

## REPORT SUMMARY

<b>REFERENCE NO - 13/2220</b>			
<b>APPLICATION PROPOSAL</b> Proposed extension to studio to form dwelling as shown on drawings 375P-001 Rev A, P-003 Rev A, P-004 Rev A, P-005 and the Design, Access and Planning Statement received on the 24 <sup>th</sup> December 2013.			
<b>ADDRESS</b> Weavers Cottage, Copper Lane, Howland Road, Marden, Tonbridge, TN12 9DH			
<b>RECOMMENDATION</b> REFUSE			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"><li>• Departure from the development plan;</li><li>• Parish Council request that the application is heard before Members of the Planning Committee.</li></ul>			
<b>WARD</b> Marden and Yalding		<b>PARISH/TOWN COUNCIL</b> Marden	<b>APPLICANT</b> Mrs P Bowles <b>AGENT</b> Helen Phillips, RPS Group Limited
<b>DECISION DUE DATE</b> 19/03/14		<b>PUBLICITY EXPIRY DATE</b> 12/03/14	<b>OFFICER SITE VISIT DATE</b> 21/03/14
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/11/0637	Application for a certificate of lawful development for a proposed new single storey studio for private use.	Granted	15/06/11
MA/10/0538	Erection of a new ecological live/work unit including external store and carport	Refused	01/07/10
MA/09/2029	Erection of a new dwelling including external store and carport	Refused	04/01/10
MA/08/1445	Erection of a single dwelling including store/outbuilding and carport	Withdrawn	11/09/08

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 The application site is part of the garden land associated with the dwelling "Weavers Cottage" located to the south west of the T junction formed by Howland Road and Copper Lane. The site is located around 380m east of the settlement boundary of Marden as defined in the Maidstone Borough Wide Local Plan 2000. Therefore whilst not having any specific designation the site lies within the open countryside for development plan purposes.
- 1.2 The application site is the northern part of the garden, which currently contains a single storey building (MA/11/0637 refers), which is used by the applicant as a studio for her textile works, quilt making and teaching textile crafts.

- 1.3 The subdivision of the plot would essentially run east to west across the site using the existing site access leaving Weavers Cottage with a garden area in the southern larger plot (2,670sqm) and the application site to the northern smaller plot (1,400sqm).

## **2.0 PROPOSAL**

- 2.1 This application seeks planning consent for the erection of a two storey dwelling linked to the eastern elevation of the existing studio building together with a detached double garage and garden store.
- 2.2 The dwelling would have a footprint of approximately 57sqm (8m x 7.1m) with a ridge height of 5.8m. It would have a hall, ground floor WC/utility room and open plan living area containing a kitchen to the ground floor with two bedrooms, a bathroom and small storage area to the first floor. It would be linked to the existing studio building via its existing porch would be enclosed to form an entrance lobby to provide secure access to both the studio building and the dwelling.
- 2.3 The garage/store building would have a footprint of 24sqm (6m by 4m) with a roof height of 1.8m. It would be located to the south of the proposed dwelling and separated from it by a paved area of approximately 2m.
- 2.4 The proposed dwelling and garage building would be constructed to match the existing studio building with natural weather boarding to the walls, zinc standing seam roofing and triple glazed windows.
- 2.5 The existing vehicular access would serve both the new development and Weavers Cottage, with turning areas provide to each of plots to allow vehicles to enter and leave in forward gear.
- 2.6 The agent advises that the project has been designed as an eco friendly, low energy development and would be constructed using prefabricated walls and roof panels which can be erected on site within a 2/3 period to minimise disturbance to neighbours and site wastage. He states that the thermal insulation values for the development are approximately twice current UK standards and the proposed development would require only 20% of the energy for space heating compared to a traditional brick built house. The dwelling would take around 78 years to become carbon neutral and all the materials utilised in the development are 100 biodegradable. He adds that the house has been orientated to suit solar requirements and to avoid overlooking of, and by, adjoining houses. The agent also advises that the residential element of the scheme has been designed to meet or exceed the guidelines and standards, but gives no information as what level Code for Sustainable Homes the development would achieve.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF) 2014: Chapters 3, 4, 6, 7  
National Planning Practice Guidance (NPPG) 2012  
Development Plan: ENV28

## **4.0 LOCAL REPRESENTATIONS**

- 4.1 None received.

## 5.0 CONSULTATIONS

- 5.1 **Parish Council:** *“Cllrs noted that a previous application for a dwelling on this site had been refused by Maidstone Borough Council on ENV28 grounds and no ecological survey had been undertaken (MA/10/0538).*

*All Cllrs voted that this application be refused on planning policy ENV28 (as per condition (1) of MA/10/0538) and that this application go to MBC Planning Committee.”*

- 5.2 **Southern Water:** The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub soil irrigation. The owner of the premises will need to maintain the septic tank to ensure its long term effectiveness.
- 5.3 **UK Power Networks:** No objections to the proposed works.
- 5.4 **KCC Highways:** Raise no objection on behalf of the local highway authority.
- 5.5 **MBC Landscape:** There are no protected trees in the vicinity of this proposal and the development is unlikely to have an adverse impact on any significant trees. I therefore raise no objection on arboricultural grounds.

However, the landscaping on site boundaries is currently poor and, therefore, if you are minded to grant consent, I would like to see a landscape condition attached.

## 6.0 APPRAISAL

- 6.1 It is submitted that the applicant, who currently lives in Weaver Cottage, uses the existing building on the application site as a studio for her textile works and for teaching craft classes in textiles. It is advised that the Weavers Cottage requires major updating and is a large house with five different floors and is, therefore, too large for the applicant as a single person. The applicant proposes to dispose of Weavers Cottage if the proposed dwelling is granted consent.
- 6.2 The application site lies outwith any village envelope or defined urban area and is within the open countryside for the purposes of the development plan.

The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or
- (2) The winning of minerals; or
- (3) Open air recreation and ancillary buildings providing operational uses only; or

- (4) The provision of public or institutional uses for which a rural location is justified; or
  - (5) Such other exceptions as indicated by policies elsewhere in this plan.
- 6.3 Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources."
- 6.4 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 6.5 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm.
- 6.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;  
  
*'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'*
- 6.7 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). This was agreed by Cabinet on 27th January 2014 and on 24th February 2014 to be included within the draft Local Plan (to be sent out for public consultation).
- 6.8 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position will not have changed significantly and would still remain below the 5 year target.

- 6.9 This lack of a five year supply is a significant factor and at paragraph 49 the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.10 It is noted that the NPPF has at its heart a presumption in favour of sustainable development and in this case, the application site is not within a site allocated for housing development. It is not located within the confines or next to a rural settlement but is found on rural road with sporadic development nearly 400m from the eastern edge of the Marden settlement boundary. The dwelling is not proposed for a farm, forestry or other rural worker and to provide a dwelling in this location would result in an unsustainable form of development where any future occupiers would rely on the private motor car for services, facilities, health care needs etc.
- 6.11 I note that the applicant's personal circumstances have been submitted to support this proposal, but her job does not demand a rural location and whilst it is acknowledged that the applicant's existing house Weaves Cottage is too large for the applicant as a single person, but these reasons do not represent special reasons why planning permission should be granted for a new dwelling in an unsustainable location.
- 6.12 The agent has supplied two appeal decisions where consent has been granted for dwellings in the countryside outwith defined built up settlements. The first decision relates to a site in Eastleigh, Workhouse Lane, East Farleigh in Maidstone and the second to a site in Wilde Street, Beck Row, Suffolk. I will consider each of these in turn.
- 6.13 Whilst Workhouse Lane also lay in open countryside outwith any defined built up settlement, it is characterised by residential ribbon development along both sides. The appeal site was a piece of garden land between two detached properties and could be considered as infilling of a gap within an essentially built up frontage. It is also noted that the site, although some distance from the facilities and services within the settlement of Coxheath, was within walking distance of them. In this instance, the proposed dwelling could not be considered to infill a gap in an otherwise built up frontage, as whilst there are other dwellings on Howland Road, they are sporadic in nature and given the distance of the site to the settlement boundary I do not consider that it is within walking distance to Marden's services and facilities.

- 6.14 The second appeal decision (Wilde Street, Suffolk) relates to a site within an existing loose cluster of development and the Inspector concluded that it would not result in an isolated new dwelling in the countryside. It is also noted that the site was within walking distance of the village of Beck Row which was designated in Forest Heath District Council as "*primary village which provides basic local services.*" Again the circumstances of this current application differ from those of the appeal site for the reasons raised in the paragraph 6.13.
- 6.15 It is accepted that the Council does not have an identified five year housing land supply and the development of a single dwelling can make a valuable, albeit small, contribution to the housing supply. The application site is not considered suitable for residential development as it is fundamentally unsustainable and due to the visual harm that would be caused by the development as outlined below.
- 6.16 I note that there is hedging/planting to the site's boundaries with Howland Road and Copper Lane, but this is poor in some areas. The existing building on the site can be seen from both of these roads and the proposed dwelling and garage added to this building will, in my opinion, add to the bulk of this building increasing the visual prominence of the site. The proposed development, for which there is no justification, would, therefore, be harmful to the character and appearance of the area.
- 6.17 Being over 20 metres from the nearest dwelling (Weavers Cottage) to the south, I do not consider there would be any unacceptable impacts upon the amenity of this property or other dwellings to the west and east.
- 6.18 The site has an existing access with adequate visibility onto Copper lane and sufficient parking space is provided.

## **7.0 CONCLUSION**

- 7.1 The proposed development lies outside any defined settlement, within open countryside and represents a form of unsustainable development for which there is no overriding justification. The proposals would further consolidate existing sporadic development detrimental to the character and appearance of the countryside hereabouts. In balancing issues, although the Council cannot currently demonstrate a five year supply of housing, I do not consider the benefit of providing a single house, which would make little difference to housing supply, outweighs this harm and policy conflict. I consider the adverse impacts would significantly and demonstrably outweigh the benefits and recommend refusal for the following reason.

## **8.0 RECOMMENDATION – REFUSE for the following reason:**

1. The proposed development lies outside any defined settlement, within open countryside and represents a form of unsustainable development for which there is no overriding justification. The proposals would further consolidate existing sporadic development detrimental to the character and appearance of the surrounding area.

## Planning Committee Report

Case Officer: Annabel Hemmings

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.