

**REPORT SUMMARY**

<b>REFERENCE NO -</b> 16/508284/full		
<b>APPLICATION PROPOSAL</b> Erection of two bedroom bungalow.		
<b>ADDRESS</b> Land Adjacent The Mews Buckland Lane Maidstone Kent ME16 0BH		
<b>RECOMMENDATION - REFUSE PERMISSION</b> for the reasons set out in Section 10.0.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> -The proposed development would be detrimental to the character and visual amenities of the area as it would represent an undesirable consolidation of, and extension to built development in the rural area that is outside the defined urban boundary.  -The cramped nature of development in comparison to the surrounding properties would be out of keeping with the character and appearance of the area  -The development would not result in significant environmental improvement in comparison to the authorised low-key use of the site for vehicle parking.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Cllr English whether officer recommendation to approve or refuse to enable the consideration of the development of a brownfield site to be discussed.		
<b>WARD</b> Bridge	<b>PARISH/TOWN</b> N/A	<b>COUNCIL</b>
		<b>APPLICANT</b> Mr A Salvidge <b>AGENT</b> Kevin Wise Town Planning
<b>DECISION DUE DATE</b> 30/01/17	<b>PUBLICITY EXPIRY DATE</b> 03/03/17	<b>OFFICER SITE VISIT DATE</b> Visited on a number of occasions
<b>RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):</b>		
<b>App No</b>	<b>Proposal</b>	
<b>Application site</b>		
16/505276/FULL	Erection of a new dwelling including detached garage. – Refused permission for following reason :  <i>The proposed development would be detrimental to the character and visual amenities of the area as it would represent an undesirable consolidation of, and extension to an area of built development in the rural area outside the defined urban boundary and due to the cramped nature of development in comparison to the surrounding properties would be out of character with the character and appearance of this small rural enclave located close to the urban area of Maidstone, contrary to the National Planning Policy Framework 2012, Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and Policies SP17, DM1, DM3 and DM34 of the Maidstone Borough Local Plan Publication May 2016 (Submitted version)</i>	
82/1358	Outline application for one dwelling and garage – Refused and dismissed at appeal	
97/0952	Certificate of Lawful Development under Section 191 for existing use of land for the parking of a building contractor's lorry - Approved	

<b>Application site and site to the west</b>	
96/1103	Erection of detached house and double garage - Refused
97/1417	Erection of a detached three bedroom cottage and detached double garage. - Withdrawn
99/0080	Erection of detached three bedroom cottage and detached double garage – Refused
<b>Land to the west</b>	
78/0073	Outline application for one dwelling – Refused and dismissed at appeal
80/2095	Outline application for erection of single detached dwelling and garage – Refused and dismissed at appeal
89/0025	Outline application for erection of a dwelling. – Refused
<b>Land to the north (The Mews and Barn Lodge)</b>	
75/0725	Conversion of barn and outbuildings into dwelling and double garage involving listed building consent - Approved
75/1166	Conversion of agricultural building into dwelling – Approved
<b>Land to the east (The Willows, The Birches and Little Buckland Place)</b>	
Various applications relating to the erection of 3 new dwellings in the late 1970s/early 1980s.	
<b>The Willows</b>	
99/1670	Erection of detached two storey dwelling with integral double garage – Refused

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a parcel of land located on the eastern most part of Buckland Lane. The site is located to the east of the railway line and accessed by a private road which passes underneath the railway line. The site is on the south side of the road and opposite 'The Mews'.
- 1.02 An area of the site is currently overgrown with a number of self seeded trees and several large poplar trees to the eastern and western boundaries of the site. The site benefits from a gated vehicle access onto Buckland Lane.
- 1.03 The site is outside the defined urban boundary of Maidstone (the boundaries lies to the west of the railway line) and as such is located within open countryside. There are a total of 7 existing dwellings located along this part of Buckland Lane, four of which form part of the historic farmstead including old agricultural buildings converted to residential and two listed buildings (Farm Cottage and Little Buckland Farm). The three properties to the extreme east of the access road are newer dwellings built in the late 1970s/early 1980s; these properties are two storeys in height and located in large, spacious plots.
- 1.04 The application site benefits from a certificate of lawful development granted in 1997 for the use of the front part of the site for the parking of a building contractor's lorry. There was no evidence at the time of the Officers original site visit of any parking of a vehicle and the overgrown ground conditions suggest that the site had not been used for parking for some time. At the time of the additional site visit for this re-submission a flat-bed lorry was parked on the front part of the application site. A five bar access gate however remains at the entrance to the site.

## **2.0 PROPOSAL**

- 2.01 The proposal seeks to erect a new single storey dwelling

The new dwelling would be sited to the front of the site and would be L-shaped with a maximum of length of 10.1m, a maximum width of 8.1m and a pitch roof with an eaves height of 2.8m and a maximum height of 5.3m.

The dwelling would have two bedrooms and benefit from a bathroom and an open plan kitchen/lounge/diner.

The dwelling would be predominantly finished in a feather-edged weatherboard finish under a tiled roof.

- 2.02 A gravel drive-way would be located to the east of the proposed dwelling, with two off street parking spaces also provided.

- 2.03 A 1.2m high ragstone wall is proposed along the Buckland Lane frontage.

- 2.04 Indicative replacement tree planting is shown along the east and western boundaries with the garden area principally proposed to be laid to lawn.

## **3.0 PLANNING CONSTRAINTS**

Potential Archaeological Importance

Outside the settlement boundary (adopted and emerging local plans)

## **4.0 POLICY AND OTHER CONSIDERATIONS**

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

Maidstone Borough Wide Local Plan 2000 :  
Policy ENV6 : Landscaping, surfacing and boundary treatment  
Policy ENV28 : Development in the Countryside  
Policy T13 : Parking Standards

Maidstone Borough Local Plan May 2016 (submitted version)  
Policy SP1 : Maidstone urban area  
Policy SP17 : Countryside  
Policy DM1 : Principles of good design  
Policy DM3 : Historic and natural environment  
Policy DM4 : Brownfield Land  
Policy DM27 : Parking standards  
Policy DM34 : Design principles in the countryside

## **5.0 LOCAL REPRESENTATIONS**

- 5.01 Adjoining neighbours were notified of the application. A site notice was also put up at the site.

- 5.02 Two letters of support were received following the original consultation, raising in summary the following comments :

Have witnessed this site being occupied for many uses. There was a mobile home situated on this site in 1979, for a period of at least two years before it was moved. A previous owner stored approximately thirty cars and lorries for a considerable time, which caused an eyesore and considerable nuisance to others. Since 1983, a new owner used the land to operate an HGV lorry to run a building company. For a period of time, the site has become overgrown and derelict, but we note that the site is in use again for the storage of an HGV lorry. We are concerned that if the land changes hands, the existing lorry use could escalate and become an eyesore to all the occupants of the existing seven dwellings. This has certainly been the case in the past. We therefore believe that the best outcome for all residents that live in this beautiful enclave, Buckland Farm, would be to allow this proposal to build a small single storey property, which would finally put all the anxieties of the past to rest.

The applicant has previously built and converted dwellings to a high standard.

## **6.0 CONSULTATIONS**

### **6.01 Environmental Health Officer**

The site is in a suburban area, and traffic noise is unlikely to be a significant problem for this particular site. Although near to a railway line, I believe that the site is sufficiently distant and to some extent screened, for no acoustic or vibrational assessment to be required.

The site is within the Maidstone Town Air Quality Management Area, but I do not consider the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it.

The site is close to the railway line land which is on the council's potential contaminated land list, but it is the current brownfield use of the site as an HGV parking site which leads me to consider that it would be prudent to apply a contaminated land condition to any permission granted. There is no indication of any significant chance of high radon concentrations.

The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity.

Any demolition or construction activities may have an impact on local residents and so the usual conditions/informatives should apply in this respect.

### **6.02 Natural England**

Highlight the standing advice and raise no objection

### **6.03 Tree Officer**

There are no protected trees on or immediately adjacent to, the site. There are significant trees present and, whilst a tree report has been provided by the applicant, it is not sufficiently detailed for me to take a view. If minded to approve I need to see a survey in accordance with BS5837: 2012 which includes an individual assessment of each tree and covers all the trees on site. A tree survey plan is also required.

**6.04 Conservation Officer** (comments received on application 16/505276)

The site lies within a small residential enclave separated from nearby development by the railway line. It includes three listed buildings – Little Buckland Farm, a converted barn and, immediately adjacent to the application site, Little Buckland Farm Cottage, a Grade II\* house dating from the 14<sup>th</sup> Century.

The proposal is to erect a dwelling on this long, narrow site which contains a number of trees (and some which have recently been felled). The arboricultural report accompanying the application states that these are in poor health and not suitable for retention. I suggest that the Landscape Team be consulted on this aspect of the application.

The site is currently well-screened from Little Buckland Farm Cottage, both by trees within the application site and planting within the grounds of the listed building. Notwithstanding the potential loss of trees within the application site, I consider that the proposed development would remain well-screened from Little Buckland Farm Cottage, particularly if substantial boundary planting were required by condition. In design terms I consider the proposal to be acceptable, the house being in a vernacular style with something of the appearance of a farm building; although of two storeys, the house would be dug into the rising land on the application site, thus reducing its scale and visual impact. In my view the development is unlikely to cause harm to the setting of Little Buckland Farm Cottage or to those of the other nearby listed buildings.

I raise no objection to this application on heritage grounds subject to conditions re samples of materials, landscaping and slab levels.

**6.05 Kent Highways** (comments received on application 16/505276)

I refer to the above planning application and note that the site is located on a section of Buckland Lane that is a private street, over which this authority has no jurisdiction. In terms of the effects on the public section of the highway at Buckland Lane I do not consider this development would constitute a severe impact and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

**6.06 KCC Archaeology** (comments received on application 16/505276)

The site of the application lies within the area of Little Buckland hamlet which includes a farm complex and the 14<sup>th</sup> century Little Buckland Farm Cottage. There are also indications of possible Roman activity in this area. There is potential for Roman or medieval remains to survive within the application site and as such I recommend the following condition is placed on any forthcoming consent.

## 7.0 BACKGROUND PAPERS AND PLANS

Application form  
Planning, Design and Access Statement  
Preliminary Ecological Appraisal  
Bat Survey Report  
Letter dated 22<sup>nd</sup> April 2016 addressing arboricultural matters

Drawing No. 16/1249/01 (erection of detached single storey dwelling)

## 8.0 APPRAISAL

### Principle of development

#### Five year housing land supply

- 8.01 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

- 8.02 Furthermore, paragraph 49 of the NPPF is clear that relevant policies for the supply of housing *“should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

- 8.03 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Maidstone Borough Local Plan (2011 to 2031). The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by Council at its meeting on 25 January 2016.

- 8.04 The Maidstone Borough Local Plan was submitted to the Secretary of State for examination on 20 May 2016, and the Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs. The Housing Topic Paper, which was submitted with the Local Plan, demonstrates that the Council has a five-year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF. The independent examination into the Local Plan commenced on 4 October 2016, and the closing session for the hearings was held on 24 January 2017. The examination itself will close following further

public consultation on modifications to the Local Plan and receipt of the Inspector's final report. Adoption of the Plan is expected in summer 2017.

- 8.05 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the Council has **5.12 years'** worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 8.06 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the Council's housing land supply position.
- 8.07 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 8.08 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.
- 8.09 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made. A full five-year housing land supply update will be undertaken through the annual housing information audit to produce the 1 April 2017 position.

#### Policy background

- 8.10 The application site is outside the urban boundary for Maidstone and as such can be described as being within the countryside as set out in Policy ENV28 of the Local Plan *'The countryside is defined as all those parts of the plan area not within the development boundaries shown on the proposals map.'*

Policy ENV28 continues :

*'In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to :*

1. *That which is reasonably necessary for the purposes of agriculture and forestry; or*
2. *The winning of minerals ; or*
3. *Open air recreation and ancillary buildings providing operation uses only ; or*
4. *The provision of public or institutional uses for which a rural location is justified ; or*
5. *Such other exceptions as indicated by policies elsewhere in this plan.*

8.11 The provision of new housing within the countryside is not included within the policy.

8.12 Policy SP17 of the submitted emerging Local Plan allows for small-scale residential development necessary to :

- a) *Meet a proven essential need for a rural worker to live permanently at or near their place of work*
- b) *Meet a proven need for Gypsy and Traveller accommodation*
- c) *Meet local housing needs.*

8.13 Again the provision of a new dwelling such as that proposed does not meet these criteria.

8.14 The Proposed Main Modifications (PMM) to the emerging local plan are currently being consulted upon, these propose modifications to Policy SP17, removing reference to types of acceptable development and stating the following :

*'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.'*

8.15 Policy DM4 of the submitted emerging local plan sets out :

*'Exceptionally, the residential redevelopment of brownfield sites in the countryside which meet the above criteria and which are in close proximity to Maidstone urban area.....will be permitted provided the redevelopment will also result in a significant environmental improvement and the site, or will be made demonstrably accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.'*

8.16 The PMM again seeks to modify Policy DM4, becoming Policy DM5 the policy would read :

*'Exceptionally, the residential development of brownfield sites in the countryside which are not residential gardens, which meet the above criteria will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.'*



Sustainable development

- 8.17 The 'golden thread' of the NPPF relates to sustainable development, defined by its economic, social and environmental role. Paragraph 55 of the NPPF sets out that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain vitality of rural communities.'*
- 8.18 The application site is very much characterised as 'rural fringe', having a semi-rural characteristic due to its inherent connections with the urban area but defined by much more sporadic development than the suburban environment to the west of the railway line within the urban boundary. Described by previous Inspectors as a *'small enclave of residential development, having a distinctive semi-rural character'*, these characteristics remain over 30 years after they were originally written.
- 8.19 The site does benefit from sustainable transport links with the urban area and thus there would be little to distinguish between the characteristics of the use of this site compared to those within the urban boundary to the west. The site however does not provide significant economic benefit by the provision of one dwelling and the environmental benefit has not been demonstrated through the application. Although the application states that the use of the land for the parking of a contractor's lorry would no longer take place, this use has not had any noticeable impact on the land. Whilst the land can loosely be described as 'brownfield' land, there is little to distinguish it from greenfield land with no buildings, hardstanding, or tracks on the land or signs on the site. A flat-bed lorry has been brought back onto the site since the earlier refusal; however the siting of a vehicle in itself has limited impact. Concerns have been raised regarding future uses of the site; however any use other than the parking of a vehicle on the site would require planning permission and would be considered on its own merits. This use also solely relates to the front part of the site. In granting the scheme the majority of the trees and vegetation would be removed and although the application does now show some indicate replacement planting and/or a landscaping scheme could be conditioned this does not override the concerns regarding the impact on the character of the area a residential use on this site would have. The development would as such have a positive environmental improvement, not supporting the role of the sites sustainable credentials and Policy DM4 of the emerging local plan.
- 8.20 The Council can demonstrate a 5-year supply and in the absence of overriding material considerations it is considered that the principle of the development of the site should be resisted. Other material considerations are discussed in further detail below.

Visual amenity

- 8.21 As described above the application site is located within an informal 'cul de sac' of dwellings forming a residential enclave on the periphery of the urban area of Maidstone. As can be seen on the site location plan the characteristics of this area (sporadic rural development) are wholly different to the area to the west of the railway bridge where development is suburban in nature and of a higher density.
- 8.22 Four of the seven existing local dwellings form part of the historic farmstead, notable by at least two of the buildings being converted agricultural buildings and the heritage assets of Little Buckland Farm and Little Buckland Farm Cottage (both listed buildings). The more recent development to the east was allowed for three new dwellings, each located within large spacious plots.

- 8.23 Recognised in the 1982 dismissed appeal (82/1358), the development of the application site would result in harm to the rural amenity and appearance of the value of the landscape of the area surrounding the town. Significant weight was given by the Inspector at that time to the cumulative impact allowing development on this site would have to this enclave and the difficulty that would result in resisting development on further land in the vicinity.
- 8.24 Although policy has changed since the earlier appeals, the characteristics of this enclave have been maintained. Allowing development on this site would wholly alter the characteristics and appearance of this area due to the proportions of the site in comparison to the neighbouring sites. The long, thin shape of the site would result in contrast and be at odds with the surrounding character of development. The site would consequently appear as cramped and out of character and harmful to this semi-rural locality.
- 8.25 The design of the proposed dwelling is not in itself considered unacceptable, the appearance of the building would be simple and low key. The dwelling would be sited at the front of the site and be a further urbanising feature, bringing built form much further forward towards Buckland Lane to the south. There would be limited possibility for landscaping to mitigate the harm when viewed from the road.

#### Impact on setting of Listed Building

- 8.26 The site lies within a small residential enclave separated from nearby development by the railway line. It includes three listed buildings – Little Buckland Farm, a converted barn and, immediately adjacent to the application site, Little Buckland Farm Cottage, a Grade II\* house dating from the 14<sup>th</sup> Century.
- 8.27 The proposal is to erect a dwelling on this long, narrow site which contains a number of trees (and some which have recently been felled). The arboricultural report accompanying the application states that these are in poor health and not suitable for retention.
- 8.28 The site is currently well-screened from Little Buckland Farm Cottage, both by trees within the application site and planting within the grounds of the listed building. Notwithstanding the potential loss of trees within the application site, it is considered that the proposed development would remain well-screened from Little Buckland Farm Cottage. In design terms it is considered the proposal to be acceptable, the house being in a vernacular style with something of the appearance of a farm building; although of two storeys, the house would be dug into the rising land on the application site, thus reducing its scale and visual impact. It is considered that it is unlikely to cause harm to the setting of Little Buckland Farm Cottage or to those of the other nearby listed buildings.

#### Impact on residential amenity (existing and future occupiers)

##### Existing occupiers

- 8.29 There are residential dwellings located to the east of the application site (Little Buckland Farm Cottage) and to the north (The Mews). Other neighbouring dwellings are considered to be a significant distance from the application site such that they would be unaffected by the proposed development.
- 8.30 The Mews is separated from the application site by the access road and it is considered that the single storey nature of the proposed development (both the

garage and dwelling) would mitigate any harm to the neighbouring dwelling to the north.

- 8.31 Little Buckland Farm Cottage to the east is situated in a large plot with the dwelling itself situated to the easterly part of the site. There are existing trees and landscaping along the eastern boundary separating the site, although some of this would be removed, that on the neighbouring site would remain. Due to the screening, single storey nature of the dwelling and the distance from the boundary, the neighbouring plot size and the position of the dwelling itself it is not considered that any significant harm would result to the amenity of the neighbouring dwelling.

#### Future occupiers

- 8.32 The proposed dwelling would benefit from an acceptable level of internal amenity.
- 8.33 The main concerns regarding the amenity of the future occupiers would be the potential noise and disturbance from the adjacent railway to the east of the site. The application has not been accompanied by a noise report to demonstrate acceptable amenity for the future occupiers, however the Environmental Health Officer is satisfied that this matter could be dealt with my condition.

#### Trees

- 8.22 The application site contains a number of relatively mature trees, predominantly sited along the eastern and western boundaries. These are described in the submitted tree report as eleven Lombardy Poplars, one White Poplar and One Sycamore, six poplar trees referred to in the earlier application as to be removed would now be retained, these trees are located to the south of the site.
- 8.23 The rationale for the felling of the existing trees relates to the poor condition of the trees. The tree officer has been consulted on the application and verbal discussions on the earlier application followed with the conclusion that the trees are unlikely to be worthy of retention and therefore although their loss is unfortunate replacement planting could mitigate the loss.
- 8.24 The landscape officer comments on this current application highlights the shortfall in the submitted arboricultural supporting information. This viewpoint is concurred with, however the same limited information was submitted and considered with the earlier application and the conclusion was reached that replacement planting could mitigate the loss of the existing trees. As such it would be unreasonable for the same conclusion not to be reached on the current application.
- 8.25 Subject to a robust landscaping scheme including replacement tree planting the application is considered acceptable in this respect.

#### Ecology

- 8.26 The information submitted includes a bat survey and a preliminary ecological survey. Both surveys appear to have been carried out by competent individuals and the clear methodology, findings and conclusions are set out in both reports. The bat survey concludes that there are no bats roosting in the trees on the site (which are proposed to be removed), bats were observed passing through the site during the survey. Any impact on bats is concluded that it could be mitigated by external lighting being limited within the site. Enhancements proposals are considered in the report. The ecological survey assesses the impact on protected species, the

appraisal includes a desk based and on the ground survey. The report concludes that there is potential for foraging hedgehogs and evidence of rabbits within the site, however no protected species were identified within the site and the site conditions did not raise issues to suggest that there would be undue possibility of protected species.

- 8.27 The findings of both reports would appear to be reasonable and it is considered that subject to mitigation and enhancement any matters relating to ecology could be dealt with by conditions should the scheme be acceptable in all other respects.

#### Highways and Parking

- 8.28 The proposed provision of one additional dwelling would not have any significant impact on highways, especially due to the lawful use of the site for the parking of a contractors lorry. The provision of one dwelling could amount to a similar vehicle movements.
- 8.29 The proposed parking provision (two tandem spaces on a hardstanding drive) would meet general standards and provide a suitable provision for the two-bedroomed dwelling proposed.

### **9.0 CONCLUSION**

- 9.01 The development of the site would be uncharacteristic within this semi-rural location and would be at odds with existing development and would detract from the semi-rural characteristics of the site and the surrounding area. The form of development would appear as cramped with the proposed garage dominating the site and detracting from the dwelling itself which has been suitably designed.
- 9.02 The proposed dwelling would not harm the setting of surrounding listed buildings but would not result in any improvement.
- 9.03 The existing authorised use for the parking of a contractor's lorry is a low-key use and the proposed development of a new dwelling would not result in significant environmental improvement to justify the development of the site outside the urban settlement boundary.
- 9.04 The benefits of one additional dwelling would not outweigh the harm associated with developing the site and development of the site for residential would not accord with current policy and guidance and is recommended for refusal.

### **10.0 RECOMMENDATION –REFUSE PLANNING PERMISSION for the following reason**

The proposed development would be detrimental to the character and visual amenities of the area representing an undesirable consolidation of, and extension to an area of built development in the rural area outside the defined urban boundary and due to the cramped nature of development in comparison to the surrounding properties would be out of character with the character and appearance of this small rural enclave located close to the urban area of Maidstone, contrary to the National Planning Policy Framework 2012, National Planning Practice Guidance 2012, Policy ENV6, ENV28 of the Maidstone Borough Wide Local Plan 2000 and Policies SP17, DM1, DM3, DM4 and DM34 of the Maidstone Borough Local Plan Publication May 2016 (Submitted version)

INFORMATIVE

The plans taken into consideration in reaching the decision to refuse planning permission are:

Application form

Planning, Design and Access Statement

Preliminary Ecological Appraisal

Bat Survey Report

Letter dated 22<sup>nd</sup> April 2016 addressing arboricultural matters

Drawing No. 16/1249/01 (erection of detached single storey dwelling)

Case Officer: Rachael Elliott

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