

REFERENCE NO - 21/502623/FULL		
<b>APPLICATION PROPOSAL</b> Retrospective application for the retention of a storage unit and summerhouse together with minor extension of the access track in connection with the use of land as a hobby farm at land formerly associated with Bridge House, Couchman Green Lane (Resubmission of 20/502913/FULL).		
<b>ADDRESS</b> Land Adjacent To Bridge House Couchman Green Lane Staplehurst Tonbridge Kent TN12 0RS		
<b>RECOMMENDATION – GRANT PLANNING PERMISSION</b> subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The structures do not result in an adverse visual impact when viewed from Couchman Green Lane. There is no adverse impact upon the amenity of neighbouring properties. No detrimental highways impacts occur. As such, the works comply with the relevant MBLP policies.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b>  Councillor Perry requests that the application be considered at Planning Committee due to the structures being development in the countryside, drainage issues and the access on to Couchman Green Lane.		
WARD Staplehurst	PARISH/TOWN Staplehurst	COUNCIL APPLICANT Mr and Mrs Robinson AGENT Fuller Long Planning Consultants
DECISION DUE DATE 15/07/21	PUBLICITY EXPIRY DATE 30/06/21	OFFICER SITE VISIT DATE 09/06/21

**RELEVANT PLANNING HISTORY:**

20/502913/FULL - Retrospective application for the stationing of a caravan and storage unit, extension of the access track and the erection of a summerhouse - Refused

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The application site is a triangular parcel of land located to the north east of the village of Staplehurst and is defined as open countryside in the Maidstone Borough Local Plan 2017 Policies Map.
- 1.02 The site is bound to the east by Couchman Green Lane with the existing access taken from here. Public footpath KM295 runs along the western boundary of the site with a water treatment works beyond. To the south of the site is a railway line with the village boundary of Staplehurst beyond. There is an established boundary of small trees and hedgerow along the eastern and southern boundary with some small tress located along the western boundary.

- 1.03 There is currently a barn on the site, not subject to this application, which the Council's GIS images show has been in place since at least 2003.

## **2.0 PROPOSAL**

- 2.01 This is a retrospective application for the retention of a storage (container) unit, extension of the access track and the retention of a summerhouse. The supporting planning statement outlines that the site has until recently been used for grazing of animals, and the applicant's intention is that once the site is secure, to once again use it for the grazing of animals as well as other agricultural uses.

- 2.02 In terms of the storage unit this measures 2.85m in height, with a length of approx. 7m and width of 2.5m. The container is sited towards the middle of the site as you access the site from Couchman Green Lane. The summer house sits alongside the existing barn and measures 6.5m x 2.5m with a ridge height of 2.4m.

- 2.03 The application is supported by a Planning Statement that explains the nature and purpose of the buildings as follows:

- Applicants purchased the site along with adjacent property in 1976 and until recently the site was used for the keeping of animals. However, the animals were stolen in January 2020 and the applicant plans to make the field secure.
- Once secure the applicant will reintroduce animals on the site on a hobby basis rather than as a commercial operation, which is more akin to a recreational use.
- The existing barn is to be repaired following which it will be used as an animal shelter and for the storage of hay/straw.
- The summerhouse will be used for storage of animal feed, bee keeping equipment and as a day shelter for the owners of the site.
- The storage container would be used for the storage of tools and machinery for use on the site.

- 2.04 The previous application (reference: 20/502913/FULL) was refused on the following (summarised) grounds:

1. The applicant had failed to demonstrate that the caravan was essential for the running of an agricultural business, resulting in an unsustainable form of accommodation in the countryside.
2. The applicant had failed to demonstrate that the storage container, summerhouse, and caravan were necessary for the purposes of agriculture, with the storage container also being of a poor design being harmful to the character and appearance of the countryside.

- 2.05 Since the previous refusal, the caravan has been removed from the site and does not form part of this application. In terms of agricultural need, the applicant has provided further information, as set out above, that the site is used as a recreational farm and is not a commercial enterprise.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
MBLP 2017: SS1, SP17, DM1, DM30, DM34  
Staplehurst Neighbourhood Plan (2016) policies: PW2

#### **4.0 LOCAL REPRESENTATIONS**

4.01 **Staplehurst Parish Council – Objects** on the following summarised grounds:

- Proposal is against policies SP17 and DM30 of the Local Plan and policy PW2 of the Staplehurst Neighbourhood Plan in that it will impact on the character and landscape of the area and have a harmful impact on the openness of the countryside.
- Access to the site is poor, being close to an existing bridge.
- Existing significant drainage issues in the area.
- Represents development in the countryside.

4.02 6 representations received from local residents raising the following (summarised) points:

- Site has been used for dumping of unwanted rubbish, vehicles and buildings and no evidence of animals being kept on the site.
- Lack of water supply or means to remove foul water from the site.
- Impact on biodiversity value of the site.

4.03 Councillor Perry – Raises the following concerns with the proposal:

- Development in the countryside
- Drainage issues
- Inappropriate site access close to a railway bridge

#### **5.0 CONSULTATIONS**

5.01 **KCC Minerals** – No comment

5.02 **Natural England** – No comment

5.03 **KCC Highways** (As per Previous Application: 20/502913/FULL) – Offer no comment

#### **6.0 APPRAISAL**

6.01 The key issues for consideration with this application are:

- Principle of development
- Visual Impact
- Residential Amenity
- Highways
- Biodiversity

- Drainage

Principle of Development/ Necessary for the purposes of agriculture

- 6.02 Local Plan policy SS1 highlights that the most sustainable locations for development are the Maidstone urban area, Rural Service Centres and larger villages. However, it does identify that there may be opportunities for sustainable development in the countryside, 'that would support traditional land based activities and other aspects of the countryside economy, that need a countryside location'.
- 6.03 The supporting text of SP17 acknowledges that a degree of flexibility is required in order to support farming and other aspects of the countryside economy and to maintain mixed communities. It comments on the sensitivity of the rural area and the expectation that any development proposals will respect the high quality and distinctive landscapes of the borough in accordance with policy DM30 which encourages (amongst other criteria) high quality design taking into account the type, siting, materials and design, mass and scale of development along with the mitigation of any potential impact on the appearance and character of the landscape.
- 6.04 The definition of agriculture in s336 (1) of the 1990 Act includes fruit growing, seed growing, dairy farming and the keeping and breeding of livestock and the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds. The definition of agriculture is wide and does not act to exclude any specific methods of agricultural production. As activity falling within the definition of agriculture can be undertaken purely as a hobby, the absence of a business plan does not mean that the site is being used other than for agricultural purposes. Whilst the applicant describes the use on the site as a 'hobby farm', the activities described are not dissimilar to those normally found on agricultural small holdings. The activity being undertaken by the applicant could also be associated with a leisure or recreational use of the site.
- 6.05 A number of local residents have commented that no animals have been kept on the site either previously or at present. The applicant has provided a letter from a family friend (Barrister) who has confirmed that the site has previously and permanently had a range of animals on the site. Whilst no activities were taking place at the time of the site visit, several of the items stored in the container including plant pots, metal racks, tools and equipment, had an agricultural utility and are therefore considered to facilitate an agricultural use and the maintenance of the land. The applicant has stated that at present no animals are present as purchasing new animals was put on hold due to previous theft and they are awaiting the outcome of this application prior to investing further money in the site to make it secure.
- 6.06 Against the above policy background, in principle, the installation of buildings or structures for agriculture are not precluded in the open countryside subject to, for example, safeguarding its character and appearance. In addition, were permission granted, a condition could be imposed requiring the removal of the storage container and summerhouse should the agriculture use on site cease for

a period of 12 months or more. The principle of the buildings in support of agricultural use is considered to be acceptable, subject to the need to consider them against a number of policies including DM1 (Good Design), DM30 (Design principles in the countryside) and DM36 (New agricultural buildings and structures).

#### Visual Impact

- 6.07 As set out above, the site lies in the countryside adjacent to the railway line and the village boundary of Staplehurst. Policy DM1 states that proposals should respond positively to, and where possible enhance, the local, natural or historic character of the area, and provide a high quality design which responds to areas of heritage, townscape and landscape value. Policy DM30 sets out that outside of settlement boundaries proposals should create high quality design, and proposals should follow the below criteria (inter alia):
- i. Type, siting, materials and design, mass and scale of the development the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
  - ii. Impacts on the appearance and character of the landscape would be appropriately mitigated.
- 6.08 The site has an existing partly dilapidated barn, which is to be retained, that is located in the north east corner of the site. In terms of the summer house which would be used for storage of feed, bee keeping materials, planting and as a daily shelter, this is located adjoining the existing barn along the eastern boundary of the site. The scale and proportions of the summerhouse are not considered to be excessive. Couchman Green Lane runs along the eastern boundary, however, the location of the summerhouse is considered to be enclosed and well screened by existing mature planting along the eastern boundary, and so public views of this building are limited to glances and this element of the application does not appear harmfully dominant or incongruous. As such, this element does not adversely impact upon the rural character of the countryside.
- 6.09 The proposal would also see the retention of a metal storage container. This is located at a distance of 4m from the existing barn; so in the context of the site as a whole can be considered to be located adjacent to an existing building as required by policy DM36, criterion 1, iii. However, unlike the existing barn and summerhouse which are located along the eastern boundary, the storage container is located in a more prominent location when viewed from the access gate to the east and some views of the container may also be possible at a distance from PROW KM295 which runs along the western boundary of the site. Whilst such containers exist on many rural sites, their character and appearance is not contextual and is not acceptable. It is proposed that the container would be finished in timber board cladding (example image below), which would be conditioned (i) to ensure that acceptable quality of details are proposed and (ii) implemented within an acceptable timescale.
- 6.10 Whilst the materials and appearance of a container are not acceptable in its present form, it is considered that the scale in itself would be appropriate if the

finished appearance were more appropriate to the rural context. Subject to the proposed timber finish and with additional landscaping, it is considered any visual harm to the countryside would be mitigated. In addition, should use of the site for agriculture cease, a condition would require the removal of the container within 3 months. Similarly, if the timber cladding and landscaping are not implemented, then then we would require the removal of the container.



Figure. 1 Example of cladding

- 6.11 In terms of the visual impact of the extended access track, this is considered to be a minor extension of the existing track by 4.2m and does cause unacceptable visual harm.
- 6.12 To conclude, subject to the implementation of the proposed mitigation, which can be closely monitored, with regard to visual impact and design, the proposal is considered to be in accordance with Policy DM1, DM30 and DM36 of the Maidstone Borough Local Plan and Policy PW2 of the Staplehurst Neighbourhood Plan.

#### Residential Amenity

- 6.13 Policy DM1 criterion iv and Policy DM36 criterion 1, ii. Require that proposals do not have an adverse impact on the amenity of existing residents. The closest residential neighbours are located approximately 35m to the north east of the container and summer house and are separated by boundary landscaping and Couchman Green Lane. The proposal is not considered to give rise to increase in noise, smell, or traffic over and above the existing use of the site. In terms of outlook, due to the separation distance and the relatively small nature of the buildings, it is not considered that they result in harm to residential amenity to the closest neighbouring properties. Any other dwellings are considered to be

sufficiently distanced from the site and it is not considered the proposal results in any adverse impact upon residential amenity.

- 6.14 It is not considered that the proposal causes harm to residential amenity and is in accordance with policies DM1 and DM30.

#### Highways

- 6.15 The site benefits from an existing vehicle access which serves the existing use, and the proposed hardstanding is adequate for vehicle movement, thus, it is not considered the proposal results in any significant impact upon highway safety. KCC Highways has no objection to the proposal.

#### Biodiversity and Arboricultural

- 6.16 DM1 advises that development proposals should protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures. Neighbours have objected to the proposal on the grounds of harm to biodiversity. However, during the site visit the site appeared to be maintained grassland. The proposal is not for the change of use of the land as a whole and having regard to the size of the units compared to the plot as a whole, it is not considered that the proposal results in harm to protected species. Biodiversity enhancements will be sought by condition.
- 6.17 The structures are an acceptable distance from the existing boundary landscaping so as not to impact on existing vegetation. The retention of the eastern boundary hedgerow will be secured by condition, as well as new additional landscaping along the western boundary of the site.

#### Other Considerations

- 6.18 The site is located in Flood Zone 1 (low risk of flooding) and due to the relatively minor nature of the structures and hardstanding it is not considered that the proposal results in flood risk or drainage issues.
- 6.19 It is not considered that measures are necessary to address surface water drainage and whilst some representations address the issue of waste, again a condition can be imposed.

### **7.0 Conclusion**

- 7.01 Whilst the application represents development in the countryside, it is to serve the existing use of the site and the proposal as a whole, subject to mitigation, is not considered to be harmful to the countryside. Where views of the container are possible, these are limited to close range views at the access and some limited views from the public footpath adjacent to the water treatment works to the north west. The harm from these views would be mitigated by the acceptable use of wooden cladding and additional landscaping to be provided.

7.02 It is considered that the proposal is acceptable, subject to the following conditions.

**8.0 RECOMMENDATION** – GRANT Subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with approved drawings:

Drawing No. S.1 Site Location Plan

Drawing No. S.3 – Proposed Block Plan

Drawing No. S.4 Rev A – Elevations

Drawing No. S.4 Rev A – Summerhouse Elevations

Drawing No. S.6 Rev A – Access Track

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Within six months of the date of this decision notice, written details and samples of the external facing materials to be used on the storage container building hereby permitted shall be submitted to and approved in writing by the local planning authority and installed. Should the facing materials not be completed to an acceptable degree within this 6 month period, the storage container shall be removed from the site.

Reason: To ensure a satisfactory appearance to the development.

3. Within six months of the date of this decision notice, a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall 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 and include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the need to provide tree and hedge planting to screen the western boundary and involve native species and meadow areas that maximise opportunities for all seasons habitat and foraging.

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

4. The landscaping to be submitted and approved under condition 3 shall be carried out during the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, 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 unless the local planning authority gives written consent to any variation.



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

5. Within six months of the date of this decision notice, details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through means such as swift bricks, bat tube and bricks, bee and bug habitat, including log piles. The development shall be implemented in accordance with the approved details in parallel with the timing of the landscaping and all features shall be maintained thereafter.

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

6. No external lighting (including solar powered lighting) that is visible beyond the site boundaries shall be installed on the site without the prior written consent of the Local Planning Authority pursuant to this condition.

Reason: In the interests of visual amenity

7. Should the agricultural use of the site cease for a period of twelve months, the storage container and summer house shown on drawing no. S.3 and S4 shall be removed from the land and the land restored to the condition before the development took place, or to such as condition as may have been agreed in writing by the Local Planning Authority, within 3 months from the date at which any buildings cease to be required / used.

Reason: In the interests of protecting the character and appearance of the countryside by preventing the proliferation of unnecessary buildings in the countryside.

8. The land and buildings hereby permitted shall only be used for purposes associated with agriculture activity on the land as defined by s336 of the Town and Country Planning Act 1990.

Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

9. There shall be no long term storage of animal or other plant waste on the site, other than animal or plant waste that is actively being prepared for ongoing agricultural purposes such as manure or compost. Any such material shall be stored / located so as to avoid adversely impacting upon neighbours by way of odours.

Reason: In the interest of the amenity of the area.

Case Officer: Adam Reynolds

Planning Committee Report – 21<sup>st</sup> October 2021

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.