proposals will have a harmful impact on the character, appearance and openness of the landscape of the open countryside of the Kent Downs Area of Outstanding Natural Beauty. The submitted application has been considered by the Kent Downs AONB unit, the unit has confirmed that they have no objection to the proposal in relation to AONB impact.

Residential amenity

- 6.11 The rear garden location for the proposed holiday let huts is some 85 – 95m from the backs of the neighbouring residential properties either side of the site at The Old House to the east and Pilgrims Cottages to the west. As a result of the separation distance and the screening provided by the existing trees and hedgerows, both along the rear garden boundaries and generally within the main body of the garden, and the additional planting proposed as part of the current application, the proposed holiday let huts are unlikely to impact in the outlook to the rear of the neighbouring residential properties. Given the modest scale of the holiday let use (the two huts cater for a maximum of 4 people only at any time) and the separation distance between the site and the neighbouring residential properties, the use of the site and level of activity within the site is unlikely to impact on the residential amenities of the neighbouring occupiers in terms of noise and disturbance.
- 6.12 The increased use of the shared access off Pilgrims Way adjacent to the western side of the main dwelling at The Oast House to provide access to the garage parking for the holiday let guests with the access continuing southwards as a pedestrian access to the holiday let hut accommodation is likely to have some impact on the neighbouring dwellings at Pilgrims Cottages to the west. However, given the modest scale of the development, any additional comings and goings to and from the site via the existing shared access are unlikely to be so significant as to result in unacceptable noise and disturbance to the neighbouring occupiers. Any modest increase in traffic along Pilgrims Way as a result of the proposals is unlikely to impact on residential amenity in the wider area.
- 6.13 The proposed holiday let accommodation is considered to provide prospective users with a good holiday environment.

Traffic and parking

- 6.14 An existing detached double garage building accessed via an existing shared driveway to the western side of the main dwelling at The Oast House is to be used to provide guest parking for the proposed holiday let accommodation. There is pathway access to the proposed holiday let huts continuing southwards beyond the existing garage. The existing two bay garage is considered to provide adequate parking for the two 2-person maximum holiday let huts.
- 6.15 Separate off-road parking for the existing main dwelling at The Oast House is available immediately adjacent to the western side of the dwelling on the Pilgrims Way frontage.

- 6.16 The provision of the two holiday let huts is likely to result in a modest increase in vehicle movements to and from the site via the existing shared access to Pilgrims Way and a similar modest increase in vehicle movements along Pilgrims Way. The modest increases are not likely to raise any overriding highway safety issues in the locality.
- 6.17 The provision of the two holiday let huts is likely to result in a modest increase in vehicle movements to and from the site via the existing shared access to Pilgrims Way and a similar modest increase in vehicle movements along Pilgrims Way. The modest increases are not likely to raise any overriding highway safety issues in the locality.

Setting of conservation area and listed buildings

- 6.18 The main dwelling at The Oast House and the northern part of the extensive rear garden area to the property are within the Hollingbourne/Broad Street Conservation Area but the main body of the application site is outside. The neighbouring residential properties on Pilgrims Way at The Old House to the east and Pilgrims Cottages to the west are Grade II listed buildings.
- 6.19 Given the modest size and scale of the proposed holiday let huts, the separation distance between the proposed huts and the conservation area boundary and neighbouring listed properties on Pilgrims Way to the north, and the screening provided by the existing trees and hedgerows between the proposed huts and the conservation area boundary and listed buildings, it is not considered that the proposed huts will have a harmful impact on the setting of the conservation area or the neighbouring Grade II listed buildings. It is not considered that the significance of the designated heritage assets (conservation area and listed buildings) will be harmed by the proposals.

Archaeological interests

- 6.20 The application site lies within an area of archaeological potential relating to activity focussed along the routeway of the Pilgrims Way. Anglo-Saxon burials have been found in fields within the general area.
- 6.21 Whilst the stationing of the two holiday let huts on the site is unlikely to involve any groundworks of significance which could impact on any archaeological interests within the site, KCC's Archaeological Officer has recommended that a planning condition be attached to any grant of planning permission to secure the implementation of a watching brief to be undertaken by an approved archaeologist so that the excavation is observed and items of interest and finds are recorded. The condition recommended by KCC's Archaeological Officer can be imposed on any planning permission granted and will ensure any archaeological interests at the site are safeguarded.

Ecology

- 6.22 The two holiday let huts proposed are to be sited within the end part of an extensive rear garden area to the residential property at The Oast House on Pilgrims Way. The garden area is well managed and maintained and incorporates a modest sized man made pond. The proposed huts are sited on existing managed grassed areas within the garden area, the existing man made pond is retained and no existing trees or hedgerows are removed as part of the proposals. External lighting to the proposed holiday let huts and within the site generally could impact on any ecological interests

at the site and a condition is recommended to be imposed on any grant of planning permission to secure the submission of details of external lighting for consideration and approval.

Other Matters

- 6.23 One of the issues raised on behalf of local residents with regards to the application relates to the incorrect ownership certificate having been submitted with the application and the required notices not being served on the relevant owners as part of the planning application process. This matter has been resolved.

7.0 CONCLUSION

- 7.01 Government guidance in the NPPF and adopted Local Plan policies are generally supportive of holiday/tourism related development in the rural areas of the borough. In the case of the current proposals, the proposed holiday let use is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated, and the site is well screened by existing trees and hedgerows along the rear garden boundaries and within the rear garden site generally. The proposals will not have a harmful visual impact in the area. The character, appearance and landscape of the Kent Downs Area of Outstanding Natural Beauty are similarly not harmed as a result of the proposed use of the site for the siting of the two holiday let huts. The settings of the adjoining Hollingbourne/Broad Street Conservation Area and the neighbouring listed buildings on Pilgrims Way are preserved in the proposals.
- 7.02 Given the modest scale of the holiday let use and the separation distance and existing tree and hedgerow screening between the site and the neighbouring residential properties, the use of the site and level of activity within the site is unlikely to impact unacceptably on the residential amenities of the neighbouring occupiers in terms of noise and disturbance, including that generated by vehicle movements on the existing shared access. The modest increases in the use of the existing shared access and vehicle movements along Pilgrims Way are not likely to raise any overriding environmental or highway safety issues in the locality.
- 7.03 The application does not raise any overriding issues of conflict with the relevant Government guidance in the NPPF (2018) or the policies in the adopted Maidstone Borough Local Plan (2017). The grant of planning permission is recommended subject to the conditions set out below.

8.0 RECOMMENDATION

- 8.01 GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans/document unless otherwise agreed in writing by the Local Planning Authority:

Drawing numbers 1767 21, Blackdown Shepherd Huts Drawing No. 001 Sheets 1 of 4 and 2 of 4, Design, Access & Heritage Statement;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

- (3) The materials to be used in the construction of the external surfaces of the shepherd hut structures hereby permitted shall be as stated within the submitted Design, Access & Heritage Statement unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity.

- (4) Before the holiday let units hereby permitted are first occupied, a detailed landscaping scheme for the site comprising native species planting, including details of the new hedgerow to the northern boundary of the site and the enhancement of the existing planting to the southern and eastern boundaries, shall have been submitted to and approved in writing by the Local Planning Authority. A plan for the long term maintenance of the landscaping scheme shall also be included in the details submitted. The approved landscaping scheme shall be implemented by the end of the first planting season following the first occupation of the holiday let units.

Any trees or plants which within a period of five years from the implementation of the approved landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of the visual amenities of the area and the setting of the completed development.

- (5) Prior to the holiday let units hereby permitted being stationed on the site, details of the surfacing materials to be used in construction of all new hardsurfacing within the site, including the new footpaths shown on the approved plan (Drawing No. 1767 21), shall have been submitted to and approved in writing by the Local Planning Authority. The new hardsurfacing shall comprise permeable material. The new hardsurfacing shall be carried out in accordance with the approved details before the first occupation of the holiday let units;

Reason: In the interests of the visual amenities of the area and the setting of the completed development.

- (6) The two holiday let units hereby permitted shall only be used as holiday accommodation;

Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.

- (7) The two holiday let units hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and not for more than 112 days in total any calendar year. A written record of all lettings shall be kept and made available for inspection by the Local Planning Authority at their reasonable request;

Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.

- (8) The holiday use of the site hereby permitted shall be restricted to the two holiday let units shown on the approved plan (Drawing No. 1767 21) only;

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties and the locality.

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that order with or without modification), no further development, other than that shown on the approved plan (Drawing No. 1767 21), shall take place within the site without the prior written approval of the Local Planning Authority;

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties, visual amenity and the character and appearance of the open countryside location.

- (10) The guest parking shown on the approved plan (Drawing No. 1767 21) shall be provided and maintained available for use for parking purposes by the users of the two holiday let units hereby permitted. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that order with or without modification), shall be carried out within the guest parking area or in such a position as to preclude vehicular access to the guest parking. The holiday let units shall not be occupied without the allocated guest parking being available;

Reason: Development without adequate parking provision is likely to lead to parking inconvenient to neighbouring residents and other road users and in the interests of local amenity and road safety.

- (11) No external lighting shall be installed to the holiday let units or within the site without full details of the lighting having been first submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the details approved and shall be retained and maintained as such thereafter;

Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- (12) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority;

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Government guidance in the NPPF (2018).

- (13) Prior to the commencement of the development hereby approved, full details of a scheme of foul and surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in strict accordance with the details approved prior to the first occupation of the holiday let units hereby permitted;

Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding and contamination.

Informative:

The Council's Environmental Health Team advise that broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the development.

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.