

APPLICATION: MA/13/1635 Date: 24 September 2013 Received: 24 September 2013

APPLICANT: Mr Paul Newton

LOCATION: BUMPERS HALL, MAIDSTONE ROAD, MARDEN, TONBRIDGE, KENT, TN12 9AG

PARISH: Marden

PROPOSAL: Demolition of existing structures and construction of a single dwelling (Use Class C3) with associated landscaping as shown on drawing numbers 077-ACME-GA1-00-1110, 077-ACME-GA1-00-1111, 077-ACME-GA1-XX-1201, 077-ACME-GA1-XX-1202, 077-ACME-GA3-XX-1301, 077-ACME-GA3-XX-1302, 077-ACME-GA3-XX-1303, 077-ACME-GA3-XX-1304, 077-ACME-GA3-XX-1305, 077-ACME-ST1-00-1001, 077-ACME-ST1-00-1005, 077-ACME-ST1-00-1006, supported by a Planning Statement all received 24th September 2013 and a design and access statement and covering letter received 25th November 2013.

AGENDA DATE: 16th January 2014

CASE OFFICER: Catherine Slade

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

- it is contrary to views expressed by **Marden Parish Council**.
- the application has been called in by **Councillor Nelson-Gracie** in the event of a recommendation for refusal for the reasons set out in the report.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

MA/03/1443 - Creation of outdoor riding arena – APPROVED SUBJECT TO CONDITIONS

MA/03/0302 - A change of use of agricultural land for keeping of horses and the erection of a stable block with feed store and implement shed – APPROVED SUBJECT TO CONDITIONS

72/0338/MK3 – Outline application for residential development comprising bungalows and houses – REFUSED

- 2.1 The site has been the subject of recent applications for planning permission for the keeping of horses and associated operational development, although none are kept on the site at the current time. Condition 2 attached to MA/03/1443 requires the outdoor riding arena to be removed from the land once its use for the private schooling of horses in the ownership of the occupiers of the property known as 'Bumpers Hall', whilst condition 2 attached to MA/03/0302 granting planning permission for the change of use of the land and the erection of the stables requires the building to be removed in the event of the use ceasing. These conditions have not been complied with, although the use of the land, building and manege ceased some time ago.
- 2.2 Pre application advice was sought in respect of the erection of a dwelling on the land under the scope of PA/11/0530, at which time the applicants were advised that an application for residential development on the land would be unlikely to be successful.
- 2.3 Outline planning permission has recently been granted for the provision of a new sports club on land immediately to the south of the proposal site under the scope of MA/13/0358. This consent has not been implemented to date, and no application for reserved matters has been received by the Local Planning Authority.

3. CONSULTATIONS

- 3.1 A site notice was displayed at the site on 9th October 2013.
- 3.2 **Marden Parish Council** wish to see the application approved and requested that it be reported to Planning Committee. The Parish Council made the following detailed comments:
 - 3.2.1 *"Cllrs viewed this application and following a lengthy discussion they recommend that there is the potential to APPROVE, in principle, this application if amendments were made to the window positioning. They feel the visual appearance could substantially be improved if the uppermost windows were lowered to be positioned at the level where the tapering started.*
 - 3.2.2 *(On the basis that if this is a development in the open countryside the test of exceptional design quality/sustainable development should apply. In principle Cllrs feel that this application goes a long way of achieving this however they do have serious reservations over the fenestration arrangements, particularly in the tapering parts of the building.)"*
- 3.3 The **Kent County Council Highway Services Engineer** raises no objection to the proposal, and makes the following detailed comments:
 - 3.3.1 *"The application will not lead to a significant increase in traffic flows from the existing access and adequate parking and turning space is provided on site."*

- 3.4 The **Maidstone Borough Council Conservation Officer** raises concern over the quality of the design of the scheme, and makes the following comments:
- 3.4.1 *"The architects have chosen to try and reflect local vernacular design by developing a dwelling inspired by oast houses. However, they have chosen only to incorporate the kiln elements without the always-present stowage building. This results in a building form of somewhat alien appearance where the verticality of the design is over-pronounced in my view. The rather jazzy brickwork effects proposed also fail to reflect the true vernacular character, drawing attention to the building as a piece of conscious design rather than a functional structure blending in to its surroundings. It also appears to be proposed to clad the roof in brick for which there is no traditional precedent (in those cases where a brick structure has been used traditionally, it is rendered and tarred). This will lead, in my view, to an over-heavy and unrelieved appearance. It is proposed to vary the shades of bricks from dark to lighter as the height of the building increases, presumably in an attempt to overcome this; however, in my view this will result in a restless appearance and is unlikely to significantly "lighten" the overall effect.*
- 3.4.2 *I note that the architects also considered more "contemporary" designs but rejected these partly because of the footprint of these designs. Whilst the chosen design clearly has the smallest footprint it is very significantly taller than any of the alternatives, thus making it more visible and having a greater impact on the open nature of the countryside. Personally, I would prefer one of these lower, more contemporary designs which I consider could be successfully integrated into the site and have very little visual impact on its surroundings."*
- 3.5 The **Maidstone Borough Council Landscape Officer** raises concern over the quality and detail of the proposed landscaping scheme, but considers that these matters can be addressed by way of condition. The Officer makes the following comments:
- 3.5.1 *"This development proposal is located in Landscape Character Area 44, Staplehurst Low Weald. One of the area's key characteristics is small fields, orchards and ponds enclosed by thick native hedgerows, with Oak being the predominant hedgerow tree species. Generic guidance is to conserve the largely undeveloped landscape comprising scattered development and isolated farmsteads as well as to conserve and promote the use of local materials and consider views relating to the Greensand Ridge to the north and the High Weald to the south. More specifically, the guidance is also to enhance habitat opportunities around watercourses and ditches.*
- 3.5.2 *There are no protected trees on, or immediately adjacent to, the site. Whilst there are few internal trees there are significant trees on the site boundaries. No tree survey information has been provided by the applicant but the existing trees are not in locations likely to pose a constraint to the development proposal. I therefore raise no objection on arboricultural grounds.*

3.5.3 *I would add, however, that the proposed site plan which shows an indicative landscape scheme is not really appropriate in the context of the landscape character, both in terms of detail, layout and long term management objectives. The scheme needs to be more structured but rural in context with greater emphasis on habitat opportunities and connectivity, particularly in relation to what appears to be a formally edged pond. There are no details of the tree house and the tree it is proposed to be attached to. I also wouldn't expect to see apricot/ peach trees, nor Horse Chestnuts within the orchard (fruit and nut tree) planting. Clearly, whilst I have concerns over the landscaping, the issues can be dealt with by means of a pre commencement condition if you are minded to grant consent."*

4. REPRESENTATIONS

4.1 **Councillor Rodd Nelson-Gracie** requested that the application be reported to Planning Committee in the event of a recommendation for refusal, and made the following detailed comments in support of the application:

- *"Despite it being a dwelling in the countryside, the building will be on brownfield land (former stables and menage). It will also border the accepted application for the Marden Cricket and Hockey club with a clubhouse, equipment store, tennis courts parking and other non rural features.*
- *The proposed dwelling will be designed to Code 5 insulation and environmental standards and has hopes of being a "passive house" subject to passing the appropriate tests.*
- *There is no increase in traffic proposed compared to the existing use and there are no proposed changes to the access.*
- *The dwelling will be well screened from all sides causing minimal effect on the surrounding countryside."*

4.2 One neighbour representation was received which raised concern over new residential development in the Green Belt.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The proposal site is located in a rural location in open countryside with no specific environmental designations in the Maidstone Borough-Wide Local Plan 2000.

5.1.2 The site has an area of approximately 0.6Ha and mainly comprises a roughly triangular paddock and associated structures located to the rear (south east) of Bumpers Hall. The site makes use of an existing vehicular access to Maidstone Road, the B2079, which is located to the north west of the site, running between Bumpers Hall and 1 Bumpers Hall Cottages.

- 5.1.3 In respect of the main body of the site, its western section, comprising approximately 20% of the site, is occupied by a stable building with a manege to the south. Both are of conventional construction and appearance. As set out above, these remain in place contrary to conditions applied to MA/03/0302 and MA/03/1443; the development on the site therefore currently represents a breach of planning control as whilst the land has not been used for the keeping of horses for a considerable period of time, planning permission has not been sought for a variation of the conditions and the breach cannot be immune by virtue of the passage of time. Copies of the relevant decision notices are attached as Appendix 1 to this report. The remainder of the site comprises a level field which is kept as mowed grass with some orchard trees located within the southern and north east boundaries of the site.
- 5.1.4 The boundaries of the site are marked by mature native hedges to the north, south, east and west boundaries which are supported by mature Poplar trees along the western boundary, with treatments along the boundary with Bumpers Hall comprising a post and rail fence. The boundaries along the site access are of more domestic appearance. As a result of the existing landscaping and existing buildings the site is relatively visually contained, and as a result short distance views are limited. However, the surrounding landscape is flat with shallow undulations and rises to the north on the Greensand Ridge; as such the site is subject to long distance views from public rights of way to the north of Maidstone Road.
- 5.1.5 The site is bounded by residential properties to the north, and adjoins land apparently in use as garden land associated with 1 Bumpers Hall Cottages and Lamorna to the west and north east respectively. The six properties to the north of the site form an isolated ribbon development along the southern side of Maidstone Road, and separate the site from the public highway. These dwellings comprise two pairs of modest semi-detached cottages, and two larger detached dwellings. None of these properties is formed through the conversion of an agricultural building, and none is listed. The land to the south and south west of the site is currently in agricultural use as orchards, however there is an extant outline planning permission relating to this land for the provision of a new sports club, including a club house, and outdoor sports pitches for hockey, cricket and tennis, together with two multipurpose pitches (MA/13/0358).
- 5.1.6 As stated above, the application site is located in open countryside, the boundary of the village of Marden being marked approximately 250m to the south of the site by the railway line.

5.2 Proposal

- 5.2.1 The proposed development is the erection of a single dwelling, together with associated on site parking and landscaping.

- 5.2.2 The proposed dwelling would be a detached two storey five bedroom property located in the west of the site in the north of the position of the existing, albeit unlawful, manège. The development would constitute a modern interpretation of an early nineteenth century traditional oast. A typical traditional Kentish oast was made up of either a two or three storey stowage, with between one and eight circular (or more rarely square) kilns (or roundels) which generally ranged in size from 12ft (3.66m) to 18ft (5.49m) in diameter, with a conical roof. External kilns were built from brick, ragstone, or ragstone and brick, with tiled or slated roof(s). The top of the roof was open and carried a cowl or louvred vent.
- 5.2.3 The proposal is for the erection of a dwelling comprising four roundels in a quatrefoil arrangement with a central atrium. The roundels would be bluntly truncated, each providing an apex rooflight to the interior of the mezzanine floor. The maximum diameter of the footprint of the building would be 16.282m, whilst eaves heights would be 4.8m. The maximum height of the building (to the pinnacles of the roundels) would be 12.8m. Bumpers Hall, one of the largest buildings in the ribbon development, for comparison, has eaves heights of 5m and a ridge height of 6.9m.
- 5.2.4 On site parking would be provided to the north of the main dwelling, in the approximate position of the unlawful stable building. The remainder of the land is shown on the submitted plans as providing private garden land associated with the dwelling.
- 5.2.5 The building would be constructed entirely of red brick. Whilst red brick represents a traditional Kentish material common in the locality, the use of it for roofing would differ from the vernacular use of tiles which traditionally provides a visual interface between walls and roofs. The use of rooflights to the roofs of the roundels would also be out of keeping with the historic character and appearance of oast buildings, as would the omission of cowls and the use of integral lights as an alternative. No further detail is provided in respect of the materials, although the design and access statement indicates an aspiration to use the materials to provide visual interest through variation of colour over the vertical and the use of textured brickwork, no specific details of how this would be achieved has been provided. Similarly, whilst the design and access statement places emphasis on the *"seamless appearance between wall and roof..., expressed by the use of the same cladding material"* no information has been provided in respect of how this would be achieved, such as details of rain water disposal and ventilation. Details of the fenestration, which would also be key in safeguarding the texture and visual interest of the building, is similarly omitted from the application documentation.

5.3 Principle of Development

- 5.3.1 The application is located in open countryside outside the defined settlement boundary of Marden, and as such is subject to the normal constraints of development in such locations under policy ENV28 (Development in the

Countryside) of the Maidstone Borough-Wide Local Plan 2000, which seeks to protect the character and appearance of the open countryside, and restricts new development in the open countryside to certain defined exceptions as set out in the Local Plan. New residential development does not fall within the exceptions set out in the policy, or elsewhere in the Development Plan.

5.3.2 The National Planning Policy Framework 2012 (NPPF) supports this Local Plan resistance to residential development in the open countryside unless there are special circumstances, which are set out and defined as being:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside;
- Where such development would represent the optimal viable use of a heritage asset or would be enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or design or innovative nature of the design of the dwelling.

5.3.3 The proposal is not for a rural worker's dwelling, and would not constitute either the reuse of an existing building (whether a heritage asset or otherwise) or enabling development.

5.3.4 The comments of the Parish Council and Councillor Nelson-Gracie are noted in regard of the design and quality of the scheme. The proposal is undoubtedly an interesting, relatively bold design with excellent sustainability credentials reflecting some elements of a traditional agricultural oast and its kilns. However, its scale and massing is of a massive, monolithic scale, without the differentiation between the walls and roof form of the traditional form to provide visual interest and relief. The width (of up to 16m from the edge of one kiln to the opposite kiln), height, the radial plan with its four kilns and internal configuration is also considerably larger than a traditional kiln and has led a large footprint which has essentially dictated the overall scale of the structure.

5.3.5 The proposal is of a large scale and one which will have a significant visual impact on the surrounding countryside, and which would be visually incongruous in relation to the surrounding properties, which are of a more modest scale. It will appear as an oversized and enlarged oast structure, and its roofline, although tapering, would be seen from long distances. Although the proposal is of a traditional design displaying a modern approach, it cannot be considered to be of an exceptional design under the test set out in the NPPF's paragraph 55 (point 5), failing to be truly outstanding or innovative, to reflect the highest standards in architecture, significantly enhancing its immediate setting, and responding sensitively to the defining characteristics of the local area.

- 5.3.6 It is noted that the applicant does not indicate a reliance upon the “exceptional or innovative design” of the dwelling in putting forward an argument in favour of the proposal in the application documentation. I note the applicant’s argument that the reuse of previously developed land is in accordance with NPPF objectives, however this does not, in this case, outweigh the presumption against new residential development as set out in paragraph 55 of the NPPF. In any case, the applicant’s position is to my mind significantly weakened given the matter of the breach of planning control set out above in paragraphs 2.1 and 5.1.3.
- 5.3.7 In respect of the five year housing land supply, whilst this is a recognised issue, the very limited impact that the introduction of a single dwelling in an inappropriate location would have in addressing this matter does not outweigh the policy objection to the proposal.
- 5.3.8 For these reasons it is not considered that the proposed development represents any of the exceptions set out in the NPPF, and therefore that the proposal is unacceptable in principle. Notwithstanding this objection in principle, I will now discuss the harm caused by this proposal in more detail.

5.4 Design and Visual Impact and Impact on the Open Countryside and Streetscene

- 5.4.1 As set out above, the proposed development would take the form of a quatrefoil adoption of the traditional oast roundel form, and would as a result of its extensive footprint and overall form, have a height which would significantly exceed that of the surrounding properties. The disruption of the streetscene and visual harm to wider views of the open countryside that would result from the development would be exacerbated by way of the use of extensive glazing to the roofs of the roundels, and the monolithic appearance and bulk of the building.
- 5.4.2 Whilst oasthouses are widely recognised as a historic feature of the Kentish environment, the proposal fails to incorporate attractive traditional features which would relieve the oppressiveness of the design. I concur with the comments of the Council’s Conservation Officer that the external treatment of the building would emphasise the “over-heavy and unrelieved appearance” of the building, and thereby compound the limitations of the overall design of the dwelling, and consequently its detrimental impact in views of the open countryside. The dwelling would, as a result, be overly-dominant, intrusive and harmful to the character and appearance of this open countryside location, particularly in long views from public rights of way in the surrounding area.
- 5.4.3 Furthermore, the buildings which the proposed dwelling would be grouped with, whilst of conventional Kentish appearance, do not constitute buildings of a specific rural or agricultural character per se, and as such the introduction of a pastiche of an oast house would be visually incongruous in this location.

5.4.4 For these reasons, notwithstanding the objection in principle to the development, the proposal is considered to be unacceptable in respect of its detailed design and overall appearance and scale, and its failure to respect either the established pattern of development in the local vicinity or the wider rural built environment, and detrimental impact upon the character and appearance of the open countryside in this location. The proposal would furthermore set an unwelcome precedent for other isolated dwellings in the countryside, of an appearance resembling a collection of modern/new oast kilns, which fail to demonstrate any exceptional standard of design.

5.5 Other matters

5.5.1 In addition to resulting in environmental harm by way of impact on the setting and the wider appearance and character of the open countryside and failure to achieve the necessary quality of design, the proposal site, whilst located in close proximity to an isolated group of dwellings, is essentially in a rural location remote from the facilities and services which future occupiers would be expected to rely upon. As such the proposal would introduce an unsustainable new development the occupiers of which due to the paucity of public transport and nearby facilities would be largely dependent on private motor vehicles for their primary access to shops, medical and educational facilities and other similar services.

5.5.2 The development therefore represents an unsustainable form of development.

5.5.3 The development would be served by an existing access to the public highway, and the Kent County Council Highway Services Engineer has raised no objection to the proposal on this ground or that of the level of on site parking proposed.

5.5.4 The Council's Landscape Officer has raised concern over the quality of the landscaping scheme proposed, however it is considered that this matter could be addressed by way of planning condition if necessary.

5.5.5 The character of the site is such that it is unlikely to provide habitat for protected species, comprising a manege, a reasonably well maintained stable building and a mown grass paddock surrounded by garden land and intensively farmed orchards.

5.5.6 The proposal is not located in close proximity to any heritage assets, and is not in a location recorded by the Environment Agency as being prone to flood. It is not considered that the proposal would give rise to harm to the residential amenity of the occupiers of neighbouring dwellings by virtue of the separation distances involved.

5.5.7 Whilst the extant permission on an adjacent site for the Marden Cricket and Hockey Club is noted, as set out above this consent has not yet been implemented, and as such, whilst a material consideration, has limited weight in the determination of the current application. Whilst I recognise that the

implementation of the extant permission (subject to approval of reserved matters) would inevitably change the character of the current application site, this would not overcome the policy objection to a new dwelling in the open countryside for which there is no planning justification, as set out above in section 5.3, which would remain regardless of the changes to the surrounding context.

5.5.8 It is also the case that a proposal for a single dwellinghouse which is contrary to local and national planning policy is not assessed in a similar manner to the application for a community facility for a high quality scheme which would result in wider social benefits and necessitates a rural location. The two applications are therefore not directly comparable in terms of their assessment against planning policy.

6. CONCLUSION

6.1 For the reasons set out above, the proposal is considered to represent the introduction of an isolated dwellinghouse in a rural location which is not justified by way of complying with any Maidstone Borough-Wide Local Plan 2000 policy or Section 55 of the National Planning Policy Framework 2012, and would contribute towards sporadic development in an unsustainable location. In addition, the proposed development is poorly related to the surrounding pattern of development and fails to achieve the high quality of design sought by the National Planning Policy Framework 2012, and would thereby cause harm to the character and appearance of the open countryside.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposal site lies within open countryside outside any defined settlement, and represents a form of development for which there is no policy justification. The proposal would introduce new residential development in an unsustainable location poorly related to public services and facilities where future occupants would be reliant on private motor vehicles and which, through the introduction of sporadic development, would harm the character and appearance of the countryside contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and national planning policy and central government planning policy, as set out in the National Planning Policy Framework 2012, which seek to secure sustainable patterns of development and safeguard the character and appearance of the open countryside.
2. The proposed development, by way of its mass, detailed design and overall appearance would fail to respect, respond and relate to the established pattern of built development in the immediate surroundings and the wider context of rural Marden, and would result in significant harm to the character and appearance of the open countryside and natural environment. For this reason

the proposed development would be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and national planning policy and central government planning policy, as set out in the National Planning Policy Framework 2012, which seek to secure a satisfactorily high quality of design and safeguard the character and appearance of the open countryside.

Informatives set out below

The retention of the stables and manege on the land is in breach of conditions 2 attached to MA/03/0302 and 2 attached to MA/03/1443 following cessation of the use of the land for the keeping of horses; a breach of planning control has therefore occurred. Please regularise this matter, or formal enforcement action may be taken.