

**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 23/501716/FULL			
<b>APPLICATION PROPOSAL:</b> Change of use of agricultural land to residential land and erection of 1no. dwelling with associated parking, landscaping, and amenity area, including part demolition of existing unauthorised structure (part retrospective) (resubmission of 22/504298/FULL).			
<b>ADDRESS:</b> Cherry Barn Old Tree Lane Boughton Monchelsea Kent ME17 4NG			
<b>RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> 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”.  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 current proposal. 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.  The current unkempt and derelict appearance of the application site detracts significantly from the setting and heritage importance of nearby listed buildings. It is accepted that the current proposal is in an unsustainable location will result in a degree of harm to the character and appearance of the area through associated domestic paraphneilia (limited by the backland location). This harm is outweighed by the improvements to the visual appearance of the site and associated landscaping in this sensitive location in the setting of two listed buildings.  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 level of harm indicate that planning permission should be approved.			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Departure from the Local Plan			
<b>WARD:</b> Boughton Monchelsea And Chart Sutton	<b>PARISH</b> Boughton Monchelsea	<b>COUNCIL:</b>	<b>APPLICANT:</b> Christine Gibson <b>AGENT:</b> DHA Planning
<b>CASE OFFICER:</b> Francis Amekor	<b>VALIDATION DATE:</b> 08/06/23	<b>DECISION DUE DATE:</b> 27/10/23	
<b>ADVERTISED AS A DEPARTURE:</b> Yes			

**Relevant planning history**

22/504298/FULL Erection of 1no. dwelling with associated parking and landscaping, including part demolition of existing unauthorised structure (part retrospective). Refused 02.11.2022. This application was refused for the following reasons:

*"The proposal will result in harm to the character and appearance of this rural location, with the siting, mass, scale and domestic design of the proposed building failing to*

*maintain or enhance local distinctiveness including in relation to landscape and visual amenity. The development is contrary to policies SP17 and DM30 of the Local Plan (2017), RH8 of the Boughton Monchelsea Neighbourhood Plan (2021) and guidance in the NPPF”.*

14/505197/PNBCM - Prior notification for the change of use of The Apple Barn at the Oast, Brishing Lane to form two separate dwellings. For its prior approval to: Transport and highways impacts of the development; Contamination risks on the site; Flood 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 Not Required. (NB: As the Council’s decision on this prior approval application was made outside the 56-day time period, the proposed development benefited from deemed approval).

The approval under reference 14/505197/PNBCM was for two dwellings and the ownership of the relevant land is now in separate ownership. Works to convert the larger adjacent building from agriculture to a dwelling are now at an advanced stage. The left hand image below of the neighbouring building shows the structure on the application site on the left hand side.

### **Images of Apple Barn on the neighbouring site**



### **MAIN REPORT**

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

- 1.01 The application site is located approximately 0.6km north east of Boughton Village boundary. The site is located on the edge of a small cluster of residential development, offices, and a nursery.
- 1.02 The application site includes part of the agricultural building that was known as 'The Apple Barn'. Prior approval was in place for the conversion and separation of the building to provide two dwellings and the two buildings are now in separate ownership.
- 1.03 Following the collapse of the building the prior approval is now null and void. The prior approval proposal cannot be implemented and carries no weight in the assessment of the current application. The site currently contains an uncompleted building with work not benefiting from planning permission.
- 1.04 The Maidstone Landscape Character Assessment identifies the wider area as falling within Greensand Fruit Belt landscape character area (area 7) with a guidance to conserve and strengthen. The site is also within Farleigh Greensand Fruit Belt, on the Borough Wide Character Area, and is identified as being of high sensitivity and in good condition, with a guidance to conserve.

- 1.05 The eastern site boundary abuts the residential garden of Old Tree Oast. Brishing Barn and Brishing Court, both Grade II listed properties are located 40 to 50 metres to the east and north east of the application site. The southern and western site boundary abuts open, undeveloped agricultural field characteristic of the wider countryside beyond the application plot. A small pond lies a few metres from the southern site boundary.
- 1.06 The site access is an unmade track that leads east from Old Tree Lane passing by a former agricultural barn before arriving at the application site. This access is approximately 160 metres long and also serves other properties in the vicinity of the application site.

**Floor plans and elevations for refused application Ref:22/504298/FULL**



**Floor plans and elevation details for current application**



**2. PROPOSAL**

- 2.01 The application is for the change of use of the agricultural land immediately to the south of 'The Apple Barn' to residential land and erection of a one bedroom detached dwelling with associated parking, landscaping, and amenity area. The scheme is part retrospective and includes part demolition of the existing unauthorised structure.
- 2.02 The building is positioned approximately 8 metres from the southern elevation of 'The Apple Barn' and its footprint and height would be similar to the building approved under reference number 14/505197/PNBCM. This current application is significantly different from the previously refused scheme in terms of footprint, mass, appearance, and design.
- 2.03 The change in this current scheme includes an increase in the use of ragstone on the dwelling and the use of Kentish peg tiles on the roof. Additionally, the rooflights

have been removed, with the number of glazed openings restricted. The submission also indicates the extent of curtilage for the dwelling including landscaping and parking arrangements. The extent of the curtilage approved under reference number 14/505197/PNBCM is limited in size by virtue of the interpretation of "curtilage" for the purposes of Class MB. The application involves extension of the curtilage slightly to the south and west of the site.

- 2.04 The dwelling with a L shape footprint would be single storey under a simple pitched catslide roof. It would have a bedroom, open plan living, kitchen and dining area and a bathroom.
- 2.05 The Planning Statement supporting the application explains works on the development approved under ref: 14/505197/PNBCM begun within 3 years of that decision. Owing to the presence of asbestos in the building, and external factors, the applicant was unable to complete the building.
- 2.06 The walls of the building were consequently exposed to the elements and over a period the walls collapsed following bad weather and high winds. The Planning Statement indicates that the applicant was unaware at that time that the replacement of the walls meant that the building no longer had permission under 14/505197/PNBCM.

**Partially reconstructed building following collapse of original building**



**3. POLICY AND OTHER CONSIDERATIONS**

Development Plan: Maidstone Local Plan 2017:

- Policy SS1 – Maidstone Borough Spatial Strategy
- Policy SP17 – Countryside
- Policy SP18 – Historic Environment
- Policy DM1 – Principle of Good Design
- Policy DM4 - Development affecting designated and non-designated heritage assets
- Policy DM11 – Residential Garden Land
- Policy DM12 – Density of Housing Development
- Policy DM23 – Parking standards

Boughton Monchelsea Neighbourhood Development Plan (2019) policies PWP 4, RH1 & RH6 of

Emerging Draft Policy: Maidstone Draft Local Plan:

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.

Policy LPRSS1– Maidstone Borough Spatial Strategy  
Policy LPRSP2 – Maidstone Urban Area  
Policy LPRSP15 – Principles of Good Design  
Policy LPRTRA4 – Parking  
Policy LPRQ&D6 - Technical Standards  
Policy LPRQ&D7- Private Amenity Space Standards

The National Planning Policy Framework (NPPF) (2023)

Section 2 – Achieving Sustainable Development  
Section 4 – Decision Making  
Section 12 – Achieving well Designed Places  
Section 16 - Conserving and enhancing the historic environment.

Supplementary Planning Documents:

Ministry of Housing, Communities and Local Government: National Design Guide.  
Government’s Technical Housing Standards: Nationally Described Space Standards (March 2015).  
National Planning Policy Guidelines (NPPG).

**4. LOCAL REPRESENTATIONS**

**Local residents:**

- 4.01 1 representation received objecting for the following (summarised) reasons.
- Conflict with Policy SP17 which seeks to protect the countryside from inappropriate development.
  - Proposals involves conversion of high-grade agricultural land to residential garden use.
  - Scale bars on the site plan and landscaping plan are wholly misleading and cannot both be correct.
  - The stated point of access would involve trespass across land not in the applicant ownership.
  - Lack of information about both foul and surface water drainage
  - The plans submitted with the application include a large tract of land whose current planning status is agricultural land.
  - Permitted development rights gained by default when Maidstone BC simply failed to process the original application.
  - The proposed development could not by any stretch of the imagination be described as of good design.
  - The access along the agricultural track is unsuitable to increased domestic traffic let alone emergency or refuse/service vehicles.
  - The development imposes an unsympathetic and badly detailed aesthetic onto an important location.
  - Approving this development would entail breach of Human Rights of occupiers of neighbouring properties.
- 4.02 The planning issues raised by neighbouring objectors are addressed in the main appraisal section of this report.
- 4.03 **Boughton Monchelsea Parish Council:**  
No objection.

## 5. CONSULTATIONS

### **KCC Minerals and Waste:**

5.01 No objection.

### **KCC Flood and Water Management:**

5.02 No objection.

## 6. APPRAISAL

The key issues are:

- Countryside location and policy SP17
- Character and appearance
- Setting of heritage assets
- Residential amenity
- Access and parking
- Ecology

### **Countryside location and policy SP17**

6.01 The application site is in the countryside and the starting point for assessing 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 to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.

6.03 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling agricultural buildings etc) other Local Plan policies permit development in the countryside 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. In this case, there are no other policies in the Local Plan that would permit a new dwelling in this location and as a result a decision to grant planning permission would be a departure from the adopted Local Plan.

6.04 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*".

6.05 Material considerations in this case include the degree of countryside harm including the site context and the location of the existing incomplete building in the setting of two listed buildings.

### **Character and appearance**

6.06 Policy DM1 of the Maidstone Borough Local Plan requires proposals to create high quality design which responds positively to and where possible enhance the character of the area in which it is situated. Policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area. Paragraph 124 of the NPPF (2023) state that planning policies and decisions should support development that makes efficient use of land, considering

the desirability of maintaining an area's prevailing character and setting, and securing well-designed, attractive places.

- 6.07 As noted above, the proposal approved as part of application 14/505197/PNBCM was not lawfully implemented. Whilst some building works were undertaken towards converting the building to a dwelling, these works went beyond what had been approved. The application site and building retain a lawful 'agricultural' use.
- 6.08 The current application involves partial demolition and additional building works to provide a one bedroom detached dwelling. The proposed building footprint is smaller than the earlier refused application and similar to the footprint of the building that had approval for conversion under reference 14/505197/PNBCM. The current proposal would be 5.5 metre above ground level to the highest part of the ridge, which is the same height as the prior approval development.
- 6.09 The Maidstone Landscape Character Assessment identifies the use of ragstone as a primary building material in the local area. Proposed external facing materials for the dwelling include ragstone. The building would have a simple catslide roof design using Kent peg tiles. The proposal has been designed to more closely resemble the original building footprint approved under reference number 14/505197/PNBCM.
- 6.10 The views of the proposed dwelling from public vantage points would be restricted by this backland location and existing nearby buildings. Where visible the proposed building will be seen in the context of the existing group of residential development. This enclosure and the degree of containment means that the overall effect on the landscape would be very limited.
- 6.11 The scale and design of the proposed dwelling would be subservient to the adjacent larger building, and the adjacent converted agricultural building. In the wider landscape, and due to its location behind a larger agricultural building the proposal would not have any significant adverse impact on the visual amenities of the countryside.
- 6.12 It is highlighted that a building (albeit originally of agricultural appearance) has existed on the application site for circa 30 years. With the split into two (that followed the 14/505197/PNBCM decision now known as Apple Barn and Cherry Barn) for a large part of this time the building in this location was of greater bulk and massing than what is currently proposed.
- 6.13 The resulting development in this case would assimilate well in the local environment without detriment to the visual character of the general locality. The use of ragstone as an external facing (found on neighbouring development) would also assist in successfully assimilating the development into the local landscape.
- 6.14 Policy DM1 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as tree and hedges. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character. The submission indicates the planting of several cherry trees close to the proposed dwelling. These trees would enhance the setting of the site, they reference the history of the area and the activity associated with Brishing Court Farm in accordance with DM1.
- 6.15 Overall, due to its scale, location, plot coverage, and design including indicated proportions, the dwelling would appear as a thoughtfully designed addition that would resonate with the established local character. It would comply with policies DM1 and DM30 of the Maidstone Borough Local Plan, and paragraph 124 of the NPPF (2023) which jointly seeks to ensure all development are well designed to

protect and enhance the special character and distinctiveness of the area in which it is situated.

- 6.16 The proposals would result in the loss of agricultural land. Policy DM 33 of the Local Plan relates to the change of use of agricultural land to domestic garden land. Policy DM33 sets out two tests, firstly relating the level of harm the proposals would entail to the character and appearance of the countryside, and secondly, whether the scheme would result in loss of the best and most versatile agricultural land.
- 6.17 The building would be positioned generally on the footprint of the original building approved under reference number 14/505197/PNBCM. Whilst the curtilage would extend beyond that of the prior approval (and result in the loss of best and versatile land) it would not be reasonable to resist the use of an appropriately sized curtilage for domestic purposes in conjunction with a dwelling.
- 6.18 The curtilage would not extend significantly into the open countryside and the Local Plan supporting text advises that restrictions would apply where the land is 'functionally well located for agricultural purposes, such that future agricultural use is feasible...'. These tests would not apply to the current application as the land in question could not be practically used for agricultural purposes.

#### **Setting of heritage assets**

- 6.19 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.
- 6.20 The NPPF requires the impact on the significance of a designated heritage asset to be assessed as either "substantial harm" or "less than substantial harm" with NPPG guidance setting out that "substantial harm" has a high threshold. NPPF guidance states that when assessing the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm to significance amounts to substantial harm, total loss or less than substantial harm.
- 6.21 Brishing Barn and Brishing Court are both grade II listed properties and are located approximately 40 and 50 metres east and north east of the application site. The significance of these listed buildings arises from their architectural detailing, well-preserved appearance with the oldest predating much of the surrounding built environment.
- 6.22 The current appearance of the application site consisting of an unfinished building and associated temporary fencing detracts significantly from the setting and heritage importance of these listed buildings. The NPPF "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".
- 6.23 The current proposal bringing the building back into use and providing a new dwelling will significantly improve the setting of the nearby listed buildings. The proposals would introduce a high quality building and appropriate landscaping to the site, thereby contributing significantly the enhancing the setting of these heritage assets. These benefits carry significant weight in this assessment of the proposal overall.

- 6.24 In summary, the proposal would result in significant enhancement of the setting and heritage importance of the grade II listed Brishing Barn and Brishing Court. The proposal would comply with Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy DM4 and SP18 of the Maidstone Borough Local Plan and relevant provisions of Chapter 16 (Conserving and enhancing the historic environment) of NPPF (2023).

**Residential amenity**

- 6.25 Policy DM1 of the Local Plan requires proposals to respect the amenities of occupiers of neighbouring properties. Proposals should also provide adequate residential amenities for future occupiers by ensuring development does not result in, or is exposed to, 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.
- 6.26 The proposed dwelling maintains acceptable separation distances from neighbouring properties, and this will avoid any adverse effect in terms of overshadowing.
- 6.27 The main proposed doors and windows would be on the southern, eastern, and western parts of the application site and would not overlook any neighbour. The windows on the northern elevation will be obscured to avoid any issues of directly looking into the adjacent residential property. The development would not create any significant noise issues and is unlikely to be affected by traffic noise.
- 6.28 All habitable rooms would comply with space standard set out in the emerging draft Maidstone Local Plan. These standards require habitable rooms of a sufficient size for daily activities and with sufficient natural light.
- 6.29 Policy LPRQ&D7 of the Emerging Draft Local Plan sets out the amenity space standards for new houses. The policy requires outdoor amenity space for a house this size must be sufficient to provide sufficient space for day to day activities and the current proposal meets these standards.
- 6.30 In conclusion, the proposals are acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed dwelling. The current proposal is in accordance with policy DM1 of the Maidstone Borough Local Plan and LPRQ&D7 of the Emerging Draft Local Plan.

**Access and parking**

- 6.31 Policy DM23 of the Local Plan sets out the parking standards for the Borough. The policy adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car.
- 6.32 The submitted site layout plan indicates provision of one car parking space for future residents and one visitor parking. There is sufficient turning space within the site for vehicles to enter and leave the site in a forward gear. The proposals would comply with the standards in policy DM23. The scheme includes provision of an electric vehicle charging point for future occupiers.
- 6.33 Site access is from the existing drive that leads east from Old Tree Lane, which also serves neighbouring houses. This drive passes by the adjacent converted former agricultural barn before arriving at the current application site. The single neighbour response objects to the use of this access on the basis that it is unsuitable for increased domestic traffic, and emergency or refuse/service vehicles.

The scheme being only for one small dwelling would not create significant difficulties for nearby residents.

- 6.34 It is acknowledged the width of the entire length of the access, in particular the section that passes by the converted agricultural barn is narrow. Given the low traffic levels, the need for opposing vehicles to pass each other on the track would occur relatively infrequently. The limited width of this access would serve to restrict vehicle speeds along it to a significant degree.
- 6.35 The access to the application site has adequate visibility for drivers and there is no vehicle safety issue. Vehicles would normally approach this section of the access at slower speed, and as a result there are no issues with the safety of vehicles and pedestrian using the access. The access would not have any significant impact on the free and safe movement of vehicles and pedestrians along Genn Park and its vicinity.
- 6.36 Paragraph 111 of the NPPF (2023) states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact of the development would be severe. With the small scale of the development, any increase in car journeys resulting from the proposed scheme would not be significant enough to pose any additional highway safety challenges.

#### **Ecology**

- 6.37 Policy DM3 states that development proposals should take full account of biodiversity present including the retention and provision of native plant species. Paragraph 174 of the NPPF (2023) encourages net gains for biodiversity to be sought through decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 6.38 There is currently an uncompleted dwelling on the application site and the proposals include the planting of several cherry trees in the immediate area associated with the dwelling. Other measures which would support biodiversity interest on the site include the retention of existing trees, provision of bug hotels, log pile habitats and wildflower meadow.
- 6.39 The proposal would accord with policies DM1 and DM3) of the Maidstone Local Plan (2017), and paragraph 174 of the NPPF (2023). These policies jointly direct the planning system to contribute to and enhance the natural and local environment.

#### **Other matters**

- 6.40 Paragraph 80 of the NPPF (2023) makes clear that planning policies and decisions should avoid the development of isolated homes in the open countryside unless very special circumstances exist. The development forms part of a small cluster of dwellings and would not result in the creation of an isolated home as far as paragraph 80 of the NPPF (2021) is concerned. The application site is not in a sustainable location, but the other factors outlined in this report including improvements to the setting of listed buildings outweigh the poor location.
- 6.41 A single neighbour response has been received following consultation on the proposal, the objections raised state that the development could not be described as good design. The proposed building does provide good design for the reasons outlined in this report and the proposed building of a scale and appearance that is in keeping with the local area and nearby converted agricultural buildings.
- 6.42 The letter received from neighbour states that the access point would involve trespass across land not in the applicant's ownership. The access to the proposed

dwelling is established and officers feel that all appropriate notices have been served.

- 6.43 This neighbour is also concerned the lack of information about both foul and surface water drainage. The neighbour states that the applicant's agent's refusal to confirm how drainage will be provided, means the development fails to respect the amenity, wellbeing and quality of life of occupiers of the neighbouring property. Information about foul and waste water drainage would be secured by a planning condition. KCC Waste and Water Management were consulted and have not raised any objection to the application. The proposals would respect the amenities of occupiers of neighbouring properties.
- 6.44 The neighbour has also suggested approving this development would entail breach of their Human Rights. Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home. The proposals would not undermine the objectives of this legislation.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.45 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.

#### **CIL**

- 6.46 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

### **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 current proposal. 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 current unkempt and derelict appearance of the application site detracts significantly from the setting and heritage importance of nearby listed buildings. It is accepted that the current proposal in an unsustainable location will result in a degree of harm to the character and appearance of the area through associated domestic paraphneilia (limited by the backland location). This harm is outweighed by the improvements to the visual appearance of the site and associated landscaping in this sensitive location in the setting of two listed buildings.
- 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 level of harm indicate that planning permission should be approved.

- 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) No development shall take place other than in accordance with the following approved plans:  
Drawing Number; M2\_300\_002 (Existing Elevations and Plan)  
Drawing Number: M2\_300\_003 (Proposed Elevations and Plans)  
Drawing Number; M2\_300\_002 (Existing Elevations and Plan)  
Drawing Number; M2\_300\_001 Rev B (Proposed Site Plan)  
Planning Statement  
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 3) The development hereby approved shall not commence until, details of the method of disposal of sewage and surface water have been submitted to and approved in writing by the Local Planning Authority and these works shall be completed in accordance with the approved details before the first occupation of the dwelling hereby approved and retained as such thereafter.  
Reason: To ensure adequate sewage disposal arrangements for the development.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - i. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding
  - v. wheel washing facilities
  - vi. a scheme for recycling/disposing of waste resulting from demolition and construction worksReason: In the interests of the amenities of the area and highway safety and convenience.
- 5) The development hereby approved shall not commence above slab level until until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details and retained thereafter.  
Reason: In the interest of visual amenity.
- 6) The development hereby approved shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the approved dwelling and maintained thereafter. Reason: To ensure an energy efficient form of development.
- 7) Notwithstanding the details shown on the plans, the development hereby approved shall not commence above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local

Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 8) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, 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. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
  - 9) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.  
Reason: In the interest of the amenities of occupiers of neighbouring properties.
  - 10) 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'. The submitted details 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, protected species and in the interests of residential amenity.
  - 11) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through methods into the building structure by means such as swift bricks, bat tube or bricks to provide wildlife niches and additionally through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. 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.
- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.