

REFERENCE NO - 20/502064/FULL		
APPLICATION PROPOSAL Replacement of demolished stable building and barn (previously approved for 2no. holiday-lets under 19/501764/FULL) with a smaller building for use as a single holiday-let, and demolition of detached barn (previously approved for use as a single holiday-let under 18/503022/FULL)		
ADDRESS Birch Cottage, Maidstone Road, Staplehurst, Kent, TN12 0RG (formally part of the curtilage of Faith Cottage)		
RECOMMENDATION Grant Planning Permission subject to planning conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION Government guidance in the NPPF and adopted Local Plan policies are supportive of holiday/tourism related development in rural areas. In the case of the current proposal, the proposed holiday let is modest in scale, both in terms of the single unit, the size of the building and the number of guests that could be accommodated on the site. The site is screened from public views by existing trees and hedgerows. With an approved scheme of native species hedgerow planting secured by planning condition, the proposed development will be visually acceptable in any views from public areas and will have an acceptable harmful impact on the visual amenities of the locality. 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.		
REASON FOR REFERRAL TO COMMITTEE Application referred to the planning committee by Staplehurst Parish Council for the reasons set out at paragraph 5.01 of this report.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr & Mrs Barrie Alder AGENT Mrs Vicky Bedford (Bloomfields)
TARGET DECISION DATE 28/08/2020		PUBLICITY EXPIRY DATE 17/06/2020

Relevant Planning History

- 19/501764/FULL - Change of use of the existing stable building for use as a holiday-let. Approved 12/06/2019 (NB: Although the applicant's description of the development was for a single holiday let unit, the submitted plans which take precedent over the applicant's description, showed two self-contained holiday let units) (The building, that was the subject of this permission is on the same footprint as the currently proposed replacement building).
- 18/503022/FULL - Change of use of the existing rural building to a holiday let, with associated alterations to fenestration. Approved 15.08.2018 (This former hay barn is located 12 metres to the south of the current application site)

MAIN REPORT

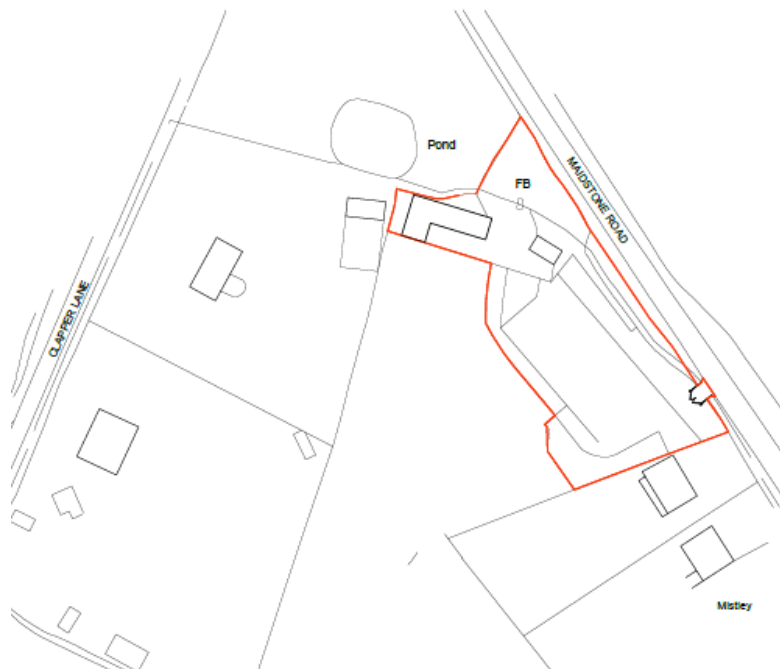
1 DESCRIPTION OF SITE

Planning Committee

20 August 2020

- 1.01 The planning application relates to an equestrian/agricultural site, on the south west side of, and accessed from Maidstone Road (A229). The site is located outside of any designated settlement and in the countryside with Staplehurst Station located 0.9 miles to the south of the site.
- 1.02 The site is within Flood Zone 3 as indicated on the Environment Agency's Flood Map. TPO No.3 of 2013 protects an area of woodland to the northwest of the site and there appear to be a number of significant trees around site boundaries.
- 1.03 In relation to the intended holiday let use, the site is close to Sissinghurst Castle, Leeds Castle and the county town of Maidstone and is accessible to a number of footpaths and bridleways in the area.
- 1.04 The postal address for the site is Birch Cottage (formally Faith Cottage), which is accessed from Clapper Lane as opposed to Maidstone Road. Whilst it has not operated for some time the former use of the wider site was for the keeping of horses and as a sand school, with the existing equestrian buildings on the redundant.

Current site location plan



- 1.05 The site benefits from existing natural screening in the form of the existing trees and shrubs along the north eastern boundary of the site, in the form of the existing trees and shrubs. A boundary hedge is also located on the western side of the application site, providing separation from Faith Cottage.
- 1.06 The element of the application site where the replacement building is proposed was previously occupied by a stable building and former hay barn. Planning permission was granted last year for conversion and alteration of the existing stable building and attached barn to enable the buildings to be used as two holiday-lets, under reference 19/501764/FULL.

Planning Committee

20 August 2020

1.07 Planning permission was also approved for the conversion of the separate detached barn for use as a single holiday let, under reference 18/503022/FULL. This barn will be demolished as part of the current proposal.

2. PROPOSAL

2.01 The application seeks to replace a demolished stable building and barn which previously had permission for use as two holiday lets with a replacement building to be used as a single holiday let.

2.02 The proposal also includes the demolition of a detached barn, which also currently has an extant permission in place for use as a holiday let.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017:
SS1 - Maidstone borough spatial strategy
SP17 – Countryside
SP21 – Economic Development
DM1 – Principles of good design
DM3 – Natural Environment
DM8 – External Lighting
DM30 – Design principles in the countryside
DM38 – Holiday caravan and camp sites
- Maidstone Landscape Character Assessment
- Staplehurst Neighbourhood Plan 2016 (as updated June 2020):
Policies PW2, PW4
- The National Planning Policy Framework (NPPF):
Section 12 – Achieving well-designed places
Section 15 – Conserving and enhancing the natural environment

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 No objections received

5. CONSULTATIONS

Staplehurst Parish Council

5.01 Objection and recommend refusal for the following reasons

- Highway safety – access is unsafe on to A229 with a 60mph speed limit.
- Policy DM31 no longer applies as the current application is for a new build
- No business plan for the holiday let has been submitted
- If minded to approve the holiday let should be tied to the main dwelling.

Environmental Health

5.02 No objection. Applicant should be provided with the Mid Kent Environmental Code of Development Practice.

KCC Highways

- 5.03 No objection. The quantum of movements associated with the extant use would not be greater than the proposed use. The proposals would not result in any intensification of movements through the existing site access.

MBC Landscape

- 5.04 No objection subject to a pre-commencement condition requiring tree/hedge protection details in accordance with the current version of BS5837. This should include consideration of existing trees/hedges and areas of proposed new soft landscaping in relation to demolition, removal/replacement of existing surfaces and any other ancillary development associated with the site.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle
- Character and Appearance
- Neighbouring Amenity
- Highways
- Flooding

Principle

- 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 and 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. This support is on the basis that 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.

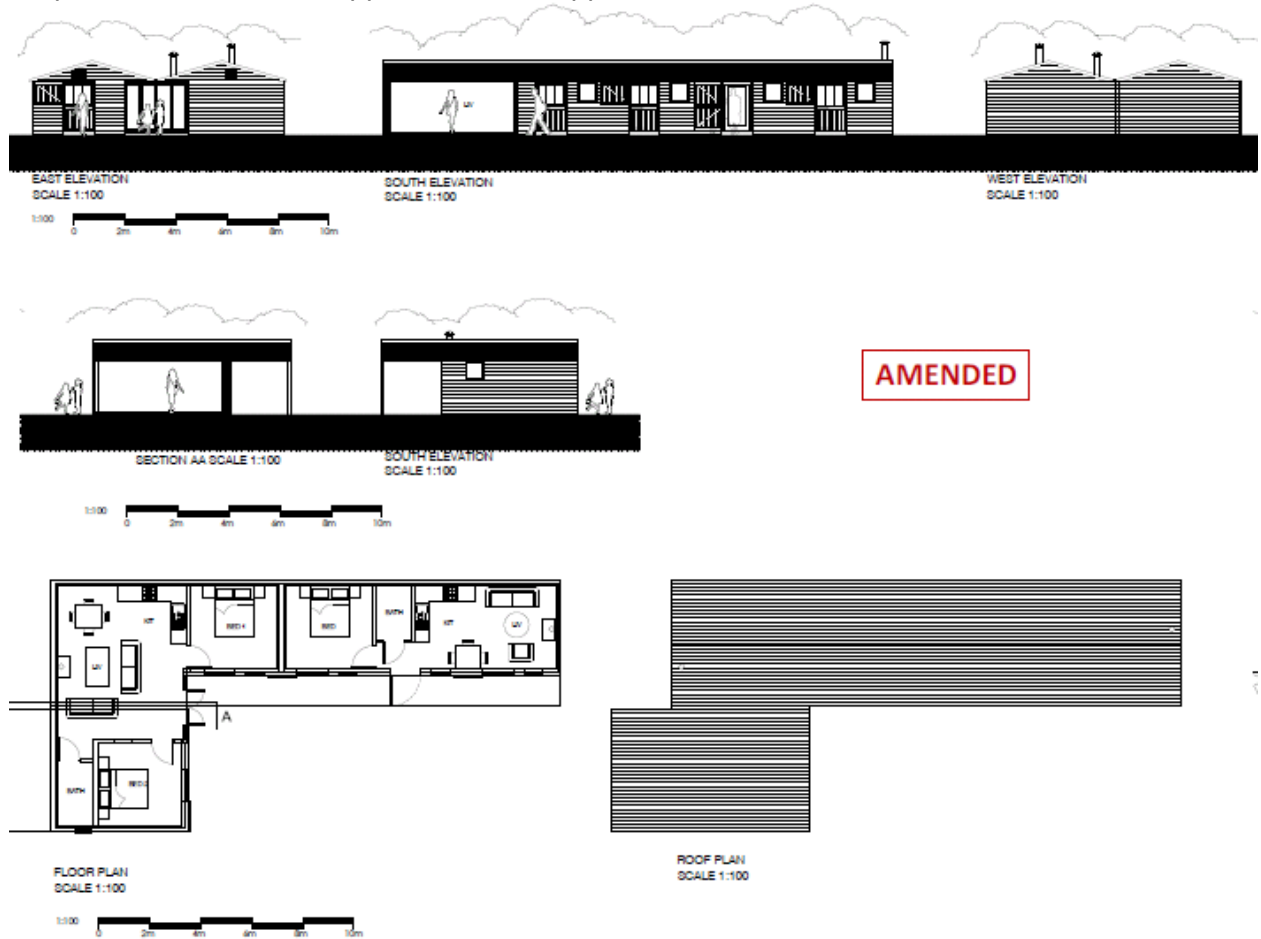
- 6.07 Whilst the application site is outside a defined settlement boundary, the site is located less than a mile from Staplehurst Railway Station. Staplehurst is a designated rural service centre in the adopted Local Plan (just below Maidstone Urban Area in the sustainability hierarchy) and provides a range of key services and with good public transport connections to Maidstone and other retail centres.
- 6.08 Policy PW2 of the Staplehurst Neighbourhood Plan States "Proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations, such as the impact of traffic and noise. Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported".
- 6.09 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.

Character and Appearance

- 6.10 Local Plan policy SP17 seeks to prevent harm to the character and appearance of the countryside. 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.
- 6.11 The planning permission under reference 19/501764/FULL involved the conversion of the stable block, store and tack room that existed at that time on the site into a holiday let use. The approved plans for the conversion are provided on the next page.
- 6.12 Following the start of the conversion works to implement the permission under reference 19/501764/FULL, issues with the building structure were discovered and the building that was set to be converted had to be demolished.
- 6.13 The previously approved conversion proposal retained the original timber panelled walls with a tiled roof, replacement stained timber windows and stained timber doors. The current proposal uses the same external facing materials as previously approved.
- 6.14 The current planning application seeks to erect a replacement building on the same site, to be used for the same use as previously approved, as a holiday let. The proposed replacement building is slightly smaller in footprint than the demolished building that was previously on the application site. The currently proposed plans are provided at the top of the following page.
- 6.15 The proposed building is in a location that is screened by existing vegetation with the proposed building smaller in footprint than the previous building. In addition the

proposal now involves a single holiday let unit when the earlier approved proposal provided two units.

Proposal for conversion approved under application 19/501764/FULL



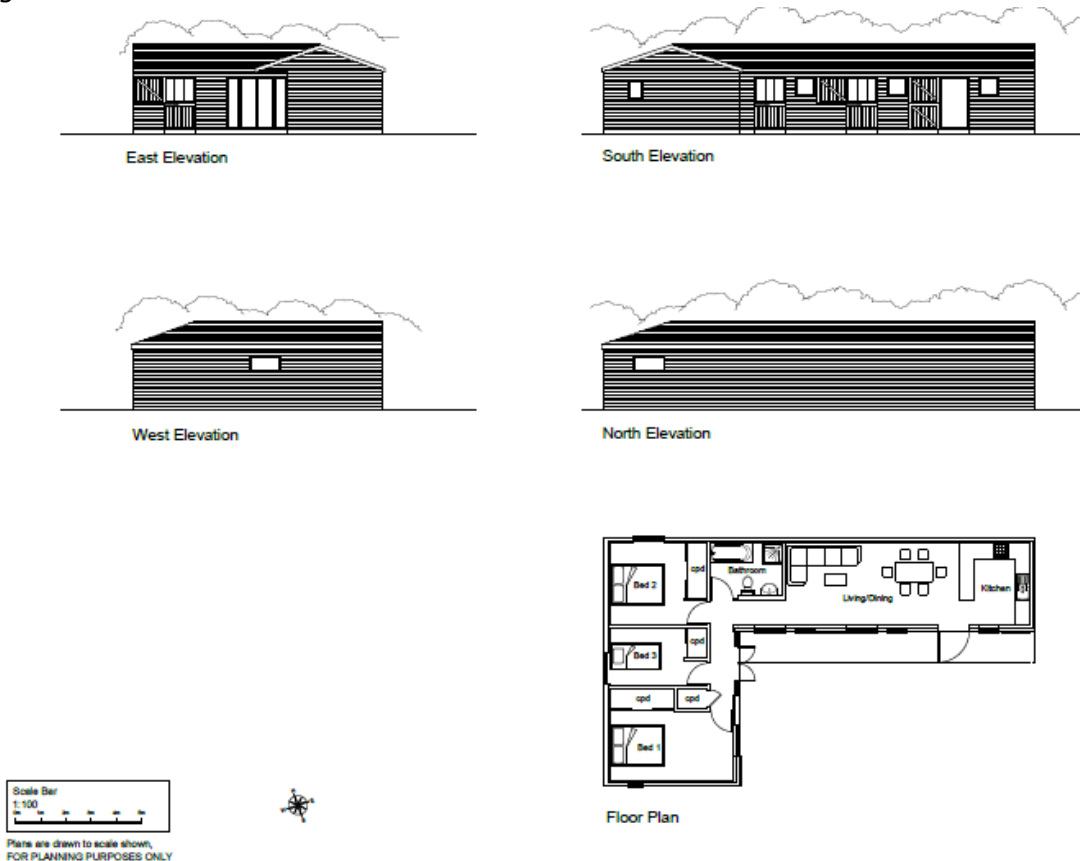
6.16 In summary, it is concluded that the proposal is acceptable in relation to visual landscape harm due to the modest scale of the proposal, the enclosed nature of the site well screened in views from the surrounding area by existing trees and hedgerows with the proposal found to be in accordance with policies DM37 and DM38.

Residential amenity

6.17 The proposed holiday let is located at least 80 metres away from the main dwelling on site, as such it is not considered capable of impacting upon what is now known as 'Birch Cottage'. No fenestration is proposed on the elevation closest to the existing holiday let.

6.18 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 (a single holiday let), the building is separate and screened with existing trees and hedgerow planting.

Currently proposed plans



Access, parking and traffic

- 6.19 Policy DM30 states that proposals must 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.
- 6.20 The potential vehicle movements associated with the previously approved proposal for two holiday let units would be greater than the current proposal. In turn the vehicle movements associated with the two holiday let units would be similar to the use of the former original hay barn use.
- 6.21 The current proposal does not involve the alteration of the existing site access arrangements. The proposal provides sufficient space for parking and manoeuvring to allow site access and egress in a forward gear. above, it is submitted that the proposal will not result in any adverse transport impacts or result in "an unacceptable impact on highway safety", in accordance with paragraph 109 of the NPPF and local policy DM1.
- 6.22 The use and the access arrangements on to Maidstone Road have been considered by the local highways authority and have been found to be acceptable including in relation to highway safety.

Ecology

- 6.23 The NPPF seeks to protect and enhance biodiversity, with paragraph 174 b) stating that plans should "promote the conservation, restoration and enhancement of priority

habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.

- 6.24 *Given the context of the current application proposing a building on the site of a previously recently demolished, it is considered that an ecology survey is not necessary. The application does include (if required) integrated biodiversity enhancements such as bat and bird boxes and new landscaping. A planning condition is proposed to secure these enhancements.*

Flooding

- 6.25 The application site is located within Flood Zones 3. The applicant has submitted a detailed flood risk assessment. The Local Plan states that all development should adequately address the issues of flooding and this is supported by paragraph 163 of the NPPF, which states that Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding, where development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

- 6.26 The Flood Risk Assessment recognises the benefits in terms of the reduction in built footprint that the current proposal will bring. Following the previous approval the application site has a new postal address which is separate to Faith Cottage and the two sites are now separated by a hedge. The replacement building will make use of water resilient materials to offer mitigation to the risk of flooding sources at the site. The Flood Risk Assessment concludes that the proposed development is considered to be suitable, assuming appropriate mitigation is maintained, including adequate warning procedures, for the lifetime of the development.

Other Matters

- 6.27 The comments from the Parish Council seek a restriction linking the holiday let to Faith Cottage. There is no planning justification provided by the Parish Council and it is considered that such a restriction would not meet the statutory tests.
- 6.28 The Parish Council also refer to the lack of a business plan. There is no requirement for the submission of a business plan in adopted policy and the current proposal is a reduction on the previously approved development for two units. The applicant has set out the benefits of the location in relation to local tourist attractions. In this context and for these reasons it is considered that a business plan is not required.
- 6.29 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.

PUBLIC SECTOR EQUALITY DUTY

- 6.30 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 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 proposal, the proposed holiday let is modest in scale, both in terms of the single unit, the size of the building and the number of guests that could be accommodated on the site.
- 7.02 The site is screened from public views by existing trees and hedgerows. With an approved scheme of native species hedgerow planting secured by planning condition, the proposed development will be visually acceptable in any views from public areas and will have an acceptable harmful impact on the visual amenities of the locality.
- 7.03 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:
Application for planning permission
01 Site Location Plan
03 Proposed Block Plan
04 Proposed Building Plans and Elevations
Flood Risk Assessment
Planning 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 external facing materials to be used in the construction of the external surfaces of the building hereby approved shall be as stated upon the submitted application form and shall be maintained as such
Reason: To ensure a satisfactory appearance to the development in the interests of visual 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 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

Planning Committee

20 August 2020

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) Before the holiday let accommodation hereby approved is first occupied, a detailed landscaping scheme for the site comprising native species planting, including details of the new hedgerow planting 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.

- 6) Before the holiday let accommodation hereby approved is first 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 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 accommodation and maintained as such

Reason: In the interests of the visual amenities of the area and the setting of the completed development.

- 7) The accommodation hereby permitted shall only be used for bona fide holiday accommodation purposes and 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, 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 in terms of the management plan and made available for inspection by the Local Planning Authority at their reasonable request;

Planning Committee

20 August 2020

Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.

- 10) 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, 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.

- 11) 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 sources away 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.

- 12) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of biodiversity through integrated methods into the design and appearance of the development by means such as swift bricks, bee bricks, bat tube or bricks. The approved measures shall be implemented in accordance with the approved details prior to first occupation of any of the units and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

Informative

- 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: William Fletcher