

**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 23/502128/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing Yurt and erection of single story round house within the curtilage of Elmscroft Cottage (Resubmission of 22/504104/FULL).		
<b>ADDRESS:</b> Elmscroft Cottage Charlton Lane West Farleigh Kent ME15 0NY		
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions</b>		
<p><b>SUMMARY OF REASONS FOR RECOMMENDATION:</b></p> <p>The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications “<i>must be determined in accordance with the development plan, unless material considerations indicate otherwise</i>”.</p> <p>The proposal will result in harm to the character and appearance of the countryside contrary to policy SP17 and there are no Local Plan policies that directly support the use. In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.</p> <p>The proposal is found to be acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.</p> <p>It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application seeks an educational building within the countryside, the development does not benefit from an exception to policy SP17. As such the development would cause some harm to the character and appearance of the countryside and is a departure from the Local Plan.		
<b>WARD:</b> Coxheath And Hunton	<b>PARISH/TOWN COUNCIL:</b> West Farleigh	<b>APPLICANT:</b> Dandelion Time <b>AGENT:</b> Felix Lewis Architects Ltd
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 11/05/23	<b>DECISION DUE DATE:</b> 01/09/23
<b>ADVERTISED AS A DEPARTURE:</b> Yes		

**Relevant planning history**

19/505820/FULL

Use of dwelling, outbuildings and land for purposes under class D1 of use classes order 1987 and carrying out associated development including alterations to existing buildings, erection of small buildings and structures and stationing of a mobile home. Approved 06.04.2020

20/504461/NMAMD

Non-material amendment: to change the sedum covered flat roof of the main stable block to a pressed zinc roof (original application ref: 19/505820/FULL). Approved 16.11.2020  
22/504104/FULL

Demolition of existing Yurt and erection of single story round house within the curtilage of Elmscroft Cottage. Refused 16.11.2022 for the following reasons:

*"The proposed replacement outbuilding by reason of its additional size, bulk, and prominent location distant from the main building and visible from Charlton Lane would cause harm to the character and appearance of the countryside including in terms of loss of openness and sprawl. The outbuilding would be contrary to Policies SP17 and DM30 of the Local Plan (2017) ..."*

Officers have reviewed the chosen design of the proposed development. The scale and massing of the outbuilding would be clearly subservient to Elmscroft Cottage. The chosen design would also use traditional materials that would be in keeping with the materials of Elmscroft Cottage.

Whilst the proposed building will be higher than the original yurt, the building is some distance from the road and will be viewed against the backdrop of an existing polytunnel. As detailed below landscaping is proposed which would further screen the building. The proposed building does not harm the views that the landscape character assessment seeks to maintain.

#### **View towards application site from Elmscroft Cottage**



## **MAIN REPORT**

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

- 1.01 The site is within a countryside location outside of any settlement boundaries, it is not within a conservation area or subject to any form of other designation. Approximately 130 metres to the south of the application site is the Grade II listed building Elmscroft House.
- 1.02 The site is located east of Charlton Lane within the far north-eastern corner of the garden of Elmscroft Cottage which is approximately 100 metres away. A canvas yurt was previously situated in the location where the application building is proposed to be located. Whilst the application is described as its demolition, the tent would have simply been 'removed' from the site. Only the round timber base of the yurt remains.
- 1.03 The application site is located within the Farleigh Greensand Fruit Belt, the landscape character assessment notes that this landscape is in "Good" condition and of "High" sensitivity. Guidelines are to conserve this landscape.

- 1.04 In terms of the character of the area, it is resolutely rural, the 'wider site' is open but there are various 'utility' buildings such as sheds and chicken coups etc placed around the site which are associated with the uses taking place at Elmscroft Cottage.
- 1.05 The buildings visible in the above photo including the yurt the application seeks to replace (and other 'incidental buildings elsewhere on site) were granted permission under 19/505820/FULL, as depicted in the below drawing.



## 2. PROPOSAL

- 2.01 This is a resubmission of the refused application (22/504104/FULL) seeking to demolish the existing yurt (only Yurt base currently remains) and erect a replacement single storey circular outbuilding which would mimic the shape of the existing yurt. The proposed outbuilding would contain a single room. The external walls will be constructed of straw bales with a lime render finish would be inset with 8 windows and a door and the roof would be constructed of timber shingles.
- 2.02 The application site is occupied by the charity Dandelion Time which provides a therapeutic programme of activities within the property and grounds for small groups of children and their families who attend sessions that may include craft activities, cooking, gardening and care of animals. Creative activities are also offered such as art, drama and music. Counselling is also provided as required. After school and some holiday activities are also provided less frequently for children and families.
- 2.03 Dandelion Time currently employs 24 members of staff and 58 volunteers. Referrals are received from education, health and social services agencies. Central to the therapeutic work of Dandelion Time is engagement with nature-based activities, particularly in growing food, caring for animals and outdoor rural crafts. Children and families work with wood, wool, clay and other natural materials. These guided activities are used therapeutically to help repair family relationships following traumatic life experiences.

### 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

Policy SS1 (Maidstone Borough spatial strategy)  
Policy SP17 (Countryside)  
Policy DM1 (Principles of good design)  
Policy DM4 (Development affecting designated and non-designated heritage assets)  
Policy DM20 (Community facilities)  
Policy DM30 (Design Principles in the Countryside)

The National Planning Policy Framework (NPPF):  
National Planning Practice Guidance (NPPG):  
Supplementary Planning Documents:

Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006.  
Maidstone Landscape Character Assessment 2013.

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 2 concluded on the 9 June 2023). The relevant policies in the draft plan are as follows:

LPRSS1 Maidstone Borough Spatial Strategy  
LPRSP9 Development in the Countryside  
LPRSP15 Design  
LPRTRA4 Parking standards (Appendix B)  
LPRQ&D4 Design Principles in the Countryside

### 4. LOCAL REPRESENTATIONS

**Local Residents:** No representations received from local residents.

**West Farleigh Parish Council:** No objections

**Member of Parliament for Maidstone and The Weald, Helen Grant:** I am writing in support of Dandelion Time's recent planning application for a new round-room on their site in West Farleigh.

I have had the pleasure of visiting Dandelion Time on a number of occasions throughout my time as MP for Maidstone and the Weald. I have seen first-hand the great work they do to provide therapeutic services for highly vulnerable children and their families.

I understand that the proposal does not expand upon their site but uses the pre-existing site to replace a temporary structure with an insulated round-room which will provide much needed nurturing therapeutic space for their work.

I believe their proposals will enhance their space and contribute to the fantastic work they do for the community. As such, I support the charity's request for this application and would be grateful if this could be noted by the Planning Committee.

## 5. CONSULTATIONS

### KCC Minerals & Waste

- 5.01 No objection. No land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter.

### Natural England

- 5.02 No objection Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### MBC Landscape Officer

- 5.03 No objection There are no statutory or non-statutory landscape designations the proposal site falls under. Based on the available information, I see no justification for refusal on Landscape grounds.

### Forestry Commission

- 5.04 No objection raised. This consultee replied with their standing advice highlighting National Planning Policies relating to the protection of Ancient Woodland and Biodiversity Net Gain.

### KCC Archaeology

- 5.05 No objection subject to a condition. The site of proposed development lies within the historic farm complex of Elmscroft, identifiable as a 19th century or earlier farm on the 1st Ed OS map. Remains associated with the origins and development of Elmscroft as a farm may survive on the site. In view of this archaeological potential this consultee recommends a pre-commencement condition requiring the applicant to carry out an archaeological assessment.

## 6. APPRAISAL

- 6.01 The starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
  - b) they accord with other Local Plan policies
- 6.02 Policy SP17 does not specify an acceptable level of harm and all proposals in the countryside are likely to result in some harm to local character and appearance. In this context all development outside the designated settlements does not accord with this part of SP17.
- 6.03 Other Local Plan policies permit development in the countryside in certain circumstances (equestrian, rural worker dwelling etc) and subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall.
- 6.04 The current proposal will result in harm to the character and appearance of the countryside and there are no Local Plan policies that support the application. The recommendation to grant planning permission is as a result a departure from the adopted Local Plan.
- 6.05 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".

- 6.06 The relevant material considerations in this case include assessing the impact of the proposal in the following areas:
- Character and appearance
  - Landscaping
  - Heritage
  - Residential amenity
  - Access, parking, and transport
  - Biodiversity

### **Impact on character and appearance of the countryside**

The Landscape Character Assessment document notes that one of the key characteristics of the landscape are its "Views across Medway Valley to opposite valley side". The application building is located on the north eastern side of the plot. The significant landscape views from Charlton Lane are to the west and as such the application building has no impact on the expansive views across the Medway Valley detailed by the Landscape Character Assessment.

Google Street View (2021) Yurt building highlighted.



- 6.07 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are DM1 and DM30. Criteria (ii) of Policy DM1 (Principles of Good Design) establishes that development proposals will be expected to respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage- incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.
- 6.08 Policy DM30 (Design principles in the countryside) states that where new built development is proposed, there should be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.
- 6.09 The proposed new single storey round outbuilding would introduce a permanent building in place of the former yurt 100 metres to the north-east of Elmscroft Cottage. Whilst the yurt was a canvas tent it still was a previous feature in the landscape. It is understood that there are no other existing buildings that could provide the proposed floorspace.

- 6.10 The previous application assessed this as being an isolated location “clearly” visible from Charlton Lane. As such the assessment concluded that the proposed building was inappropriately located causing harm to the openness of the countryside. Whilst it is accepted that the proposed building is situated some distance from Elmscroft Cottage it will not be particularly prominent when viewed from Charlton Lane as it is 100m from the roadside. The proposed building will also be seen from the road against the backdrop of an existing polytunnel.
- 6.11 The previous application was refused on the following grounds:  
*“The proposed replacement outbuilding by reason of its additional size, bulk, and prominent location distant from the main building and visible from Charlton Lane would cause harm to the character and appearance of the countryside including in terms of loss of openness and sprawl. The outbuilding would be contrary to Policies SP17 and DM30 of the Local Plan (2017) and the guidance contained within the Residential Extensions SPD (2009).”*
- 6.12 The previously refused building had a height of 7.2m (not including the flue). The revised building has a maximum height of 6.3m and the flue has been removed. The yurt by comparison had a maximum height of 2.7m.
- 6.13 Officers have reviewed the chosen design proposing a permanent, single storey and single room round outbuilding with a pitched roof which would have a similar character to the existing yurt. The scale and massing of the outbuilding would be clearly subservient to Elmscroft Cottage. The chosen design would also use traditional materials that would be in keeping with the materials of Elmscroft Cottage.
- 6.14 In summary, the Yurt that was on the application site was a landscape feature on the wider site owned by the applicant. Whilst the proposed building will be higher, the building is some distance from the road and will be viewed against the backdrop of an existing polytunnel. As detailed below landscaping is proposed which would further screen the building. The proposed building does not harm the views that the landscape character assessment seeks to maintain.
- 6.15 The proposed building does result in harm to the character and appearance of the area overall contrary to SP17 however in terms of other material considerations, the level of harm is found to be acceptable for the reasons that have been outlined.

### **Landscaping**

- 6.16 The applicant has submitted a landscaping scheme in support of the application. This shows new trees would be planted between the proposed building and Charlton Lane which would restrict views of the proposed building from the highway.
- 6.17 A hedgerow planted immediately around the building, provides further screening. The applicant has included a proposed landscaping drawing which shows the proposed view from Charlton Lane, once this landscaping is established it will further reduce the public views of the proposed building.

### **Heritage**

- 6.18 The site is to the north to Elmscroft House, a grade II listed 15th century Wealden Hall property which was recently granted permission under application ref: 19/505951/FULL to return to its original use as a single residence.
- 6.19 The application building is situated 120m to the north of Elmscroft House. As well as the single storey nature of the proposal and its distance, there is landscaping, boundary walls and other buildings in between the application building and

Elmscroft House. It is not assessed that the development would have a harmful impact upon this heritage asset.

### **Residential amenity**

- 6.20 Local Plan policy DM1 (Principles of good design) criteria (iv) explains that proposals are required to respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in 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.
- 6.21 The application proposes the replacement of the existing single storey yurt with a more permanent structure in the form of a single storey round outbuilding with a pitched roof. The yurt is approximately 100 metres to the north-east of Elmscroft cottage and there are no neighbouring residential properties closer to the proposed building than this property. As such, the proposals would have a null impact on surrounding residential amenities and would accord with Policy DM1 of the Maidstone Local Plan (2017).

### **Access, parking, and transport**

- 6.22 The application site is located approximately 1 mile south of the boundary of Maidstone urban area and just over 1 mile west of the settlement boundary of Coxheath. Whilst there are bus routes approximately 100m to the south of the application site these are not well served, this would not be assessed as being a sustainable location.
- 6.23 In this instance, it is found that the proposed building would not generate any additional vehicle movements over the yurt it seeks to replace. Users of the proposed building would most likely be users of the other facilities at the application site. The application site is served by a parking area and utilises an existing access which are both found to be acceptable.
- 6.24 Policy DM30 details how 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.
- 6.25 The development would not result in an increase in traffic movements over the existing arrangements. The development would not have a harmful impact upon parking in the area or the wider highway network.

### **Biodiversity**

- 6.26 In terms of ensuring the proposal results in a gain for biodiversity. There would be some gain from the proposed landscaping which will be conditioned.
- 6.27 Otherwise, the application site is significant and there is scope to place biodiversity enhancements around the application site as well built into the proposed building itself. Should permission be granted, biodiversity enhancements will be conditioned.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.28 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 National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications “*must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.
- 7.02 The proposal will result in harm to the character and appearance of the countryside contrary to policy SP17 and there are no Local Plan policies that directly support the use. In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.
- 7.03 The proposal is found to be acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to heritage impacts, neighbour amenity, and biodiversity. The access and parking arrangements are all acceptable.
- 7.04 It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.

## **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 shall be carried out in accordance with the following approved plans and documents:  
Application for planning permission  
Existing Site Location and Block Plan  
Proposed Landscape Elevation  
Proposed Landscape Plan  
351(P)002 Rev 5 Proposed Site Location and Block Plan  
351(P)003 Rev 5 Proposed Site Location Plan  
351(P)010 Rev 0 Existing Floor and Roof Plans  
351(P)015 Rev 0 Existing Elevations  
351(P)020 Rev 2 Proposed Floor and Roof Plans  
351(P)025 Rev 1 Proposed Elevations  
351(P)027 Rev 2 Proposed Section  
351(P)028 Rev 2 Proposed Section 2  
Planning Statement  
Planning Statement x 2  
Heritage Statement  
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 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 building hereby approved shall not be occupied until all the planting shown on the submitted landscaping plan is in place. All such landscaping shall be carried out during the planting season (October to February). Any trees or hedging plants which, within five years from the first occupation of the building are removed, 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

- 5) Prior to commencement of the development above damp-proof course level, 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 integrated methods into the building structure by means such as swift bricks, bat tube or bricks and measures on the wider site such as habitat piles. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future. Reason: In the interests of ecological enhancement and biodiversity net gain.
- 6) The building shall be used for Class E.(e) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).  
Reason: Unrestricted use of the building or land has the potential to cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 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. The submitted details shall be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. 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 in the interests of residential amenity.

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