

REPORT SUMMARY

REFERENCE NUMBER: 24/504105/FULL		
APPLICATION PROPOSAL: Demolition of agricultural barn and erection of 1no. dwelling with associated parking, garden land, landscaping and biodiversity enhancements (alternative scheme to 23/503763/PNQCLA).		
ADDRESS: Horns Lodge, Claygate Road, Marden, Kent TN12 9PT		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<p>There is no policy support to erect new residential dwellings in this location. The proposal, due to its countryside location would result in the domestication of the application site and would further erode the functional, agricultural character of the countryside causing a significant harmful impact on the rural character of this area. The proposal would fail to preserve the intrinsic character and appearance of the countryside. The development is contrary to Local Plan Review policies, LPRSS1, LPRSP9, LPRSP15, LPRQD4, of the Maidstone Borough Local Plan Review (2024), Landscape Character Assessment (2013), and the NPPF (2024).</p> <p>The proposal results in harm (less than substantial) and fails to preserve the character and appearance of a neighbouring grade II listed building, Horns Lodge Cottages. The application fails to provide any clear and convincing justification for the proposal and represents poor design that has failed to consider the setting of the listed building. The proposal is contrary to policies LPRSP14(B), LPRSP15, LPRHOU2 and LPRENV1 of the Maidstone Local Plan Review (2024) and the NPPF (2024). There are no public benefits that would outweigh the harm that has been identified.</p> <p>The proposal would result in the creation of an unsustainable form of housing development with future occupants far removed from local services and facilities reliant on private vehicle use to gain access to the goods, services and facilities necessary to meet day to day needs. This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policy LPRSS1 of the Maidstone Local Plan Review (2024), and in the aims of the National Planning Policy Framework (2024).</p>		
REASON FOR REFERRAL TO COMMITTEE: The application has been called into planning committee by Cllr Russell should officers be minded to refuse the application. The full details are included below in section 4.		
WARD: Marden And Yalding	PARISH COUNCIL: Collier Street	APPLICANT: Alice Highwood AGENT: Kent Design Studio Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 08/10/24	DECISION DUE DATE: 31/01/25
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

23/503763/PNQCLA

Prior notification for the change of use of 1no. agricultural building to a 1no. dwelling and associated operation development. For its prior approval to: - Transport and Highways impacts of the development. - Noise impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Whether the location or siting of the building

makes it otherwise impractical or undesirable for the use of the building to change from agricultural use to C3 (dwellinghouses) - Design and external appearance impacts on the building. - Provision of adequate natural light in all habitable rooms of the dwellinghouses. Prior Approval Granted 09.10.2023

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 In policy terms the application site is located within the countryside outside of all designated settlement boundaries.
- 1.02 The application site which is located on the eastern side of Claygate Road is part of a wider agricultural unit, the 'application area' is an area of hard standing occupied by the agricultural building.
- 1.03 The wider area is relatively undeveloped, what development there is, is situated in close proximity to the highway. The wider agricultural unit to the south (also within the applicant's ownership) is relatively flat in terms of its topography with long views across this area.

2. PROPOSAL

- 2.01 The proposal seeks to replace an agricultural building with a residential dwelling. The existing building is a modern agricultural barn 18.3m in length, a depth of 8.6m and a maximum height of 5.5m with its gabled roof form. The barn is a metal clad building which can be described as functional in character.

Application Site



- 2.02 The main bulk of the proposed dwelling has a length of 16.4m, a depth of 7.3 and a maximum height of 6.2m with a gabled roof form. The proposed dwelling has a similar form to the existing building but is brick built timber clad and has significant portions of glazing and as such the dwelling is much more domestic in character than the existing building.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review 2024:

LPRSS1 – Maidstone Borough Spatial Strategy
LPRSP9 – Development in the Countryside
LPRSP15 – Principles of good design
LPRHOU5 – Density of residential development
LPRQD4 – Design principles in the countryside
LPRQD7 – Private open space standards
LPRENV1 – Development affecting heritage assets

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

Maidstone Landscape Character Assessment 2012 (Updated 2013):

Application site is within the Laddingford Low Weald landscape character area. The assessment notes that this landscape is in 'Moderate' condition and of 'Moderate' sensitivity with guidelines to 'Conserve and Improve'.

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 No residents were consulted by direct mail, a site notice was displayed on 23.10.2024, no representations were received.

Collier Street Parish Council

4.02 Collier Street have issued an objection to the application.

Councillor Russell

4.03 The site is the subject of a previous granted change of use 23/503763/PNQCLA and the design and location has been improved greatly in this new application including;

- Moving the house away from the road and preserving the tree.
- Allowing more separation between neighbours and more visual screening of the new property.
- The new design shows that this building will achieve a 90% reduction in carbon emissions from the last design.
- The new designs show an attempt to re-create a traditional design form for the countryside, that is sympathetic to its surroundings and made of high-quality materials with a good finish.

5. CONSULTATIONS

MBC Landscapes

5.01 No objection

MBC Conservation

5.02 Objection for the following reasons:

- While the conversion of the barn into a dwelling is acceptable, careful consideration must be given to design and materials due to the building's proximity to the LB. Unfortunately, the proposed new outbuilding does not meet these criteria, and therefore, we cannot support this proposal.

6. APPRAISAL

6.01 The key issues are:

- Spatial Strategy
- Character and Appearance
- Residential Amenity
- Highways

- Sustainability
- Biodiversity Net Gain
- Landscaping

Spatial Strategy

- 6.02 The application site is in the countryside and the starting point for assessment of all applications in the countryside is LPR Policy SP9. Policy SP9 states:
"Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in significant harm to the rural character and appearance of the area".
- 6.03 As detailed above, the application building benefits from a permission under Class Q of the GPDO to convert the building into residential use. Nevertheless, this has not been completed, and the application is described as the demolition of the barn. There is no local plan policy support for the replacement of agricultural or other rural buildings with residential dwellings. As such, the application must be assessed as being a new build dwelling in the countryside of which there is also no policy support.
- 6.04 In relation to SP9 and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are SP15 and QD4.

Character and Appearance

- 6.05 LPR policy SP15 states that development must "Respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage" Policy QD4 has similar aims and objectives.
- 6.06 As detailed above there is no policy support for establishing a new dwelling in this location. The purpose of Class Q is to allow for agricultural buildings to be converted into dwellings with the minimal amount of external alterations, i.e. converting the buildings with the minimal amount of visual harm. The LPA has no control over the provisions of the GPDO. It is not possible to amend a Class Q application via a section 73 application, in the same way that a full application.
- 6.07 There have been revisions to Class Q of the GPDO, but there is still an allowance to have Class Q Prior Approval applications determined under the previous provisions. Due to the increase in roof height, the proposed development would not be possible under the revised provisions and the development would not be possible for a number of reasons under the previous provisions. As such it is not assessed that the extant Class Q related to this building offers any justification or fallback position to allow for conversion.
- 6.08 The existing building is a metal clad functional building typical to the countryside. The proposed dwelling would be significantly more domestic in appearance and out of place in this location. This would suburbanise and erode the intrinsic character of the countryside which is characterised by a lack of development. Aside from this the Kent countryside is a working landscape and the existing building reflects the economic uses of the Kent countryside which would be eroded were this to be approved.
- 6.09 In addition to visual differences of the buildings, Class Q applications are also much more restrictive in terms of residential plot, the proposal includes much greater amenity areas and domestic landscaping. This allows for much greater residential paraphernalia to be added to the application site which would also erode the intrinsic character of the countryside.

- 6.10 The barn is located approximately 40m south of Horns Lodge Cottages, a Grade II Listed Building. Historically, the land had agricultural buildings and the existing barn seems a 20th century addition.
- 6.11 Policy LPRENV1 states:
"The council will apply the relevant tests and assessment factors specified in the National Planning Policy Framework when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting. This includes applying this policy to non-designated heritage assets where a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 6.12 The setting of a listed building is not confined to public land but includes private land. Separate ownership is not a consideration for the separation of setting.
- 6.13 A lack of visual connection does not mean that there is no impact on the setting of the listed building, as it could form part of the wider estate, or if separated by plants (such as trees), these could be removed (or naturally die) and therefore a visual connection could be later undertaken.
- 6.14 As detailed above, conservation officers have raised concerns regarding the appearance and siting of the building, their comments include those below.
"The design includes brick and weatherboard on the side elevations, which may dominate the street scene and diminish the subordination of the main building. Although the proposed building would maintain similar layout and scale, its design and appearance do not resemble a modern barn, as suggested in the applicant's statement. While a barn conversion into a dwelling is feasible, it is essential to use traditional materials to prevent the building from prevailing the setting. The existing barn is a large steel structure, which is easily distinguished as a modern addition.
- 6.15 The combination of brick pillars on the edges and weatherboarding in the centre is odd, as this combination can be found in small buildings but not in barns. The distribution of the materials does not help to harmonise with the existing buildings on the site. Using brick on the ground floor and weatherboarding on the first floor would help integrate the setting.
- 6.16 Furthermore, the approach to the Listed Building would be detrimental as the proposal will dominate the street scene. The listed building and its setting are isolated, with no buildings around them.
- 6.17 The existing building, despite its large scale, is easily recognized as a barn and retains the character of the farm setting. The new barn would be taller, increasing its dominance towards the LB.
- 6.18 Furthermore, the addition of modern fenestration, solar panels, and driveway add to the impact on the setting of the LB and the loss of an agricultural appearance".
- 6.19 Conservation officers have noted that the level of harm is 'Less than Substantial' and that any consideration of public benefit should be undertaken by the case officer as per the NPPF.
- 6.20 In this case, the main beneficiary of the proposal would be the applicant. The proposal would provide a single dwelling but the Council's future housing land supply has been thoroughly assessed by an appeal Inspector who found land supply to cover between 5.35 and 7.19 years. The Council has a good track record of providing housing and as such is not reliant on windfall sites to provide housing which would otherwise result in harm. There would be some economic benefits

during the construction process but these would be limited and do not outweigh the harm identified above.

Residential Amenity

- 6.21 LPR Policy SP15 states proposals must "Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that proposals do not result in, or its occupants are exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking, or visual intrusion, or loss of light to occupiers".
- 6.22 Policy LPRQD7 (Private open space standards) states that new dwellings should have rear gardens that are at least equal to the ground floor footprint and not triangular in shape.
- 6.23 The dwelling complies with this policy point. There are no neighbouring properties in such close proximity that the development would cause harm to neighbouring amenity.

Highways

- 6.24 The proposed dwelling would be served by two vehicle parking spaces. There would be sufficient space around the building to park any additional vehicles associated with the dwelling. A single dwelling would not have a 'severe' impact on the highway network to warrant refusal.

Sustainability

- 6.25 The application site is seeking residential development in the countryside with no local plan support. There are no bus routes are present around the application site or any other public transport provision.
- 6.26 Marden, the closest settlement is approximately 4 miles away to the south east. The fastest route would involve walking along various roads which have no street lighting or pavement alongside and higher speed limits which all make for unattractive routes. Future occupants would come to rely on a private car to access local services to meet their day to day needs.
- 6.27 The existing properties in the area are not entirely sustainable themselves; the development would increase the density of residential development in this unsustainable location.
- 6.28 Paragraph 4.4.1 of the Manual for Streets states "Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPS134 states that walking offers the greatest potential to replace short car trips, particularly those under 2 km. MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents".
- 6.29 Future occupants will be reliant on private vehicles to access employment opportunities, carry out shopping and use amenity services within Maidstone town itself. It is not assessed that there is any justifiable need to allow a new dwelling in this unsustainable location.

Biodiversity Net Gain

- 6.30 Unless in the list of specified exemptions, biodiversity net gain (BNG) is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).

- 6.31 Where exemptions don't apply, there is a 'statutory' requirement for 10% BNG and where residential use is proposed a 'policy' requirement for an additional 10% (total of 20%). The method of calculating BNG for small sites (small sites metric) was first published by DEFRA in February 2024 and updated in July 2024.
- 6.32 In applying a consistent approach, officers have been seeking BNG to meet both 'statutory' and 'policy' requirements from the commencement dates listed above.
- 6.33 In this case the applicant has noted that the development would be a self-build. This is exempt from BNG requirements.

Landscaping

- 6.34 The submitted proposed block plans indicate a wild flower meadow and fruit tree orchard, as well as hedgerows which in effect 'demarcate' the main residential amenity area from the wider plot. Whilst what is proposed contributes to the domestication of the application site, should members be minded to approve the application conditions can be imposed.

Flood Risk

- 6.35 The application site is on the edge of Flood Zone 2, roads to the north of the application site are within Flood Zones 2 and 3, roads to the south of the site are within Flood Zone 1 (Low probability of flooding). Buildings used for dwelling houses are considered 'More Vulnerable' to flood risk under NPPF guidance and is not required to implement the exception test.
- 6.36 The applicant has submitted a Flood Risk Assessment, it notes that in terms of flood risk from watercourses the barn to be converted is 180mm above the worst case flood events. Local SFRA & EA historical flood data suggest no surface water flooding on site.
- 6.37 In terms of future flood risk the proposed finished floor level is 14.44 AOD or 380mm above the critical flood level.
- 6.38 The proposed building is located at the edge of Flood Zone 2 and is a two storey dwelling. Portions of Claygate Road are within Flood Zone 3 and 1 but overall it is reasonable to conclude that future occupants would not be in danger within the dwelling or would be unable to evacuate to the south if necessary. The Environment Agency has not been consulted on this application, it is not assessed that the development would result in Flood Risk and as the LPA is recommending refusal, it is not assessed as necessary to do so.

Other Matters

- 6.39 The agent was informed that the LPA was minded to refuse the application and has raised the fall back position of the Class Q application detailed in the above planning history section and that there would be an additional dwelling in this location in any case.
- 6.40 The LPA has no control over the Class Q legislation, the purpose of the Class Q legislation is to allow redundant agricultural buildings to be converted with minimal external alterations which results in minimal harm. A key point here is that the buildings are to be converted. This proposal seeks to demolish the agricultural building and erect a new build dwelling, there is no local plan policy support for this. It is very unlikely that this building would be considered to meet the policy criteria under LPRQD5 which relates to the conversion of rural buildings were a full application submitted for its conversion.
- 6.41 The 'preference' of the LPA is that the Class Q application is implemented, this is to discourage owners of such buildings from acquiring permissions under Class Q

and then submitting applications for works which are not possible under Class Q or as in the past, new buildings entirely.

- 6.42 The application underwent a pre-application process where it was advised that this new development would likely be refused. Conservation officers were not consulted on heritage concerns at that stage.

PUBLIC SECTOR EQUALITY DUTY

- 6.43 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.

Community Infrastructure Levy

- 6.44 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 Whilst the application benefits from an extant permission to convert it into a residential dwelling. This is under Class Q of the General Permitted Development Order legislation, the LPA has no control over this. There is no local plan policy support for the proposed development which would result in the domestication of the site and a building domestic in character which would result in significant harm to the intrinsic character of the countryside. The proposal would also result in harm (less than substantial) to the neighbouring Grade II listed building Horns Lodge Cottages.
- 7.02 The site is outside of any settlement as defined in the Maidstone Borough Local Plan Review 2024. The proposal would result in the creation of an unsustainable form of housing development with future occupants reliant on private vehicle use to gain access to goods, services and facilities and, as such the proposal would be contrary to the Local Plan Review and the NPPF.

REFUSE PLANNING PERMISSION for the following reason(s):

- 1) There is no policy support to erect new residential dwellings in this location. The proposal, due to its countryside location would result in the domestication of the application site and would further erode the functional, agricultural character of the countryside causing a significant harmful impact on the rural character of this area. The proposal would fail to preserve the intrinsic character and appearance of the countryside. The development is contrary to Local Plan Review policies, LPRSS1, LPRSP9, LPRSP15, LPRQD4, of the Maidstone Borough Local Plan Review (2024), and the NPPF (2024).
- 2) The proposal results in harm (less than substantial) and fails to preserve the character and appearance of a neighbouring grade II listed building, Horns Lodge Cottages. The application fails to provide any clear and convincing justification for the proposal and represents poor design that has failed to consider the setting of the listed building. The proposal is contrary to policies LPRSP14(B), LPRSP15, LPRHOU2 and LPRENV1 of the Maidstone Local Plan Review (2024) and the NPPF (2024). There are no public benefits that would outweigh the harm that has been identified.
- 3) The proposal would result in the creation of an unsustainable form of housing development with future occupants far removed from local services and facilities reliant on private vehicle use to gain access to the goods, services and facilities

necessary to meet day to day needs This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policy LPRSS1 of the Maidstone Local Plan Review (2024), and in the aims of the National Planning Policy Framework (2024).

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