

<b>REFERENCE NO</b> - 18/503935/FULL		
<b>APPLICATION PROPOSAL</b> Erection of timber garden store. (Retrospective)		
<b>ADDRESS</b> Oaklands, Gravelly Bottom Road, Kingswood, Kent, ME17 3NS		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development is a minor addition to the site and as such is not considered to have a detrimental impact to the character and appearance of the area. There are no policy grounds to refuse the application.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>• Development would not be in keeping with the character and appearance of the surrounding area or nearby properties</li> <li>• Retrospective planning applications.</li> <li>• Development not in keeping with temporary permission</li> <li>• The site is now developing into a more 'permanent' site.</li> </ul>		
<b>WARD</b> Leeds Ward	<b>PARISH/TOWN COUNCIL</b> Broomfield & Kingswood	<b>APPLICANT</b> Mr David Eldridge <b>AGENT</b> G M Everard Limited
<b>TARGET DECISION DATE</b> 03/10/2018		<b>PUBLICITY EXPIRY DATE</b> 21/09/2018

### **Relevant Planning History**

14/0668 - Retrospective application for the change of use of land from agricultural to residential involving the stationing of one mobile home and the laying of hard surfacing. Temporary permission granted.

16/506968/FULL Erection of outbuilding/summer house and precast concrete paving (Retrospective). Permitted

16/506240/SUB 16/506240/SUB - Submission of details pursuant to condition 4 (boundary treatments); condition 5 (landscaping); condition 7 (sewage treatment); condition 8 (refuse storage); condition 9 (ecological management plan); condition 10 (bat & bird boxes); condition 11 (hard surfacing); and Condition 12 (details of front gates) relating to MA/14/0668. As shown on drawings Oak/0514/01 Rev C and Oak/0514/02 Rev A, management of biodiversity report, and agent's e-mail received 28.02.18. Permitted

### **Enforcement History:**

18/500330/OPDEV Unauthorised structures on site and more people living on site. Application Submitted

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17/500720/CHANGE Structure on agricultural land being used as a residence by several people. Pending Consideration

17/500524/OPDEV Removal of trees on Gravelly Bottom in preparation for foundations. Case Closed

16/500786/BOC Excavation works and storage of commercial vehicles. Case Closed

### **Appeal History:**

N/A

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

1.01 The application site is located on the southern half of Gravelly Bottom Road, an opening within the otherwise dense woodland. The application site has an area of approximately 6440m<sup>2</sup> and an area of ancient woodland adjoins the site to the south. For the purposes of the local plan, the site is located within the countryside.

1.02 Planning permission was granted under application reference 14/0668 for the change of use of land from agricultural to residential involving the stationing of one mobile home and the laying of hard surfacing. This permission is personal and temporary until 31 July 2023. Condition 1 of the permission requires that when the land ceases to be occupied by the applicant with his resident dependents, the use shall cease and any caravans, materials and equipment brought onto the land in connection with the use shall be removed.

### **2. PROPOSAL**

2.02 Retrospective planning permission is sought for a detached timber clad outbuilding/garden store. The outbuilding is relatively modest in size with a width of 3.05m, a length of 6.05m, eaves of 1.53m and a maximum height of 2.23m.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 Policies:

- SP17 - Countryside
- DM1 – Principles of good design
- DM30 Design principles in the countryside

Supplementary Planning Documents Residential Extensions

**4. LOCAL REPRESENTATIONS**

**Local Residents:**

- 4.01 No representations were received from local residents.

**5. CONSULTATIONS**

KCC Rights of Way

- 5.01 No objections

Broomfield & Kingswood Parish Council

- 5.02 The Parish have requested that the application be refused..

- 5.03 they have expressed concern at the continued development of the site which has only temporary planning consent until July 2023. The second condition applied by MBC to this temporary consent stipulated that "no more than 1 static caravan or mobile home" should be erected "to safeguard the character and appearance of the countryside", since this condition was applied the size of the mobile home has more than doubled and the proposed shed is of such significant proportions it is considered to dominate the rural character of the plot and detrimentally effects the natural environment.

- 5.04 The third condition applied by MBC to the temporary consent stipulated that "No commercial activities shall take place on the land, including the storage of materials". An advertisement was displayed locally which indicated that a removal service was being run from the Oaklands location, Councillors have expressed concern that the building will be used for commercial purposes contrary to planning consents, therefore become an "inappropriate development which will affect the character and appearance of the countryside and nearby properties" and prevent the safeguarding of this rural amenity.

- 5.05 They consider that continued development of the site will impede the ability for it to return to its natural habitat at the conclusion of the temporary consent due to significant environmental damage caused.

- 5.06 Councillors requested that the application be reported to the planning committee if the recommendation of officers is contrary to the parish council.

**6. APPRAISAL**

**Main Issues**

6.01 The key issues for consideration relate to:

- Design and visual amenity
- Residential Amenity
- Highways
- Public Right of Way

### **Design and visual amenity**

6.02 Policy SP17 permits proposals in the countryside where they accord with other policies in the plan and will not result in harm to the character and appearance of the area.

6.03 Policy DM30 relates specifically to development within the countryside, and states that proposals which satisfy the requirements of other policies in the plan and create high quality design will be permitted. In particular, it states that:

- The type, siting, materials and design, mass and scale of development and the level of activity should maintain, or where possible, enhance local distinctiveness including landscape features;
- Impacts on the appearance and character of the landscape should be appropriately mitigated.
- Where built development is proposed, there should be no existing building or structure suitable for conversion or re-use to provide the required facilities. 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.

6.04 The detached timber clad outbuilding/garden store for which retrospective planning permission is sought is well set back (approximately 46m) from the Gravelly Bottom Road frontage. The outbuilding is relatively modest in size with a width of 3.05m, a length of 6.05m, eaves of 1.53m and a maximum height of 2.23m. There is a raised bank and trees along the majority of the site frontage to the road. As a result the outbuilding is only glimpsed from a distance at certain points along the road, and remains mainly obscured from public view.

6.05 Native hedge planting along the Gravelly Bottom Road frontage would further reduce the limited visual impact of the outbuilding in views from the public area along the road.

6.06 Whilst the outbuilding is sited quite close to the eastern boundary of the site, there is a high timber fence along this boundary, as well as dense vegetation, reducing visibility of the development in the wider area.

- 6.07 The timber clad outbuilding is a modest single-storey building and does not have a significant visual impact within the site or in views from public areas outside the site. The openness of the site is largely retained.
- 6.08 The outbuilding is very minor in terms of its scale, particularly considering the scale of the application site which has an area of approximately 6440m<sup>2</sup>. The shed has a floor space of approximately 18m<sup>2</sup>, which is less than 1% of the application site. It is not considered to be of such significant proportion that it dominates the application site.
- 6.09 The proposal would be appropriate to the current temporary use of the site. It is recommended that any permission should be personal and temporary, in keeping with previous permissions on the site. This will limit the long term impact of the development.
- 6.10 The scale of the proposal is considered to be acceptable for the proposed use and for the location. It would not be visible from public roads and would not have an acceptable impact on the visual amenity of the surroundings. As such, it is considered to comply with policies DM1, DM30 and DM37 of the local plan.

### **Residential Amenity**

- 6.11 The site is adjoined by detached residential properties on either side and there are further residential properties on the opposite side of Gravelly Bottom Road to the north. The outbuilding is relatively modest in size and height and the neighbouring residential properties are sufficiently distanced from the building to prevent the building having any unneighbourly impact.
- 6.12 Permission is sought for the outbuilding in connection with the temporary residential use of the site as permitted under application reference 14/0668, and is located a significant distance from the neighbouring residential properties. It is not considered that the use of the building (which would be incidental to the residential activity of the site) would have a significant impact on the residential amenities of occupiers of the neighbouring properties.

### **Highway Safety**

- 6.13 The existing mobile home on the site has an access drive to Gravelly Bottom Road and onsite parking adjacent to the mobile home. The outbuilding within the site for which retrospective planning permission is sought would not generate any significant increase in the movement of vehicles to and from the site, or impact on the level of parking within the site. The retrospective application is not considered to raise any highway safety issues.

### **Public Right of Way**

- 6.14 As stated above, the development is located alongside the eastern boundary of the application site. Due to the substantial size of the plot the development is not considered to detrimentally impact upon the public footpath which is located along the western boundary of the application site.

### **Other Matters – Enforcement**

- 6.15 Concerns have been raised about a business use taking place on the site. Enforcement investigations have not uncovered any evidence of an unreasonable number of commercial vehicles being stored on site. The permission sought relates to a residential outbuilding. Any unauthorised use of the building would be subject to enforcement action. As an application for a residential outbuilding, concerns about its alternative use are not a material planning consideration.
- 6.16 It would be reasonable to condition the use of the outbuilding so that it may only be used an incidental to the temporary residential use of the site.

## **7. CONCLUSION**

- 7.01 Subject to appropriate conditions, the development is considered to be an appropriate minor addition to the site, in connection with its temporary residential use. The scale of the proposal is considered to be acceptable for the proposed use and for the location. It would not be visible from public roads and would not have an acceptable impact on the visual amenity of the surroundings.
- 7.02 The development would not impede the ability of the application site to return to its natural state once the temporary permissions that have been granted at the site expire. The proposal accords with local and national policy.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The retention of the outbuilding on the land shall be for a limited period until 31 July 2023, or until the site ceases to be occupied by Mr David Eldridge with his resident dependents, whichever is the shorter period.

On 31 July 2023 or when the site ceases to be occupied by Mr David Eldridge, whichever date is earlier, the outbuilding and all associated materials shall be removed from the site.

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Reason: In accordance with the planning permission granted under reference MA/14/0668 for the use of the land for the stationing of one mobile home and in the interests of visual amenity within the open countryside location.

- 2) The outbuilding building hereby permitted shall only be used for purposes incidental to the occupation/use of the mobile home on the site and shall not be occupied/used as living accommodation associated with the mobile home on the site or sub-divided, separated, let or sold off, or altered in any way so as to create a separate, independent residential unit.

Reason: In the interests of the amenities of neighbouring occupiers and local amenity generally and to prevent further residential development in the open countryside.

(3) The outbuilding hereby permitted shall only be used for purposes incidental to the permitted temporary residential use of the site, and for no other purpose, including commercial purposes.

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.

Case Officer William Fletcher