

APPENDIX 1

NOTES FOR TECH		
APPLICATION PROPOSAL Erection of a single storey building to provide staff accommodation/holiday let and staff training room.		Ref No 19/501536/FULL
ADDRESS Wierton Hall Farm East Hall Hill Boughton Monchelsea Maidstone Kent ME17 4JU		
RECOMMENDATION - Application Permitted		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Mr & Mrs Curteis AGENT CF.Architects
DECISION DUE DATE 23/05/19	PUBLICITY EXPIRY DATE 03/05/19	

Relevant Planning History

18/500223/FULL

Variation of condition 2 of appended to planning permission ref: 11/1352 seeking retrospective consent to permit the movement of vehicles within the application site between 0600-1730 hrs Mon-Sat (currently 0700-1730 hrs Mon-Sat) but retaining restriction on no movements whatsoever on Sundays, Bank and Public Holidays.
Refused Decision Date: 09.03.2018

SITE DESCRIPTION

The application site lies above a KCC minerals safeguarding area.

The application site lies immediately to the south of large corrugated iron barn used in connection with the applicants tree surgeon business. There is currently a mobile home occupying the application site.

Abutting the application site to the south west is a dense tree screen while to the east is an open paddock with a public footpath running along its east boundary.

The application site forms part of the Wierton Hall Farm complex of buildings fronting onto an enclosed courtyard.

Abutting the Wierton Hall Farm complex to the west is the Grade II Listed Building Wierton Hall occupying a well screened and enclosed site.

To the south the complex fronts the Greensand Ridge landscape of local value.

Finally the site lies within a KCC minerals safeguarding area.

PROPOSAL:

The intention is to remove the mobile home and replace it with a small single storey building.

The following has been submitted in support:

1. The building will have two functions – as a training room and changing area for use by Aspen Tree Services with the remainder used to accommodate employees.
2. The business does not have an acceptable purpose built training facility and there is a need to keep employees up to date with latest best practice.
3. Due to the difficulty in employing suitably skilled staff, Aspen Tree Services sometimes employ staff from outside the immediate locality. The accommodation will be used to accommodate staff living some distance away and also as a holiday let.

Business Case:

4. Aspen Tree Services employ specialist staff and as such often have to recruit from outside the local area to get suitable employees. Often employees come from outside the county of further afield - sometimes to such an extent that employees need to find accommodation away from where they live.
5. There is a lack of suitable accommodation locally that can satisfy their needs.
6. The additional problem involved in finding accommodation is that it is not necessarily available from local B&B's when Aspen Tree Services need to accommodate staff.
7. There are 15 local Bed and breakfasts in within 3 miles which are often booked.

Holiday let:

8. The owners of Aspen tree services also have a holiday let cottage which they rent out during the year. They would like to expand this business by building an additional one bedroom cottage.
9. The current accommodation is booked approximately 70% of the time and is full for the entire holiday season when rents are at their highest.
10. There is a niche for additional tourist accommodation that, based on their current holiday let, will easily be filled.
11. This will work in tandem with Aspen Tree Services employees as times when building will be required for tourist and business accommodation are at different times of the year.
12. There are other benefits to developing this as a rural business in that tourism provides additional income to tourist attractions in the area, local builders who will construct the project and support workers as part of the longer term running of the business.

The application has also been accompanied by an ecological survey

POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 SP17, DM30, DM37

LOCAL REPRESENTATIONS

1 representation received which is summarised below:

13. Sceptical about the proposal but subject to the retention of the boundary trees should be sufficiently concealed.

CONSULTATIONS

PC: No objection but would like assurance that the existing mobile home will be removed from the site.

Kent Highways: Does not meet criteria triggering a response.

EHO: No objection

APPRAISAL

Key Issues:

The site is located in the countryside and the proposed development will be principally subject to the following planning considerations.

The NPPF at paragraph 83 supports the rural economy and that planning decisions should, amongst other things, enable the following types of development:

- 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 development and diversification of agricultural and other land-based rural businesses and;
- sustainable rural tourism and leisure developments which respect the character of the countryside.

The local plan policies relevant to this proposal are summarised below:

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Policy SP17 states that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted.

- Policy DM30 requires, amongst other things, that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features; that impacts on the appearance and character of the landscape will be appropriately mitigated and that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.

- DM37 permits the sustainable growth and expansion of rural businesses subject to new buildings being small in scale, be integrated into the local landscape, will not harm local highway conditions or result in harm to the amenity of the area of nearby properties.

It is also necessary to assess the impact on the nearby heritage asset and the amenity of the occupants of this property.

Principle:

Employee accommodation in the countryside will only be permitted if it is demonstrated that (a) there is a business case for the type of accommodation sought and (b) there is no existing accommodation in the locality which could reasonably serve this purpose.

It is considered that given the nature of the applicants business where continued training, not least for health and safety reasons is a prerequisite and the need to attract and retain staff who are not local, that the business case has been demonstrated for the proposed training area and overnight accommodation.

It is also accepted that sufficient information has been submitted to demonstrate that there is no accommodation in the locality which could serve the same purpose.

Regarding the use of the building for tourist accommodation, it considered sufficient evidence has been submitted to demonstrate there is a need.

Given the seasonal nature of both uses it is only necessary to append a condition restricting the use of the building to the purposes specified and condition restricting days of accommodation to ensure that use as a separate dwelling does not become established.

Impact on the character and setting of the countryside:

Given the small size, appropriate low key design and well screened location of the proposed building it is considered that it will not result in demonstrable harm to the character or setting of the countryside or materially intrude into views from the public footpath to the east. However landscaping should be sought to safeguard views from the east.

To safeguard the night-time rural environment restrictions on external lighting should be secured by condition.

Trees:

Abutting and completely enclosing the south west boundary of the site is a dense tree screen of Lawson cypress and one Ash Tree. The site layout shows the building not encroaching into the RPA's and subject to a tree protection condition it is considered these trees will be retained.

The applicants arboricultural consultants advises the existing caravan will be removed and the new building sited in this location. Confirm there is concrete hard core with minimal top soil in this area, so it is highly unlikely that tree roots will have grown under the caravan.

The tree grouping located to the south of the wall is also approximately 400 mm higher than the site, further reducing the likelihood of tree roots under the site but it is intended to crown the trees to 6 metres to reduce the risk of falling trees.

This will continue to ensure that the building is screened from this direction.

Heritage considerations:

The proposed building will be largely screened by the bulk of the adjoining large building from views from Wierton Hall. No adverse impact on the character and setting the LB is therefore identified.

Amenity:

For the reasons set out above it is considered the use of the building will be carried out without harming the aural amenity or outlook of any nearby dwellings.

Highways:

No additional traffic will be generated by training/staff accommodation use. The tourist use will generate a nominal number of additional traffic movements which in the context of site having sufficient on site turning and good access will not cause any highway issues.

Wildlife:

The application site area is grassland of low ecological value but is bordered by trees and scrub. The ecological appraisal concludes the proposal will have little direct impact on protected species but recommends mitigation measures.

It is considered these are proportionate to the modest scale and impact of the proposal.

Conclusions:

This is a small scale development in support of an existing rural business which will not result in any material harm to the character and setting of the countryside, nearby heritage asset while being acceptable in its amenity, highway and wildlife impacts.

It is therefore recommended that planning permission is granted.

EIA Screening

EIA Development	No
Comments	Not Schedule 2 and not in AONB

CIL Liable – Yes

RECOMMENDATION – Application Permitted subject to the following conditions/reasons:

(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) Prior to the development hereby approved reaching damp proof course details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of amenity.

(3) The building hereby approved shall be used (a) for staff training and staff accommodation and (b) for tourist accommodation and for no other purposes whatsoever and only in connection with the operations of Aspen Tree Services located at Wierton Hall Farm, ME174JU

Reason: To retain control over the use in the interests of amenity.

(4) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained as shown on drawing no: 253(P)010 rev2 must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

(5) The trees shown on drawing no: 253(P)010 rev2 must be retained at a height of no lower than 6 metres above ground level. Any of these trees becoming dead, dying, diseased or dangerous shall be replaced by a heavy standard specimen /s of the same species and in the same location in the first available planting season.

Reason: In the interests of visual amenity.

(6) Single occupation of this building as tourist/staff accommodation shall be restricted to no more than 28 days at any one time.

Reason: To prevent the establishment of a permanent residential presence in an area where such development would not normally be permitted.

(7) Prior to first occupation of the development hereby approved details of a native species landscaping scheme to screen the building from views from the east shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented within the first planting season following approval. Any specimens becoming dead dying or diseased within 5 years of planting shall be replaced by specimen/s of the of the same size and siting.

Reason: In the interests of visual amenity.

(8) The development hereby approved shall be carried out in accordance with the recommendations set out in paragraphs 3.1-3.3 (inc) of the preliminary ecological appraisal carried out by Brindle & Green Ecological Consultants Ltd.

Reason: In the interests of wildlife protection.

(9) Any external lighting installed on the site (whether permanent or temporary) in connection with the approved building or use 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: To safeguard the night time rural environment.

(10) On first use of the development hereby permitted the mobile home currently occupying the site shall be permanently removed from the site.

Reason: In the interests of visual amenity.

(11) The development hereby approved shall be carried out in accordance with the with the following approved plans being drawing nos: 253(P)001 Rev 0 , 002 rev 1, 003 rev 1, 005 rev2, 010 rev2 and 015 rev 1.

Reason: In the interests of amenity.

INFORMATIVES

(1) Lighting:

Details submitted pursuant to condition 9 above must show the use of low intensity luminaires orientated and screened to ensure that light spread is contained within the site boundaries and to avoid skyglow.

(2) Highways:

It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

(3) KCC MINERALS:

The site lies within a KCC minerals safeguarding area. You should contact KCC mineral planning to see whether it wishes to comment on the proposals from this perspective.

(4) CIL:

The proposed development is CIL liable. 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.

The Council's approach to this application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.


In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

The applicant/agent was provided with formal pre-application advice.

There is a separate application process to discharge conditions. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').

Delegated Authority to Sign:	Date:
	21.05.2019

PRINT NAME: T Ryan	
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