

REPORT SUMMARY

REFERENCE NO: - 23/503136/FULL		
APPLICATION PROPOSAL: Erection of barn for the purposes of agriculture use.		
ADDRESS: Great Fowle Hall Oast House Darman Lane Paddock Wood Tonbridge Kent TN12 6PW		
RECOMMENDATION: GRANT PLANNING PERMSSION subject to planning conditions set out in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below, the proposed erection of a barn for the purposes of agriculture use would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development is in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Yalding Parish Council who have requested the application be presented to the Planning Committee.		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Yalding	APPLICANT: Mr John Ould AGENT: Town & Country Planning Solutions
CASE OFFICER: Chloe Berkhauser-Smith	VALIDATION DATE: 19/07/23	DECISION DUE DATE: 27/10/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

22/500206/LAWPRO: Lawful Development Certificate for the proposed conversion of existing outbuilding to be used as an annex, ancillary to occupation of the main dwelling. - Refused 18.03.2022

22/501604/LAWPRO: Lawful Development Certificate for the proposed use of existing outbuilding as an annex, ancillary to occupation of the main dwelling (Resubmission 22/500206/LAWPRO). - Approved 01.06.2022

22/505444/FULL: Erection of a proposed detached garage. (Retrospective) - Approved 31.01.2023

23/503095/FULL: Refurbishment and extension of existing building to create ancillary domestic annex, for the use and enjoyment of the main dwellinghouse. - Refused 14.09.2023

23/503128/FULL: Conversion of existing stable building to create three bedroom holiday let, together with associated car parking and amenity space - Pending Consideration

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is located within the countryside as defined in the local plan. The site is accessed from and located to the west of Darman Lane. The access track

is shared with several other buildings and dwellings including Grade II listed Great Fowlehall Farmhouse.

- 1.02 The redline boundary includes the access track from Darman Lane and a further access track which heads north to the siting of the proposed agricultural building. Also, within the applicant's ownership and shown within the blue line boundary is Great Fowle Hall Oast House, an existing stable block and approx. 10 acres of land located mainly to the north of the proposed building.
- 1.03 The site is partially enclosed with established trees and hedgerow to the north and west. Partial views of the site would be visible along Darman Lane with a short hedgerow located along the eastern boundary. To the south of the site there are several existing buildings including Grade II listed Great Fowlehall Farmhouse which is approx. 100m south-west of the proposed development.
- 1.04 Beyond the application site the area is characterised with undulating fields and sporadic built development mainly located along the road frontages. The application site is located within flood zone 2.

2. PROPOSAL

- 2.01 The application seeks the erection of barn for the purposes of agriculture use.
- 2.02 The proposed barn would have a width of approximately 15m and depth of 9m. It would have a pitched roof with an eaves height of approximately 5.1m and ridge height of 8.4m. It would be constructed of timber weatherboard cladding.
- 2.03 The submitted planning statement sets out that the applicant has recently purchased 20 sheep from a neighbouring farm with the intention of grazing and rearing sheep on his land. The proposed barn would be used to support this. The barn would store a small tractor and would enable space for a number of ewe and lamb pens during lambing season. The barn would have a mezzanine floor which would be used for hay and food storage.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 – Maidstone borough spatial strategy

SP17 – Countryside

SP18 – Historic environment

SP21 – Economic development

DM1 – Principles of good design

DM3 – Natural environment

DM4 – Development affecting designated and non-designated heritage assets

DM8 – External lighting

DM30 – Design principles in the countryside

DM36 – New agricultural buildings and structures

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

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his

Final Report so the LPR is considered to attract moderate weight at the current time. The relevant policies are:

LPRSS1 – Maidstone borough spatial strategy

LPRSP9 – Development in the countryside

LPRSP11 – Economic development

LPRSP14A – Natural environment

LPRSP14(B) – The historic environment

LPRSP15 – Principles of good design

LPRCD5 – New agricultural buildings and structures

LPRENV1 – Historic environment

LPRQ&D2 – External lighting

LPRQ&D4 – Design principles in the countryside

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 2 representations received from residents in support of the application. No objections received.

Yalding Parish Council

- 4.02 Objects to this application.
- This application needs to be taken in conjunction with planning application 23/503128.
 - The application has not demonstrated that this business will be viable and as such cannot justify the need for a new barn at this time. The existing stable building could be used until such time as the business is established. A business plan needs to be provided to show how this proposal is viable.
 - The application is adjacent to a listed building.
 - The proposed agricultural barn has not been adequately justified in relation to being necessary for the purposes of agriculture and it has not been demonstrated that the location of the structures in this isolated location is essential for the needs of this holding. The application would, by virtue of its scale and location cause unacceptable harm to the character and appearance of the countryside hereabouts contrary to policies SP17, DM30, DM36 of the Maidstone Borough Local Plan 2017.
 - Should the planning officer be of a mind to approve the application Councillors ask that it be called into MBC Planning Committee.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

KCC Highways

- 5.01 This development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Agricultural advisors (Acorus)

- 5.02 No objection.
- Proposed building is modest in size and is seen as commensurate with the size of the holding.
 - There are no existing buildings on the holding that would be suitable for machinery storage.
 - The existing stables would not be suitable for the purposes of lambing.

- The building is located adjacent to the existing building and is designed in a traditional manner with timber cladding.

6. APPRAISAL

The key issues are:

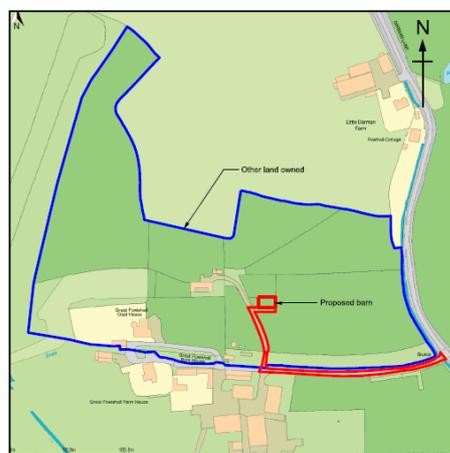
- Spatial strategy
- Character and appearance
- Residential amenity
- Heritage impact
- Highways and parking
- Other matters

Spatial strategy

- 6.01 For the purposes of the Maidstone Borough Local Plan 2017, the application site is in the open countryside. The starting point for assessment of applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they will not result in harm to the character and appearance of the area 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 Paragraph 4.95 of the Maidstone Borough Local Plan (the supporting text to policy SP17 states "The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake. However, there is also a need to ensure a level of flexibility for certain forms of development in the countryside to support farming and other aspects of the countryside economy and to maintain mixed communities".
- 6.04 Other Local Plan policies permit development in the countryside in certain circumstances and subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance is weighed against the harm caused to character and appearance with a proposal in accordance with policy SP17 overall.
- 6.05 Policy DM36 considers new agricultural buildings and structures it states that:
Proposals for new agricultural buildings or structures on land in use for agricultural trade or business which meet the following criteria will be permitted:
- i. The proposal is necessary for the purposes of agriculture.*
 - ii. The proposal would not have an adverse impact on the amenity of existing residents; and*
 - iii. The building or structure would be located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of development, unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding. Where an isolated location is essential the site should be chosen to minimise the impact of the building or structure on the character and appearance of the countryside.*
- 6.06 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. The impact of the development on local character and appearance is considered against policies DM1 and DM30 in the following section.

Character and appearance

- 6.07 Policy DM1 outlines the importance of high-quality design for any proposal. This includes considering the scale, height, materials, detailing, mass, bulk, articulation and site coverage, respecting the amenities of neighbouring occupiers and properties, incorporating adequate storage for waste and recycling, providing adequate parking facilities to meet adopted Council standards, protect and enhance biodiversity.
- 6.08 Policy DM30 sets out that proposal in the countryside will be permitted if among other things, 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.
- 6.09 Supporting text to policy SP17 advises 'The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake'.
- 6.10 In the council's published Landscape Character Assessment, the application site is within the boundary of Beltring Grasslands which is part of the wider Lower Weald landscape. The summary of actions within this area are as follows:
- Conserve and enhance grassland and pasture and avoid further arabilisation.
 - Conserve, extend and enhance the tree belts and hedgerows which provide a sense of enclosure and define the field pattern.
 - Soften the prominence of large agricultural buildings with native planting.
 - Conserve the rural setting of traditional farmhouses.
- 6.11 The application site comprises approximately 10 acres of land. The site is screened to the north and west by mature trees and hedgerow. Along the eastern boundary there is a short hedgerow that would partially screen the development from Darman Lane. The proposal would incorporate a new agricultural barn situated along an existing track taken from the access track from Darman Lane. This is shown in the block plan below.



Block Plan

- 6.12 The proposed barn would have a width of approximately 15m and depth of 9m. It would have a pitched roof with an eaves height of approximately 5.1m and ridge height of 8.4m. The proposed barn would therefore be fairly modest in size.
- 6.13 Agricultural advisors (Acorus) have been consulted on the application and have reviewed the submitted information and provided the following comments:
- *Although there is minimal detail submitted within the planning statement, from plans submitted it can be clearly demonstrated the intended use of the building will be for that required by the applicant.*

- *The proposed building is modest in size and is seen as commensurate with the size of the holding given the intended use. There are no existing buildings on the holding that would be suitable for machinery storage, and it is seen as reasonable that there would be secure storage available for equipment to manage the land.*
- *As forementioned the existing stables subject to planning for conversion would not be suitable for the purposes of lambing as well.*
- *The building is located adjacent to the existing building and is designed in a traditional manner with timber cladding”.*

6.14 The proposed barn would share the same access track as the existing stable block and would be located approximately 30m from the stable block. The proposed barn would therefore be situated within nearby to the existing built development on site, ensuring that the built development is grouped.

6.15 The submitted planning statement states that the applicant has recently purchased 20 sheep from a neighbouring farm with the intention of grazing and rearing sheep on his land. The proposed barn would be used to support this. The barn would store a small tractor and would enable space for a number of ewe and lamb pens during lambing season. The barn would have a mezzanine floor which would be used for hay and food storage.

6.16 The site is bounded by other agricultural fields and the existing mature trees would provide some screening of the proposed barn. Agricultural buildings are not an uncommon feature in the countryside and the design of the proposed building is appropriate for the area. The building is of a functional and simple design, it would be constructed of timber weatherboard cladding.

6.17 Outdoor lighting is not proposed but could have a harmful impact upon the amenity of the area. As such a condition requiring details to be submitted to the LPA should it be sought will be imposed.

6.18 Overall, it has been demonstrated that the proposed scale of the building is necessary given its intended use and it is seen as proportionate with the size of the holding. The proposed building is suitably located, whereby it makes use of an existing access track and situated near to the existing stable block ensuring that the built development is grouped. Furthermore, agricultural buildings are not an uncommon feature within the countryside and the building is of a modest scale with a simple and functional design and therefore would not harm the character and appearance of the area or the countryside.

Residential amenity

6.19 Local Plan policy DM 1 states that proposals will be permitted which create high quality design and where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity, or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

6.20 The neighbouring residential properties most impacted by the proposal would be the application property Great Fowle Hall Oast House which is approximately 90m from the proposed barn, Great Fowlehall Farmhouse which is approximately 100m from the proposal and The Byre House Great Fowle Hall which is approximately 77m from the proposed barn.

6.21 Given these distances, the proposal would not harm the residential amenity of any adjoining properties in terms of a loss of light or overshadowing or a loss of privacy or overlooking.

Heritage impact

- 6.22 Grade II listed Great Fowlehall Farmhouse is located approximately 100m south-west of the proposed barn. There is an existing established hedgerow located between the proposed development and the Grade II listed farmhouse which would screen the development.
- 6.23 Considering the separation distance between the proposal and Grade II listed building, the proposal would not harm the setting or the character of the Grade II listed farmhouse.

Highways and parking

- 6.24 Local Plan policy DM 1 states that proposals will be permitted, where they can safely accommodate the associated vehicular and pedestrian movement on the local highway network and through the site access.
- 6.25 Paragraph 111 of the NPPF (2023) states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.26 The proposed barn would share the same access track as the existing stable block. The proposed barn would serve the existing agricultural holding and therefore would not create anymore vehicular movement to or from the site and the proposed barn would provide space for tractor and vehicle parking. The development is therefore not considered to have a detrimental impact upon parking in the area or the wider highway network.

Other matters

- 6.27 The application site is within flood zone 2. The proposed barn is non-habitable, and the use of the building is defined as 'less vulnerable' within annex 3 of the NPPF. I therefore do not consider the proposal to result in any issues in terms of flooding.
- 6.28 Local Plan policy DM3 states: "To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species".
- 6.29 The proposal would not result in the need for further ecological surveys, and there are no protected species which would be at risk. Policy DM1, DM3 and the NPPF do however all promote ecological enhancement. With the nature and extent of the proposals a condition is recommended seeking integral biodiversity enhancements.
- 6.30 It is noted that the Parish Council have commented to say this application needs to be taken in conjunction with planning application 23/503128 which is for the conversion of the existing stable building to create a three-bedroom holiday let, together with associated car parking and amenity space, however, each application must be determined under its own merits. Furthermore, Notwithstanding this, the existing stable block would not be suitable for the purposes of lambing and it would not be suitable for machinery storage.

PUBLIC SECTOR EQUALITY DUTY

- 6.31 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 For the reasons set out above, the proposed erection of a barn for the purposes of agriculture use would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development is in accordance with current policy and guidance.

8. RECOMMENDATION GRANT planning permission subject to the following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 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: Proposed Ground and Mezzanine Floor – Drawing No. JBD/TN12/6PW/091 Rev A – Received 05/07/2023, Proposed Elevations – Drawing No. JBD/TN12/6PW/092 Rev A – Received 05/07/2023, Site Location and Block Plan – Drawing No. JBD/TN12/6PW/090 Rev A – Received 19/07/2023.
Reason: To clarify which plans have been approved.
- 3) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.
Reason: To ensure a satisfactory appearance to the development.
- 4) 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 Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within 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.
- 5) The development shall not be occupied until 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 integrated methods into the design and appearance of the building by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.

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