

REFERENCE NO – 21/500105/FULL		
APPLICATION PROPOSAL Part retrospective, change of use from agricultural to residential garden, erection of 3-bay carport, erection of ragstone retaining wall and creation of a temporary access.		
ADDRESS Pancake Old Apple Store, Boyton Court Road, Sutton Valence, ME17 3BY		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The visual impact of the loss of agricultural land to domestic garden is not significant due to its modest size and the provision of boundary landscape • The proposed carport is modest in scale and in keeping with the host dwelling and surrounding development • The proposed access is acceptable on temporary basis • PROW KH506 runs along the western boundary outside of the application site and would not be affected 		
REASON FOR REFERRAL TO COMMITTEE: Sutton Valence Parish Council has requested that the planning application is considered by the Planning Committee if officers are minded to approve for the reasons set out in paragraph 5.01		
WARD Sutton Valence and Langley	PARISH COUNCIL Sutton Valence	APPLICANT Mr Gary Pankhurst AGENT Mr Gregory Bunce, Prime Folio
TARGET DECISION DATE 2/7/2021 (EOT)		PUBLICITY EXPIRY DATE 18/3/2021

Relevant Planning History:

Extensive, most relevant:

Application site:

20/501356/PNQCLA: Prior notification for the change of use of agricultural building and land within its curtilage to 1no. dwellinghouses and associated operation development. For its prior approval to - Transport and Highways impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed Design and external appearance impacts on the building – PRIOR APPROVAL GRANTED

03/0445: Change of use and conversion of (i) Oast to 1No. dwelling, (ii) Barn to 1No. dwelling (iii) Barn to 1No. unit of tourist accommodation, all involving demolition of agricultural buildings, erection of garaging and associated boundary treatments (Resubmission of MA/02/1707)- APPROVED

Adjoining land at College Farmhouse:

14/500838/FULL: Retrospective application for the change of use of agricultural land to residential use, erection of decking, pergola, retaining wall, balustrade and fence – APPROVED

Opposite land at Pancake Barn:

19/500953/FULL: Erection of replacement residential barn and attached cottage, following fire damage.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site relates to agricultural land adjacent to a converted detached dwelling, namely Pancake Old Apple Store, and part curtilage of the host dwelling. The site is located within an area of open countryside and falls within a Landscape of Local Value (Greensand Ridge) as defined on the Maidstone Borough Local Plan 2017.
- 1.02 Prior Approval was granted to the host building under ref: 20/501356/PNQCLA allowing the change of use of the agricultural building and land within its curtilage to a single dwellinghouse. The host building is single storey with an attic serving as a 5-bedroom dwellinghouse.
- 1.03 The application site is irregularly shaped bounding the north and east side of the host dwelling with an area of 1,058 sqm (0.26 acres). The topography of the site slopes downward from north to south, abutting an area of orchard to the east. This is a part retrospective application and the site is currently paved with hardstanding for the proposed access. Work has started on the erection of the boundary ragstone retaining wall and the construction of the proposed carport.
- 1.04 The application building forms part of a small group of former farm buildings that have previously been converted to residential use within a large plot for private amenity purposes and the erection of detached garages. The adjoining neighbour to the north (College Farm), which is situated on elevated ground had permission granted (14/500838/FULL) for the change of use of agricultural land to residential use to extend private amenity space.
- 1.05 Running along the east (front of the dwellinghouse) is a track serving an isolated group of dwellings that leads southward from the junction with Boyton Court Road. A public right of way (PROW KH506) is located to the front of the building and runs from north to south along the access track.
- 1.06 The application site is designated Grade II agricultural land mainly consisting of orchard located to the north and east and surrounding the curtilage of the host building. A Grade II listed building, namely Pancake Barn, is situated some 40m to the south-west of the application site and opposite the host dwelling.

2. PROPOSAL

- 2.01 The current, part retrospective, planning application is for the change of use from agricultural land to residential garden, erection of a 3-bay carport, erection of 1.8m tall retaining wall and the creation of temporary access.
- 2.02 Construction work to implement prior approval ref: 20/501356/PNQCLA has commenced. A number of amendments to the approved plans are now proposed including acquiring additional agricultural land to form part of residential garden and erection of a 3-bay carport. A full planning application is required for these works.
- 2.03 The approved and proposed site plans are shown on the next page (**Fig 1**). The current proposal, a revised scheme received on 13 May 2021, in comparison to the previous approved scheme includes:
- Erection of a detached 3-bay carport to the north of the host dwelling
 - Change of use of 762sqm (about 0.19acres) agricultural land to residential garden
 - Erection of a retaining wall of varying height with a maximum of 1.8m tall along the western boundary
 - Creation of a temporary hardstanding access during the construction period

- 2.04 The proposed carport is a 3-bay front open frame side gabled roof structure with a maximum length of approximately 10.7m, a maximum width of approximately 5.6m, a ridge height of approximately 4m and an eaves height of approximately 2.4m. The carport would be constructed with a slate roof and black timber weatherboarding.
- 2.05 The application includes a landscape scheme with the planting of boundary hedge and 10nos. of trees.

Fig 1: Comparison of site plans for 20/501356/PNQCCLA and current application

Approved site plan
20/501356/PNQCCLA



Currently proposed revised site plan received on 13 May 2021



- 2.06 The original scheme first submitted to be considered in this application includes a 3-bay garage with attic storage above and a maximum ridge height of approximately 5.4m; the proposed access was permanent serving the garage with the front faces east towards the orchard. The final revised scheme received on 13 May 2021 was submitted to seek to address the concerns raised by the parish council.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SS1: Maidstone borough spatial strategy

SP17: Countryside

SP18: Historic Environment

DM1: Principles of good design

DM2: Sustainable design

DM3: Natural environment

DM4: Development affecting designated and non-designated heritage assets

DM23: Parking Standards

DM30: Design principles in the countryside

DM33: Change of use of agricultural land to domestic garden land

National Planning Policy Framework (NPPF):

Section 2- Achieving sustainable development

Section 12- Achieving well-designed places

Section 15- Conserving and enhancing the natural environment

Supplementary Planning Documents:

Maidstone Landscape Character Assessment (2012-amended 2013)

Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 3 representations received from local residents supporting the proposal based on the following (summarised) reasons:
- The area is being significantly improved with new roads with all buildings being kept to a beautiful standard
 - The new access can reduce traffic to the public footpath also improving the health and safety of all pedestrian
 - All properties around this development have at least 2 garages and parking for a minimum of 4 cars
 - The proposed triple garage is proportionate to the use of the 6-bedroom dwellinghouse
 - The bridal path has been re-layed and paid for by all of the owners, making visits here a pleasure
 - All the gardens that belong to the homes surrounding this development area larger than the application being requested
 - This development would brought improvement to what was a dilapidated old store
- 4.02 1 representation received from local resident raising objection to the proposal based on the following (summarised) reasons:
- No need for additional parking or driveway
 - Two storey garage is big enough to be converted into a residence later
 - The proposed block plan has incorrectly marked the boundaries including their land
 - Concur with objection reasons of the Parish Council
 - The site is widely visible given it's elevated position and there is a public footpath through the site, which contradicts to the submitted Heritage statement which states the previously listed barn is in a very private location, with very limited view of it from any public realm.

5. CONSULTATIONS

5.01 Sutton Valence Parish Council (Summarised)

Objection: recommend that the application be REFUSED and referred to MBC Planning Committee were the Planning Officer minded to approve the application for the reasons listed below.

- The issue of the PROW KH506 has not been addressed and concerned this pathway is being tarmacked.
- This area is becoming more and more developed contrary to policy SP17 para.6
- The garage is very large compared to the size of the house
- This continual development will affect the distinctive character of both the Greensand Ridge and Low Weald

5.02 MBC Landscape Officer

- Raise no objection to the proposal and the proposed soft landscaping scheme subject to conditions requesting implementation details and additional native planting to the front of the walls.

5.03 KCC PRoW officer

- Raise no objection to the proposal on comments dated 18 May 2021 and states PROW KH506 footpath runs along the eastern boundary of the site and acts as the main track to the site but should not affect the application.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of the change of use
- Visual amenity
- Heritage
- Residential amenity
- Highways and parking considerations

Principle of the change of use

6.02 The application seeks part retrospective planning permission for the change of use of a strip of agricultural land (part of an orchard) adjoining the eastern boundary of the residential property at Pancake Old Apple Store to provide an extension to the existing garden curtilage to the property.

6.03 The strip of agricultural land that is the subject of the application measures approximately 70m in length and 12m in width, which gives an area of about 762sqm (0.19 acres).

6.04 Policy DM33 of the Local Plan states that planning permission will be granted for the change of use of agricultural land to domestic garden if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land.

6.05 Government guidance in the National Planning Policy Framework states (para. 170) states that local planning authorities should recognise the intrinsic character and beauty of the countryside and take into account the economic and other benefits of the best and most versatile agricultural land.

6.06 It is highlighted that the application site is on land with a downward slope which potentially increases its visual prominence. After considering this topography it is concluded that the impact on the wider landscape will be minimal for the following reasons:

- the relatively small area (0.19 acres) involved,
- The location of the site close to an existing building and

- the benefit gained by the provision of a landscape scheme which will blend in with the adjoining orchard and is in keeping with the long range views from the south.
- 6.07 The site is designated as grade 2 agricultural land, which is the best and most versatile land. Regarding loss of land having agricultural potential, given the small area of land affected it is not considered that this represents a sustainable objection to the use of the land for domestic garden purposes.
- 6.08 Turning to the impact of similar development that has taken place in this area. It must be noted that a similar change of use of land has taken place at College Farm (which adjoins the northern boundary of the current application site) from agriculture to residential use, including the erection of decking, pergola, retaining wall, balustrade and fence. These works were granted retrospective planning permission on the 10.11.2014 under planning application 14/500838/FULL.
- 6.09 Whilst there has been significant change in Central Government Guidance, the adoption of Maidstone Borough Local Plan 2017 and on-site circumstances with the converted residential development in the area since the consideration of 14/500838/FULL, the key material consideration for the change of use applications are similar.
- 6.10 With that case (14/500838/FULL) it was argued that given the small area of land affected (0.07ha) it was not considered that loss of land having agricultural potential represented a sustainable objection to the use of the land for garden purposes. The size of the current host dwelling is substantially larger than College Farm, and given the similarities between the nature and area of agricultural/residential land concerned, the same arguments can be applied to the current retrospective application.

Visual amenity

- 6.11 The application site is located within a Landscape of Local Value. Policy SP17 states that development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. In addition, policy DM30 sets out that any development proposals should maintain or where possible enhance, local distinctiveness including landscape features.
- 6.12 The Maidstone Landscape Capacity Study which formed the evidential base for the current Local Plan sets out that the proposed site is within The Sutton Valence Greensand Ridge character area. This area has a high overall landscape sensitivity, and in particular is of high visual sensitivity due to its ridgeline location and is therefore considered sensitive to change.
- 6.13 The Pancake Old Apple Store and the area of land subject of the current retrospective application is elevated sloping downward in relation to the land to the south which potentially increases its prominence.
- 6.14 The proposed carport and access are visible from the public footpath (KH506) which runs along the western boundary of the property. The triple carport, on the revised scheme, is a opened front framed structure (without an attic) and this is considered to be sympathetic to the host dwelling. The car port would be positioned inline with the front building line of the host building and constructed with matching black weatherboarding and slate roof. The car port is considered in keeping with the area and would not result any significant visual harm in the immediate locality including from public vantage points.
- 6.15 A Landscape Scheme along with a planting schedule was submitted on 13 May 2021. The MBC Landscape Officer considers the scheme to be generally acceptable.

As there are no implementation details submitted it is therefore recommended that a landscape condition is attached to any permission and for this to also secure native planting to the front of the retaining walls to soften the scheme.

- 6.16 The proposed retrospective temporary hardstanding access is considered to be acceptable on a temporary basis. This hardstanding area would revert back to residential garden land once the conversion of the dwellinghouse and carport is completed. A condition is recommended to ensure the access is allowed only on temporary basis and to safeguard the visual amenity of the countryside and area designated as a Landscape of Local Value.
- 6.17 The ragstone retaining wall along the western boundary between the existing field access and the proposed carport is considered to be acceptable to level the elevated land.
- 6.18 Overall, it is acknowledged that the proposed carport would be a new building in the countryside and visible within the landscape, however, the building of a reasonable size for its purpose. The building is sited in line with the host dwelling and is in keeping with the other similar garages in the area. The proposed area changed to residential garden is relatively small. The proposed landscape features are considered adequate to ensure the visual impact of the development is minimised. The minimal visual harm has to be balanced against the benefits and the aims of sustainable development to secure well-designed accommodation. The visual harm of the proposed development is considered to be outweighed by the well designed accommodation.

Heritage

- 6.19 A decision maker is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
- 6.20 The NPPF (February 2019) requires the impact on the significance of a designated heritage asset to be considered in terms of either "substantial harm" or "less than substantial harm" as described within NPPF paragraphs 195 to 196. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and recent case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.
- 6.21 Where it is considered that a proposal will lead to "...less than substantial harm to the significance of a designated heritage asset...", NPPF paragraph 196 states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.22 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.23 A Grade II listed building, namely Pancake Barn, is situated some 40m to the south-west of the application site and opposite the host dwelling. The listed barn was converted to residential use in 2003 and then destroyed by fire in 2018. Planning permission (19/500953/FULL) was granted in 2019 to erect a replacement residential barn and an attached cottage following the fire damage on a like-for-like basis and the building is mainly black weatherboard cladding and a slate roof.

- 6.24 The proposal would be visible from the listed building and its setting along the shared access track. The proposed development would not have a harmful impact on the setting or significance of the listed building as the proposed carport would be sympathetic to the host dwelling and constructed with matching materials to the groups of building, and the modest scale of the ragstone retaining wall.
- 6.25 It is concluded that the proposal will lead to less than substantial harm to the significance of this designated heritage asset and the public benefits of the proposal outweigh any negative impact. The proposal would conserve the setting of the Listed Building.

Residential amenity

- 6.26 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, vibration, odour, air pollution, 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.
- 6.27 In this case the nearest neighbouring residential property is College Farm, with their garden land abutting the northern boundary of the application site. The proposed carport would sit some 50m away from the neighbour's main house. This separation is considered sufficient to prevent any unneighbourly impacts. The change of use to residential land alongside residential land is considered to be compatible use. Furthermore, the view of a carport and loss of agricultural land to residential garden land with landscape provision is not out of keeping to the character of the countryside. I do not consider the proposal would result in any significant impact on outlook, or loss of privacy to neighbouring properties.

Highways and parking

- 6.28 As previously approved, the host dwelling would provide two integrated parking spaces towards the northern corner of the building. The proposed triple carport providing three parking spaces located immediately adjacent to the north of the host dwelling fronting the access track is not considered to result in any significant impact upon highway safety and adequate parking spaces are provided for the development.
- 6.29 The proposed temporary access would be in use during the conversion of the building and the current proposed development which is considered acceptable as it would avoid blockage and congestion to the access track and PROW.

7. CONCLUSION

- 7.01 For the reasons set out above the proposed development is acceptable in its visual impact and will not result in material harm to the rural and special landscape character of the area. The proposal will not result in any material loss of productive agricultural land while respecting the character and setting of the existing building and listed heritage.

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:
Location Plan, No. 18-11-21D received on 13 May 2021
Existing Site Layout, No. 18-11-22D received on 15 June 2021
Proposed Plans and Elevations, No. 18-11-24B received on 30 Mar 2021
Proposed Site Layout, No. 18-11-23E received on 15 June 2021
Reason: To clarify which plans have been approved.
- (3) The materials to be used in the development hereby approved shall be as indicated on the approved plans.
Reason: To ensure a satisfactory appearance to the development.
- (4) The temporary access hereby permitted shall be removed and the land upon which it is sited restored to its former condition prior to the first occupation of the dwelling permitted under application 20/501356/PNQCLA with the restoration carried out in accordance with an approved scheme of work that has previously been submitted to and approved in writing by the local planning authority.
Reason: To enable the local planning authority to review the special circumstances under which this permission is granted.
- (5) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one method integrated into the building structure by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the dwelling and all features shall be maintained thereafter.
Reason: To enhance the ecology and biodiversity on the site in the future and providing a net biodiversity gain .
- (6) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas, shall be submitted to and approved in writing by the local planning authority prior to the first use of the approved building. Landscape and ecological management shall be carried out in accordance with the approved plan.
Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- (7) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the 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: In the interests of amenity
- (8) The development hereby approved shall not commence above ground level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use all native species as appropriate, no sycamores and no plastic guards, and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, and include a plant

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specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically detail the provision of soft landscaping to the front of the ragstone retention wall].

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

- (9) The approved landscaping scheme shall be in place at the end of the first planting and seeding season (October to February) following first use of the building hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first use of the building, 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

Reason: In the interest of amenity.

Case Officer: Michelle kwok