

REFERENCE NO - 18/506206/FULL			
APPLICATION PROPOSAL Removal of existing outbuilding and erection of a single storey pitched roof outbuilding for use ancillary to the domestic occupation of the site.			
ADDRESS Golden Oaks, Pye Corner, Ulcombe, Kent, ME17 1ED			
RECOMMENDATION APPROVAL			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is considered to comply with the policies of the adopted Maidstone Borough Local Plan (2017) and the provisions of the NPPF and there would appear to be no material planning considerations that would justify a recommendation of refusal.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views expressed by Ulcombe Parish Council who wish to see the application refused.			
WARD Headcorn	PARISH/TOWN Ulcombe	COUNCIL	APPLICANT Mr & Mrs Gilham AGENT DHA Planning
TARGET DECISION DATE 04.02.2019		PUBLICITY EXPIRY DATE 18.01.2019	

Relevant Planning History

18/500379/SUB - Submission of details pursuant to Condition 7 (Landscaping scheme), Condition 9 (Details of boundary treatment) and Condition 10 (Details of hard landscaping) for planning permission 17/501477/FULL – Approved 07.02.2018

17/501477/FULL - Use of land for the siting of 1no. mobile home, parking for 1no. touring caravan and erection of an amenity building for a member of the travelling community – Approved 29.12.2017

Enforcement History:

None.

Appeal History:

N/A.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises an irregular shaped plot of land located to the northern side of Eastwood Road. The site is well screened from the highway by established landscaping. There is a gated vehicular access into Golden Oaks at the western end of the site. The site currently includes a timber shed adjacent to the western boundary; a mobile home together with an associated amenity building.
- 1.02 The site is located within the open countryside. Adjacent to the western boundary is a pair of semi-detached residential dwellings. On the opposite side of the road is a horse riding/livery complex. A public footpath runs across the northern boundary of the site.

2. PROPOSAL

- 2.01 This submission proposes to remove the existing timber outbuilding along the western boundary of the site and to replace it with a single storey, pitched roof, outbuilding adjacent to the southern boundary of the site with Eastwood Road, approximately 20m to the south of the existing mobile home. The existing timber building was in situ prior to the present occupation of the site and was identified in the application for the siting of the mobile home as providing storage for maintenance equipment and animal feed. The building measures 4.42m in depth; 5.040m in width; and has a monopitch roof with a maximum height of 2.45m.
- 2.02 The proposed building is detailed as being 16.5m in width; 6m in depth; 2.5m in height to eaves; and 4.05m to the ridge. A section of the building measuring 7m in width will provide a domestic storage area/workshop to replace the building being demolished. The remainder of the proposed building will be used as stables, a tack room and a feed store with a walkway. The exterior of the building will be timber clad and the roof will be finished with stable roof sheets.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SP17; DM1; DM15; DM32; DM41.
Supplementary Planning Documents: N/A

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations received from local residents.

5. 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)

Ulcombe Parish Council

- 5.01 Ulcombe Parish Council wishes to see this application refused for the following reasons:

1) it is an overdevelopment of the 0.75 hectare site of which nearly 50% is occupied by 2 caravans and hardstanding

2) we consider the glazed doors and windows are inappropriate because they look domestic.

Maidstone Local Plan policy DM41 says that new stables and associated buildings " are not of a degree of permanence that could be adapted for other use in the future ".

3) We consider this 16.5m building to be too big for the site and will be a loss of amenity (MBC Local Plan 2017 policy DM1, particularly sections ii and iv). In the previous application 17/501477, MBC said that no more than 2 caravans shall be stationed on the site "to safeguard the amenity character and appearance of the area"

4) the proposed workshop and feed store also contradicts MBC's decision (17/501477) "No commercial activities shall take place on the land, including the outdoor storage of materials.

5) the planning application is misleading on 2 points:

a) para 10 - contrary to the declaration " No", there is a magnificent 70 year old mature oak tree adjacent to the proposed workshop/stable block, and close to Eastwood road . It is important "as part of the local landscape character". The proposed building will affect the root system of this tree a few feet away and "should influence the development". The tree needs protecting.

b) para 22 - the site is indeed visible from the country lane (Eastwood Road) and from PROW KH321 which runs along the northern boundary of this site, and which is also Ulcombe's historic burial path leading to its Grade 1 church on the Greensand Ridge LLV.

6) We are concerned about the noise, activity and light pollution that could result from this workshop/stable block. It will affect the immediate 5 neighbours' amenity, in a tranquil area and which is also dark landscape. (NPPF 2018 para 180, MBC Local Plan 2017 policies DM 1, 3 and 30)

Ulcombe Parish Council wishes this application referred to the Planning Committee should the planning department not agree with us.

KCC Public Rights of Way Officer

5.02 Public Rights of Way KH321 footpath runs inside the north eastern boundary of the site and should not affect the application.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- The principle of the development in the countryside;
- The design and visual impact of the proposal;
- Neighbouring amenities;
- The impact upon the mature oak tree.

Principle of the Proposal

6.02 Policy DM15 of the adopted Maidstone Borough Local Plan (2017) refers to proposals for gypsy, traveller and travelling showpeople accommodation but does not specifically relate to applications for associated outbuildings. Accordingly, as a site with planning permission for the existing use, it would be appropriate to consider the proposal against those policies within the Local Plan that deal with rural developments in general.

6.03 Policy SP17 specifies that development proposals in the countryside will (amongst other things) 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. Accordingly, Policy DM32 is supportive of extensions to dwellings (including outbuildings) in the countryside provided that they are subservient in scale, location and design to the host dwelling and cumulatively with the host dwelling

remain visually acceptable in the countryside. Furthermore, Policy DM41 is also supportive of equestrian development in the countryside.

- 6.04 The previous approval for the use of the site for the stationing of a mobile home accepted the retention of the existing timber building for the storage of land maintenance equipment. The current building is noted to be too small to accommodate the equipment required to maintain the overall site which covers an area of 7,500 sq.m. The present building is also too small to provide space for maintaining the required equipment. The applicant also keeps two ponies/horses which require stabling. These are kept on a domestic basis only.
- 6.05 Accordingly, the principle of the proposed building would accord with the relevant policies for acceptable development in the countryside in that the building is identified as being required in connection with the domestic use of the site which is an accepted form of rural development by virtue of policies DM32 and DM41. The applicant's agent has confirmed in a letter dated 23.01.2019 that there is no commercial aspect to this scheme. The specific details of the design and visual impact will be considered below.

Design and Visual Impact

- 6.06 The proposed building will measure 16.5m x 6m with a maximum height of 4.05m. The demolition of the existing store, albeit a smaller building, will see the consolidation of the requirements for outbuildings on the site in one location, closer to the approved mobile home and amenity building. This grouping of development within the site will give the impression of a courtyard arrangement which is characteristic of many rural sites.
- 6.07 The design and appearance of the building with its timber cladding and stable roof sheets will identify its status as an ancillary building that incorporates stables. The Parish Council have raised concern over the incorporation of windows and a part glazed door for the store/workshop area as well as the extent of development within the site, particularly in the context of Local Plan Policy DM1 (ii) which relates to scale and site coverage. There are two windows and a part glazed door at one end of the building only and these face into the site. The applicant's agent has noted that the purpose of the glazed element is to allow natural light into this area when equipment is being maintained. There are no openings on the rear (Eastwood Road) elevation or the eastern elevation. Furthermore, the boundary with Eastwood Road is defined by soft landscaping and this is maintained as part of the landscaping condition attached to the 2017 permission for the use of the site for the stationing of a mobile home.
- 6.08 In terms of site coverage, the entire site area is 0.75ha. In taking into account the total amount of development on the site, this would not exceed 3% of the total area. The concentration of development to one area of the site will also positively protect the openness of the countryside.
- 6.09 The height of the building at 4.05m in combination with the external materials and landscaping along the boundary will see that the building is not excessively prominent in the views from Eastwood Road or indeed from the public footpath to the north. This type of outbuilding is not uncharacteristic of a rural setting and therefore it will not appear incongruous. In determining this issue, I have considered that there is a development of stables (Kent Liveries) directly opposite.
- 6.10 In conclusion on this point, there would not appear to be substantive reasons to consider a decision of refusal based on the design and visual impact of this proposal.

Neighbouring Amenities

- 6.11 The Parish Council have raised concerns that the proposal will result in noise, activity and light pollution that will impact upon the amenities of the immediate 5 neighbours to the site. The closest neighbouring properties are Rose Cottage to the west and Vale Beck to the south west as well as the stables to the south. The closest dwellings are approximately 50m away. This proposal will also see the removal of the existing storage building which is positioned much closer to the neighbouring property at Rose Cottage. The plans and application form do not indicate that there is an intention to install outside lighting and indeed, the original planning permission for this site includes a restrictive condition in this regard. This condition should also be included on this recommendation. The site will also be ancillary to the current domestic use and will not therefore generate any discernible increase in activity.
- 6.12 In view of these circumstances, it would appear that there are no material reasons to consider a refusal based upon neighbouring amenities, subject to the imposition of appropriate conditions regarding the domestic use of the building and control over external lighting.

Landscaping and Protection of Trees

- 6.13 The objection from the Parish Council raises the issue of the mature oak tree within the site that is located near to the proposed development. This is noted to be an important part of the local landscape and it is asserted that the development will affect the root system of the tree. The tree is said to need protection.
- 6.14 The applicant's agent has responded to this concern with the statement that the proposed building has been sited to take account of the proximity of the oak tree. Furthermore, it is noted that the nature of the building is such that it will not require significant foundations. The building will not exceed the maximum allowable incursion into the trees root area and can be constructed without harm to the tree, in accordance with BS5837.
- 6.15 This established oak tree is denoted on the landscape scheme for the original planning consent for this site. Arguably, it is an important feature in the character of this part of Eastwood Road. There is no evidence put forward to dispute the agent's assertion that the root protection area of the Oak tree has directed the location of the proposed building. I would however recommend that suitably worded conditions are added to the decision to ensure that the tree is appropriately protected during the construction phase of the development.

Suitability for the Stabling of Horses

- 6.16 Policy DM41 sets out the criteria for assessing proposals for the stabling of horses. A number of the requirements relate to design, siting and landscaping, which have been considered above. The remaining issues from this policy relate to the provision of a suitably designed area for the reception of soiled bedding materials as well as provision for foul and surface water drainage together with the provisions relating to the safety and comfort of the horses.
- 6.17 As the stables will be located adjacent to their owners and the total land area is 0.75ha, it can be considered that the safety and comfort of the horses is adequate. I do however note that the plans do not indicate a suitable area for soiled bedding materials and details of any foul drainage are included. Accordingly, I recommend the imposition of a suitable condition to require this information before the building is first used.

Other Matters

- 6.18 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 In balancing the issues of this case, it is my assessment that the nature of this proposal can reasonably be considered to fall within the limits of acceptable development within the countryside, as directed by policies SP17; DM32; and DM41 of the adopted Local Plan. I am satisfied that the openness and character of this countryside location will be maintained and that suitable conditions relating to the protection of the mature Oak tree on the site will ensure its long term health. The amenities of the nearby residents are unlikely to be compromised by this proposal but to ensure this position, I would recommend that suitable conditions are attached relating to the domestic use of the building only and external lighting. In terms of the intended use for the stabling of horses, the proposal would appear to be sufficient in this regard, subject to the inclusion of conditions requiring details of the management of waste and any foul drainage.
- 7.02 In view of the above assessment, I recommend that this application is approved.

8. RECOMMENDATION

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: 0001 Revision C; 0002 Revision C; 0003 Revision C; Supporting Statement Dated 29.11.2018; Supporting Letter Dated 23.1.2019.

Reason: To clarify which plans have been approved.
- 3) The materials to be used in the development hereby approved shall be as indicated on the application submission unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.
- 4) The building hereby approved shall be used for domestic purposes only and not in connection with, any livery, business or commercial use;

Reason: To prevent the introduction of an inappropriate commercial use onto the site.

- 5) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- 6) Prior to commencement of the use of the stables hereby approved, details of the storage and disposal of associated waste and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details thereafter.

Reason: To ensure the appropriate management of waste in the interests of the local environment.

- 7) All adjacent trees must be protected from damage during the construction phase of the development hereby approved in accordance with the current edition of BS5837.

Reason: In the interests of landscape, visual impact and amenity of the area.

Informative:

The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Georgina Quinn