

APPLICATION: MA/11/1352 Date: 10 August 2011 Received: 10 August 2011

APPLICANT: Mr Richard Curteis, Aspen Tree Services

LOCATION: WIERTON HALL FARM, EAST HALL HILL, BOUGHTON MONCHELSEA, MAIDSTONE, KENT, ME17 4JU

PARISH: Boughton Monchelsea

PROPOSAL: Retrospective application for the change of use of existing farm yard and buildings to be used for storage and maintenance of agricultural vehicles and machinery in connection with a forestry business as shown on plan numbers 1 (site location plan), 2 (block plan) and application form received 10th August 2011 and supporting statement received 4th January 2012.

AGENDA DATE: 7th June 2012

CASE OFFICER: Kevin Hope

The recommendation for this application is being reported to Committee for decision because:

- The application has been called in to the committee by Cllr Fitzgerald

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV44
- South East Plan 2009: CC1, CC6, C4
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

2.1 **ENF/9119** - Tree surgeon contractors business – Planning application invited.

MA/08/2301 - Erection of 1 No. dwelling and detached garage – Withdrawn.

MA/09/1335 - Demolition of existing barn and the erection of 1 No. dwelling and detached garage – Refused (Dismissed at appeal).

MA/81/0512 - Extension of farm cottage into existing stable and hayloft – Approved with conditions.

3. CONSULTATIONS

3.1 **Boughton Monchelsea Parish Council** – Do not wish to object/comment

3.2 **Conservation Officer** – Raised no objections with the following comments:-

"The change of use has had no significant impact on the setting of adjacent listed buildings".

3.3 **KCC Highways Officer** – Raise no objections with the following comments:-

"I refer to the above planning application and have no objections to the proposal in respect of highway matters".

4. REPRESENTATIONS

4.1 Councillor Fitzgerald called the application to the planning committee with the following comments:-

"I am concerned about this retrospective application that has been the subject of enforcement issues and of great concern locally. Forestry is not Agriculture in planning terms and if you were of a mind to approve this I would ask that it is determined by Committee".

4.2 Three neighbour representations have been received raising the following points:-

- Noise created from business activity
- Pollution from vehicles
- Traffic generation
- The suitability of the use in this location
- The hours of operation

One application has been received in support of the application.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within the open countryside off the north side of East Hall Hill. The site comprises a yard with an open-fronted barn of corrugated

iron sheeting on its east side with vehicle parking to the front and western side of the yard. There is an entrance directly on to East Hall Hill to the front of the site providing access to the site. The barn and yard area were formally associated with Wierton Hall Farm which included a small number of buildings to the north and north west. Further on is a pair of semi-detached cottages and a converted oast beyond that. To the west of the yard, and separate from it, is the Grade II listed Wierton Hall.

5.1.2 The site does not lie within countryside designated under the Maidstone Borough Wide Local Plan 2000. The site lies within the ward and parish of Boughton Monchelsea.

5.2 Proposal

5.2.1 Retrospective planning permission is sought for the change of use of existing farm yard and buildings to be used for storage and maintenance of agricultural vehicles and machinery in connection with a forestry business. For clarification, the business does not comprise the management of a specific woodland but offers tree surgery services within the surrounding area.

5.2.2 The buildings subject to this application comprise an open fronted barn and an enclosed and clad storage building. Both of these buildings are sited on the east side of the site. The buildings are used for the storage of forestry equipment including a tractor used for tree works, wood chippers, chainsaws etc. An open yard extends to the front of these buildings and provides additional storage space for other machinery including a small lorry used for tree surgery works. On the western side of the site there is also an area for parking of staff vehicles. This area including the buildings subject to this application are adjacent to the property occupied by the applicants being the farmhouse associated with the former farm.

5.2.3 This planning application has been submitted as a result of an enforcement investigation at this site for the operation of a tree surgery business (ENF/9119). The use of the site in association with the forestry business begun in May 2006 and has continued since this date. Following this enforcement investigation it was considered that a change of use has occurred at this site and the submission of this planning application was invited to regularise the change of use.

5.2.4 To provide some context to the proposal, prior to the ownership of the applicant, the site was used as a farm workshop and for commercial cold storage of fruit. This fruit was bought from neighbouring farms, and was stored for resale to be used in the making of cider. This involved regular commercial vehicle deliveries and collections in connection to this activity.

5.3 Principle of Development

- 5.3.1 With regard to the principle of this development, the relevant policies which apply within the Maidstone Borough Wide Local Plan 2000 are ENV28 which aims to conserve the character and appearance of the countryside and policy ENV44 which aims to secure the appropriate reuse of existing agricultural buildings. Policies CC1, CC6 and C4 of the South East Plan 2009 concerning the sustainable development, the character of the environment and the management of the countryside are also applicable in this case.
- 5.3.2 The principle of this type of development is also discussed within the National Planning Policy Framework 2012 which states that:-
- 5.3.3 *Support should be given to the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- 5.3.4 I therefore consider that the broad principle of this development is established within the policies and planning guidance as outlined above. This proposal will therefore be considered in accordance with criterion of these policies below.

5.4 Visual Impact and suitability of use

- 5.4.1 In terms of the visual impact of the proposed development, there are no external works proposed to the buildings. With the introduction of no other built form, the additional visual impact of this development would be minimal. It is acknowledged a number of vehicles and equipment would be stored at this site, however, this would be the same in a rural area with machinery associated with the working of the land and was the same with the previous agricultural use of the site. Whilst this is not an agricultural use, I do not consider that presence of machinery for this purpose is detrimental to the rural character of this area.
- 5.4.2 I consider the subject forestry business to be an appropriate reuse of the building in this location providing economic activity and employment opportunities within this area.
- 5.4.3 I therefore consider that this element of the proposal complies with the relevant provisions of the policies above. As such, I do not consider that the location of a business of this type is a rural location such as this would be inappropriate and I do not consider that this proposal would result in any significant detrimental visual harm within this area.

5.5 Highways

- 5.5.1 With regard to highway matters, the applicant has confirmed that on average the forestry workers, (which would comprise 4 full time and 1 part time workers increasing from 3 full time currently), arrive at the site between 06:30 and 07:00. The forestry vehicles then depart from the site between 07:00 to 07:30am to attend forestry work throughout the surrounding area. The vehicles then return to the site between 15:00 and 16:00pm. At this point the machinery and vehicles are off loaded with equipment and some machinery stored in the barn. The forestry vehicles are then parked to the front of the barn. During the day between these times, there is little activity at the site with some machinery maintenance carried out by the applicant as needed. The applicant has confirmed that the forestry business operates Monday to Friday at these times and occasionally on Saturdays. The KCC Highways Officer has been consulted as part of this planning application with regard to the traffic generation by this development. No objections have been raised with regard to the traffic generation or highway safety and I therefore consider that this development would not result in significant detrimental harm to the access and local road system.
- 5.5.2 In addition to the traffic generated in relation to the subject forestry business, there is a right of way through the site to access the nursery business to the rear of the site. This involves 3 commercial vans which deliver and collect supplies throughout the day. Therefore, not all of the traffic generation from this site relates to the subject forestry business.

5.6 Sustainability

- 5.6.1 With regard to sustainability, whilst the many of the employees of the business travel to the site by car and park on site, the applicants, who are the owners of the business, live in Wierton Hall Farm which is a semi detached cottage sited adjacent to the buildings subject to this proposal. This increases the sustainability of the business and reduces further travelling which would be necessary should the storage of equipment and machinery be sited in an alternative location. This also assists in providing security at the site and reduces the need for further security infrastructure which may be required at an alternative site. The guidance contained within the National Planning Policy Framework 2012 supports the growth of sustainable businesses within rural areas which provide an appropriate reuse of an agricultural building and I consider that this proposal fulfils this providing sustainable rural economic growth.

5.7 Neighbouring amenity impact

5.7.1 With regard to the impact of the development upon neighbouring amenity, a number of neighbour objections have been received raising concerns relating to this proposal. This includes the impact of noise, pollution and disturbance generated from the level of traffic movements at the site upon the amenity of neighbours. Within the last year, complaints have been reported to the Council's Environmental Health department on a number of occasions with respect to these issues. These have been investigated and determined that any disturbance created is not at a level which would warrant action under Environmental Health legislation. The traffic movements at the site have not significantly changed in this time and I therefore consider that this is not at a level which would have a significant detrimental impact upon the amenity of the surrounding neighbours. If the intensity of the traffic movement, level of noise/pollution increases then action may be possible under Environmental Health legislation. Similarly, I do not consider that the current hours of use are unacceptable or causing significant harm to neighbouring amenity, although a condition should be imposed to ensure that suitable hours of use are maintained.

5.7.2 In addition to this, the applicant has stated that no treatment works or cutting of trees or wood is carried out within the site. Instead, these works are carried out at a small yard nearby on Back Lane where there is no storage provision for the machinery and equipment of the business. A condition will also be imposed to secure that works of this type are not undertaken on site in order to preserve amenity.

6. **CONCLUSION**

6.1 To conclude, for the reasons stated above, I consider that the forestry business for which retrospective planning permission is sought is acceptable and in accordance with the relevant provisions of the Development Plan. With no overriding matters that would otherwise warrant a refusal, I recommend conditional approval of the application on this basis.

7. **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. Any activity in connection with the forestry business, including the movement of vehicles shall only take place between the hours of 7am and 16:30pm on Mondays to Saturdays and at no point on Sundays, Bank and Public Holidays without the prior written agreement of the Local Planning Authority.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000, policies C4 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

3. No power driven tools or machinery associated with the forestry business hereby permitted shall be used within the confines of the application site;

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000, policies C4 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan numbers 1 (site location plan), 2 (block plan) and application form received 10th August 2011 and supporting statement received 4th January 2012.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000, policies C4 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.