

PLANNING COMMITTEE – 10 MARCH 2016

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 15/507023/FULL			
APPLICATION PROPOSAL Retention of chicken sheds, associated outbuildings, storage and toilet/kitchenette facility. Ancillary to personal agricultural/leisure use.			
ADDRESS Dukes Shaw, Bexon Lane, Bredgar, Kent, ME9 8HG			
RECOMMENDATION - APPROVE			
WARD West Downs	PARISH/TOWN COUNCIL Bredgar	APPLICANT Mr Peter Eastland AGENT	
DECISION DUE DATE 10/11/15	PUBLICITY EXPIRY DATE 16/10/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/0573	Change of use from woodland to woodland with leisure including erection of associated outbuildings	Withdrawn by applicant	03.08.15

1.0 DESCRIPTION OF SITE

- 1.01 This small application site comprises a very narrow band of mainly deciduous woodland located within the countryside and the Kent Downs Area of Outstanding Natural Beauty. The site is bounded to the east and west by farm land, but shows signs of previous commercial uses, perhaps quarrying, with varying levels and some scrap metal evident amongst undergrowth, both of which the applicant is gradually clearing. A two-storey detached dwelling house is located on the opposite side of Bexon Lane to the south of the site, and the long-established Bexon Lane scout activity site is located to the west of this neighbouring dwelling.
- 1.02 The site is situated between the M2 to the north (which it abuts), and Bexon Lane to the south where it has a gated access from. The site contains several unauthorised buildings located close to the M2, but due to the woodland vegetation, these buildings are shielded from public views.
- 1.03 The buildings include a greenhouse, a chicken shed/run, a feed store and attached wood store, a storage building with kitchenette with composting WC, an outdoor covered seating and cooking area, and a pond (bathtub). The buildings are all sited within a fenced enclosure at the far northern (motorway) end of the site and made mainly of timber and corrugated metal roof. Rainwater is collected from roofs for irrigation and refreshments.

- 1.04 A small caravan was recently stationed on the site, but this has subsequently more recently been removed and does not form part of the application.

2.0 PROPOSAL

- 2.01 The proposal is a retrospective application which seeks planning permission for the retention of the existing buildings for personal agricultural and leisure use.
- 2.02 The applicant does not propose any external and internal alterations, or to extend any of the existing buildings. The proposal refers solely to the retention of the existing buildings for agricultural and leisure use.
- 2.03 The existing gate, fences, driveway and woodland will remain without alterations on site. New fencing and gates might be established without planning permission depending on their height.

3.0 PLANNING CONSTRAINTS

Area of Outstanding Natural Beauty KENT DOWNS

Area of Outstanding Natural Beauty Maidstone AONB directive

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

- 4.01 The National Planning Policy Framework (NPPF) was published in 2012 and re-issued in August 2015 with amendments. The NPPF provides national guidance for Local Planning Authorities on plan making and determining planning applications which may affect the natural environment. A presumption in favour of sustainable development runs throughout the document and is an important part of the plan-making process and in determining planning applications.
- 4.02 The National Planning Practice Guidance (NPPG) was issued as a web-based resource in 2014 and is intended to assist practitioners with regard to the interpretation of legislation in an easily and understandable way. The NPPG provides guidance on how Local Planning Authorities should assess applications which affects the natural environment.
- 4.03 Regard has been had to all the guidance set out within the NPPF and NPPG. In relation to developments within protected landscape areas, Paragraph 115, Section 11 of NPPF are particularly pertinent. Paragraph 115 states that:

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”

Swale Borough Local Plan 2008

- 4.04 Saved policy E1 (General Development Criteria) sets out standards applicable to all developments, seeking that they should be well sited, appropriate in scale, design and appearance with a high standard of landscaping, and have safe pedestrian and vehicular access whilst avoiding unacceptable consequences in highway terms.
- 4.05 The application site lies within the countryside. As such saved policy E6 (The Countryside) is particularly relevant to the current planning application. Policy E6 seeks to protect the quality, character and amenity of the countryside, and states that development will not be permitted outside rural settlements in the interests of countryside conservation, unless it relates to an exceptional need for a rural location.
- 4.06 Policy E9 (Protecting the Quality and Character of the Borough's Landscape) seeks to protect, conserve or enhance the areas of high landscape value within the Borough. It states that:

“Within the countryside and rural settlements, the Borough Council will expect development proposals to:

- a. be informed by and sympathetic to local landscape character and quality;*
- b. consider the guidelines contained in the Council's Landscape Character Assessment and Guidelines Supplementary Planning Document, so as to contribute to the restoration, creation, reinforcement and conservation, as appropriate, of the landscape likely to be affected;*
- c. safeguard or enhance landscape elements that contribute to the distinctiveness of the locality or the Borough;*
- d. remove features which detract from the character of the landscape; and*
- e. minimise the adverse impacts of development upon landscape character.”*

Supplementary Planning Document (SPD)

- 4.07 The Swale Landscape Character and Biodiversity Appraisal SPD (2011) seeks to support landscape and other policies of the Swale Borough Local Plan 2008. The SPD states that there is a need to retain pattern and diversity in the landscape of the Borough to ensure that character and local distinctiveness are maintained. The Borough Council needs to ensure that landscapes are visually satisfying, and give enjoyment to those who visit them and those who live and work in them. The SPD states that the document should be analysed to gain an impression of whether development would be appropriate and, if so, how it might be accommodated within the landscape and mitigated sensitively.

5.0 LOCAL REPRESENTATIONS

Swale Footpaths Group

- 5.01 The Swale Footpaths Group states that there are public rights of way just outside the site, though neither should be affected by the application.

6.0 CONSULTATIONS

- 6.01 Bredgar Parish Council states that this is a revised version of an application that was objected to by the Parish Council in 2014. With respect to this application, the Parish Council objects to the proposal based on the following reasons:

1. The character of the long established woodland is being lost and the proposed structures do not appear to be of a quality fitting for the AONB;
 2. The dates given on the application indicate that the development took place in May 2009. However, this date is inconsistent with the observations of the Parish Council and the Swale Borough Council.
 3. The Parish Council is not aware of any “general acceptance of some outbuildings assurance” as referred to in section 5 of the application form; they seek clarification on this point.
 4. In relation to section 13 of the application form – Biodiversity and Geological Conservation: the Parish Council wonders if a survey has been conducted to support the assertion in part (a) that no protected or priority species are present on the site. Turning to part (b) of section 13, the answer given appears incorrect, as the site is part of an area designated as AONB;
 5. There is concern that the property may be used for unauthorised residential purposes, or should be site be abandoned at some point, constituting further deterioration to the appearance of the woodland, and the designated AONB.
- 6.02 In general, the Parish Council objects to the proposal in respect to the potential detriment to the AONB and the inconsistencies in the application. They have suggested that a site inspection would be appropriate.

7.0 APPRAISAL

- 7.01 The site is located outside any built-up area boundary and within the Kent Downs Area of Outstanding Natural Beauty (AONB), where the principle of development is normally restricted, as described in the Swale Borough Local Plan 2008. On this basis, the main considerations in determining this planning application are related to whether the proposal would impact on the AONB and rural amenity.
- 7.02 Both Section 11 of the NPPF and Policy E9 of the Swale Borough Local Plan 2008 state that proposals should protect or enhance the natural environment, be appropriate to the landscape likely to be affected, and where possible mitigate adverse impacts it may cause on the landscape and biodiversity. The development, subject to this appraisal, is located within the AONB, and therefore should demonstrate minimal impact possible on the local natural environment.
- 7.03 The buildings situated on the site are small units, that host agricultural and leisure related uses, such as raised beds, horticulture, chicken sheds, storage and cooking areas. There is also a small kitchenette with WC that serves as a support building to the owner when he is on site.
- 7.04 Because of the location, scale and size of the buildings, and the existing woodland around these buildings, they cannot be seen from public views or rights of way. Bredgar Parish Council has stated in their consultation response that they have some concerns regarding the design of the existing buildings. In my view, I do not consider the design of the buildings to be of great concern, as they cannot be seen from the street due to the existing woodland. Additionally, I consider the buildings are of simple rustic design, and adequate as ancillary buildings for agricultural and leisure use.

- 7.05 In general I believe that the existing buildings are appropriate to the local environment. They are suitable for the location and therefore I do not consider them harmful for overall visual amenity and positive qualities and values of the AONB. As such, the proposal complies with Policy E9 of the Swale Borough Local Plan 2008, Swale Landscape Character and Biodiversity Appraisal SPD, and Para. 115 and 116 of the NPPF.
- 7.06 The majority of the use proposed appears to be for horticulture and woodland management, with related structures. The additional leisure use as proposed would not normally be permitted in Areas of Outstanding Natural Beauty, but due to its particular context, in which the site and surrounded areas show an established agricultural use, I do not consider that the proposal would significantly affect the AONB. However, to enable the situation to be kept under review I suggest that a temporary planning permission is appropriate and that a condition should be included in order to mitigate potential risks to the local environment.
- 7.07 In general, I consider that the agricultural and leisure use of the site and the buildings are appropriate to the locality. I do not consider that the proposal would have a negative impact on rural amenity.
- 7.08 In order to ensure that the no residential use would be established on the site and that the existing kitchenette should not be used as a residential building, a condition is recommended below, to safeguard the site for solely agricultural and leisure uses in accordance with Policy E6.

8.0 CONCLUSION

- 8.01 The application is considered to be in accordance with the Paragraph 115 and 116 of NPPF with regard to developments within Areas of Outstanding Natural Beauty.
- 8.02 Overall, the proposal is considered to be in accordance with Policies E9 and Swale Landscape Character and Biodiversity Appraisal SPD (2011) as it does not result in harmful impact on the local landscape.
- 8.03 The proposal is also considered to have minimal impact on rural amenity with regards to Policies E1 and E6 of the Swale Borough Council Local Plan 2008. A condition to exclude residential use is recommended and on this basis I recommend that planning permission should be granted for a temporary period of 3 years.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

- (1) The use of the buildings hereby permitted shall cease and the site restored to its previous condition on or before three years from the date this permission relates.

Reasons: In order that the position may be reviewed at the end of the period stated.

- (2) No building hereby permitted shall be occupied at any time for residential purposes or as a single dwellinghouse in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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

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.