

APPLICATION: MA/13/1072 Date: 8 June 2013 Received: 17 June 2013

APPLICANT: Mr Frank Pennal

LOCATION: 4, COURT LODGE FARM OAST, LOWER ROAD, EAST FARLEIGH,  
MAIDSTONE, KENT, ME15 0JL

PARISH: East Farleigh

PROPOSAL: Erection of stockproof fence as shown on the site location/block  
plan received 17th June 2013.

AGENDA DATE: 8th August 2013

CASE OFFICER: Catherine Slade

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

- it is contrary to views expressed by the Parish Council.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV35, H33
- Village Design Statement: Not applicable
- Government Policy: National Planning Policy Framework 2012, PPS5 Planning and the Historic Environment – Practice Guide
- Other: Maidstone Borough Council Residential Extensions Supplementary Planning Document 2009

## **2. HISTORY**

MA/80/0644 Conversion of 8 kiln oasthouses into four residential dwellings  
(approval of details) – APPROVED

MA/79/0600 Outline application for conversion of oasthouse to four  
dwellings – APPROVED SUBJECT TO CONDITIONS

## **3. CONSULTATIONS**

- 3.1 **East Farleigh Parish Council** wish to see the application refused on the  
following grounds:

- 3.1.1 *"Having examined the microfiche for application MA/80/0644, the original application for the oast conversions, Council has found that permission was granted with conditions. One of the conditions stated the content of an agent's letter, dated 27th June 1980, which specified that there would be no physical divisions between any of the properties (i.e.: fences) other than the overall boundary of the development. It was thus intended that the gardens would retain their rural appearance. It was stated that this would be enforced in all future sales contracts.*

*So, Council would like to see this application refused, the conditions stated under MA/80/0644 upheld and enforcement action taken to reinstate the conservation area back to its original state with the removal of physical divisions. Council would also like to be kept informed of enforcement progress."*

- 3.2 The Maidstone Borough Council Conservation Officer raises no objection to the proposal, and makes the following detailed comments:

- 3.2.1 *"This low fence will have no adverse impact on the setting of the conservation area."*

#### **4. REPRESENTATIONS**

- 4.1 A site notice was displayed at the site on 1<sup>st</sup> July 2013 and the application was advertised by means of a press advert which expired on 21<sup>st</sup> July 2013.
- 4.2 No neighbour representations were received as a result of the publicity procedure.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

- 5.1.1 The proposal site comprises the north west part of an eight kiln oasthouse which was converted to residential use as four independent dwellings under the scope of MA/79/0600 (outline planning permission) and MA/80/0644 (details). The oast building fronts onto Lower Road, but the proposal site is located in the rear of the building. The garden of the property extends northwards from the rear of the building gently down the valley towards the River Medway.
- 5.1.2 The site is located in open countryside with the Maidstone Borough-Wide Local Plan 2000 designation of being within the Medway Valley Area of Local Landscape Importance (ALLI). The oasthouse is within the East Farleigh (Lower Road) Conservation Area, however the northern boundary of the conservation area runs along the rear of the building and the majority of the garden

associated with the site is located outside of the heritage asset. The East Farleigh Village Hall and associated car parking is located to the west of the site.

## **5.2 Development**

- 5.2.1 The application is retrospective, and seeks planning permission for the erection of a fence along the south and east garden boundary. The fence is a simple post and rail fence with stockproof wire fencing with a height of 1m. The fence is entirely located outside the conservation area.
- 5.2.2 The erection of a fence of this height would not normally require planning permission, however, condition 7 attached to MA/79/0600 removed permitted development rights, including those pertaining to fences, walls and other means of enclosure, in respect of the properties resulting from the conversion of the oasthouse. The purpose of the condition was to secure the character and appearance of the oasthouse and the surrounding countryside.
- 5.2.3 The current application was submitted in response to an enforcement investigation (ENF/12719).

## **5.3 Principle of Development**

- 5.3.1 The proposal site is located in open countryside and as such new development is subject to policies of restraint, in this case primarily under ENV28, which seeks to protect the open countryside and restricts new development to specified cases and ENV35, which seeks to maintain the character of the ALLI.
- 5.3.2 In cases such as this, development serving existing residential properties in the open countryside is assessed under the scope of Local Plan policy H33, which requires that householder development is appropriate in design and scale to the original dwellinghouse, and do not cause harm to residential amenity. In addition, proposals should be in accordance with the considerations and guidelines set out in the Supplementary Planning Document: Residential Extensions (SPD), which require boundary treatments in the open countryside to maintain openness, and encourages the use of wooden post and rail fences.
- 5.3.3 In addition to the above, proposals which would have an impact upon heritage assets are considered in the context of central government planning policy as set out in PPS5 Planning and the Historic Environment – Practice Guide.

## **5.4 Visual Impact**

- 5.4.1 Whilst I note the comments of the Parish Council, in my opinion the spirit of the condition restricting permitted development rights is to seek to prevent

inappropriate alterations to the oasthouse, and in respect of boundary treatments, to prevent the introduction of intrusive urbanising features such as close boarded fencing.

- 5.4.2 The fence is a modest structure of rural appearance, and to my mind is in keeping with the rustic setting and does not cause harm to the setting of the oasthouse or the conservation area, or that of the character, appearance or openness of the ALLI. The view that the visual impact of the development is acceptable is confirmed by that of the Maidstone Borough Council Conservation Officer, whose comments are set out above.

## **5.5 Other Matters**

- 5.5.1 The development does not have any implications for highway safety or landscaping. The site is not known to be within an area recorded by the Environment Agency as being prone to flood. The proposal would not result in harm to residential amenity.
- 5.5.2 Given the retrospective nature of the application, it is not considered necessary or appropriate to impose any conditions to the approval.

## **6. CONCLUSION**

- 6.1 For the reasons stated above it is considered that the proposal is in accordance with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and central government planning policy as set out in the National Planning Policy Framework 2012 and PPS5 Planning and the Historic Environment – Practice Guide, and I therefore recommend the application for approval.

## **7. RECOMMENDATION**

GRANT PLANNING PERMISSION

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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 there are no overriding material considerations to indicate a refusal of planning consent.