

APPLICATION: MA/09/0788 Date: 21 July 2009 Received: 18 November 2009

APPLICANT: Mr Andy Hale

LOCATION: OAKLEY, CHALKY ROAD, STOCKBURY, SITTINGBOURNE, KENT, ME9 7QP

PARISH: Stockbury

PROPOSAL: Retrospective planning permission for the erection of a summer house and shed as shown on un-numbered drawings received 11th May 2009, a site location plan, block plan and un-numbered drawings received 27th August 2009 and additional drawings and landscape scheme received 18th November 2009, and supported by a design and access statement received 27th July 2009.

AGENDA DATE: 18th March 2010

CASE OFFICER: Catherine Slade

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV33, ENV34, H33

South East Plan 2009: CC1, CC6, C3, C4

Village Design Statement: Not applicable

Government Policy: PPS1 Delivering Sustainable Development, PPS3 Housing, PPS7 Sustainable Development in Rural Areas

2. HISTORY

- MA/77/0951 Extension to enlarge kitchen and provide bathroom, hall and two bedrooms – Approved/Granted with Conditions

The premises has also been the subject of an ongoing enforcement investigation with respect to an alleged unauthorised change of use (ENF/10460).

3. CONSULTATIONS

Stockbury Parish Council wish to see the application refused and reported to Planning Committee on the grounds that there is an alleged change of use at the site and an ongoing enforcement investigation.

Maidstone Borough Council's Landscape Officer suggests that further negotiations be sought to improve the submitted landscaping scheme.

4. REPRESENTATIONS

Six representations were received from four parties. The representations raised the following concerns:

- The buildings are being used to facilitate an unauthorised change of use.
- The site is within an Area of Outstanding Natural Beauty.
- Highway safety.
- The shed does not have a good relationship with the main dwellinghouse.
- Noise and light pollution resulting from use of the buildings.

5. CONSIDERATIONS

5.1 Proposal Site and Surroundings

5.1.1 The proposal site is a single storey dwellinghouse located to the north of Chalky Road, off the A249, Detling Hill within a group of residential properties. The site is located in the open countryside as defined in the Local Plan, and is designated as being within the North Downs Area of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA). The site is also adjacent to a protected roadside verge.

5.1.2 The site rises in elevation to the rear of the site, however, given the level of existing screening, views of the dwellinghouse are limited from Chalky Road. A vehicular access from a private road to the west of the site has recently been closed off, and pedestrian access is secured from Chalky Road. Vehicular parking for the property is on street.

5.2 Proposal

5.2.1 The current application is retrospective and seeks planning permission for the installation of a summerhouse and associated decking, and a storage building within the curtilage of the dwellinghouse, the erection of fencing and gates in excess of 1m in height to the boundary of the site with Chalky Road.

5.2.2 Outbuildings of such scale do not always require planning permission, however judgements of this kind are made on a case by case basis, and given the scale and intended permanence of the structures, in this instance

that the structures represent operational development, and subsequently, due to their position in relation to the main dwellinghouse and the highway require planning permission. The decking and means of enclosure require planning permission in any case.

- 5.2.3 The southern most building is a pre-fabricated summerhouse with an eave height of 2.4m and a ridge height of 3.1m. Decking has been installed to the southern elevation forming an elevated platform above the land to the south, which slopes down to the highway. The storage building located in the east of the site is also a pre-fabricated unit resting on sleepers. This structure has a rectangular mono-pitched form with a maximum height of 2.4m.
- 5.2.4 The means of enclosure to the highway comprises two elements. The fence to the south of the storage building is a single panel of 1.8m high close boarded fencing, whilst the fencing and arched gates to the south of the summerhouse are 1.2m in height to the lowest part of the arch. The means of enclosure are set back from the highway, and replace the existing hedge which has been partially removed in order to facilitate the installation of the two buildings described above. The applicant has submitted a scheme for the replacement of the hedge in order to provide screening to the fence and gate.

5.3 Policy Considerations

- 5.3.1 The key policies when assessing residential development within the open countryside are ENV28 and H33 of the Local Plan. In addition, policies ENV33 and ENV34 of the Local Plan require that development within the AONB and SLA respects the local environment and enhances the character of the surrounding areas. Policy ENV33 is supported by policy C3 of the South East Plan 2009.
- 5.3.2 Concerns have been raised with respect to the use of the site for commercial activity. The current application is for operational development ancillary to the residential use of the site, and therefore it should be assessed under policies relating to residential development, and the implications of an industrial use cannot be assessed under the current application. The alleged change of use is the subject of a separate ongoing enforcement investigation (ENF/10460).

5.4 Planning Considerations

Outbuildings and decking

- 5.4.1 The outbuildings represent the introduction of structures which, despite their elevated position in relation to the highway, are modest in scale in comparison to the main dwellinghouse, and are not capable of use as

independent units. Although the design of them is uninspired in the case of the summerhouse, and poor in the case of the storage structure, given the position of the structures on the cusp of operational development, it is not considered that this constitutes a sustainable reason for refusal. The summerhouse is acceptable and in keeping with the residential setting. The storage structure, which is less attractive, can be conditioned to be stained in order to enhance its appearance. It is not considered that the decking would have a significant visual impact either upon visual or residential amenity.

Means of enclosure

5.4.2 Closeboard fencing of the type and height included in the application would not normally be permitted in open countryside with the designations of AONB and SLA, however the means of enclosure is set back from the highway beyond the existing hedge line, and the applicant has indicated that planting will be undertaken to screen the fencing. Although a landscaping scheme has been submitted in support of the application, the Maidstone Borough Council Landscape Officer considers that the details are inadequate. However, it is considered that appropriate landscaping would adequately address the appearance of the means of enclosure, and that a condition to secure a high level and standard of screening in accordance with the provisions of the Landscape Character Assessment and Landscape Guidelines would be appropriate.

5.4.3 It is not considered that the development results in any highway issues.

5.4.4 Concern has been raised by a number of correspondents, including Stockbury Parish Council, with respect to an alleged commercial use at the application site. The current application is for operational development ancillary to the main dwellinghouse, and therefore objections relating to a business use cannot be taken into consideration of the current application. Notwithstanding the above, I would reiterate that the alleged change of use is the subject of a separate enforcement investigation, and complaints raised by objectors relating to noise and pollution have been referred to the Council's Environmental Health team.

6. CONCLUSION

6.1 For the reasons stated above I consider the application to be in accordance with the provisions of the Maidstone Borough-Wide Local Plan 2000, the South East Plan 2010 and central government guidance, and I therefore recommend it for approval, subject to the following conditions.

RECOMMENDATION

APPROVE PLANNING PERMISSION subject to the following conditions:

1. The operational development hereby permitted shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) within 3 months of the date of this decision a scheme for tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - (ii) If within 6 months of the date of this decision the landscape scheme has not been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In order to ensure a satisfactory appearance to the development in accordance with policies ENV6, ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and C4 of the South East Plan 2009.

2. At the same time as the landscape scheme required by condition 1 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: In order to ensure a satisfactory appearance to the development in accordance with policies ENV6, ENV28, ENV33 and ENV34 of the Maidstone

Borough-Wide Local Plan 2000 and C4 of the South East Plan 2009.

3. Within three months of the date of this decision, written details of the staining to be used in the construction of the external surfaces of the eastern most outbuilding hereby permitted (including the external finish/colour of the timber) have been submitted to and approved in writing by the Local Planning Authority and the staining shall be undertaken using the approved details within 28 days of the date of the decision relating to the discharge of this condition;

Reason: To ensure a satisfactory appearance to the development in accordance with policy ENV33 and ENV34 of the Maidstone Borough Wide Local Plan 2000 and CC6 and C4 of The South East Plan 2009.

Informatives set out below

The applicant should contact Maidstone Borough Council landscape officers in advance of implementing any approved landscaping scheme and work closely with them to ensure an effective delivery of the scheme.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.