

REPORT SUMMARY
11 January 2018

REFERENCE NO - 16/503157/FULL			
APPLICATION PROPOSAL – Engineering works using imported inert fill to regrade ground levels to create a grass roadway to the motocross track (Retrospective)			
ADDRESS – Land Rear of Forge House, Ashford Road, Broomfield, Kent			
RECOMMENDATION – Grant Planning Permission subject to a condition			
SUMMARY OF REASONS FOR RECOMMENDATION - The retrospective application for the regrading of land levels along part of the access track off Ashford Road (A20) to improve access to the motocross track further south is not considered to raise any overriding issues in terms of visual impact, impact on the character and appearance of the area, impact on the setting of the adjoining listed building and Registered Park and Garden, impact on neighbouring property, or parking and highway safety. The application is not considered to raise any overriding issues of conflict with Government guidance in the NPPF or Development Plan policy. A condition to ensure that all imported material used to regrade land levels is suitable for the use is considered appropriate.			
REASON FOR REFERRAL TO COMMITTEE - The recommendation is contrary to the views of Broomfield and Kingswood Parish Council and the Parish Council has requested that the application be referred to the Planning Committee.			
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood Parish Council	APPLICANT Ms Yvonne Large AGENT Mr Dan McEwan	
DECISION DUE DATE 01.10.16	PUBLICITY EXPIRY DATE 20.05.16	OFFICER SITE VISIT DATE 14.12.17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/06/1861	An application for a certificate of lawfulness for an existing development being the use of land as a motorcycle practice track	Refused	27.11.06
G77/E/830	Appeal against enforcement notice dated 20.05.93 served in respect of the change of use of the land (Land and Buildings at Forge House) to a mixed use for residential purposes and for vehicle storage	Appeal dismissed and enforcement notice upheld	05.04.94

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located on the south side of Ashford Road (A20), approximately 70m west of the junction of Chegworth Road with Ashford Road and 150m west of the M20 flyover over the road. The site extends southwards from Ashford Road along the eastern side boundary of the residential property at Forge House, a Grade II listed building, to a depth of approximately 135m back from the road. Beyond the site further south is an area of open land which is criss-crossed by a winding track cut into the earth used as a motocross/motorcycle track. The application site incorporates an access track from Ashford Road to the motocross/motorcycle track to the south. The land

around and adjoining the residential property at Forge House is used for the open storage of vehicles (an unauthorised use).

- 1.02 The site forms part of the open countryside between the village settlements of Harrietsham to the east, Kingswood to the south and Hollingbourne to the north-west, and is part of the defined Len Valley Landscape of Local Value.

2.0 PROPOSAL

- 2.01 The application seeks planning permission for the regrading of ground levels along a relatively narrow strip of land extending southwards from Ashford Road along the eastern side boundary of the residential property at Forge House to incorporate a grassed access track from Ashford Road to the motocross/motorcycle track to the south.
- 2.02 The application is retrospective as the works have already been carried out. The submitted plans indicate that the land affected by the regrading works is approximately 90m in length and that the previous ground levels have been raised by up to 2.05m. The land levels to the north and south of the site remain higher.
- 2.03 The Planning Statement submitted in support of the application states that there was a dip in land levels between the access point off Ashford Road and the motocross track which collected water which combined with vehicular movements churned the ground to mud making vehicular access difficult. The land owner imported inert fill to create a slightly raised roadway across the dip in the land levels.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 (Adopted 25.10.17): Policies SS1, SP17, SP21, DM3, DM4, DM7, DM30, DM37.

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** Two representations received from local residents raising the following objections/concerns:
- The proposal would generate additional noise in an area already suffering from noise from the M20, High Speed Train Link and the Leeds Castle tannoy system.
 - Additional parking along the A20 frontage would not be very environmentally friendly and could cause hazard to traffic.
 - Permission could indicate to others that other businesses in the countryside could have permission to the detriment of Junction 8 and the surrounding area.
 - The roads when Leeds Castle have an event are congested and the proposal will add to the problems and noise.

4.02 Trustees of Leeds Castle Foundation: Raise the following objections/concerns:

- The land abuts Leeds Castle land and woodland and the publicly accessible land surrounding Leeds Castle, which includes the land up to the boundary with Forge House, is a Grade II* Registered Park and Garden and in addition the Broomfield Road Gate Lodges and Gate Piers, within 175 yards of the site, are Grade II listed buildings. The submitted Heritage Statement in support of the application does not adequately address this issue.
- The operation of the commercial motocross track adjacent to Leeds Castle land does not have planning permission and the long established use argument for further development of the site is not accepted. The owners should seek retrospective planning permission for the full operation, and not just this latest enhancement to it.
- The motocross track impacts adversely on the potential uses of the adjacent Leeds Castle land because of the noise and dirt created by its operation.
- There are restrictive covenants on the land which include a prohibition on operating any form of commercial business on the property and a clause excluding any activity which is likely to cause a nuisance or annoyance to neighbours. The operation of the motocross track disregards both of these restrictions.
- The motocross track represents a noisy, often dusty and always unsightly activity for profit in close proximity to listed buildings and adjacent to a Registered Park and Garden. The track does not have formal permission and objection is raised to the specific development designed to enhance that operation.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.01 Broomfield and Kingswood Parish Council: Commented that Councillors agreed unanimously that this application should be refused for the following reasons:

- There is no planning permission for the entire site for the business of motor bike racing.
- The development creates considerable harm to the environment especially in such close proximity to the Grade II* Registered Park and Garden.
- There should be no further development of any kind which creates further harm to this site.
- The issue of the creation and use of the off-road motorcycle scrambling track at the site has been raised with the Maidstone Borough Council on three occasions dating back to 2006 but no action appears to have been taken.

5.02 Environmental Health: No objections. Comments that it is important that the imported fill material does not cause either physical or chemical contamination of the ground and that it comes from a registered source. Advises that this is particularly important as the

site is within a water source protection zone. Requests a condition to ensure that all imported material is suitable for the use. This must be demonstrated by submission of details concerning the source and the content of the fill and imported materials must come from a recognised and registered source.

5.03 **KCC Highways:** No objection subject to conditions relating to construction management, site personnel parking, wheel washing and discharge of water on to the highway.

5.04 **Conservation Officer** – No objections

6.0 **APPRAISAL**

Main Issues

6.01 The key issues for consideration relate to:

- **Existing motocross track use**
- **Visual Impact**
- **Character and Appearance**
- **Setting of Listed Buildings and Registered Park and Gardens**
- **Impact on neighbours**
- **Parking and highway safety.**

Existing motocross track use

6.02 The area of land to the south-east of the residential property at Forge House can be used for motocross purposes for 14 days in a calendar year without the need for planning permission. Such use would incorporate use by the occupiers of the residential property, use by guests and paying visitors, and for motocross events/competitions.

6.03 An application for a Certificate of Lawfulness for the use of the land as a motor cycle practice track for more than 14 days a year was refused in 2006 (Ref. MA/06/1861). This was due to insufficient evidence to substantiate the claim that the use began more than ten years before the date of the application. The land was in use for motorcycling activities at that time (2006) and appears to have been used since that time for more than 14 days per year. It would appear that the use has now become lawful from a planning point of view by virtue of the length of time (10 years or more) the use has been in existence.

6.04 The existing motocross track use does not form part of the current planning application and notwithstanding this; the use of the land for the motocross use is also likely to be lawful.

Visual Impact

6.05 The regraded land levels to part of the access track between the access point on Ashford Road and the motocross track to the south of Ashford Road are visible from the public area along Chegworth Road to the east and from the Chegworth Road/Ashford Road junction to the north-east. The regraded land levels are set amongst an undulating open field comprising predominantly rough grassland and are viewed against a backdrop of trees along the boundary with the Leeds Castle land and

woodland. In the context of the undulating rough grassland site, the backdrop of the adjoining trees and woodland, and the winding track cut into the earth on the adjoining motocross/motorcycle track site, it is not considered that the regraded land levels to part of the access track have a significant and unacceptably harmful visual impact.

- 6.06 Of significantly more concern from a visual impact point of view are the significant number of vehicles being stored on the land both within the curtilage of the residential property at Forge House and the adjoining open land. This matter is subject to ongoing investigation by Planning Enforcement.

Character and Appearance

- 6.07 As noted above, in the context of the undulating rough grassland site, the backdrop of the adjoining trees and woodland, and the winding track cut into the earth on the adjoining motocross/motorcycle track site, it is not considered that the regraded land levels to part of the access track have any significant or unacceptably harmful visual impact. As such, in the context of the character and appearance of the adjoining land, it is not considered that regraded land levels have an adverse and harmful impact.

Setting of Listed Buildings and Registered Park and Gardens

- 6.08 The property at Forge House on Ashford Road is Grade II listed and the Broomfield Road Gate Lodges and Gate Piers within the Leeds Castle land to the west of the site are similarly listed. The Leeds Castle land is a Grade II* Registered Park and Garden. Government guidance in the National Planning Policy Framework (NPPF) states that significance (of a heritage asset) can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The NPPF states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The NPPF further states that substantial harm to or loss of designated heritage assets of the highest significance (includes Grade II* registered parks and gardens) should be wholly exceptional.
- 6.09 The regraded land levels to part of the access track to the motocross track are not considered to have any significant impact on the setting of the listed Forge House property. The listed Broomfield Road Gate Lodges and Gate Piers within the Leeds Castle land to the west of the site are sufficiently distanced and screened by trees and woodland from the current application site to prevent any harmful impact on their setting.
- 6.10 With regards to the setting of the Grade II* Registered Park and Garden around Leeds Castle, it is considered that the regraded land levels to part of the access track to the motocross track have limited impact on the setting of the Registered Park and Garden. The significance of the adjoining heritage assets are not considered to be harmed by the regraded land levels.
- 6.11 The significant number of vehicles being stored on the land both within the curtilage of the property at Forge House and the adjoining open land is not a matter for consideration under the current application. This matter is subject to ongoing investigation by Planning Enforcement.

Impact on neighbours

- 6.12 Forge House is an isolated dwelling in the open countryside on a heavily trafficked road (A20). The property is not adjoined by any neighbouring dwellings. The regraded land

levels to part of the access track off Ashford Road to improve access to the motocross track further south do not impact on any neighbouring property.

Parking and highway safety

- 6.13 The application seeks retrospective permission for the regrading of land levels along part of the access track off Ashford Road (A20) to improve access to the motocross track further south. The access to and from Ashford Road is not affected by the works which have been carried out and the regrading works are well set back from the public highway. The improvements to the access to the motocross track from Ashford Road is not likely to result in any significant increase in vehicle movements to and from the site which could impact on highway safety in the vicinity of the site. It is considered that adequate space is available within the site for the parking of vehicles associated with the motocross use. Kent Highways have raised no objection to the retrospective application.

7.0 CONCLUSION

- 7.01 The retrospective application for the regrading of land levels along part of the access track off Ashford Road (A20) to improve access to the motocross track further south is not considered to raise any overriding issues in terms of visual impact, impact on the character and appearance of the area, impact on the setting of the adjoining listed building and Registered Park and Garden, impact on neighbouring property, or parking and highway safety.
- 7.02 The retrospective application is not considered to raise any overriding issues of conflict with Government guidance in the NPPF or Development Plan policy. Retrospective approval can be recommended subject to a condition to ensure that all imported material used to regrade land levels is suitable for the use.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

Within 3 months of the date of this retrospective permission, documentary evidence shall be submitted to the Local Planning Authority for approval to demonstrate that all imported material is suitable for use for the regrading of the land carried out and came from a recognised and registered source. The documentary evidence submitted shall include details of the source and the content of the fill.

Reason: In order to ensure that land and groundwater contamination is prevented.

Case Officer: Jon Barnes

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.