



PLANNING STATEMENT

Project Number:

2022-1208

Project:

Finchley Park, Emmet Hill Lane, Laddingford

Proposal:

Creation of parking area for chartered accountancy and tax firm occupying The Granary (including change of use of agricultural land). Removal of existing hard standing and landscaping to domestic garden. Associated soft landscaping - Retrospective

Date:

10th October 2023

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Introduction

This statement has been prepared in support of my client's planning application. This is in relation to the removal of an area of hardstanding to the East of the dwelling and the relocation of the parking to a new smaller hardstanding to the North East of the dwelling. This is a resubmission following a refusal of a similar scheme in 2022, however, it should be noted that there have been subsequent alterations to the use of the site in the interim, in addition to clarifying the use of the new smaller hardstanding as commercial Class E use, and not residential.

Firstly, this statement will set out the details of the site description to provide a context in which the proposal has been designed. Secondly, we will review the site's planning history and set out the details of the proposal subject of this application including an assessment of the previously refused scheme. Next, we will provide a summary of the relevant planning national and local planning policies. Following this we will set out a detailed assessment of the proposal and the relevant material considerations. Finally, we will provide a summary of the benefits of the proposal and why we consider that it should be approved.

In addition to this statement the following documents have been provided;

- Application forms
- Existing and Proposed site plans

Site Description

The site comprises of a farmyard setting with a farmhouse (rebuilt in the 1990's) to the North of the main farm complex, comprising of several agricultural buildings and areas of hard standing.

Immediately to the East of the farmhouse is a brick built two-storey granary building which has a lawful use for a commercial office space throughout. To the South of this building was a large area of gravelled hard standing which was used as the main parking area for the dwelling and office.

The main garden area for the property was situated to the North of the dwelling and had been partitioned off from the agricultural fields to the East and West of the property. Looking at historical aerial photography, the garden land and assumed residential curtilage has altered significantly over the years although the lawful residential curtilage was confirmed in 22/505531/FULL to be as permitted when the house was rebuilt. The plan below demonstrates this curtilage.

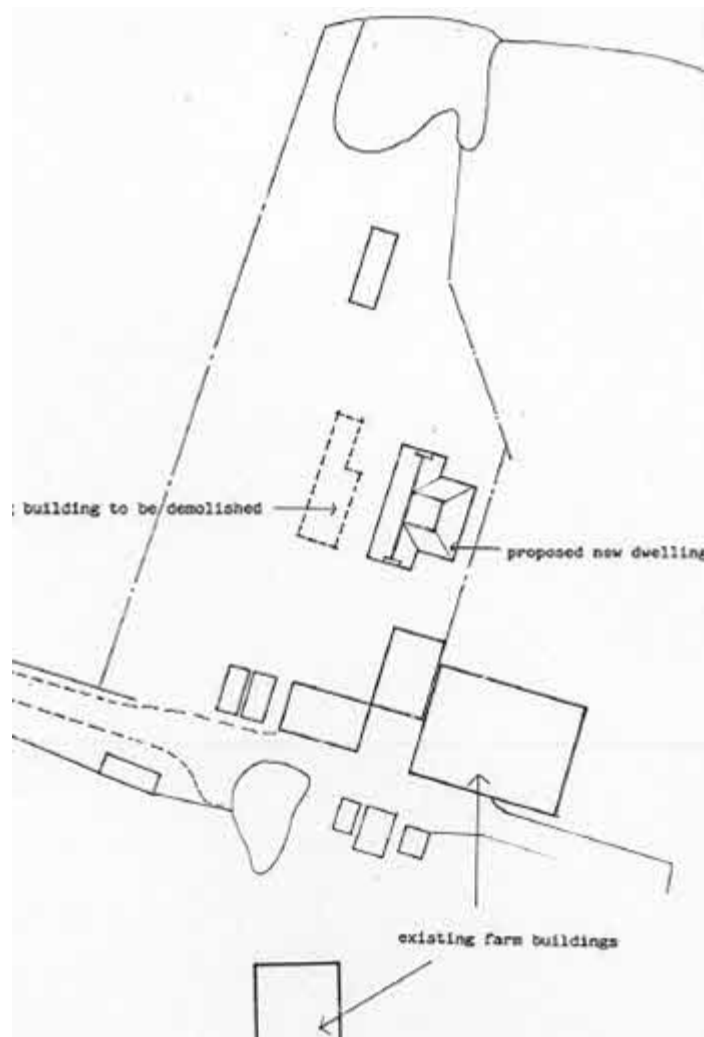


Figure 1: Residential Curtilage as per MA/94/0565

Planning History and Proposal

Relevant Planning History

Notification of Change of Use under Class R for change of use of the ground floor of the granary building to an office falling within Use Class E

Ref. No: 23/503237/NOAFTP | Status: Prior Approval Granted

Removal of large existing hard standing and creation of new smaller hard standing and parking area; soft landscaping and change of use of Agricultural land to residential curtilage

Ref. No: 22/505531/FULL | Status: Refused

Convert the first floor of their agricultural building to an office falling under Use Class E.

Ref. No: 22/503141/NOAFTP | Status: Prior Approval Granted

Proposed loft conversion with 3 no. dormer windows to front.

Ref. No: 19/504582/FULL | Status: Approved (Lapsed)

Conversion of the first floor of an agricultural building to residential annex.

Ref. No: 19/504969/FULL | Status: Approved (Lapsed)

Amendment to original approval granted under MA/91/1571 for a replacement dwelling.

Ref. No: 94/0565 | Status: Approved

Demolition of existing dwelling and replacement with 3-bedroomed house.

Ref. No: 91/1571 | Status: Approved

Demolition of existing dwelling and replacement with 3 bedroom house.

Ref. No: 90/1082 | Status: Refused

Assessment of 22/505531/FULL Refusal

As the proposal presented in this application has similarities to that of 22/505531/FULL it is prudent to discuss the reason for refusal of the prior application and explain how this application differs and how it is fully compliant with planning policy.

There was one reason for refusal on the earlier application:

The proposal is unjustified encroachment of development into the countryside, which would erode its rural character, harm its unspoilt natural appearance and impact its openness, contrary to Policies SP17, DM1, DM30 and DM33 of the Maidstone Borough Local Plan 2017 and the central government planning policy set out in The National Planning Policy Framework (2021).

When reviewing the Case Officer's Delegated Report the main concerns were:

- Incorrect assumption of residential curtilage
- Loss of connectivity between agricultural elements of the site
- Erosion of rural character
- Too formalised planting
- Excessive parking area for lawful use

There were no other concerns arising from the application.

Planning Proposal

We seek permission for a new parking area suitable for 12 cars, situated to the North of the Granary office building, which will be used primarily for the 14 members of staff of the chartered accountancy & tax firm that operates from the building. Two parking spaces will be set aside for the occupants of the dwelling but these will be 'de minimus' to the primary use as parking associated with the lawful Class E commercial use.

We will incorporate electric charging points and cycle parking to encourage sustainable commuting and vehicle use. In order to gain access to the commercial parking area we propose to bring the driveway North past the Western (primary) elevation and round to a new parking area to the North of the Granary building.

Planning permission is also sought for the removal of the existing hardstanding to the East of the dwelling and for this area to be grassed over and be considered garden land within the residential curtilage.

Additional planting has been undertaken including new areas of grassland, large copse style tree planting (native varieties) and areas for flowering shrubs and annuals surrounding the new parking area to encourage wildlife habitat and plant bee and butterfly friendly planting. These have already started to have a positive effect.

New beds have also been dug in the newly grassed area to the South of the Granary building. It is noted that previously there was a severe lack of planting for wildlife around the property. This will help contribute towards our client's desire for sustainable development.

National Planning Policy Summary

The NPPF (2023) sets out the government's planning policies which Local Plans need to accord with. Relevant paragraphs include;

Achieving Sustainable Development

Para 7 of the NPPF states that 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

Para 8 states that Achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Achieving well-designed places

Para 126 relates to achieving good design and states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Para 130 states that; Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Planning Policy Summary

Maidstone Borough Local Plan 2017

The Core Strategy was adopted in October 2017 and sets out the Council's vision, aims and objectives that will determine the future pattern of development in the Borough over the period to 2031. In addition, it sets out the detailed planning policies which must be considered as part of applications for new development. There are a number of relevant policies to this scheme and these are listed below;

Policy DM1 – Principles of Good Design

Policy DM3 – Natural Environment

Policy DM30 – Design Principles in the Countryside

Policy DM33 – Change of Use of Agricultural Land to Domestic Garden Land

Policy DM1 – Principles of Good Design

Proposals which would create high quality design and meet the following criteria will be permitted;

Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services;

Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;

Create high quality public realm and, where opportunities permit, provide improvements, particularly in town centre locations;

Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties;

Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;

Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;

Orientate development, where possible, in such a way as to maximise the opportunity for sustainable elements to be incorporated and to reduce the reliance upon less sustainable energy sources;

- i. Protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures;
- ii. Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;
- iii. Create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour;
- iv. Avoid inappropriate new development within areas at risk from flooding, or mitigate any potential impacts of new development within such areas whereby mitigation measures are integral to the design of buildings;
- v. Incorporate measures for the adequate storage of waste, including provision for increasing recyclable waste;
- vi. Provide adequate vehicular and cycle parking to meet adopted council standards; and
- vii. Be flexible towards future adaptation in response to changing life needs.

Policy DM3 – Natural Environment

1. To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to:
 - i. Protect positive landscape character, areas of Ancient Woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological or geological interest, and the existing public rights of way network from inappropriate development and avoid significant adverse impacts as a result of development;
 - ii. Avoid damage to and inappropriate development considered likely to have significant direct or indirect adverse effects on:
 - a. Internationally, nationally and locally designated sites of importance for biodiversity; and
 - b. Local Biodiversity Action Plan priority habitats;
 - iii. Control pollution to protect ground and surface waters where necessary and mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones, and/or incorporate measures to improve the ecological status of water bodies as appropriate;
 - iv. Enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented Ancient Woodland; support opportunities for the creation of new Biodiversity Action Plan priority habitats; create, enhance, restore and connect other habitats, including links to habitats outside Maidstone Borough, where opportunities arise;
 - v. Provide for the long term maintenance and management of all natural assets, including landscape character, associated with the development;
 - vi. Mitigate for and adapt to the effects of climate change; and
 - vii. Positively contribute to the improvement of accessibility of natural green space within walking distance of housing, employment, health and education facilities and to the creation of a wider network of new links between green and blue spaces including links to the Public Rights of Way network.
2. Where appropriate, development proposals will be expected to appraise the value of the borough's natural environment through the provision of the following:
 - i. An ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species;
 - ii. Arboricultural assessments to take full account of any natural assets connected with the development and associated sites; and
 - iii. A landscape and visual impact assessment to take full account of the significance of, and potential effects of change on, the landscape as an environmental resource together with views and visual amenity.
3. Publicly accessible open space should be designed as part of the overall green and blue infrastructure and layout of a site, taking advantage of the potential for multiple benefits including enhanced play, wildlife, sustainable urban drainage, tree planting and landscape provision. The form and function of green infrastructure will reflect a site's characteristics, nature, location and existing or future deficits.
4. When significant harm cannot be avoided through consideration of alternative sites or adequate mitigation provided on-site within the immediate locality, compensatory measures will be achieved within the relevant Biodiversity Opportunity Area, or other location as agreed by the local planning authority.
5. Development proposals will give weight to the protection of the following designated sites for biodiversity, as shown on the policies map, which will be equal to the significance of their biodiversity/geological status, their contribution to wider ecological networks and the protection/recovery of priority species as follows:
 - i. For internationally designated sites (including candidate sites), the highest level of protection will apply. The council will ensure that plans and projects proceed only when in accordance with relevant Directives, Conventions and Regulations. When the proposed development will have an adverse effect on the integrity of a European site, planning permission will only be granted in

- exceptional circumstances, where there are no less ecologically damaging alternatives, there are imperative reasons of overriding public interest and damage can be fully compensated.
- ii. For nationally designated sites (including candidate sites), development will only be permitted where it is not likely to have an adverse effect on the designated site or its interests (either individually or in combination with other developments) unless the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the designated site that make it of national importance and any broader impacts on the national network of Sites of Special Scientific Interest. Where damage to a nationally designated site cannot be avoided or mitigated, compensatory measures will be sought. Development will also accord with and support the conservation objectives of any biodiversity site management plans.
 - iii. For locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site. Compensation will be sought for loss or damage to locally designated sites.

Account should be taken of the Landscape Character Guidelines SPD, the Green and Blue Infrastructure Strategy and the Kent Downs AONB Management Plan.

Policy DM30 – Design Principles in the Countryside

‘Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted:

- i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
- ii. Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances;
- iii. Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges;
- iv. Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area; and
- v. Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

Account should be taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD’

Kent Design Guide

Adopted in 2005 this supplementary planning document provides design guidance for applicants and developers to follow when preparing proposals.

Planning Assessment

This assessment centres around the reason for refusal of 22/505531/FULL. As the proposal is not dissimilar overall, we do not believe that it will raise any new concerns.

Incorrect assumption of residential curtilage

It is acknowledged that the previous application cited a residential curtilage contrary to that which the council demonstrated was the true curtilage – however we maintain that the land we marked as residential has been used for domestic parking in excess of 10 years. This is alluded to in the delegated report:

The removal of the existing hard-standing and change of use of that area to garden land would not, in itself, result in a loss of best and most versatile agricultural land, as although the lawful use is agricultural, the land is, for obvious reasons, not actually in active agricultural production.

We do not believe that the definition of the residential curtilage is a material concern with this application, but we propose that the lawful curtilage is amended to include the ‘new’ garden land.

Loss of connectivity between agricultural elements of the site

The major change since the previous refusal is the lawful change of use of the ground floor of the granary building. This change of use means there is no agricultural use to the North of the previous hardstanding and there is no loss of connectivity as all the agricultural use is now to the South of the site. Furthermore, neither the Granary nor the barn have been in agricultural use for over 10 years, they lay empty when our client purchased the property and this would have been evident had an inspection been arranged during our first application.

Erosion of rural character

The erosion to the rural character was predominantly focussed on the large sweeping driveway to the front of the dwelling that cut across the corner of the front field and the car park which extended into the agricultural field North of the office building.

As the site is not in any special landscape area (AONB / Green Belt) then we consider the rural character should only be assessed from public vantage points. The site is generally flat and is 60m+ from Emmett Hill Lane, the only public vantage point of the site. The rear of the site is over 350m from footpath KM210 and is obscured by a mature treeline. Due to the topography and existing landscape features we do not believe the development can be seen from any public vantage point therefore its impact on the surrounding rural character is very minimal.

In this new proposal the sweep of the driveway has been removed and has instead been replaced with an almost right angle turn, allowing the realigned fence to be approximately 10m back from the refused position.

The previous scheme was refused citing Local Plan Policy DM33 – Loss of Agricultural Land to Residential. In this proposal the only loss of agricultural land to residential is the small area that crosses in front of the house including the bend of the drive, which was not cited as an issue in the previous application. We believe that this small loss to residential use should be acceptable. This is also a required change in order to reach the new commercial parking area.

The remaining loss of agricultural land would be to commercial (Class E) use and there is no planning policy which specifically restricts this change of use.

Too formalised planting

The previous scheme proposed formal planting and standard trees, and this was considered excessive for a rural landscape. The case officer commented:

The harm would be exacerbated by the regular and formal planting indicated along the edges of both the existing and proposed parts of the driveway. It is considered that this would undermine the integrity and rural character of the countryside.

In this proposal, planting has been restricted to a single band of five saplings on the bend of the driveway and a new orchard to the North of the parking area.

Additionally, our client has arranged for over 20 native trees to be planted in the field adjacent to the road, to enhance the rural aspect from this public viewpoint, and more importantly support the wildlife in the local area. These areas of planting are more in keeping with the rural vernacular.

Incorrect assumption of excessive parking area for lawful use

With the most recent change of use application there is now approximately 180m² of Class E (formerly B1) commercial use. Based on the Kent Design Guide this use should provide 1 parking space per 20m² of floor area. The car park has space for approximately 12 vehicles in an informal arrangement – 9 of which will satisfy the requirements for the commercial use with two for the residential use and one for visitors to either.

Given the number of employees that are working in the Granary office building both now and at the time of the previous application, a carpark of this size is required to support the commercial use of the Granary building.

New Considerations

The application cannot be assessed solely against the previously refused application as the dynamics of the site have materially changed with the more intensive commercial use and the reduction of agricultural dominance on the site. The site is now effectively split in two with the Southern half (turn right at the top of the driveway) in agricultural use and the Northern half (turn left at the top of the driveway) in Residential and Commercial use. The agricultural use is a standalone use and is not related to the commercial or residential use. The land and buildings are rented by a farmer from the owners who are the occupants of the house and the proprietors of the chartered accountancy firm.

With the chartered accountancy business taking a more prominent role on the site it is important to ensure the ongoing privacy for the occupants of the dwelling, especially whilst there are young children occupying the property, whilst maintaining the security and safety of both uses. In the existing arrangement the parking and access for the commercial use is directly behind the house, in the area where you would normally expect the domestic garden. This poses an issue of privacy, safety and noise – by turning this area into a garden it provides a separation between the uses.

Furthermore, with the access to the car park being past the front of the property the movement of vehicles can be monitored more easily therefore improving security on the site whilst still maintaining a pleasant outlook for the occupants, and the ability for a young family to enjoy the outside area in a safe environment. The outlook from the office has also been significantly improved, complementing the wellbeing initiatives run by the firm.

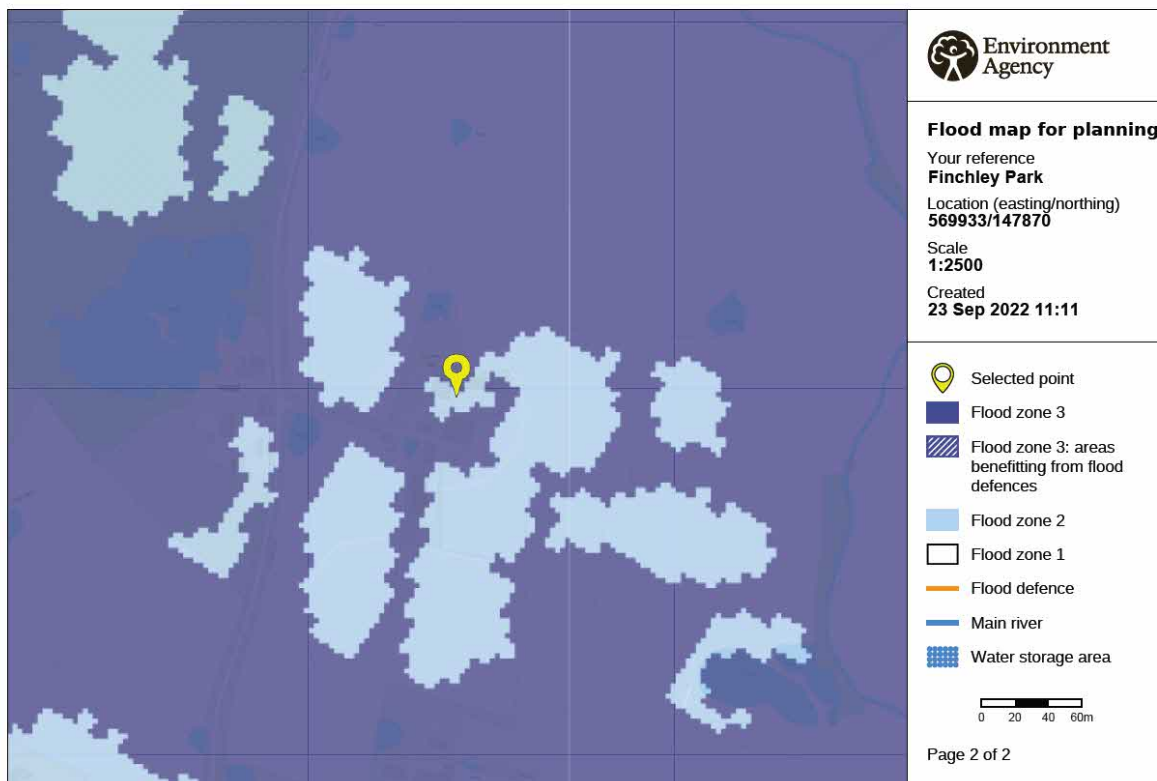
This application is being made retrospectively as our client had to proceed with providing adequate commercial parking for a growing business, addressing the pressing privacy issues which surrounded the previous area of hardstanding. As the work has already been completed, it is easy to visit and see how sympathetically the plans have been carried out, both towards the wildlife surrounding the area and enhancing the existing rural character of the property.

Flood Risk Assessment

The site is in Flood Zone 2 & 3 and therefore there needs to be consideration as to how the proposal will affect on-site flooding and also the impact it will have on the wider area.

All the surfaces proposed will be permeable and free draining so there will be no need for collection of rainwater. There will be an overall reduction in hardstanding by approximately 20% (250m²) and this will increase the area of grassland. The addition of grassland and soft planting will increase the demand for groundwater onsite and reduce the rate of surface water entering the ditches and watercourses on and around the site therefore delaying the water reaching the larger watercourses of the Beult and Medway.

The proposal includes a vehicular bridge over an existing ditch. This ditch is owned and maintained by our client and is not the responsibility of the Environment Agency or Drainage Board. The ditch will be culverted with a pipe (or pipes) of sufficient diameter as to not to impede the flow of water. It should be noted that for the majority of the year this ditch is dry.



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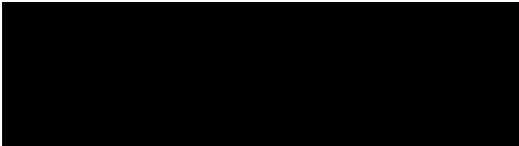
Figure 4: Environment Agency Flood Map

Conclusion

The scheme accords with the NPPF (2023), and Policies DM1, DM3 and DM30 of the Maidstone Borough Local Plan 2017 and the application should therefore be approved.

I trust this letter sets out my clients' planning application proposal in full, if however, you require any further information please let me know.

Yours Sincerely



George Bryant, ABIAC

Associate Planner, SJM Planning Ltd