

REPORT SUMMARY

REFERENCE NO - 14/0700			
APPLICATION PROPOSAL Outline application for the erection of self build three bed dwelling with all matters (access, scale, appearance, layout and landscaping) reserved for future consideration			
ADDRESS Bramleys, Marden Road, Staplehurst, Tonbridge, Kent, TN12 OPE			
RECOMMENDATION REFUSE			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none">Contrary to view expressed by the Parish Council			
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr Royston Keep AGENT N/A	
DECISION DUE DATE 19/06/14	PUBLICITY EXPIRY DATE 19/06/14	OFFICER SITE VISIT DATE 16/05/14	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
69/0066/MK2	Addition to form bathroom, kitchen and bay window.	Approved	19/04/69
MA/76/1064	Additional bedrooms and bathroom over existing ground floor extension	Approved	06/10/76
MA/94/0543	Erection of a three bay garage/workshop with games room.	Withdrawn	03/05/94
MA/01/0294	Erection of double garage	Approved	26/03/01

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is part of the garden land associated with the semi detached dwelling "Bramleys" located on the southern side of Marden Road. The site is located around 300m west of the settlement boundary of Staplehurst 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 western half of the existing garden to Bramleys and is essentially rectangular and measures approximately 790sqm (21.6m by 36.6m). It is currently planted and domestic in character with a shed and vegetable patch
- 1.3 There is some sporadic residential development along this part of Marden Road, but its character is rural and open.

2.0 PROPOSAL

- 2.1 This application seeks consent for the erection of a three bed self build dwelling on the site. It is an outline application with all matters (access, scale, appearance layout and landscaping) reserved for future consideration.

- 2.2 An illustrative plan has been submitted which shows the proposed dwelling located to the east of the application set almost in line with Bramleys and served by a double garage and entrance drive from Marden Road. These are illustrative details and the Council is not making a decision on the detail of the scheme at this stage only the principle of a new residential dwelling on the site.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012: Chapters 3, 4, 6, 7
National Planning Practice Guidance (NPPG) 2014:
Maidstone Borough Local Plan 2000: ENV28

4.0 LOCAL REPRESENTATIONS

- 4.1 None received.

5.0 CONSULTATIONS

- 5.1 **Parish Council:** Recommend approval and request that rigorous drainage conditions be applied.

- 5.2 **Southern Water:** There is a foul rising main crossing the site. The exact position of the rising main must be determined on site by the applicant before the layout of the proposed development is finalised.

- No development or new tree planting should be located within 3 metres either side of the centreline of the foul rising main;
- No new soakaways should be located within 5 metres of a public sewer; and
- All existing infrastructure should be protected during the course of construction works.

Should any sewer be found during construction works, an investigation of the sewer be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for connection to the foul sewer to be made by the applicant or developer. They request an informative to that effect is attached to any grant of planning permission.

Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

- 5.3 **Environment Agency:** No objection to the development at this location. Request that conditions relating to unexpected contamination and sustainable surface water drainage and a series of informatives are attached to any grant of planning consent.
- 5.4 **KCC Highways:** *"The proposed boundary between the existing and proposed properties removes the existing turning facility on the driveway. As a result there is no space to turn on either the existing or proposed site and this will lead to vehicles reversing onto Marden Road which is not conducive to highway safety. I would therefore recommend that additional space be provided for turning on both the existing and proposed sites."*

- 5.5 **MBC Landscaping:** there are no protected trees on or immediately adjacent to this site and there are no arboricultural constraints relating to this outline proposal. However, an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 will be required should permission be granted.

The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

6.0 APPRAISAL

- 6.1 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.

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

- 6.2 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.
- 6.3 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.
- 6.4 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;’

- 6.5 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).
- 6.6 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.
- 6.7 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.
- 6.8 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 a 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.
- 6.9 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.
- 6.10 There is some planting to the site's boundary with Marden Road, but this is generally low and provides limited screening to the site. The existing property Bramleys can be seen from the road and the proposed dwelling will also be readily viewed from the road, increasing built development in the area. The proposed development, for which there is no justification, would, therefore, be harmful to the character and appearance of the area.
- 6.11 As the application is in outline with all matters reserved for future consideration, the detailed appearance and location of the proposed dwelling have yet to be confirmed. I am, however, satisfied that a dwelling could be accommodated on the site without adversely affecting the residential amenities of the occupiers of surrounding properties.

- 6.12 I note the concerns of KCC Highways in relation to the possibility of the development on the site not providing space for vehicles to turn within the site resulting in vehicles reversing onto Marden Road. These comments are based on the submitted illustrative plan and access to the site is a matter reserved for future consideration. It is noted that KCC Highways do not raise an objection to the principle of a new dwelling on the site and, in my opinion, it is likely that a detailed scheme could provide sufficient on site turning space to avoid the need for vehicles to reverse onto Marden Road.

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.

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.