Report to Planning Committee – 23 June 2022 ITEM 2.6

2.6 REFERENCE NO - 21/504388/FULL		
APPLICATION PROPOSAL Erection of a permanent agricultural dwelling with associated parking.		
ADDRESS Woodland Farm High Oak Hill Iwade Road Newington Kent ME9 7HY		
RECOMMENDATION Grant subject to conditions and SAMMS payment		
SUMMARY OF REASONS FOR RECOMMENDATION There is an essential need for the applicant to reside at the site in order to operate the business, and whilst the proposed dwelling is large in scale, it is proportionate to the size of the farm.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection and called in by Ward Member		
WARD Bobbing, Iwade And Lower Halstow	**PARISH/TOWN COUNCIL** Bobbing	**APPLICANT** Mr Jy Stedman **AGENT** Consilium Town Planning Services Limited
DECISION DUE DATE 05/11/21	**PUBLICITY EXPIRY DATE** 24/02/22	

Planning History

14/506862/FULL
Variation of condition No.1 of planning permission SW/12/1221 to extend permission for mobile home for a further 3 years.
Approved Decision Date: 07.12.2015

SW/14/0502
Erection of poultry shed and grainstore, with associated access tracks, hardstandings, turning areas, land profiling and feed silos.
Approved Decision Date: 24.10.2014

SW/12/1221
Relaxation of condition (2) appended to planning permission SW/10/0631 to enable mobile home to be retained on site until the 25th January 2015
Grant of Conditional PP Decision Date: 13.11.2012

PN/11/0002
Prior notification for 3 agricultural buildings.
Prior Approval Required Decision Date: 11.02.2011

SW/10/0631
Erection of poultry house and temporary stationing of mobile home with associated improvement of existing access and provision of parking and turning areas.
Grant of Conditional PP Decision Date: 03.09.2010

1. DESCRIPTION OF SITE

1.1 The site is an established egg farm, and the land owned by the applicant extends to roughly 24 hectares of land, incorporating 9.5 Ha of grassland and the remainder as woodland. The south eastern section of the site is grassland that slopes steeply down towards High Oak Hill. The north western section of the site is woodland. The site is elevated and has wide ranging views over the Newington valley. The land included within this application is 0.2 hectares in size and is roughly rectangular. It includes the existing access onto the site from High Oak Hill and the area is located to the north east of the site.

1.2 The existing farm buildings are comprised of two large poultry sheds housing 28,000 hens, a barn, storage building and mobile home. The mobile home is occupied by the applicant and his family and was originally granted temporary planning permission under application SW/10/0631. Temporary permission for the mobile home has been extended by a number of applications, most recently under application 14/506862/FULL, where a condition on this application required it to be removed from site on or before 10th December 2018. No further applications have been submitted to extend this time period and as such the mobile home is currently in breach of this condition.

1.3 The site lies within the countryside, 220m to the northeast of the Newington Church Conservation Area. The site also lies within an Area of High Landscape Value. High Oak Hill, the highway off which the access to the site is taken, is designated as a Rural Lane. Wardwell Woods, the adjacent woodland to the north, is designated as a Local Wildlife Site whilst Hawes Wood also to the north is designated as ancient woodland. The surrounding area is mainly characterised by agricultural fields, with the closest dwelling, The Bungalow, lying to the east of the site.

2. PROPOSAL

2.1 This application seeks planning permission for the erection of a permanent agricultural dwelling at the site, which will replace the existing mobile home. The new dwelling will be located to the south east of the mobile home, on an area of maintained grassland. A gravel track will be created from the existing access road through the site, to provide vehicular access to the dwelling. Two parking spaces are shown to the front of the new dwelling, although additional parking could be achieved along the gravel driveway.

2.2 The property consists of a 4 bed detached dwelling, with projecting gables on the front and rear elevations and a single storey side extension on the north western side of the property. The ridge height of the dwelling will be 8.3m, whilst the eaves height will be 5m. Following the submission of amended plans reducing the scale of the dwelling, an open plan kitchen/dining room, lounge, office, boot room and cloakroom will be provided on the ground floor. On the first floor, four bedrooms and a bathroom will be provided. Proposed materials include facing brickwork, timber weatherboarding and clay roof tiles.

2.3 The planning statement sets out that the *"the owner of the business has lived on the site within the mobile home since 2010 and as created a very successful and important business providing free range eggs to the local area creating a successful rural company. As the company has expanded the on-site care of the poultry has become an ongoing necessity and the owners family has also grown and it is now difficult to balance a family life and the business from a mobile home, which is obviously restricted in size and amenities. The mobile home has been used on the site for over a ten-year period and whilst it was adequate for a single occupier it is now cramped and considered unsustainable for a family."*

3. PLANNING CONSTRAINTS

3.1 Ancient Woodland – Hawes Wood lies to the north west of the site

3.2 Local Wildlife Site – Wardwell Woods lies to the north west of the site

3.3 Potential Archaeological Importance

3.4 Newington Church Conservation Area lies to the south west of the site

3.5 Iwade Road is a designated Rural Lane

3.6 Area of High Landscape Value Swale Level

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) encourage the provision of new dwellings within the defined built up areas, or outside of those areas in certain exceptional circumstances such as for the provision of agricultural worker's accommodation, or the provision of affordable dwellings to meet an identified local need.

4.2 Paragraph 78 of the NPPF, in particular, states that *"to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities… Local Planning Authorities should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- *The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *Where such development would represent optimal viable use of a heritage asset; or*
- *Where the development would re-use redundant or disused buildings…; or*
- *The exceptional quality or innovative nature of the design of the dwelling. Such a design should be:*
  o *Truly innovative…*

o *Reflect the highest standard of architecture;*
o *Significantly enhance its immediate setting…"*

4.3 Development Plan: Policies ST1, ST3, CP3, CP4, DM3, DM7, DM12, DM14, DM19, DM24, DM26, DM29 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

5. LOCAL REPRESENTATIONS

5.1 Cllr Horton requested the application is called into committee if the planning department is recommending the application is approved.

6. CONSULTATIONS

6.1 Newington Parish Council object to the application, providing the following comments:

"Proposal for an impressive and imposing house; location will be visible from the village and harm the visual amenity of views of the woods on the hillside north of the village.

The planning statement gives a chronology of the chicken farm, but also contains errors:
It was considered at the time by the Local Planning Authority that this was essential to the functioning of the enterprise and provide security
This was the case made by the applicant. The local planning authority only granted temporary permission for a mobile home in a specified location, not visible from the village, and granted a temporary extension in 2014 – which has lapsed and could be the focus of enforcement action.

The Planning statement includes:
1.3 The proposal has been the subject of pre-application correspondence with the Local Planning Authority (Megan Harris) and the written response received dated on 14 April 2021 (21/500434/PAMEET) is attached in Appendix 1
There is no appendix 1 in the planning statement and so Newington Parish Council does not know what advice has been sought or given.

The planning statement quotes the NPPF
The new National Planning Policy Framework (NPPF) (2021) and National Planning Practice Guidance (NPPG) encourage the provision of new dwellings within the defined built up areas, or outside of those areas in certain exceptional circumstances ***such as for the provision of agricultural worker's accommodation*** *(emphasis added), or the provision of affordable dwellings to meet an identified local need.*

This proposal is not within the defined built up area and it is certainly not an 'affordable dwelling'. We question the need for on-site accommodation given the availability of

devices to monitor and control equipment remotely. We note the pattern, across the country, of farmers selling desirable farmhouses and managing the farm equipment and security through use of 'apps' and do not understand why this could not be employed here.

The current on-site accommodation in a caravan was agreed for temporary extension in 2014. We regret that there has been neither a submission for further extension nor enforcement action by the local planning authority. We see nothing in the planning statement to suggest that changes or proposed changes to the farming methods require enhanced accommodation.

Kent Wildlife Trust confirms the site as ancient woodland 'irreplaceable habitat'. In addition to the endangering of woodland habitat the proposal would mar the visual amenity of this woodland from the village. If there were to be clear business case proving irrefutable necessity for on-site permanent accommodation, we suggest this should be through a modest unobtrusive bungalow positioned where the caravan is currently sited"

6.2 Bobbing Parish Council – No comments.

6.3 Health and Safety Executive – Does not advise against the granting of planning permission on safety grounds.

6.4 Rural Planning Consultant – *"In 2011/12 Mr Stedman established a new free-range hen venture on some 16.4 ha, based on a 12,000 bird flock housed in a newly permitted poultry building. Planning permission was later granted under SW/14/0502 for a further free range poultry house for another 16,000 hens, plus two feed silos, the erection of a grain/feed store, and associated works.*

The unit continues to require the on-site presence of a responsible owner/manager and provide a good level of profit. In principle, there is sufficient functional and financial justification for the provision of a suitable permanent dwelling here. The main issue to consider, in my view, is whether the particular dwelling proposed is appropriate, having regard to its role as a dwelling that would be restricted to agricultural occupancy, and would be permitted as an exception to the usual policy restraint on building houses in isolated countryside locations…

The house currently proposed remains much bigger, in my experience, than those usually permitted as a farm dwelling. It would include (ground floor) entrance hall with stairway, farm office , lounge, farm kitchen, farm boot room; (first floor) 4 double bedrooms, on with en-suite facilities, family bathroom, laundry room, and galleried landing. I estimate the gross external area to be some 276m2.

Whilst the office and boot room, for example, might to be argued to be farm-business related rather than private family accommodation, these rooms appear large for the

purpose. It would be impossible, I suggest, to control exactly how individual rooms are used once the house were built. In any event I see no particular reason why the house needs to be so large in order to meet the functional requirements of the business and provide a reasonable family home.

The Planning Statement goes on to give a building cost estimate of "£270,000 based on an estimated cost of £150 per square metre". Again this is clearly an error and presumably what is meant is £150 per sq ft (1,810 x £150 = £271,500). However as the actual size is some 2951 sq.ft, the equivalent estimate would be £442,650.

Furthermore this is only a rough figure and no detailed estimate based on the particular design, and proposed materials, appears to have been submitted, nor any evidence of loan availability.

Accounts have been submitted for the four years up to 05 April 2020. There are no accounts submitted for the last financial year, but assuming the results remain comparable, it would appear that a good level of profit is being achieved. Nevertheless the net results from this sort of enterprise are very susceptible to relatively small changes in factors such as egg output, egg price, and feed price, and I would still be concerned, over the longer term, that the sort of large and expensive dwelling that is currently proposed would be affordable from the income that the farm business can sustain. This could lead to difficultly in complying with the usual agricultural occupancy condition and pressure for the removal of such a condition.

In conclusion, therefore, in my view the proposed dwelling does not properly comply with Local Plan policy DM12 and other guidance as to what sort of dwelling is normally considered appropriate for a farmhouse on a holding such as this."

The agent provided further financial details and the likely cost of the dwelling, and the Rural Planning Consultant was reconsulted. He reiterated his concerns that the dwelling was overly large, but didn't refer specially to a concern about the cost of the dwelling.

6.5 Environmental Health – No objections subject to standard hours of construction condition and provision of an electric vehicle charging point.

6.6 Forestry Commission – refer to standing advice.

6.7 Natural England – Development will result in the construction of a new dwelling within 6km of the SPA and as such mitigation is required. Refer to standing advice on ancient woodland.

6.8 Kent Wildlife Trust – *"Given the close proximity of the development to the LWS/ancient woodland we advise that measures for avoiding impacts during the construction phase should be specified, and secured via a suitable planning condition. It is anticipated that impacts from construction will include disturbance of wildlife through increased noise*

and lighting, contaminated surface water runoff, as well as degradation of ancient woodland habitat through dust which may have direct impacts on plant health and survival. We advise that lighting and drainage strategies, which account for sensitive wildlife receptors, be submitted and secured. Further, a construction management plan should identify measures to avoid impacts to the protected site.

It is Kent Wildlife Trusts view that a 50m buffer strip comprising managed traditional orchard habitat, in combination with a suitable mitigation strategy for the construction stage, should be sufficient to avoid degradation of the LWS/ancient woodland."

The distance between the propose dwelling and LWS/ancient woodland is 32m, and as such only a 32m buffer zone is provided. I sought clarification from Kent Wildlife Trust to understand whether they are satisfied with a 32m buffer zone. They provided the below comments:

*"It is my opinion that **if** a 32m buffer zone was suitably maintained for the benefit of wildlife and therefore served as a functional buffer zone then it is likely to be sufficient to protect the woodland from the development of a single dwelling. This is reliant on suitable conditions securing the protection of the buffer zone and the implementation of a management plan which has been prepared by an ecologist."*

6.9 KCC Ecology – *"As the site is regularly grazed/mown grassland we are satisfied that it is unlikely that protected species will be impacted by the proposal and as such do not require specific species surveys to be carried out.*

The proposal is within 50m of the Hawes Wood and Wardwell Wood, Newington Local Wildlife Site (LWS) and Ancient Woodland (AW) and therefore there is potential for the operational and construction phase to negatively impact the LWS and AW. To address the impacts from construction we advise that measures must be included within the construction management plan to minimise impacts due to increase in dust or water run off.

To address the impacts from the operational phase we recommend that the lighting is designed to minimise impacts associated with external lighting – we recommend that the measures within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals are also relevant to minimising impacts on the LWS and AW.

One of the principles of the National Planning Policy Framework is that "opportunities to improve biodiversity in and around developments should be integrated as part of their design" In addition to the inclusion of ecological enhancement features within the building /site we recommend we recommend that a strip of vegetation directly adjacent to the LWS/AW is, largely, left unmanaged to enable plants and grasses to grow and set seed. This will create a buffer between the site and the LWS/AW and provide additional habitat for insects which, in turn, will support the pollination within the orchard.

We recommend that if planning permission is granted an ecological enhancement plan is submitted as a condition of planning permission. Suggested wording at the end of the report."

6.10 KCC Highways – Proposal doesn't meet the criteria to warrant involvement from the Highways Authority.

6.11 KCC Archaeology – *"The proposed development lies in an area with archaeological potential especially arising from remains on the nearby high land. The proposed new development would involve ground excavations in presently undeveloped land. Given the potential for impact on archaeology I recommend that provision is made for a programme of archaeological works through the following condition should consent be granted."*

7. BACKGROUND PAPERS AND PLANS

7.1 Plans and documents relating to application 21/504388/FULL.

8. APPRAISAL

Principle of Development

8.1 The site is located outside any built-up area boundary, and therefore falls within the lowest, least acceptable tier of the settlement hierarchy, as set out by policy ST3. Both the Local Plan and the NPPF make clear that to promote sustainable development in rural areas, new isolated homes should be avoided, except in special circumstances, such as to meet an essential need for a rural worker to live permanently at or near their place of work in the countryside.

8.2 Policy DM12 of the Local Plan (which relates to dwellings for rural workers) states that:

"Planning permission will be granted for new, permanent, rural worker dwellings in the countryside, subject to:

1. *There being a clearly established, existing, essential need for the proper functioning of the enterprise for a full-time worker to be readily available at most times;*
2. *There being no suitable existing dwelling available nearby or in a nearby settlement;*
3. *The location, scale and design of the dwelling maintaining or enhancing landscape and countryside character; and*
4. *The siting of the dwelling should, firstly, explore whether there are suitable buildings available for conversion at the enterprise, or secondly, in the case of a demonstrated need for a new building, that it is located as close as possible to*

existing buildings on previously developed land at the enterprise, or if this is not possible, within the immediate locality on an acceptable site."

8.3 The relevant sections of the supporting text to this policy are as follows:

"Whether a new dwelling is essential in a particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved... Any dwelling permitted must be appropriate for the need and to its rural location… In cases where a dwelling is considered by the Council to be essential to support an enterprise, it will normally be appropriate for permission to be initially granted for a caravan or temporary structure for a limited time period, usually for a minimum period of three years… a financial test will be necessary to demonstrate that the enterprise is economically viable and to provide evidence of the size of the dwelling that the unit can sustain."

8.4 I note that a functional need for accommodation on this holding, in principle, has been accepted previously in the form of the temporary permissions for the mobile home. The business has grown since the mobile home was first placed at the site. The applicant established the free-range hen venture in 2011/2012, based on a 12,000 bird flock. Planning permission was later granted under SW/14/0502 for a further free range poultry house for another 16,000 hens, plus two feed silos, the erection of a grain/feed store, and associated works. The planning statement sets out that the expansion of the business has resulted in care of the poultry becoming an on-going necessity, and the applicant's family has also grown, and as such the existing mobile home is not large enough to balance family life and business matters. Financial accounts for the last four years have also been provided with the application, demonstrating that the business has provided a good level of profit and the construction of the dwelling can be funded by accruing previous years profits and also taking a mortgage.

8.5 The Rural Planning Consultant has reviewed the application and in his opinion, the unit continues to require the on-site presence of a responsible owner/manager and provides a good level of profit and as such in principle, he considers there is sufficient functional and financial justification for the provision of a suitable permanent dwelling here. I concur with this view, and am satisfied that an essential need for a rural worker to live permanently at their place of work has been demonstrated.

8.6 The Rural Planning Consultant does however have concerns about the scale of the dwelling, which originally had a floorspace of 230sqm. The agent was informed of these concerns, and reduced the scale of the dwelling to 212sqm. The Rural Planning Consultant remains concerned about the scale of the dwelling, and as such careful consideration is required to identify whether any planning harm will arise from a dwelling of this scale at the site.

8.7 Cancelled Planning Policy Statement 7 sets out in Annex A that *"Agricultural dwellings should be of a size commensurate with the established functional*

requirement. Dwellings which are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long term, should not be permitted. It is the requirements of the enterprise, rather than the owner or occupier, which are relevant to determining the size of the dwelling that is appropriate to a particular holding." The supporting text to policy DM12 in the Local Plan does set out that in the absence of further national guidance on the issue of housing for rural works, the Council will continue to have regard to Annex A.

8.8 However it is important to note that this assessment of scale has not been carried forward into the current NPPF, and therefore in my view, little weight can be given to the advice set out in PPS7, as it is now defunct and there is no such reference to scale of rural workers dwellings within current national policy and guidance. This position has been supported by planning appeal decisions elsewhere in the country, where Inspectors have allowed larger agricultural dwellings that can be sustained by the income from the business, whilst being larger than "typical" agricultural dwellings - such as an appeal for an agricultural dwelling in Doncaster (PINS ref 3243097). Similar to policy DM12 in the Swale BC Local Plan, the relevant policy in this appeal case also referred to the defunct PPS7 guidance, and the Council used this supporting text to support the refusal of the agricultural dwelling, which was considered to be excessive in scale. The Inspector considered there was some policy basis for this view, but gave it limited weight given PPS7 is cancelled and the NPPF doesn't refer to the scale of agricultural dwellings. The Inspector went on to conclude that whilst the dwelling was large, there was an essential need for a dwelling on the holding, which was long established and viable. They set out there was no dispute that the appellant can support the construction of the dwelling in relation to the income sustained in the long-term, and allowed the appeal. In the appeal decision, the Inspector noted that an average 4 bed dwelling was 192 sqm and that a typical agricultural workers dwelling was in the region of 180sqm. This proposal at Woodland Farm is for a dwelling of 212sqm, although it is noted that elements of the building would be used as a farm office and boot room.

8.9 The proposed dwelling is undoubtedly large and greater in size than a typical agricultural workers dwelling. However, I pay regard to the fact that it is clear that an agricultural dwelling is required at the site, which has been operating for over ten years and has grown considerably, as have the profits. I also note the enterprise can sustain the construction costs of the dwelling, and ultimately believe the scale of the dwelling, whilst large, is commensurate with the established functional requirement of the holding, in line with policy DM12.

Visual Impact

8.10 The site is identified as being within an Area of High Landscape Value Swale Level, 'Iwade Arable Farmlands', where under the assessment within the Swale Landscape Character and Biodiversity Appraisal (June 2010), the landscape condition of the area is described as 'Poor' and the sensitivity is 'Moderate'.

8.11 The development will be located on an open area of grassland, which is on an elevated position at the site. As such, there is potential for views of the development from the valley to the south west. The development is set back from the ridge of the hill however, and due to this and the presence of existing trees within the site, limited views of the development will be possible from the valley in my opinion. The dwelling will be situated to the south east of the existing mobile home, in a more exposed location when compared to the mobile home. The planning statement sets out the dwelling has been repositioned to provide a direct view of the entrance of the site, which will offer additional security which is currently not experienced. I consider the positioning of the dwelling, whilst more exposed to views from the bottom of the valley to the south west, will not be significantly prominent in the landscape and as such have no concerns with its location.

8.12 Views of the development from Iwade Road, a designated rural lane will be possible, however given the distance of approximately 80m between the property and the road, and the established planting that is located along Iwade Road, I do not consider that the proposal will be prominent from the lane. At 8.3 metres in height, I am satisfied that this falls within the typical height range for a two-storey dwelling.

8.13 Turning to the design of the dwelling itself, the application originally proposed a 'mock Tudor' style dwelling, with white render and timber vertical panelling. I did not consider this would accord with the rural context of the site, and recommended horizontal timber weatherboarding would be more appropriate here. The agent subsequently amended the plans to show this, and I include a condition below to ensure specific material details are provided to the Council. Overall, I consider the design of the property is acceptable and will not appear out of place. I do include a condition below ensuring the mobile home is removed from site once the new dwelling is occupied, to avoid the concentration of multiple dwellings at the site.

Heritage Impact

8.14 The site lies outside of the Newington Church Conservation Area, but due to the open nature of the site and surrounding countryside, will be visible from part of the Conservation Area. Due to the distance (approx. 270m) and change in land levels between the site and Conservation Area, it is not considered there will be harmful impacts to the setting of the Conservation Area.

8.15 With regards to the impact on designated and non-designated heritage assets in the surrounding area I consider that due to distance and intervening tree and hedge cover, Oak Hill Farmhouse (a non-designated heritage asset) would not be impacted by the proposed dwelling. Snakesbury Cottage (at the north eastern edge of the Newington Church Conservation Area) on the other hand does appear to have greater intervisibility with the proposed development. However, the significant distance between this building and the proposed development area does mean that any impact on the setting of this non-designated heritage asset would be very limited. As such, I have no concerns in this

regard, despite the strong weight that is required to be given through legislation and national and local policies to the protection of heritage assets.

Residential Amenity

8.16 Due to the location of the proposed dwelling and limited neighbouring properties in the surrounding area, I do not envisage the proposed dwelling will have any unacceptable impacts on residential amenity. The closest residential dwelling, The Bungalow will be located approximately 57m from the new dwelling, and due to this distance, any impacts on this neighbouring property will be very limited.

Highways

8.17 The development will utilise the existing access onto the site, and a separate gravel driveway will be created leading from the main access to the new dwelling. Three parking spaces need to be provided for a property of this scale in the countryside, and the hardstanding to the front of the dwelling can comfortably accommodate these spaces. As such, I have no concerns from a highway amenity perspective.

Landscaping and Ecology impact

8.18 The site is located to the south west of Hawes Wood and Wardwell Wood, which are designated as ancient woodland (AW) and a Local Wildlife Site (LWS). Natural England and the Forestry Commission have both referred me to their standing advice, whilst Kent Wildlife Trust and KCC Ecology have provided more specific comments on the application.

8.19 Kent Wildlife Trust originally set out that a 50m buffer zone should be created between the proposed dwelling and the AW/LWS, however the positioning of the dwelling results in a 32m buffer strip. I sought clarification from Kent Wildlife Trust regarding the 32m buffer strip, taking into account the detailed comments also received from KCC Ecology. The advice from KCC Ecology is that the development is set an acceptable distance from these protected sites, and subject to the land between the new dwelling and the woodland being maintained as a buffer zone, they do not consider the development will cause harm to these features. In particular, KCC Ecology set out that they recommend that a strip of vegetation directly adjacent to the AW/LWS is, largely, left unmanaged to enable plants and grasses to grow and set seed. This will create a buffer between the site and the adjacent woods and provide additional habitat for insects which, in turn, will support the pollination within the orchard. Kent Wildlife Trust have subsequently revised their comments and confirm that a 32m buffer strip is acceptable subject to conditions securing the strip and long term management of this feature.

8.20 For clarity, the agent has been asked to annotate the buffer area on the block and site plans, as well as the residential garden, to ensure that it is clear that the domestic curtilage of the dwelling will not interfere with this ecologically important strip of land. These plans have been provided.

8.21 Taking into account the consultee comments, I impose a condition ensuring that an ecological enhancement plan is submitted to the Council, which will include details of the rough grassland buffer requested by KCC Ecology, and will secure the long term management of this area. I consider this condition will ensure the development does not harm the Ancient Woodland or Local Wildlife Site, in accordance with the advice from these expert consultees.

8.22 It is anticipated that impacts from the construction of the development will include the disturbance of wildlife through increased noise and lighting, potential for contaminated surface water runoff, as well as the generation of dust which may have direct impacts on plant health and survival. Both Kent Wildlife Trust and KCC Ecology have raised these matters, and request a construction management plan is submitted to mitigate these potential issues. I impose this condition below and consider with it in place, it will ensure the protection of the AW and LWS during the construction of the development.

8.23 The Council's Tree Consultant has also commented on the scheme and notes the application is not accompanied by any arboricultural information, however based on the proposed site layout plan and current aerial views of the site via Google imagery the position of the new dwelling is not likely to affect any significant trees. Therefore, there are few arboricultural constraints when it comes to the position of the new dwelling. He does however recommend a condition is imposed requiring the submission of a tree protection plan to ensure the projection of the woodland buffer and any surrounding trees. I impose this condition below.

8.24 Additional landscaping is shown on the proposed block plan to the north east and north west of the dwelling. I include the relevant conditions below to ensure full details of hard and soft landscaping are submitted to the Council.

SPA Payment

8.25 Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £253.83 per dwelling. The agent has provided written confirmation that the applicant would be willing to pay this mitigation fee in principle. I have set out an Appropriate Assessment below.

Other Matters

8.26 The site lies in an area of potential archaeological importance, and KCC Archaeology have requested a programme of archaeological work is submitted. I impose this condition below.

9. CONCLUSION

9.1 I consider that there is a clear need and justification for a permanent agricultural dwelling at the site, and that this represents an appropriate exception to the general restriction on isolated new dwellings in the countryside. The proposal, whilst large, is considered to be of appropriate siting and scale, and the development would not harm the protected ancient woodland and Local Wildlife Site to the north of the site, subject to conditions. On the basis of the above, I recommend planning permission is granted.

10. RECOMMENDATION – That planning permission be GRANTED Subject to payment of the SAMMS contribution to mitigate impacts upon the SPA and subject to the following conditions:

CONDITIONS

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3277 - 002 Rev F, 3277 - 003 Rev E, 3277 - 004 Rev E and 3277 - 005 Rev D.

Reason: In the interests of proper planning and for the avoidance of doubt.

(3) The dwelling hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development.

(4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted

to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

(5) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should address the following matters, and the approved details shall be adhered to throughout the construction period.

- Suppression of dust
- Contaminated surface water run
- Noise and lighting

Reason: In the interests of wildlife and biodiversity.

(6) No development shall take place until a tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be carried out in accordance with BS5837:2012.

Reason: To ensure protection of the woodland buffer and any surrounding trees.

(7) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

(8) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. Particular attention should be paid to the boundary treatment and the replacement of lost trees towards the road frontage.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

(9) No development beyond the construction of foundations shall take place until a lighting scheme has been submitted to and approved in writing by the Local

Planning Authority. Such scheme shall demonstrate that it has been designed to ensure there will be minimal light spill on to the site boundaries and the surrounding area. The lighting scheme should following the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229

Reason: In the interests of biodiversity.

(10) No development beyond the construction of foundations shall take place until an ecological enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the ecological enhancement features to be incorporated into the wider site and shall include measures for a rough grassland buffer zone between the dwelling and Hawes Wood, as shown on drawing no. 3277 – 002 Rev F, and a management plan for its long-term maintenance and retention. The scheme must be implemented as approved prior to first occupation of the dwelling hereby permitted and maintained in accordance with the management plan thereafter.

Reason: In the interests of biodiversity.

(11) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interest of residential amenity.

(12) The area shown on the submitted layout shown on drawing no. 3277 – 002 Rev F as vehicle parking shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the development hereby approved is first occupied, and shall be retained for the use of the occupiers of, and visitors to, the dwelling, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

(13) Prior to the occupation of the dwelling hereby permitted, one electric vehicle

charging point shall be provided. The Electric Vehicle charger must be provided to Mode 3 standard (providing up to 7kw). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development.

(14) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

(15) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

(16) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwelling shall not be occupied unless the notice for the dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

(17) The existing mobile home shall be removed from the site within a period of three months following first occupation of the dwelling hereby permitted.

Reason: In the interests of visual amenity.

(18) The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed locally in agriculture as defined in Section 336(i) of the Town and Country Planning Act 1990 or in forestry and any dependent of such a person residing with him (but including a widow or widower of such a person).

Reason: The site lies outside any area in which planning permission would normally be granted for a new dwelling and this permission is only granted because the dwelling is considered essential in the interests of forestry or agriculture.

(19) Upon completion, no further development, whether permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwellings are occupied.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either the SAMMS payment form or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (https://birdwise.org.uk/).

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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.


50 m
100 ft
Pond
Pond
Woodland Farm
Drain
The Bungalow
IWADE ROAD
High Oak Hill Farm
Drain
HIGH OAKS
Oak Hill
IWADE ROAD
Drain
Ordnance Survey - data derived from OS Premium
21/504388/FULL - Woodlands Farm High Oak Hill Iwade Road Newington ME9 7HY
Scale: 1:2500
Printed on: 13/6/2022 at 16:10 PM by SaraP
N
ASTUN TECHNOLOGY
© Astun Technology Ltd