

<b>REFERENCE NO - 19/504403/FULL</b>		
<b>APPLICATION PROPOSAL</b> Part retrospective application for change of use from horticulture/nursery to leisure/recreation for stationing of mobile Shepherd's Huts as short stay tourist accommodation and ancillary works.		
<b>ADDRESS</b> Land at Teiseside Nurseries Lees Road Laddingford Maidstone Kent ME18 6BP		
<b>RECOMMENDATION</b> Application Permitted		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal is acceptable with regard to the relevant provisions of the Development Plan, with appropriate mitigation in place, the NPPF and all other material considerations such as are relevant to the application.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> At the request of Yalding Parish Council.		
<b>WARD</b> Marden and Yalding	<b>PARISH/TOWN COUNCIL</b> Yalding	<b>APPLICANT</b> Mr & Mrs R Edmonds <b>AGENT</b> SIGMA Planning
<b>TARGET DECISION DATE</b> 27/07/20		<b>PUBLICITY EXPIRY DATE</b> 15/04/20

### **Relevant Planning History**

19/505434/OUT

Outline application for the demolition of existing commercial building and erection of a 2 storey self build dwelling (Access being sought).  
Refused Decision Date: 02.01.2020

### **Appeal History:**

20/500069/REF

Outline application for the demolition of existing commercial building and erection of a 2 storey self build dwelling (Access being sought).  
Appeal In Progress

### **MAIN REPORT**

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

- 1.01 The proposal site is part of the former Teiseside Nurseries site located on the western side of Lees Road close to the centre of Laddingford village and the Chequers Public House. There are single storey, very modest buildings on the site that are left over from the former nursery and in general terms the site is undeveloped in nature. The proposal site is accessed from an existing access and is set well back from the road. The site is within Flood Zones 2/3, and for the purposes of the Maidstone Local Plan it is also within the designated countryside.
- 1.02 The residential dwelling known as Teiseside is located to the immediate north/north west of the application site (the nearest and most affected dwelling) and has no ownership relationship to the application site. The dwelling is accessed via a long drive from Lees Road. A PROW is located to the south of the wider site (accessed via The Chequers Public House. A number of listed buildings are located along Lees Road in the vicinity of the wider site.

23 July 2020

2. **PROPOSAL**

- 2.01 The application seeks permission for the Change of Use of the land for tourism related purposes with the submitted plans showing the stationing of 3 mobile Shepherds Huts and operational works (bases) within the north east part of the site. The application red line lies in close proximity to the western boundary of the site which runs along the bank of the River Teise. Part of the operational works has already been carried out on the site with the provision of two of the three bases. The Shepherds huts are also currently stored on the land.
- 2.02 The supporting Design and Access Statement (DAS) states that the "Shepherds Huts will be arranged in a row with suitable spacing to ensure privacy and quietness. There will be no physical demarcation of plots but each hut will be on a concrete slab with utility and drainage connections. They will also be "tethered" to underground blocks for security and to prevent them being washed away in the very unlikely situation of an extreme flood event".
- 2.03 The DAS further comments that the Shepherds Huts (see picture below) will be used for short term holiday lets mainly focused on the summer months. It is stated that three Shepherds Huts are proposed at first but that there is space for two more if the enterprise proves popular. Each hut has an overall floor area of 23.7 sq.m, with a height of 3 metres and provides a double bedroom, en-suite shower room/toilet and kitchen area. Each hut is of a standard appearance with dark green coloured metal sheeting on the walls and a convex roof.



- 2.04 A Flood Warning and Evacuation Plan and Flood Risk Assessment is submitted with the application which sets out the measures to be taken in the event of a flood alert and assesses the risk of flooding at the site. An Ecological assessment has also been submitted which assesses the site for habitat potential and sets out suggested mitigation and enhancement.
- 2.05 The application site is below the threshold of 1 hectare required for screening permanent camping and caravanning sites under Schedule 2 of the Town and

3. **POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017 – SS1, SP17, SP21, DM1, DM3, DM30, DM37, DM38  
National Planning Policy Framework (NPPF) – Paragraphs 83 and 84  
National Planning Practice Guidance (NPPG)  
Maidstone Landscape Character Assessment & Maidstone Landscape Capacity Study: Sensitivity Assessment

4. **LOCAL REPRESENTATIONS**

**Local Residents:**

- 4.01 2 representations received from local residents raising the following (summarised) issues
- Will the application be restricted to Shepherds Huts. This site is not suitable for mobile homes or caravans.
  - Narrow entrance to site with poor sight lines
  - Laddingford is prone to flooding
  - What are arrangements for waste-water, the drains along Lees road often overflow
  - Landowner disturbed nesting birds when grubbing out the overgrown site
  - What works are "ancillary works" referring to in the application.
  - Where is private treatment plant situated as this may impact on our amenity
  - Suggest hedge planting is required to screen the development from neighbours
  - Refers to erection of a roofed hard standing BBQ/Communal area erected near the river - will restrictions be imposed to ensure neighbours do not suffer from noise and disturbance when the huts are in use
  - In favour of a holiday occupancy condition

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)

Yalding Parish Council

- 5.01 Object and request the application be heard by the Planning Committee. The Council's main concern relates to flooding and the sites inclusion within zones 2/3 of the E.A's flood risk maps. Photos' submitted showing the sites entrance flooded on recent flood events.

MBC Environmental Health Officer -

- 5.02 Raise no objection but request a condition regarding details of proposed method of foul sewage treatment along with details regarding the provision of potable water and waste disposal.

KCC Highways

- 5.03 Raise no objection

Environment Agency -

- 5.04 Having initially objected to the application, the E.A now raise no objections subject to the imposition of the below conditions.
1. Finished floor levels are set no lower than 13.86m above Ordnance Datum (AOD) which is the 1% AEP plus 70% climate change design flood level.
  2. Flood mitigation measures are included.
  3. We would be pleased to see that the huts will be limited for occupation only between the months of March and October each year as proposed in the letter dated 14 April 2020.

KCC Ecology -

- 5.05 No objection. Suggests a condition requiring the submission of an enhancement plan to ensure the suggestions made in the Ecological Assessment are implemented.

6. **APPRAISAL**  
**Main Issues**

Policy Context

- 6.01 Local Plan policy SS1 seeks to support small scale employment opportunities in appropriate locations to support the rural economy; and policy SP21 sets out that the Council is committed to supporting and improving the economy of the borough and providing for the needs of businesses, by (inter alia): *Supporting proposals for expansion of existing economic development premises in the countryside, including tourism related development, provided scale and impact of development is appropriate for its countryside location, in accordance with policy DM37.*
- 6.02 Local Plan policy DM37 also supports the expansion of existing businesses in the rural area provided certain criteria are met; and Local Plan policy DM38 allows for holiday caravan sites in the countryside provided they:
- i. Would not result in unacceptable loss in amenity of area. In particular, impact on nearby properties and appearance of development from public roads will be of importance; and
  - ii. Site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species.
- 6.03 The proposal is also subject to the normal constraints of development in the countryside under the Maidstone Local Plan (as Laddingford is a washed over settlement without a defined village envelope and for Local Plan purposes is treated as being within the countryside). Local Plan policy SP17 states that new development in the countryside will not be permitted unless it accords with other policies in the Local Plan, and would not result in harm to the character and appearance of the area or in terms of residential amenity. Local Plan policy DM30 states (inter alia) that new development should maintain, or where possible, enhance the local distinctiveness of an area; and ensure that associated traffic levels are acceptable.
- 6.04 Furthermore, Local Plan policy seeks new development to respect the amenities of occupiers of neighbouring properties; and avoid inappropriate development within areas at risk from flooding (LP policy DM1).
- 6.05 The key issues for consideration therefore relate to:
- Visual Impact -including the design of the Shepherds Huts
  - Sustainable Rural Tourism
  - Highway safety and residential amenity impacts
  - Flood Risk
  - Impact on Ecology

Visual Impact including Design

- 6.06 The site is included within the Laddingford Low Weald Character Area as set out in the Maidstone Landscape Character Assessment (July 2013) and Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015). These documents state that Laddingford Low Weald is assessed as being of moderate overall landscape sensitivity and therefore has scope *for change with certain constraints*. It states that housing development should be focused within and immediately adjacent to existing settlements in keeping with existing development whilst other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.

- 6.07 The former Nursery use is no longer operating from the site and the site is afforded relatively open views from Lees Road. However, the application site only includes the area of the land to the west of the site (that furthest away from Lees Road). Whilst the Shepherds Huts are visible from Lees Road as they are currently stored on the land, they are not highly visible and do not negatively impact on the landscape quality or visual amenities of the locality.
- 6.08 The application seeks the Change of use from horticulture/nursery to leisure/recreation for stationing of mobile Shepherd's Huts as short stay tourist accommodation and ancillary works. Detailed plans and photos of the Shepherds Huts have been provided as part of the application and given their green coloured profiled metal cladding, their limited size (which can be controlled by condition to the size applied for), the specific design that has been applied for i.e. Shepherds Huts, their limited number (the block plan shows 3 Shepherd Huts in situ with hard bases) and their positing within the site, which is approximately 198 metres away from Lees Road and approximately 90 metres away from the PROW to the south of the site, then whilst still visible in the landscape context, they will not appear harmful to the visual qualities of the countryside and will appear as sympathetic temporary chattels in the countryside. Given the requirement to raise the floor levels as requested by the Environment Agency, the Shepherds Huts will appear slightly more prominent in the landscape setting as they will be required to be raised on brick piers to reached the requested floor level. Even with this increased visual prominence, it is not considered that they will appear harm to the visual qualities of the countryside.
- 6.09 The proposals will also be seen against the wooded backdrop of the tree corpse to the western boundary (fronting the River Tiese) and to the wider landscaped boundaries which are outside the current application site. Additional landscaping using indigenous species can be requested by condition to ensure the red line boundaries of the site are clearly defined by new hedgerow planting which will further assimilate the development into this countryside setting.
- 6.10 The proposals would accord with the Maidstone Landscape Capacity Study in so far as this proposal is for a small scale tourism related use on a site with no current commercial activity and supports a rural enterprise without causing harm to the character and appearance of the area (policy SP17), whilst being unobtrusively located and without resulting in an unacceptable loss in the amenity of the area (policy DM38).
- Sustainable Rural Tourism
- 6.11 The NPPF paragraph 83 c) seeks the delivery of sustainable rural tourism and leisure developments which respect the character of the countryside whilst paragraph 84 states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. 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 and exploits opportunities to make the location more sustainable.
- 6.12 The site is located in close proximity to the public houses serving Laddingford, which will be a key attraction for visitors to the site and is within close proximity to Yalding, its nearest larger village some 1.5 miles away with Paddock Wood some 4.5 away and Maidstone, some 9.5 away. Whilst public transport is available passing through the village, this is infrequent. However, most visitors to the site for holiday related purposes would be by car. Having considered the impact on the character and appearance of the countryside to be acceptable, the site is reasonably well related to existing settlements to comply with the requirement of paragraph 83 c) of the NPPF.

Highway Safety

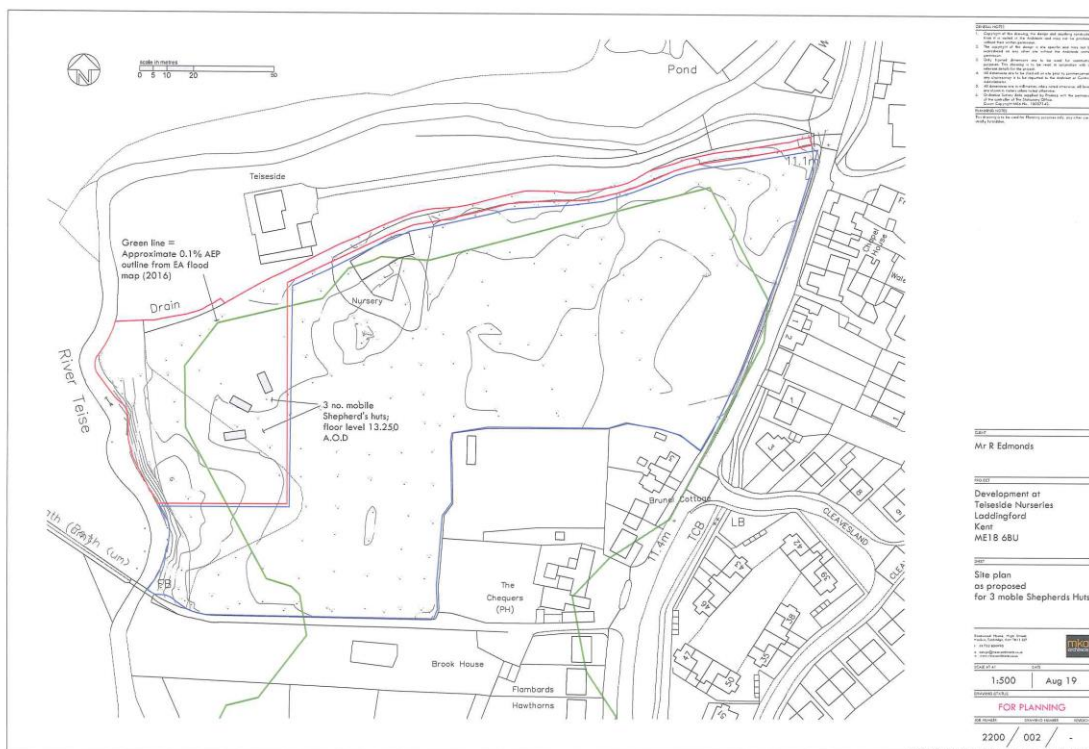
- 6.13 The application site utilises the existing access to the former nurse's which KCC Highways have considered and confirmed that they raise no objection to on highway grounds. Given the limited number of Shepherd's Huts proposed and the expected maximum number of people can be accommodated in each hut (2 persons), then the total potential traffic generation from the 3 huts is very limited and will not have an impact on the local road network. No issues have been raised regarding inadequate sight lines to the existing access.

Residential amenity

- 6.15 The applicant does not live on the application site and travels from outside to attend to the management of the site. The nearest residential property is Teiseside which is located to the north of the application site and is generally surrounded by established boundary planting. A newer hedgerow has been planted to its southern boundary – that closest to the River Tiese.
- 6.16 The location of the Shepherd's Huts has been positioned away from the southern boundary of Teiseside so as to give sufficient separation distance to ensure any noise generated by the occupants of the Huts is limited.
- 6.17 A recently constructed pole barn near the river within the application site has been removed and this was a matter which was raised by one of the commentators listed in paragraph 4.01 above.
- 6.18 When considering the intended use of the site and the separation distances from it and the nearest and other residential properties, the noise generated by the proposal (including vehicle movements to and from the site) are considered to be acceptable in residential amenity terms, and the Environmental Health officer has also raised no objection in terms of noise.
- 6.19 The Environmental Health officer has requested certain conditions to be imposed requesting details of the foul water treatment, size of the foul water system, its location on the site and where the system will discharge into. Such details can be secured by condition.

Flood Risk

- 6.20 The site is shown as being located within the Flood Zones 2 and 3 of the Environment Agency's (E.A) Flood Risk Maps. On this basis both the Sequential and Exception test are required to be passed in order for the development to be acceptable. Following initial concerns raised by the E.A regarding the adequacy of the previously submitted Flood Risk Assessment (FRA), an updated FRA has been submitted during the processing of the application together with a Flood Warning and Evacuation Plan. The Shepherd's Huts have been positioned on the site outside the approximate maximum extent of historical flooding (shown by the green outline below, although it is acknowledged that the green outline does include the access).



- 6.21 In accordance with the NPPF and NPPG sites used for holiday caravans are classified as 'More Vulnerable'. Such development can be acceptable subject to the Sequential and Exception Tests being applied and passed, with both being applicable in this instance due to location within Flood Zone 3 washing over the application site. Furthermore, local planning authorities should also ensure that flood risk is not increased elsewhere with the site specific FRA being used to assist the Local Planning Authority in applying the Sequential test, whether the development will be safe and pass the Exception test and whether the measures proposed to deal the flood risks are effective and appropriate.
- 6.22 It is not the role of the E.A to apply the sequential test, this is the role of the Local Planning Authority assisted by the E.A's advice and the NPPG advises the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.
- 6.23 The NPPG also advises that when applying the Sequential test, a pragmatic approach on the availability of alternative sites should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.
- 6.24 Whilst there is no existing tourism related business at the site, the applicant has made a number of important concessions in the current application which need to be considered when applying the relevant tests. These have been considered by the Environment Agency in their latest response which is the reason why they have removed their objection to the application.

- Finished Floor Levels - Finished floor levels for the Shepherds Huts can be secured at 13.86 AOD by raising each hut to sit on four brick piers. A debris skirt could also then be provided. The use can also be limited to avoid occupation during the winter months when the risk of flooding is greater.
  - Anchoring – The Shepherds huts are equipped to be towed and therefore have a robust framework and anchoring point. It is proposed that the towing point should be attached with wire to a metal eye set in a concrete block that in turn is set into the ground.
  - FRA – The details contained in the updated and revised FRA together with the details outlined in these bullet points will hopefully enable you to remove your objection to the current application.
  - Access routes/Evacuation Routes - This is mostly addressed in the submitted Evacuation Plan. The Shepherds Huts are located on Zone 2 land which is some of the highest land in the village. The option of a emergency access constructed across the nursery land to allow access to the side of the Public House via the existing PROW exists if an emergency were to arise.
- 6.25 It cannot be said that there are no other reasonable available sites in an area of less risk from flooding in the catchment area that the lodges would serve, although it is acknowledged that Flood Zones 2 and 3 does cover quite a significant area in the proximity of the site. However, the E.A now accept that with conditions controlling the matters set out in paragraph 6.24 above, the development would be safe. Acknowledging that the aims of the sequential test are to steer development away from areas of flood risk, seasonal occupancy is proposed by the applicant during the months of March to October to mitigate flood risk, and this is accepted by the E.A. It is reasonable then to conclude on this basis that flood risk from the river is substantially reduced during these months, that a restricted use for the occupancy of the Shepherds Huts between the months of March to October is sequentially preferable to the standard timeframe usually given to holiday site occupancy which may allow year round holiday let use. Based on this assessment, the site could be sequentially acceptable as the high risk has been mitigated for by the restriction of occupancy during the high-risk winter months.
- 6.26 For this reason only and with the ability to limit use of the site and occupation of the Shepherds Huts to the months from March to October which has been agreed by the E.A, it can be concluded that the proposals pass the Sequential test in this specific case.
- 6.27 Following application of the Sequential Test, the Exception Test must be applied. It is a requirement that the proposal would provide wider sustainability benefits to the community that outweigh the flood risk and that the development will be safe for its lifetime, taking account of the vulnerability of its users without increasing flood risk elsewhere.
- 6.28 Given that the proposals are for tourism related users which are supported by Local Plan policies and will contribute to the wider local economy by bringing tourism to the area, it is considered that the proposals will bring wider sustainability benefit to the community and given the removal of the E.A objection, subject to the imposition of certain conditions limiting the use and setting finished floor levels above the design horizon for predicted flooding in the locality, it is considered that the proposals pass the Exception Test.
- 6.29 Therefore, in this specific case, it is concluded that limited use of the site with mitigation measures in place does pass both the sequential and exception tests.
- 6.30 Matters relating to the residual risk, i.e whether suitable emergency measures are in place, the ability to gain suitable egress/ingress to areas of high ground during extreme events and the impact on the emergency services will all be mitigated for



by the submitted Flood Warning and Evacuation Plan and by the limits imposed on the use/occupation of the site which can be secured by planning conditions.

#### Biodiversity Impacts

- 6.31 The application is accompanied by an Ecological Assessment which was submitted during the processing of the application. This concludes that the species poor semi-improved grassland is of relatively low ecological value. The report recommends that the retained grassland be enhanced through sowing/oversowing with a native species-rich grassland seed mix and be subject to a suitable management regime to increase floristic diversity. The retention of longer, rough grassland areas at the margins of the immature woodland will provide habits for reptiles.
- 6.32 Mitigation measures are suggested for the retained immature woodland to the west of the site to improve its ecological value for suitable foraging and navigational opportunities for bats and birds.
- 6.33 Subject to the implementation of the measures as set out in the Ecological Assessment, the proposed development will have no adverse effects on protected species whilst the provision of new native planting, creation of species-rich grassland and provision of new bat and bird boxes (with suitable enhancements which comply with the NPPF's requirement in paragraphs 175 c) to secure net gains for biodiversity. The KCC Ecological Officer also raised no objection to the proposals in ecology terms but does suggest a condition to cover implementation of the mitigation measures as set out in Ecological Assessment.

#### Other Matters

- 6.34 The application confirms that foul sewerage will be via a package treatment plant. No details have been supplied of the package treatment plant and conditions have been requested by the Council's Environmental Health Officer. A suitable condition to cover the matters suggested by the EHO has been included in my recommendation.
- 6.35 There are a number of listed buildings along Lees Road, including the Chequers P.H. These buildings are sufficiently distanced from the application site so as not to have an impact on their setting.
- 6.36 The matters raised by Yalding Parish Council regarding recent flood events at the site entrance have been carefully considered in this report. Whilst the report concludes that the development passes both the Sequential and Exception test, it is true that management of the residual effects rests with Maidstone Borough Council and the emergency plans that are put in place to deal with the effects of flooding in the area. With the limitation on the use of the site, the residual impacts would be minimalised. However, a condition dealing with the Flood Warning and Evacuation Plan would still be imposed to mitigate any potential risk.

#### Public Sector Equality Duty

- 6.37 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7. CONCLUSION**

- 7.01 The proposal would not be obtrusive and would not result in an unacceptable loss in the amenity of the area, in terms of its visual impact with the design of the Shepherd huts being suitably accommodated within the countryside setting. With limited impact on the living conditions of nearby local residents; and the retention of existing landscaping features and the addition of further native planting and landscape improvements, the proposals offer the opportunity for landscape enhancement and management. Furthermore, no objection is raised in terms of

highway safety and biodiversity with flood risk being mitigated by seasonal use only between the months of March to October. A holiday occupancy condition will also be attached to any permission, preventing use of any unit as a permanent encampment. As such, the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.

8. **RECOMMENDATION** - GRANT planning permission subject to the following conditions:

1. No more than 3 Shepherds Huts within the dimensions, design and color as set out in approved plan numbered 010 and photos submitted of their external appearance shall be stationed on the site at any time.

Reason: To safeguard the character and appearance of the countryside.

2. The Shepherd Huts shall be occupied for bona fide holiday purposes only between the months of 1 March to 31 October in any year and no such accommodation shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all the owners/occupiers of each individually occupied Shepherd Hut on the site, and this information shall be made available at all reasonable times upon request to the local planning authority. Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the site, who will keep the register and make it available for inspection, shall also be submitted to the local planning authority(planningenforcement@maidstone.gov.uk) prior to the first occupation of any of the approved Shepherd Huts with the relevant contact details subsequently kept up to date at all times.

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

3. If the use hereby approved ceases, all Shepherd Huts, structures, hardstanding, and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed within 2 months of cessation of the use, and the land shall be restored to its condition before the development took place;

Reason: To safeguard the character and appearance of the countryside.

4. Prior to the first occupation of any Shepherd Hut on the site, details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems and shall also specify exact locations on site plus any pertinent information as to where each system will discharge to.

Reason: To safeguard against ground/water course pollution, and to protect the interest features of the River Tiese.

5. Prior to the first occupation of the Shepherd Huts hereby approved, details of the external lighting scheme (temporary and/or permanent), shall be submitted to and approved in writing by the local planning authority. These details shall include:
  - a) Measures to shield and direct light from the light sources so as to prevent light pollution;
  - b) Identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance to routes used to forage and commute;
  - c) Show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To safeguard the character and appearance of the countryside and to mitigate against potential adverse effects on bats.

6. Prior to the first occupation of any Shepherd Hut hereby approved, details for a scheme for the enhancement of biodiversity on the site which shall include the provision of bird and bat boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of any Shepherd Hut and all features shall be maintained thereafter.

Reason: In the interests of biodiversity enhancement and as no detailed plans have been submitted showing the location of these features.

7. In addition to condition 6 above, within 3 months of the first occupation of any Shepherd Hut, details of an ecological enhancement plan demonstrating that the enhancements recommended within the Briefing Note – Ecological Assessment dated March 2020 will be implemented in full. The ecological enhancement plan will set out timings for delivery of the enhancements and their long-term management over the lifetime of the development. The works shall be carried out in accordance with the approved details.

Reason: In the interests of achieving a net gain in biodiversity and given that no detailed plans have been submitted as part of the mitigation within the Ecological Assessment.

8. Prior to the first occupation of any Shepherd Hut on the site, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (amended 2013) and shall include:
  - a) Location, species and size of all new trees and shrubs to be planted;
  - b) Details of a mixed native hedgerow along the new application boundaries of the site to help contain the site and soften views from Lees Road.
  - c) Hedgerow infilling to plug gaps in the existing hedgerow boundaries within the application site.
  - d) The management plan shall include the long term management of the woodland copse located to the west of the site fronting the Rive Teise.
  - e) Measures specified in the Ecological Assessment incorporated into the landscaping details.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any caravan. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme;

Reason: To safeguard the character and appearance of the countryside.

10. The development hereby approved shall be carried out in accordance with the approved measures as set out in the Flood Risk Assessment by Evans and Langford LLP dated February 2020 (except where they differ from the requirements set out below) and in accordance with the letter dated 14 April 2020 addressed to Adam Harwood of the Environment Agency relating to the following:
- Finished floor levels of the Shepherd Huts are set no lower than 13.86m above Ordnance Datum (AOD) which is the 1% AEP plus 70% climate change design flood level.
  - Inclusion of Flood Mitigation measures as set out in the approved Floor Risk Assessment.
  - Occupation of the Shepherd Huts for tourism related purposes shall only occur during the months 1 March to 31 October in any year. Outside these times, the Shepherd Huts shall only be stored on the land.
  - The Shepherd Huts shall be anchored to the ground prior to first use in accordance with the details set out in the letter dated 14 April 2020 to the Environment Agency.

Reason: To reduce the risk of flooding to the development and future occupants.

11. The development hereby permitted shall be carried out in accordance with the following approved plans numbered 002, 005, 010 and the photographs showing the design and color of the Shepherd Huts and letter dated 14 April 2020 addressed to Adam Harwood of the Environment Agency, the measures set out in the Ecological Assessment, the measures set out in the Flood Warning and Evacuation Plan and the mitigation measures as contained in the updated Flood Risk Assessment dated Feb 2020. The measures as contained in the Floor Risk Assessment and the Flood Warning and Evacuation Plan (including the provision of a Flood risk Management Plan shall be in place prior to the first occupation of any Shepherd Hut and retained at times while the use is occurring and the Shepherd Huts are stationed on the land.

Reason: To safeguard the character and appearance of the countryside, and to safeguard the enjoyment of their properties by existing and prospective occupiers.

#### INFORMATIVES:

1. 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.

2. The applicant is advised that a Site License may be required and is advised to contact the Council's Community Protection Team at [CommunityProtection@Maidstone.gov.uk](mailto:CommunityProtection@Maidstone.gov.uk)

Case Officer: James Bailey