

REPORT SUMMARY

19 October 2017

REFERENCE NO - 17/503487/FULL		
APPLICATION PROPOSAL - Construction of 2 bedroom, self-build, detached bungalow.		
ADDRESS - Wickham Field, Pattenden Lane, Marden, Kent		
RECOMMENDATION - REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION – The proposals are considered to cause significant harm to the character of the countryside. The self-build nature of the scheme; and the personal circumstances advanced are not considered sufficient to outweigh the environmental harm.		
REASON FOR REFERRAL TO COMMITTEE - Marden Parish Council has requested committee consideration.		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Marden	APPLICANT Mr Kim Gibbs AGENT Mr Michael Gibbs
DECISION DUE DATE 23/10/17	PUBLICITY EXPIRY DATE 11/8/17	OFFICER SITE VISIT DATE 31/7/17
RELEVANT PLANNING HISTORY		
15/507988/FULL - Erection of two pairs of three-bedroom semi-detached dwellings and one two-bedroom bungalow. Provision of a new 150m public footpath – Refused and appeal dismissed.		
MA/12/2069 - Erection of 6 affordable houses with associated access, parking and amenity space – refused.		
14/500727/FULL - Redevelopment of existing builder's yard including erection of detached house, 2-bay car port, access driveway and parking area together with ancillary works - Approved [dwelling now completed and occupied to the south west of the site]		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site involves a small grassed paddock located off the western side of Pattenden Lane. The land may have been an old orchard but is now largely devoid of vegetation and does not appear to be in active agricultural use. This is land in the countryside just beyond the defined village boundary of Marden. The land fronts the lane and is separated from it by an established hedge and small grassed verge bordering the highway. A new access road has been created at the southern end of the site to serve properties further west: that was a replacement for a pre-existing access located further south that has now been closed.
- 1.02 The land is bordered to the north by a close boarded fence, beyond which is a row of cottages and their gardens. Pattenden Lane is to the east whilst to the south is the aforementioned new access road with cottages and gardens beyond that. To the south west is the new detached dwelling and its garden permitted under reference

14/500727/FULL on what was regarded as a 'brownfield' site (now named Wickham Barn, occupied by the applicant's son). To the west is more open land containing a shaw of trees.

2.0 PROPOSAL

- 2.01 The application proposes the erection of a detached bungalow in the middle of the paddock served by a short access drive leading north from the aforementioned new access track. This would be an 'L-shaped' structure accommodating two bedrooms and a double garage and a particular characteristic of the design is the modest scale of openings in the elevations, save for the west elevation which features large glazed external doors to light the living room.
- 2.02 External materials would involve black vertical timber boarding and a brick base under a reconstituted slate roof. The roof is hipped with rooflights and the south elevation has a solar array installed within the roof slope. The height to the ridge line of the roof is approx. 4.8m. The application states that the proposed dwelling would meet Code Level 6 of the Code for Sustainable Homes.
- 2.03 The application is presented on the basis that this would be a 'self-build' project: the applicant is a building contractor and the family built Wickham Barn as a self-build project. Mr and Mrs Gibbs are entered on the local self-build register. In addition to that, the point is made in the application that the applicant and his wife are elderly local people requiring accommodation. Mrs Gibbs has significant medical problems (a doctor's letter is provided) and the new dwelling would facilitate the provision of care and close proximity to her son-in-law's family.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
Final Draft Maidstone Local Plan 2017: SP9, SP17, SP19, DM1, DM2, DM3, DM30

4.0 LOCAL REPRESENTATIONS

- 4.01 **Marden Parish Council**, in its first response stated: "If Maidstone Borough Council is satisfied that the policy position with regard to Self-Build Properties is sufficient to over-ride the normal policy protection afforded to green field sites in the countryside under Policy ENV28 etc., then Cllrs would not then object to the principle of the application. Cllrs have no objection to the design of the building itself but would wish it to be brought forward so that it aligns with the neighbouring buildings along the west side of Pattenden Lane. Due to the unusual nature of the application Cllrs would ask for this go to Committee if the Officer is recommending refusal."
- 4.02 I subsequently relayed my (at that time informal) view to the parish that the application would be unlikely to be looked upon favourably and questioned whether it needed to be reported to planning committee. The Parish Council responded:
- "Cllrs thank the case officer for his response and the issues raised have duly been considered in a formal meeting. However, Cllrs still wish this to be heard at Planning Committee because:
- (a) The Self-Build and Custom House Building Act 2015 is so new that the Borough has not been able to allocate any sites for self-build properties in its Local Plan

(b) The Borough Council appears to have no published information on its Policy regarding the allocation of sites for self-build properties, and

(c) Cllrs feel it is sufficiently unusual to be discussed by the Planning Committee to establish whether this is a suitable site for a self-build property in the absence of a Local Plan allocation.”

4.03 **Local Residents:** no views received.

5.0 CONSULTATIONS

5.01 **KCC Highways and Transportation** has no comment.

5.02 **Env. Health Shared Service** has no objection.

6.0 APPRAISAL

Main Issues

The key issues for consideration with this application relate to the principle of new housing in this location; the location in terms of sustainability issues; the impact on the character of the countryside; and the implications of this being a self-build project.

The Principle of Development

6.01 Looking at Development Plan Policy, both the existing and the emerging Local Plan place the application site beyond the defined limits of any settlement and it is therefore subject to those policies that seek to restrict new residential development in the defined countryside. Policies in the Final Draft Maidstone Local Plan 2017 should now be regarded as having a status of approaching full weight as that Plan is now nearing full adoption. Policy SP17 of the emerging plan indicates that new housing development in the countryside that is considered to cause harm to character should be refused and therefore the extent to which the proposals cause harm requires close examination.

6.02 It is also necessary to consider whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified.

6.03 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 be able to demonstrate a five year supply of housing land: given the final comments of the Local Plan Inspector, the Council can clearly now demonstrate an adequate housing supply and therefore countryside protection policies can be given full weight.

Location

6.04 Whilst this building is located in the defined countryside the urban/rural boundary as determined by the Local Plan is only around 100m away to the south where there are bus services and basic services. There are clearly opportunities here for accessing services on foot, cycle or shared motor vehicle trips and I consider the site to be in a reasonably sustainable location in the sense that there would not be an over-reliance on the private motor vehicle.

Impact on Countryside Character

- 6.05 The impact of the development on the character of the area is a fundamental issue for consideration. In my view, although there are pockets of more densely developed housing, the prevailing pattern of development in this area to the north of the village boundary is generally loose and irregular. The gaps between buildings in the pattern of frontage development are important in reinforcing the rural character of this locality. The gaps between properties fulfil a role in avoiding the coalescence of the site frontage. In this case there is a large gap (ie the application site paddock) between Dorma Cottage (to the north) and Printers Cottage (to the south) that would be largely occupied by the new house and associated works. I consider that the increase in built development here would result in a significant diminution of the gap between properties: physically, it would reduce forever the amount of land available to form the separation function: visually it would introduce built form onto undeveloped land, reducing the openness of this part of the countryside which forms the northern approaches to the village of Marden.
- 6.06 In my view, the negative aspects of filling or, at least, interrupting this open space are exacerbated by the rather bland and uninteresting design put forward here; particularly so the east (ie road-facing) elevation which presents a largely blank wall.
- 6.07 There are no trees of any significance that would be directly affected by the development proposed. The application states an intention to the landscape the site but there is no firm detail of that.

Ecology

- 6.08 The application is accompanied by A Phase 1 Habitat Survey and Great Crested Newt Report. Given that much of the site involves mown grassland it is not surprising that the report generally concludes that the site is of low value. No suitable habitat for great crested newts would be directly affected by the proposals; however, four ponds a short distance to the west of the site have been found to support populations of great crested and smooth/palmate newts. In view of that, a mitigation strategy has been drawn up to reduce the risk of encountering newts during development; and an enhancement strategy involving a hibernacula, land management of the western extremity of the site, creation of meadow areas, and the establishment of a native hedgerow along the northern boundary. I conclude that there is no reason to object to this application on ecology grounds and, if permission were to be granted, then the above mitigation/enhancement measures should be secured by conditions.

The Implications of Self-Build

- 6.09 The government has issued Planning Practice Guidance in the form of 'Self-build and custom housebuilding' (2016) pursuant to the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). Councils are required to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding

Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period.

The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year. At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period. In short, in this Council's case, the Council has three years from 30th October 2017 to address the self-build housing needs evident in the register.

- 6.10 The Council recognises the need to promote self-build projects but there is a three year period in which to address need and this must be balanced with other planning factors: in this case I consider the environmental harm caused by this project outweighs the benefits of self-build and the desire to establish a dwelling for local residents, one of whom has significant health problems.

Other Issues

- 6.11 The site has no close residential neighbours and there would be no adverse impact on local residents in terms of loss of light, loss or privacy, excessive noise and disturbance, etc. I note that no objections have been received on that basis. I am satisfied that the occupants of the dwelling would enjoy at least a reasonable living environment with little road noise and reasonable private garden.
- 6.12 Turning to highways matters, the dwelling would be served by an off-shoot of the new access track which I judge to be adequate to serve the house. There would be adequate space on site for parking and turning
- 6.13 On the issue of flooding, the latest flood zone information does not show the site to be within either Flood Zone 2 or 3. Nevertheless a Flood Risk Assessment has been submitted with the application which concludes that there are no significant flooding implications but recommends that various minor flood resistance/resilience measures be incorporated as well a sustainable drainage system and securing advanced warning of flooding. These factors could be secured by conditions should it be decided that permission be granted.

7.0 CONCLUSION

- 7.01 In terms of sustainable development, this scheme to provide one new house would provide some very modest benefits to the local economy and, from the social aspect, to the housing supply, including the supply of self-build dwellings. However, in my consideration it fails to meet the environmental dimension, given the harm that I have identified. I am not convinced, therefore, that the proposal can be regarded as sustainable development. Accordingly, it does not enjoy the presumption in favour of such development, as set out in the Framework. I find that the negative aspects of this scheme are such that they significantly and demonstrably outweigh the benefits of the application when assessed against the policies of the NPPF as a whole. I recommend that the application be refused.

8.0 RECOMMENDATION

REFUSE planning permission for the following reason:

- (1) The site is outside of any settlement as defined in the Maidstone Borough-Wide Local Plan 2000 and the Final Draft Maidstone Local Plan 2017. Development of this site with a new house and associated development would unacceptably erode the openness of the area and consolidate the loose pattern of built environment in the locality. This would result in significant harm to the character of the countryside contrary to Policy ENV28 of The Maidstone Borough-Wide Local Plan 2000; Policies SP17, DM1 and DM30 of the Final Draft Maidstone Local Plan 2017; and the advice in paragraph 17 of the National Planning Policy Framework 2012 that states that planning should recognise the intrinsic character and beauty of the countryside.