

APPLICATION: MA/12/0824 Date: 28 April 2012 Received: 28 May 2012

APPLICANT: Chris Chapman

LOCATION: THE HAWTHORNS, LEEDS ROAD, LANGLEY, MAIDSTONE, KENT,
ME17 3JN

PARISH: Langley

PROPOSAL: Change of use of property from nursing home to single dwelling as shown drawing no. JT/CC/P Rev A received 04/05/12 and Design and Access statement received 28/05/12.

AGENDA DATE: 26th July 2012

CASE OFFICER: Kathryn Altieri

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

- It is a departure from the Development Plan.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28
- South East Plan 2009: CC1, CC6, C4
- Village Design Statement: N/A
- National Planning Policy Framework

2. HISTORY (1974+)

- MA/00/1461 - Alterations to north elevation including replacement of door with window and existing floor plan – approved/granted with conditions
- MA/94/1563 - Erection of prefabricated sectional timber building to be used as a garden shed and to accommodate toilet facilities – approved/granted with conditions
- MA/87/2086 – Extension - Raise no objections
- MA/87/1314 - Proposed development by the Maidstone Health Authority, single storey extension, internal alterations and associated car parking – raise objections

- MA/87/0173 - Change of use to home and single storey extension, internal alterations and associated car parking - refused

3. CONSULTATIONS

- Langley Parish Council: Wish to make no comment.
- KCC Highways Officer: Raises no objections.
- Environmental Health Officer: Raises no objections.

4. REPRESENTATIONS

- None received.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 'The Hawthorns' is a previously extended, detached single storey building with additional living accommodation in the roof space. Its current lawful use is as a residential care home. The property is set up from the road with a soft landscaped frontage and there is an existing drive leading to a relatively large area of hardstanding to the rear of the site.

5.1.2 Set back some 9m from Leeds Road, the site is some 125m to the north-east of the junction with Green lane and some 95m to the south of the defined village envelope of Langley. 'The Hawthorns' is within the countryside, as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP) but it is set within a distinctive ribbon of built development along side the highway that largely consists of residential properties of differing scale, design and age.

5.2 Background information

5.2.1 Whilst the Council raised objections to the proposed change of use of 'The Hawthorns' to a care home (MA/87/0173), it appears that Kent County Council made the final decision to approve the application.

5.2.2 The applicant has confirmed that the change of use in the late 1980's to a care home coincided with the closures of long stay hospitals within the area. The home was under the ownership of the West Kent and Medway Social Care Partnership Trust who under the National Plan for re-provisioning of the NHS supported accommodation, transferred the service to Future Home Care Ltd and to the housing association MCCH. 'The Hawthorns' has since been registered

with the Care Quality Commission since April 2009 and due to a property review, it was deemed that this property was no longer viable as a care home. Due to the lack of demand in this size of care home, the applicant has now applied for the property to be reverted back to a single dwelling.

5.3 Proposal

- 5.3.1 This application is for the change of use of the property from a residential care home to a four-bedroomed single dwelling.
- 5.3.2 This change of use is a departure from the Local Plan, as it is contrary to policy ENV28 of the MBWLP, and has been advertised as such.

5.4 Principle of Development

- 5.4.1 The application site lies outside the defined urban area and is within the designated countryside, as shown by the MBWLP.
- 5.4.2 Development in the countryside, especially new housing, is tightly controlled under the terms of Development Plan Policy and central Government guidance. Policy ENV28 of the MBWLP governs development in the countryside and sets out types of development that may be acceptable as an exception to the general theme of restraint. This policy does not make provision for new dwellings.
- 5.4.3 The South East Plan 2009 also follows Government advice outlining that the principal objective is to achieve and maintain sustainable development and to protect the countryside under policies CC1, CC6 and C4.
- 5.4.4 Whilst local and national policy and guidance is understandably restrictive towards residential development in the countryside, I am of the view that this change of use is justifiable.
- 5.4.5 Indeed, the property clearly has a domestic appearance, it is set within a row of residential properties and it is difficult to see what other use the building could be put to if not a dwelling (which it was originally built to be). Moreover, I am of the view that a single dwelling in this location would be less intense and more sustainable than a residential care home; and less harmful in terms of its impact upon the amenity of surrounding neighbours.
- 5.4.6 It is therefore considered that this proposed change of use, given its specific circumstances, would be a more sustainable form of development than the existing lawful use; and given its unaltered appearance and location very much grouped with other dwellings, would not represent a visually harmful form of development that would be detrimental to the character and appearance of the countryside.

5.4.7 The residential care home can accommodate up to six residents only. Given this low number of inhabitants and resultant low number of staff, I am of the view that the loss of this unviable care home would not result in a significant detrimental impact upon the economic development of the area.

5.4.8 'The Hawthorns' was originally built as a residential property and its standard design and appearance is very much indicative of a dwelling. It is not considered to be a "rural building" (i.e. related to agriculture, an oast house or timber framed barn) and so policies ENV44 and ENV45 of the MBWLP are not considered relevant in this particular case.

5.5 Visual Impact

5.5.1 There are no external alterations for consideration under this planning application. Therefore, it is my view that the proposed change of use would not significantly affect the character and appearance of the area or adjacent buildings; and nor would it result in a development that would further appear visually incongruous in the countryside.

5.6 Residential Amenity

5.6.1 The existing side and rear boundary treatments would maintain acceptable levels of privacy at ground floor level; and given that the existing and proposed first floor openings do/will serve bedroom accommodation, I do not take the view that the proposed change of use would cause any more significant loss of privacy to neighbouring residential properties.

5.6.2 I also consider the application site to be of an acceptable size, providing ample outdoor amenity space for its occupants.

5.6.3 It is therefore considered, because of the nature of the development (and there being no operation development) that there would be no significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of privacy, outlook, daylight and sunlight.

5.7 Highways

5.7.1 The use of the property as a single dwelling would be less intensive, in terms of vehicle movements, than a residential care home. Indeed, given the application site's countryside location, residential use would certainly be more sustainable than a residential care home.

5.7.2 Furthermore, the site has ample off road parking provision to the rear of the site (which is not significantly visible from any public vantage point). I am therefore of the view that this change of use would not have a significant impact upon highway safety and parking provision; and nor would it generate any further parking need.

5.8 Other Matters

5.8.1 Given the nature of the application, there are no significant issues with regards to landscaping, ecology/biodiversity and drainage.

6 CONCLUSION

6.1 Central Government guidance and Local Plan policies seek to protect the countryside and locate new housing within the settlement boundaries of the major/principle urban areas and established rural settlements. However, this application has its own special individual circumstances; and given the reasons set out in the main body of this report, I do not consider that it represents an unjustified form of development that causes unacceptable harm to the character and appearance of the countryside.

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.

The proposed development is not in accordance with Development Plan policy or central Government guidance. However in this specific case, the proposed change of use would not represent an unjustified form of development that would cause unacceptable harm to the character and appearance of the countryside. For the reasons set out, it is considered to represent circumstances that can outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.