

REFERENCE NO - 19/503314/FULL			
APPLICATION PROPOSAL Demolition of existing buildings within the site and erection of three residential dwellings with associated access, parking, drainage and landscaping.			
ADDRESS Land at Scragged Oak Farm, Scragged Oak Road, Detling, Maidstone, ME14 3HJ			
RECOMMENDATION REFUSE PLANNING PERMISSION			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> • Development proposal is in an unsustainable location; • Development proposal would result in an adverse impact on the character of the AONB. 			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Detling Parish Council support the application as they consider that the proposal would result in an overall improvement to a rundown site. • No concerns have been raised by neighbouring property owners; therefore the Parish Council has no objections to the approval of this application. 			
WARD Detling	PARISH/TOWN COUNCIL Detling Parish Council	APPLICANT Designer Homes AGENT DHA	Heritage
TARGET DECISION DATE 06.12.2019 (EOT)		PUBLICITY EXPIRY DATE 14.08.2019	

Relevant Planning History

18/504632/PAMEET Pre-Application Advice: Demolition of agricultural storage buildings and derelict yard, and replacement with up to 5 new dwellings.

(NB: The applicant's Planning Statement incorrectly includes planning history for the site also called Scragged Oak Farm in Scragged Oak Road but in Hucking, ME17 1QU)

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site covering 1.33 hectares is located in the countryside and in the Kent Downs Area of Outstanding Natural Beauty. The site is outside the areas that adopted policy states are the focus for new development in the borough (in order of preference these are the urban area of Maidstone, the local service centres and larger villages).
- 1.02 There is currently a collection of buildings to the front corner of the site with and open land with a number of trees on the remaining parts of the site and some vegetation along the south-west boundary.

- 1.03 The existing agricultural type buildings consist of stables, workshops and sheds and are mainly of timber and blockwork construction. These buildings have pitched roofs and ridge heights of up to 4.2 metres. There is also a two storey brick and tile farmhouse with a pitched roof with a ridge height of up to 7.5 metres at the highest point.
- 1.04 There is an ancient woodland (Newlands Wood) adjacent to the rear (south west) of the site with a narrow strip of ancient woodland also included within the red line application site boundary. A wildlife site (Cox Street Valley Woods Yalsted) is also located adjacent to the rear site boundary.
- 1.05 The access onto Scragged Oak Road has a gate onto a rough track in the northwest corner of the application site. A public right of way (KH52A) begins on the opposite side of Scragged Oak Road to the northwest of the site. There are no street lighting or pavements provided along this stretch of road.
- 1.06 There are a number of dwellings in the vicinity of the site, including Woodside and Rabbit Farm to the south west the grade II listed, Scragged Oak Farmhouse to the north east.

2. PROPOSAL

- 2.01 The proposal is for the demolition of the existing buildings and residential property on the site, and the erection of three detached residential dwellings and garage block with associated access, parking, drainage and landscaping. The proposed layout of the site includes buildings across the front of the site with domestic gardens and then an 'ecology meadow' across the rear of the site. The ecology meadow is provided with a separate vehicle 'maintenance access' from Scragged Oak Road.
- 2.02 The three new units and garage block would be located in a uniform position set back from the front of the site by approximately 18 metres at the nearest point and partially screened by the proposed landscaping scheme.
- 2.03 Plot one would be two storeys with a pitched roof hipped in on both sides and incorporating a catslide on the flank elevation and it would be served by a double garage. The ground floor would comprise an open plan kitchen, breakfast and family room with a separate utility room, dining hall, drawing room, study and WC. The first floor would comprise five bedrooms, a family bathroom, three en suites and a dressing room. The amenity space would be located to the rear of the property.
- 2.04 Plot two would be two storeys in height with a pitched roof hipped in on both sides and a catslide roof on the front elevation. The ground floor would comprise an open plan kitchen/diner with a separate utility room, living room, family room, study and WC. The first floor would comprise five bedrooms, a family bathroom and three en suites. The amenity space would be located to the rear of the property, and it would be served by a double garage.
- 2.05 Plot three would be two storeys in height with a pitched roof hipped in on one side and catslide roofs on the front and side elevations. The ground floor would comprise an open plan kitchen/breakfast room with a separate dining room, utility room, living room, study and WC. The first floor would comprise five bedrooms, a family bathroom and two ensuites. The amenity space would be located to the rear of the property, and it would be served by an integral double garage.
- 2.06 The development proposal would result in the loss of 700 square metres of outbuildings on the application site. The existing dwelling on the site is part single/part two storey with a floor area of approximately 124 square metres. The

proposal includes three dwellings and garage buildings with a total floor area of approximately 1,050 square metres.

Table 1: Comparison between existing and proposed roof heights

	Existing house	Existing stables and workshops	Plot 1	Plot 2	Plot 3	Garage block
Roof ridge	7.5	4.0	9.5	9.6	9.7	7.1
Roof eaves	5.2	2.5	5.0	2.6	4.8	2.5

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017
SS1 Spatial strategy
SP17 Countryside
DM1 Principles of good design
DM2 Sustainable design
DM3 Natural environment
DM5 Development on brownfield land
DM23 Parking standards
DM30 Design principles in the countryside
DM32 Rebuilding and extending dwellings in the countryside
Supplementary Planning Documents
Maidstone Landscape Character Guidance
AONB Management Plan

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations were received from local residents either in support or against the proposal.

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)

Kent Downs Area of Outstanding Natural Beauty Unit

- 5.01 Objects to the application. Concerned that the 3 proposed residential units in this location, outside any recognised settlement boundary, would fail to be in keeping with existing established settlement pattern of the Kent Downs AONB, introducing further domestication of what is essentially a rural open countryside location.
- 5.02 Furthermore, the existing buildings on the site that it is proposed to replace are small scale and, as such, are not particularly visible either in localised views or in the wider landscape. While the proposed new buildings would be of a high quality design, they are much larger in overall mass and scale than the buildings they would replace.
- 5.03 Furthermore, the proposal requires the removal of a section of hedgerow along the site's frontage, further opening up views of the site.
- 5.04 As such, we consider the proposal to be contrary to the Kent Downs AONB Management Plan, in particular policies SD2 and SD9, as well as not complying with landscape character objectives identified for the Mid Kent Downs Local Character Area, as identified in the Landscape Design Handbook, page 48, including conserving the remote quality of the countryside, controlling urban fringe pressures and managing hedgerows.

Environmental Services

5.05 No objection subject to contamination conditions and informatives.

KCC Ecology

5.06 No objection subject to the following conditions covering the following mitigation measures for Local Wildlife Site, ancient woodland, hazel dormice, badgers, nesting birds and semi-improved neutral grassland. Details of a lighting scheme to avoid impacts to foraging, commuting and roosting bats and to hazel dormice. Ecological enhancements and management conditions.

Southern Water

5.07 No objection. Requested SUDS drainage details to be submitted to the Local Planning Authority including the following specifications: The responsibilities of each party for the implementation of the SUDS scheme, A timetable for implementation, A management and maintenance plan for the lifetime of the development. An informative was also requested.

Trees and Landscape

5.08 Landscape conditions would be required should this application be granted.

Conservation Officer

5.09 Good quality submission – no further information required.

Environment Agency

5.10 No objection subject to contamination, drainage and restrictive foundation design conditions

KCC Highways

5.11 Development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Informative requested.

Detling Parish Council

5.12 No objection. Members feel that the proposals are an improvement to the existing site which is in a rundown state. No concerns raised by neighbouring property owners.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Design, layout and visual impact on the countryside and the AONB;
 - Housing land supply and sustainability
 - Brownfield Land;
 - Natural environment, biodiversity and ancient woodland
 - Setting of the listed building
 - Neighbour amenity
 - Highways, access and parking
 - Groundwater Source Protection Zone
 - Community Infrastructure Levy

Design, layout and visual impact on the countryside and the AONB

6.02 Local Plan policy SP17 defines the countryside as, '*...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policy map*'. SP17 advises that '*Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area*'.

6.03 In relation to the AONB, policy SP17 advises '*Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural*

Beauty... The supporting text advises that the council will ensure proposals, conserve and enhance the natural beauty, distinctive character and biodiversity of the AONB.

- 6.04 The local planning authority has a legal duty to take account of the purposes of AONB designation in determining planning applications within the AONB; these purposes are the conservation and enhancement of the area's natural beauty.
- 6.05 The Kent Downs AONB Landscape Design Handbook sets out the overall Landscape Character Objectives for the area of the current application site as follows:
- To manage and restore hedgerows, trees and woodlands, especially in the valleys.
 - To seek to conserve the small scale of the roads and villages and the remote quality of the countryside.
 - To maintain the existing diversity of orchards, hop gardens, parkland and farmland, and control urban fringe pressures.
- 6.06 The AONB Management Plan is adopted by all the local authorities in Kent as their policy for the management of the AONB and for the carrying out of their functions in relation to it. The recently updated national Planning Policy Guidance confirms that AONB Management Plans can be a material consideration in determining planning applications.
- 6.07 Policy SD2 of the AONB Management Plan states that the local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development.
- 6.08 Policy SD9 of the AONB Management Plan advises that the locally distinctive character of rural settlements and buildings of the AONB will be maintained and strengthened. New developments will be expected to complement local character in form, setting, scale, contribution to settlement pattern and choice of materials.
- 6.09 Local Plan policy DM30 (Design principles in the countryside) 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. Policy DM1 seeks high quality design, stating that the Council expects that proposals to positively respond to and, where appropriate, enhance the character of their surroundings.
- 6.10 The existing outbuildings on the site are single storey in height, and the proposed buildings will be up to 2 metres higher than the existing two storey dwelling and have a larger scale, mass (see comparison table after paragraph 2.05).
- 6.11 The buildings have been designed in materials including timber weatherboarding, render and clay tiles. The proposed buildings now span across the entire site with the loss of the current visual break with the neighbouring property called Woodside. The proposal includes site and hedgerow clearance, including forming an additional site vehicle access in a central location in the Scragged Oak Road boundary.
- 6.12 The proposed buildings now span across the entire site with the loss of the current visual break with the neighbouring property called Woodside. The proposal includes site and hedgerow clearance, including forming an additional site vehicle access in a central location in the Scragged Oak Road boundary.
- 6.13 The current buildings on the site are small in scale and not particularly visible either in localised views or in the wider landscape. In addition to the impact from the scale and massing of the new buildings, the prominence of the buildings will be increased by the proposed new access. The new buildings due to their scale and massing and with the clearer views into the site generally the development would have an

adverse impact on the character of this sensitive countryside location. The AONB unit considers that the proposal will result in the domestication of the current rural open countryside location.

- 6.14 The uniform layout and design of the dwellings with little relief between the proposed buildings and the suburban appearance would fail to reflect the sporadic rural layout of the surrounding area. This suburban appearance evident in the scale of the buildings and the hardstanding areas necessary for vehicular access results in a development that would be harmful to the character and local distinctiveness of this area, contrary to Local Plan policies SP17 and DM30.
- 6.15 The proposal is contrary to policies SD2 and SD9 of the Kent Downs AONB Management Plan. The proposal fails to comply with landscape character objectives identified in the Kent Downs Landscape Design Handbook, for the Mid Kent Downs Local Character Area. These objectives include conserving the remote quality of the countryside, controlling urban fringe pressures and managing hedgerows.

Housing land supply and sustainability

- 6.16 Para 4.29 (Land availability) states, 'The studies show that the local housing target can be met from within the existing built up area and on sites with the least constraints at the edge of Maidstone, the rural service centres and the larger villages'. The council currently has housing land supply for the next supply of 6.3 years (figures relate to 1 April 2019). In the context of the up to date housing figures, the council is achieving a sufficient supply of homes (NPPF paragraph 59).
- 6.17 The adopted Local Plan directs new housing to the most sustainable locations in the borough which provide easy access by sustainable modes to the facilities, goods and services essential for daily life. The Maidstone Urban Area is the preferred location for new development, followed by the designated rural service centres and then the larger villages. The current application site is not within any of these locations or within easy access of any of these areas.
- 6.18 A public transport journey from the site to the centre of Maidstone takes 1 hour 41 minutes and would require a 34 minute walk along unlit country roads to Bredhurst and then two separate buses (source: Traveline Southeast). In this context, and the absence of local facilities the application site is in an unsustainable location where future occupants would not be provided with any sustainable travel choice and would be dependent on the private car for their daily needs.

Brownfield Land

- 6.19 Policy DM5 (Development of brownfield land) states that, '*Exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens...will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village*'.
- 6.20 The redevelopment of brownfield sites as advised by policy DM5 will be permitted where the site is not of high environmental value and where residential density reflects the local area. In addition to domestic gardens, agricultural buildings are also excluded from the definition of brownfield land.
- 6.21 The majority of the application site is open land, and this open land and the curtilage of the existing residential property falls outside the definition of brownfield land. The application will involve the removal of a number of small-scale buildings that are agricultural in appearance. Whilst there is no record of any planning permission, the applicant describes these existing buildings in the planning statement as "*...sheds, stables and storage buildings used for industrial and storage purposes*". On the basis of this information from the applicant, the footprint of these buildings

and associated access that covers around 15-20% of the total application site area would be considered brownfield land.

- 6.22 The application site is considered to be of high environmental value due to the designated Kent Downs AONB but it is also acknowledged that the existing buildings on the site are in a poor state of repair. This rural location including the existing buildings on the site have a sporadic low density rural character.
- 6.23 The current proposal fails to reflect this character and local layout with four large formal buildings proposed across the site frontage. It is considered that due to the scale and layout of the proposed buildings they fail to reflect local character and therefore would not result in a significant environmental improvement. The application site is not accessible by sustainable modes to Maidstone urban area, a rural service centre or a larger village. In this context the proposal is contrary to local plan policy DM5.

Natural environment, biodiversity and ancient woodland

- 6.24 Local Plan policy DM3 encourages development which protects and enhances the natural environment by incorporating measures to protect positive landscape character, areas of Ancient Woodland, trees of significant amenity value. Development should enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented ancient woodland.
- 6.25 Information was submitted with the current application with regard to habitats on the site and mitigation measures to alleviate any potential impact on the wildlife. The current application includes an ecology meadow across the rear of the site. This ecology meadow provides a 30 metre buffer between the new houses and the ancient woodland at the rear of the application site.
- 6.26 KCC Ecology found the submitted information acceptable and had no objections to the development proposal subject to planning conditions. In the event that planning permission were approved KCC Ecology recommended conditions relating to mitigation measures for the local wildlife site, ancient woodland, hazel dormice, badgers, nesting birds. Conditions would be required in relation to providing semi-improved neutral grassland and details of a lighting scheme to avoid impacts to foraging, commuting and roosting bats and to hazel dormice. Ecological enhancements and management conditions were also requested.

Setting of the listed building

- 6.27 Local Plan policy DM4 sets out that new development would be expected to conserve and where possible enhance the significance of the heritage asset and, where appropriate, its setting. Development proposals would be expected to respond to the historic environment by taking into account any heritage assets and their settings that could reasonably be impacted by the proposed development, the significance of those assets and the scale of the impact of the development.
- 6.28 The Scragged Oak Farmhouse grade II listed building would be located approximately 20 metres to the northeast of the proposed properties. The current site access retained to provide maintenance access to the ecology meadow running between the buildings.
- 6.29 The council's conservation officer has stated that in terms of the potential heritage impact the development proposal had been well designed. There are no objections with regard to the potential impact of the proposal on the setting of the listed building.

Neighbour amenity

- 6.30 Policy DM1 seeks to respect the amenities of occupiers of neighbouring properties and provide adequate residential amenities for future occupiers by ensuring that

development does not result in, or is exposed to excessive noise, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.31 The nearest property, Scragged Oak Farm, would be approximately 20 metres from the development proposal. Plot 3 would have no fenestration on the flank wall other than a ground floor kitchen window. The distance in conjunction with the orientation of the property would ensure that the relationship between the properties is acceptable in relation to neighbour amenity.
- 6.32 In relation to amenities for future occupants, the proposed plots on the application site are located a sufficient distance from each other and orientated in such a way that any a good standard of accommodation would be provided.

Highways, access and parking

- 6.33 The application site is located in an unsustainable area with no public transport links and would therefore generate additional vehicle movements on local roads. It is considered that there is sufficient capacity on the local road network to accommodate the additional traffic generated by the proposed houses.
- 6.34 Each proposed property would have two garage spaces with two further spaces available in front, this is adequate provision for five bedroom dwellings.
- 6.35 Details of cycle parking and electrical vehicle charging infrastructure would need to be included as part of the development, but this could be dealt with by condition.
- 6.36 With the removal of sufficient areas of hedge to provide the necessary sightlines for drivers, the new access in the site frontage would be considered acceptable in relation to highway safety.

Groundwater Source Protection Zone

- 6.37 DM3 (Natural environment) states that pollution should be controlled to protect ground and surface waters. There is a need to mitigate against adverse impacts on Groundwater Source Protection Zones.
- 6.38 In order to take account of this issue, Environmental Services and the Environment Agency have requested contamination, drainage and restrictive foundation design conditions should permission be approved.

Community Infrastructure Levy

- 6.39 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.
- 6.40 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 The proposed development would result in an extensive increase in built development in a sensitive rural area, resulting in a detrimental impact by virtue of the bulk, massing, scale and height of the proposal.
- 7.02 The development of the site for residential properties in this unsustainable location would constitute an inappropriate form of development that would result in a reliance on the use of a private motor vehicle by future occupants for day to day living.

8. RECOMMENDATION

REFUSE planning permission for the following reasons:

- 1) The development, due to its height, size, design and siting of buildings, the excessive hard surfacing at the front of the site and the partial removal of the hedgerow, would result in poorly integrated form of development that has a suburban appearance that would be detrimental to the character of the rural area and Kent Downs Area of Outstanding Natural Beauty. As such, it would be contrary to policies SP17 (Countryside), DM1 (Principles of good design), DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017 and policies SD2 and SD9 of the Kent Downs AONB Management Plan.
- 2) The proposal involving provision of new housing in an unsustainable location would result in an over reliance on the private motor vehicle by future occupants in meeting daily needs. As such, it would be contrary to policies SS1 (Spatial Strategy) DM1 (Principles of good design), DM5 (Development of brownfield land), DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017.

INFORMATIVES

You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.maidstone.gov.uk