

REFERENCE NO - 19/500305/FULL		
APPLICATION PROPOSAL Change of use of land for the erection of 6 no. one-bedroom tourist lodges.		
ADDRESS River Wood Chegworth Lane Harrietsham Kent		
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The provision of tourist lodge accommodation within rural locations such as this accord with Government guidance in the NPPF and adopted Local Plan policies which are supportive of the principle of holiday/tourism related development in the rural areas of the borough. The proposed tourist lodge development is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated on the site. The site is well screened from public views by existing trees, hedgerows and woodland and the new proposed planting proposed will further soften any visual impact. The proposal is unlikely to impact upon neighbour amenity, given the modest scale of the proposed tourist lodge use. The access arrangements to and from the site are suitable for the modest scale tourist lodge development proposed. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear. The proposed tourist lodge use and the activity within the site associated with the use are unlikely to have an impact on habitats within the adjoining woodland and Local Wildlife Site. The application does also provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland that is owned by the applicant and potentially increasing the species diversity within the site. The re-introduction of coppicing into the woodland can be secured by planning condition. The application does not raise any overriding issues of conflict with the relevant Government guidance in the NPPF (2019) or the policies in the adopted Maidstone Borough Local Plan (2017).		
REASON FOR REFERRAL TO COMMITTEE Harrietsham Parish Council wish to see the planning application refused and request the application be reported to committee if officers are minded to approve.		
WARD Harrietsham and Lenham	PARISH/TOWN Harrietsham	COUNCIL APPLICANT Mr J Dixon AGENT Martin Potts Associates
TARGET DECISION DATE 02/09/19 (extended target date)		PUBLICITY EXPIRY DATE 20/05/19

Relevant Planning History

No relevant planning history.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is to the eastern side of Chegworth Lane. The site is close to the pedestrian underpass which runs under the M20 motorway, and the railway and the A20 Ashford Road beyond to the north.
- 1.02 The roughly triangular shaped site lies to the east of a small group of residential properties at the northern end of Chegworth Lane. The site extends some 230

metres approx. along the embankment parallel to the southern side of the M20 motorway.

- 1.03 The site is accessed in the north-western corner via an accessway off Chegworth Lane that also serves the adjoining residential property 'Wentways'. The open grassed site is bounded by woodland and the River Len to the south and forms part of a larger parcel of land which the applicant purchased from the Leeds Castle Estate in 2017. The woodland to the south is outside the red line boundary of the application site but a large part of the woodland is in the applicant's ownership (blue line on the submitted site location plan)
- 1.04 The site forms part of the open countryside to the west of the Harrietsham village settlement as shown on the Policies Map to the Maidstone Borough Local Plan (Adopted 2017). The site is separated from the village settlement by the M20 motorway, the A20 Ashford Road and the railway.
- 1.05 The site is within the Len Valley Landscape of Local Value as defined on the Policies Map to the Maidstone Borough Local Plan (Adopted 2017). The woodland area including the River Len which bounds the site to the south is designated as a Local Wildlife Site (River Len, Alder Carr to Fairbourne Mill Meadows, Harrietsham) as designated by the Maidstone Borough Local Plan. The site is within the KCC Minerals Safeguarding Area.
- 1.06 A listed building called Fir Cottage is located to the west of the site (94 metres) and there is a cluster of listed buildings to the south west of the site (224 metres)
- 1.07 The site is within a ground source protection zone but not within an area at risk of flooding. There is a Public Right of Way located to the west of the site that runs between Fir Cottage and The Bungalow and then turns south, the right of way is 45 metres from the site boundary at the closest point.

2. PROPOSAL

- 2.01 The application proposes six one-bedroom detached tourist lodges at the western end of the 0.85 hectare application site. The applicant owns a much larger linear area of land outside the application site boundary mainly to the east of the site but also extending south to the River Len.
- 2.02 The existing access in the north-western corner of the site off Chegworth Lane is continued into the site along the southern edge of the embankment to the M20 motorway. The six detached tourist lodges are sited running west to east along the new access within the site.
- 2.03 The timber weatherboard clad one-bedroom lodges have a 8m x 5m footprint, including covered veranda to the southern side, and incorporate a shallow pitched felt roof with an overall height of 4m approx. above ground level.
- 2.04 Six car parking spaces are to be provided off the access within the site and a vehicle turning facility is proposed at the eastern end of the accessway.
- 2.05 The submitted plans show the provision of new hedgerow planting to the northern, eastern and western perimeters of the western part of the site to be used for the tourist lodges. The eastern part of the site is to remain undeveloped.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, SP21, DM1, DM3, DM4, DM8, DM23, DM30, DM37, DM38

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Three representations received from local residents and one on behalf of a local resident raising the following (summarised) issues:
- The proposed development is not in keeping with the character of the area.
 - The proposed use/development of the land will result in significant disturbance to wildlife.
 - Potential ecological harm is of concern.
 - The use of a septic tank for foul sewage disposal could impact on the water quality of the River Len and the Great Water at Leeds Castle.
 - Development of the site could lead to flooding issues downstream of the River Len.
 - The restricted access is not suitable for increased vehicle activity and parking.
 - Increased vehicular and pedestrian traffic will seriously affect neighbours.
 - Additional traffic, car lights and traffic movements could infringe on the privacy of the neighbouring properties due to the close proximity.
 - Noise disturbance could be generated from the development.
 - Light and noise pollution are of concern.
 - The site could be affected by noise and air quality due to the close proximity of the site to the M20.
 - The need for holiday let accommodation in the area has not been demonstrated.
 - The site is very boggy for most months of the year.
 - Additional traffic will cause lasting effects to the fabric of the neighbouring Grade II listed property due to the close proximity of the lane.
 - Trees have been cut down in the surrounding woodland.
- 4.02 The above matters raised by neighbours are discussed in the detailed assessment below.

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)

Harrietsham Parish Council

Original comments

- 5.01 Comment that they wish to see the planning application refused for the following reasons:
- Development is incongruous with the landscape and character of the area and the setting of the River Len and detrimental to the openness of the surrounding countryside.
 - Policy DM3 seeks to control pollution to protect ground and surface water where necessary and mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones.
 - Policy DM30 outlines that proposed development outside of the settlement boundary must meet certain criteria including that proposals would not result in unacceptable traffic levels on nearby roads; 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.
 - Policy SS1 maintains that the spatial strategy is to "protect and enhance the quality and character of countryside outside the settlement hierarchy".
 - The site is outside the defined rural service centre of Harrietsham and within the countryside and its development would harm the intrinsic character and appearance of the countryside, in conflict with Local Plan policy SS1.

- Open countryside to the immediate south of the AONB forms a large extent of the setting for this designation and is viewed as a resource that requires conservation and enhancement where this supports the purposes of the AONB.
- The walkover ecology report indicates that the land has 'negligible wildlife value and has no habitats for protected species'. An audit conducted by the Kent Wildlife Trust in recent years indicated that this is unlikely to be the situation.
- Ownership of the proposed access and other parts of the site is unclear.
- Insufficient information has been provided regarding access to utilities and wastewater treatment. There is concern about run off and pollution of the adjacent River Len chalk stream and water cress beds.
- No mention has been made regarding any restrictions on occupation of the holiday lets.
- There is no reference to how footpaths are to be maintained.

Following further consultation, the following additional comments were received from the Parish Council.

- Leeds Castle have informed us that they have submitted responses to this application. Having viewed all of the documents currently on-line, they have not been added to the portal to be included in any decision that is to be made. *(Officer comment: All valid consultation responses are available to view on the Council's website);*
- If the Parish Council is being asked to comment on amended details for this application, surely that would invalidate the Planning Committee report that has already been written. This report should be removed and a new one written, once all of the comments have been taken into consideration. *(Officer comment: This report considers additional matters that are raised and the additional supporting information);*
- The title deeds for this land clearly show that the land is owned by more than one person, the new documents have the land listed as only being in the ownership of Mr John Dixon. Therefore the application form is still incorrect. *(Officer comment: The applicant has notified two separate individuals who the applicant has confirmed have an interest in the land);*
- As previously stated, we do not feel that our previous comments have been addressed and I can confirm that the Parish Councillors still request that this application is reported to the Planning Committee.

Environmental Health Officer

5.02 No objections. No adverse comments to make.

Kent Highways

5.03 No objection raised.

KCC Ecological Advice Service

5.04 No objection with the following comments

- As the site is regularly mown/grazed grassland there is limited potential for protected/notable species to be present within that area.
- The proposed development site is directly adjacent to the River Len Alder Carr, Harrietsham Local Wildlife Site
- With no direct access from the development into the woodland the potential of regular disturbance from recreational pressure is minimised. Potential impacts from an increase in lighting or increase in dust during construction can be addressed through planning conditions.
- This application provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland and potentially increasing the species diversity into the site.
- We recommend that if planning permission is granted a simple management plan is produced to demonstrate that coppicing of the adjacent woodland is carried out within the site every 7-10 years.

Kent Wildlife Trust

- 5.05 Object to the application on the grounds that insufficient assessment has been carried out to determine whether the development will have a negative impact on the adjacent Local Wildlife Site and the River Len.

Natural England

- 5.06 No comments to make on the application.

Campaign to Protect Rural England (CPRE)

- 5.07 Whilst CPRE is normally in favour of making the countryside more accessible and providing tourist accommodation in the borough, they object to this application on the following grounds:
- The site is on land identified in the Local Plan Policies Map as being in an area defined as "Area Excluded from Built Development" and within a "Local Wildlife Site".
 - The site is a narrow constrained strip of land lying between the River Len on the south side and the immediately adjacent combined M20, Channel Tunnel Rail Link HS2 and A20 transport routes on the north side, and is a wholly inadequate location for such a development.
 - The noise effects on potential tourist occupants from this combined very close combination of motorway, rail line and major A-road appears not to have been evaluated.

(Officer comment: There is no designation in the Local Plan of an "Area Excluded from Built Development", the application site is also not within a 'Local Wildlife Site'. The site is bordered by a 'Local Wildlife Site' to the south. To the north the application site is 30 metres from the M20 that has an acoustic fence next to the carriageway and a tree lined embankment. The railway line is 89 metres from the site on the opposite side of the M20.)

The applicant has provided details of a sewage disposal system which the Environment Agency have confirmed is acceptable. Several references are made in the comments to an existing unrelated building. This building is not part of the current application or on the application site and is the subject of a separate planning enforcement investigation.)

Highways England

- 5.08 Comment that due to the close proximity to the M20 Motorway it is recommended that the applicant takes appropriate action to discourage/prevent pedestrians from wandering out of the field and into the M20 Motorway boundary beyond. Further comment that it is noted that there is an intention to provide a native hedgerow along the boundary of the development field but this may prove to be insufficient in the short term until the hedge is fully mature. (Officer comment: Further comment awaited from Highways England in relation to provision of a fence to reduce potential for motorway access whilst the hedgerow becomes established)

Southern Water

- 5.09 Comment that the applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation and the owner of the premises will need to maintain the septic tank to ensure its long-term effectiveness.
- 5.10 Advise that the proposed development lies within a Source Protection Zone around one of the water supply sources as defined under the Environment Agency's Groundwater Protection Policy and the Environment Agency should be consulted to ensure the protection of the public water supply source.

(Officer comment: Following discussion with the Environment Agency and the applicant further details have been submitted with the conclusions set out below)

Environment Agency

- 5.11 No objections. The submitted documents relating to the Klargester Biotech 4 Sewage Treatment Plant have been reviewed and they remove earlier concerns.

**6. APPRAISAL
Main Issues**

- 6.01 The key issues for consideration relate to:
- Provision of tourist lodges in the countryside;
 - Visual impact;
 - Residential amenity;
 - Access, parking and traffic;
 - Ecology;
 - Drainage, and
 - Heritage

Provision of tourist lodges in the countryside

- 6.02 Government guidance in the National Planning Policy Framework (NPPF) (2019) states that planning 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 NPPF advises that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.03 The NPPF advises that planning decisions should recognise that sites to meet local business needs in rural areas may have to be 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.
- 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 Local Plan policy DM37 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 an appropriate scale for the location and can be satisfactorily integrated into the local landscape. A proposal should not result in unacceptable traffic levels on nearby roads. New development should 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 Local Plan policy DM38 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. The site is required to be unobtrusively located and well screened by existing or proposed vegetation and landscaped with indigenous species. The policy states that a holiday occupancy condition will be attached to any permission, preventing use as a permanent encampment.
- 6.07 Whilst the application site is outside a defined settlement boundary, the site is located to the west of the Harrietsham village settlement. Harrietsham is a designated rural service centre in the adopted Local Plan (just below Maidstone Urban Area in the sustainability hierarchy) and provides a range of key services and with good public transport connections to Maidstone and other retail centres.

- 6.08 In summary, holiday/tourism related development in the rural areas of the borough is generally supported by both national and local planning policy subject to a number of other criteria that are considered below.

Visual impact

- 6.09 The Kent Downs Area of Outstanding Natural Beauty (AONB) mentioned in the Parish Council consultation response is 0.4 miles to the north east of the application site and to the north of the motorway embankment. It is considered that with this separation distance the modest tourist lodges would not impact upon the AONB.
- 6.10 The site is located within the Len Valley Landscape of Local Value as designated by the Maidstone Borough Local Plan. The site is within Leeds Castle Parklands area (49) in the Maidstone Landscape Character Assessment. The assessment concludes that the area has high sensitivity and is of moderate condition. The character assessment recommends a 'Conserve and Restore' approach with the summary of actions including to "Conserve the traditional parkland character of the landscape".
- 6.11 Local Plan policy SP17 seeks to prevent harm to the character and appearance of the countryside and states that the distinctive landscape character of the Len Valley will be conserved and enhanced as a landscape of local value.
- 6.12 The site is accessed at the end of a single track lane that forms a dogleg at the end of Chegworth Lane. It appears that the lane that is owned by Highways England was historically part of the A20 before the M20 was built.
- 6.13 The landscaped embankment on the southern side of the M20 motorway rises to the north of the open grassed application site. There is an area of woodland to the south and to the east which is mostly in the applicant's ownership. Trees and hedgerow along the boundary with the neighbouring residential property of 'Wentways' are to the west of the site.
- 6.14 There is a Public Right of Way located to the west of the site that runs between Fir Cottage and 'The Bungalow' and then turns south, the Public Right of Way is 45 metres from the application site boundary at the closest point. With intervening buildings, trees and boundary treatment the proposed tourist lodges will not adversely impact on views from the Public Right of Way.
- 6.15 The Maidstone Landscape Character Assessment concludes that the area has high sensitivity and is of moderate condition. The character assessment recommends a 'Conserve and Restore' approach with the summary of actions including to "Conserve the traditional parkland character of the landscape".
- 6.16 Whilst it is acknowledged that the proposed tourist lodges do not conserve or restore the parkland setting (contrary to the Maidstone Landscape Character Assessment), the assessment of the proposal has sought to consider whether and the extent of any actual visual harm.
- 6.17 As detailed above with the narrow access at the end of lane and the woodland and landscaped embankment the site is enclosed with very limited public views. This includes views from the Public Right Way as set out above. This situation is acknowledged within the character assessment which advises that "Views are generally restricted by intervening vegetation throughout this landscape,..". (Para 49.7). The proposed tourist lodges are relatively modest in scale in terms of the number and size of the units and the site context adjoining a small group of existing buildings in the countryside location.
- 6.18 In summary, it is concluded that whilst the proposal does not conserve or restore the parkland setting, the proposal is acceptable in relation to visual landscape harm

due to the modest scale of the proposal, the enclosed nature of the site well screened in views from the surrounding area by existing trees, hedgerows and woodland (a large section of woodland to the east and south is owned by the applicant) and the proposed additional hedgerow screening with the proposal found to be in accordance with policies DM37 and DM38.

Residential amenity

- 6.19 The proposed tourist lodges are adjoined to the west by the residential property called Wentways. Chegworth Lane from which the site is accessed runs past other neighbouring residential properties further to the west. The applicant occupies the property called 'The Bungalow' in Chegworth Lane. The site is relatively well screened from the neighbouring residential property by existing trees and hedgerow to the boundary. Further boundary hedgerow planting is indicated as part of the current application.
- 6.20 The noise from the motorway and rail link has been raised in consultation responses. The proposed accommodation is located adjacent to existing houses and within an enclosed site at the bottom of the motorway embankment. An acoustic fence is located along the edge of the motorway in the vicinity of the application site. It is considered that due to this situation there would be no grounds to refuse planning permission in relation to noise disturbance. There has been no objection from the environmental health team.
- 6.21 The proposal will not have any significant impact on residential amenity including in terms of noise and disturbance. The proposal is of modest scale in terms of the use and the buildings (six huts for a maximum of 12 people), the buildings are separate and screened from the neighbouring residential property and with existing and proposed trees and hedgerow planting.

Access, parking and traffic

- 6.22 The application site is accessed from the northern end of Chegworth Lane by way of an existing access which also serves the neighbouring residential property at Wentways to the west. Whilst the access arrangements to and from the site include a bend in the accessway, the access arrangements are suitable for the modest tourist lodge development proposed.
- 6.23 The access arrangements within the site make provision for vehicles to turn and enter and leave the site in a forward gear. A total of six parking spaces are proposed within the site for the six one-bedroom tourist lodges. The arrangements for site access, parking and the trip generation from the development are considered acceptable. Kent Highways raise no objection to the application.

Ecology

- 6.24 The proposed tourist lodges are sited within an area of regularly mown/grazed grassland and therefore there is limited potential for protected/notable species to be present on this land. This situation is confirmed in the consultation response from the KCC Ecology team.
- 6.25 The site is adjoined to the south by an area of woodland which forms part of a designated Local Wildlife Site. The linear Local Wildlife Site follows the River Len which runs east to west through the woodland roughly parallel with southern boundary of the site. An existing sheep netting and barbed wire fence separates the proposed tourist lodges from the adjoining woodland and Local Wildlife Site.
- 6.26 Any impact on the adjoining woodland and Local Wildlife Site from the construction phase, and subsequent use of the proposed accommodation can be appropriately controlled and minimised through the use of planning conditions. Planning conditions are recommended in relation to external lighting and dust minimisation.

- 6.27 The current application provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland and potentially increasing the species diversity within the site. In line with comments from KCC Ecology a condition is recommended to seek a management plan for the woodland owned by the applicant is produced, to demonstrate that coppicing will be carried out within the site every 7-10 years.
- 6.28 The planting of native species hedgerow to the northern boundary of the site and to the eastern and western edges of the footprint of the tourist lodges site is secured by planning condition. These hedgerows will enable further ecological mitigation and/or enhancements to be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).

Drainage

- 6.29 The application site is not within an area that is likely to suffer from flooding but the site is in a groundwater source protection zone.
- 6.30 The application indicates that surface water is to be disposed of by way of the existing watercourse. Foul sewage is to be disposed of by way of a septic tank. The applicant has submitted documents relating to the proposed use of a Klargestar Biotech 4 Sewage Treatment Plant.
- 6.31 The location of the site within a groundwater source protection zone and the information submitted by the applicant have been considered by Southern Water and the Environment Agency and have been found to be acceptable.

Heritage

- 6.32 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. When making a decision concerning a listed building or its setting, the council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.33 There is a listed building, Fir Cottage to the west of the site (94 metres) and a cluster of listed buildings to the south west of the site (224 metres). In an assessment consistent with other sites, due to intervening land and buildings it is not considered that the proposal will impact on the heritage interest or the setting of these listed buildings, including the traffic generated by the proposal.

Other Matters

- 6.34 The site is within the KCC Minerals Safeguarding Area. The application relates to a very modest area of land within a significantly extensive Safeguarding Area and the proposal is as a result considered acceptable in this respect.
- 6.35 The Parish Council consider that part of the red line application site boundary is not in the applicant's ownership which is contrary to the certificate of ownership (Certificate A) submitted with the planning application.
- 6.36 The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. This does not however affect any civil rights which can preclude the planning permission from being implemented if the consent of the owner is not obtained.
- 6.37 An applicant is required to notify the owners of the land or buildings (who own land 21 days prior to the submission of a planning application) to which the application relates. The applicant is only required to 'notify' and does not require the 'permission' of the land owner to make the planning application.

- 6.38 When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served. The applicant confirmed that the original certificate of ownership was incorrect at the time that it was submitted (18 January 2019) and as a result the case was withdrawn from the August committee agenda. The applicant submitted an amended certificate of ownership which includes two other owners and an amended site location plan which has been the subject of further consultation.
- 6.39 A planning condition is recommended seeking details of boundary treatments. In relation to comments from Highways England the applicant has provided an amended plan showing 1.8 to 2 metre high green weld mesh along the northern site boundary. This fence will restrict pedestrian access to the nearby motorway including in the period where hedgerows are being established.
- 6.40 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. An informative is recommended highlighting the CIL charge to the applicant.

7. CONCLUSION

- 7.01 Government guidance in the NPPF and adopted Local Plan policies are generally supportive of holiday/tourism related development in rural areas. In the case of the current proposals, the proposed tourist lodge development is relatively modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated on the site.
- 7.02 The site is well screened from public views by existing trees, hedgerows and woodland and the new hedgerow planting proposed will further soften any visual impact. With an approved scheme of native species hedgerow planting secured by planning condition, the proposed tourist lodge development will not appear as visually intrusive in any views from public areas and will have an acceptable harmful impact on the visual amenities of the locality.
- 7.03 Given the modest scale of the tourist lodge use, the level of activity within the site and the additional comings and goings to and from the site via the northern end of Chegworth Lane and the existing accessway off the end of the lane are unlikely to be so significant as to result in unacceptable noise and disturbance to the neighbouring occupiers.
- 7.04 The access arrangements to and from the site are considered suitable for the modest scale tourist lodge development proposed. The access arrangements within the site make provision for vehicle parking and for vehicles to turn and enter and leave the site in a forward gear.
- 7.05 The impact on habitats within the adjoining woodland and Local Wildlife Site are acceptable. The application provides an opportunity to improve the Local Wildlife Site by re-introducing coppicing back into the woodland and potentially increasing the species diversity within the site.
- 7.06 The application is in accordance with the relevant Government guidance in the NPPF (2019) 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. 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 and documents:
Location Plan
Drawing No. P875/2 Rev. C – Proposed site Plan
Drawing No. P875 – Floor plan and elevations
Drawing No 2562/19/B/2 – Landscape Planting
Design and Access Statement;

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

- 3) The materials to be used in the construction of the external surfaces of the tourist lodges hereby permitted shall be as shown on the approved plan (Drawing No. P875/4) and shall be maintained as such. Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity.
- 4) Before the tourist lodges hereby permitted are first occupied, a detailed landscaping scheme for the site comprising native species planting, including details of the new hedgerow planting as shown on the approved plan (Drawing No 2562/19/B/2), shall have been submitted to and approved in writing by the Local Planning Authority. The detailed landscaping scheme that is in accordance with the Council's Landscape Character Guidelines shall include details of species, plant sizes and proposed numbers and densities. 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 tourist lodges. 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 tourist lodges hereby permitted being occupied, details of the surfacing materials to be used in the construction of all new hardsurfacing within the site, including the new accessway, parking spaces and pathways shown on the approved plan (Drawing No. P875/2 Rev. C), 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 tourist lodges; Reason: In the interests of the visual amenities of the area and the setting of the completed development.
- 6) The six tourist lodges hereby permitted shall only be used for bona fide holiday accommodation purposes. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
- 7) The six tourist lodges hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and there shall be no return within a period of 3 months. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.

- 8) Prior to the first occupation of the tourist lodges a management plan shall be submitted to and approved in writing by the Local Planning Authority, with the management plan including full contact details (name, address, phone number and email) of a named person responsible for the administration of the booking for the approved accommodation, with the local planning authority informed of any change to these details for the lifetime of the development. Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.
- 9) A written record of all lettings shall be kept and maintained by the named individual set out in the preceding condition 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.
- 10) The tourist lodge use of the site hereby permitted shall be restricted to the six tourist lodges sited as shown on the approved plan (Drawing No. P875/2 Rev. C) only; Reason: In the interests of the amenities of the occupiers of neighbouring residential properties and local amenity generally.
- 11) 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. P875/2 Rev. C), shall take place within the site; 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.
- 12) The new accessway within the site, vehicle turning areas and parking spaces shown on the approved plan (Drawing No. P875/2 Rev. C) shall be provided and maintained available for use for access, vehicle turning and parking purposes by users of the six tourist lodges 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 new accessway, vehicle turning and/or parking areas or in such position as to preclude vehicular access to them. The tourist lodges shall not be occupied without the accessway within the site, vehicle turning areas and parking spaces being available and maintained as such; Reason: Development without adequate access, vehicle turning facilities and/or parking provision is likely to lead to vehicle movements and parking inconvenient to neighbouring residents and other road users and in the interests of local amenity and road safety.
- 13) 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 woodland area and adjacent existing residential accommodation 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 order to safeguard the night-time rural environment, the ecological interests of the locality, and residential and local amenity generally.
- 14) Prior to the first occupation of the tourist lodges hereby permitted, a woodland management plan for the woodland area adjacent to the southern boundary of the site (on land that is owned by the applicant) and new hedgerows within the application site shall have been submitted to and approved in writing by the Local Planning Authority. The woodland management plan must demonstrate that

rotational coppicing will be re-introduced into the adjacent woodland area and will be carried out every 7 – 10 years. The woodland management plan shall be implemented and maintained as approved; Reason: In order to increase the potential species diversity within the site in accordance with Government guidance in the NPPF.

- 15) Prior to the first occupation of the tourist lodges hereby permitted foul and surface water drainage for the site shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures maintained thereafter. Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding, protect the water environment and prevent contamination of the land.
- 16) All works associated with the approved permission shall be carried out in line with a dust minimisation plan that has previously been submitted to and approved in writing by the Local Planning Authority. Reason: In order to safeguard the ecological interests of the locality.
- 17) The development hereby approved shall not be occupied until, details of all boundary treatments have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife and the 1.8 – 2 metre high weld mesh fence along the northern site boundary, the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained thereafter; Reason: To ensure a satisfactory appearance to the development, in the interests of wildlife and to restrict pedestrian access to the nearby motorway.

Informatives

- 1) The applicant is advised that 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.

Case Officer: Tony Ryan