



PLANNING STATEMENT

Project: Caravan 2, Highlands Farm, Yalding Hill, Yalding

Proposal: Change of use of agricultural land for storage of materials and erection of storage barn and dog kennels/runs with associated hardstanding road (ancillary to residential occupation of site for Gypsy/Traveller use) Part retrospective. (Resubmission of previously refused scheme)



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1. Introduction

- 1.1 This statement has been prepared in support of my clients' planning application. This is in relation to change of use of agricultural land for storage of materials and erection of storage barn and dog kennels/runs with associated hardstanding road (ancillary to residential occupation of site for Gypsy/Traveller use) Part retrospective. (Resubmission of previously refused scheme)
- 1.2 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 review the sites planning history and set out the details of the proposal subject of this application. Next, we provide a summary of the relevant planning national and local planning policies. Following this we set out a detailed assessment of the proposal and the relevant material considerations. Finally, we provide a summary of the benefits of the proposal and why we consider that it should be approved.
- 1.3 In addition to this statement the following documents have been provided;
- Application forms
 - Existing and proposed site plan
 - Proposed floor plans and elevations of kennels and barn
 - Noise Assessment



2. Site Description

- 2.1 The site is located on the northern side of Yalding Hill and approximately 850m north east of the settlement of Yalding. The site is roughly rectangular in terms of its shape and covers an area of approximately 0.5ha. In terms of planning policy constraints, the site is located outside of a settlement boundary and therefore within the countryside. In addition, the site lies within an area of archaeological potential and a KCC Minerals Safeguarding Area.
- 2.2 The site itself contains a dog kennel with five bays (the subject of this planning application). To the south of the site lies an existing lawful Gypsy and Traveller site. To the north and west lie existing polytunnels.
- 2.3 Public footpath (KM190) lies to the east of the site and runs in a north/south direction.



Figure 1: Existing street scene from Yalding Hill showing site entrance



3. Planning History and Proposal

Relevant Planning History

Planning application ref – 23/500748/FULL

- 3.1 Planning permission was refused in June 2023 for the change of use of agricultural land for storage of materials and erection of storage barn and dog kennels/runs with associated hardstanding road (ancillary to residential occupation of site for Gypsy/Traveller Use) Part retrospective. This application was refused for the following reasons;
1. The development by reason of its scale, location and visual separation from the approved gypsy traveller site, would not satisfactorily perform a function ancillary to the residential occupation of the caravans. It would thus be contrary to the objectives of safeguarding the open, rural character of the countryside advocated in Policy SP17, and DM33 of the Adopted Maidstone Borough Local Plan (2017), and policy LPRENV 2 of the Emerging Maidstone Draft Local Plan. These objectives are consistent with the core principles of the NPPF (2021) seeking protection of the rural character of the countryside.
 2. The development would intensify the concentration of built development in this part of the countryside, which would be distinctly at odds with the distinctive landscape character and appearance of the area. It would stand in conflict with policy policies SP17 and DM30 of the Adopted Local Plan, the Maidstone Landscape Character Assessment, and the NPPF (2021) which jointly advocate protection of valued landscapes.
 3. In the absence of a Noise Assessment detailing the acoustic environment around the site, the development would likely cause irritation and inconvenience to occupiers of nearby caravans. It would conflict with the requirements of Policy DM1 (iv) of the Maidstone Borough Local Plan Local Plan, and paragraph 130 of the NPPF (2021). The policies jointly seek protection of residential amenity for all existing and future occupiers of buildings.
 4. The development owing to the lack of turning facilities within the site would cause vehicles to reverse onto the access road which would endanger drivers and pedestrian using the road. It would thus conflict with paragraph 112 (c) of the NPPF (2021) which seeks to ensure the adverse effects of development on the wider road network is mitigated.

Planning Proposal

- 3.2 Planning permission is sought for the change of us of the land for the storage of materials and erection of storage barn and dog kennels/runs with associated hardstanding road (ancillary to residential occupation of site for Gypsy/Traveller use) Part retrospective.
- This application is a resubmission of the previously refused application (23/500748). This application seeks to reduce the reasons for refusal prior to the submission of a planning appeal.

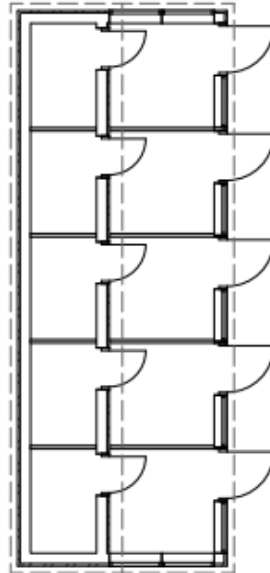
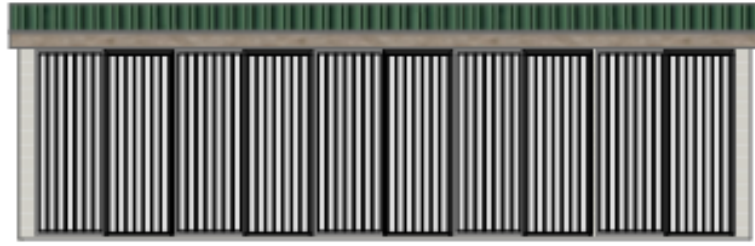


Figure 2: Proposed front elevations and floor plan



4. National Planning Policy Summary

- 4.1 The NPPF (2021) sets out the government's planning policies which Local Plans need to accord with. Relevant paragraphs include;

Achieving Sustainable Development

- 4.2 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.
- 4.3 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.

Presumption in favour of sustainable development

- 4.4 Para 11 of the NPPF states that '*plans and decisions should apply a presumption in favour of sustainable development.*'

For **decision-taking** this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date ⁸, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ⁷; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.



Promoting Sustainable Transport

- 4.5 Paragraph 112 relates to the determination of planning applications, sub section c states that '*applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards.*'

Achieving well-designed places

- 4.6 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 ⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5. Local Planning Policy Summary

Maidstone Borough Local Plan 2017

5.1 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 SP17 – Countryside
- Policy DM1 – Principles of Good Design
- Policy DM30 – Design Principles in the Countryside
- Policy DM33 – Change of use of agricultural to domestic garden land

5.2 Local Plan Policy DM1 relates to principles of good design and states that;

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

- i. 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;
- ii. 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;
- iii. Create high quality public realm and, where opportunities permit, provide improvements, particularly in town centre locations;
- iv. 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;
- v. 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;
- vi. Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;
- vii. 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;
- viii. Protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures;
- ix. Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;



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- x. Create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour;
 - xi. 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;
 - xii. Incorporate measures for the adequate storage of waste, including provision for increasing recyclable waste;
 - xiii. Provide adequate vehicular and cycle parking to meet adopted council standards; and
 - xiv. Be flexible towards future adaptation in response to changing life needs.

5.3 Local Plan Policy DM33 relates to change of use of agricultural land to domestic garden land and states that;

'Planning permission will be granted for the change of use of agricultural land to domestic garden if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land.'

5.4 Local Plan Policy DM30 relates to design principles in the countryside and states that;

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.



6. Planning Assessment

Material Considerations

- 6.1 The previous planning application (ref 23/500748/FULL) was refused for four reasons relating to the following issues.
- Rural character of the countryside
 - Impact on landscape character and appearance of the area
 - Impact of noise on occupiers of nearby caravans
 - Highways safety
- 6.2 This resubmission seeks to overcome these reasons for refusal, or at least reduce the reasons for refusal in preparation for a planning appeal submission.

Impact on character of the area

- 6.3 The first and second reason for refusal relates to the impact of the proposal upon the rural character of the countryside and states that

'The development by reason of its scale, location and visual separation from the approved gypsy traveller site, would not satisfactorily perform a function ancillary to the residential occupation of the caravans. It would thus be contrary to the objectives of safeguarding the open, rural character of the countryside advocated in Policy SP17, and DM33 of the Adopted Maidstone Borough Local Plan (2017), and policy LPRENV 2 of the Emerging Maidstone Draft Local Plan. These objectives are consistent with the core principles of the NPPF (2021) seeking protection of the rural character of the countryside.'

'The development would intensify the concentration of built development in this part of the countryside, which would be distinctly at odds with the distinctive landscape character and appearance of the area. It would stand in conflict with policy policies SP17 and DM30 of the Adopted Local Plan, the Maidstone Landscape Character Assessment, and the NPPF (2021) which jointly advocate protection of valued landscapes.'

- 6.4 The Case Officer's report provided additional context to these reasons for refusal stating that:

'The introduction of a permanent buildings on this scale onto this previously undeveloped land would unjustifiably intensify the concentration of built development and would in so doing detract from the distinctive landscape character of the area. Whilst the appearance of the buildings could be controlled by the imposition of a planning condition, this consideration does not outweigh the harm the development entails to the valued landscape. The resulting development would also appear as an alien feature within the setting of the valued landscape in conflict with the guidance within the landscape character assessment. It would thus adversely impact on the intrinsic character of the area and native planting would not sufficiently mitigate this harm.'

- 6.5 The site is set back approximately 140m from the road frontage such that views of the proposal would not be feasible from within the street scene. We consider that the proposed kennels and storage building would not be excessive in terms of their size. Whilst the buildings would be functional in terms of their design they would not appear out of place when read within the context of the existing lawful Gypsy and Traveller site. The buildings would be located in close proximity to one another reducing the spread of built form within the site. The buildings would be sited close to the neighbouring mobile home ensuring their use in relation to the existing lawful Gypsy and Traveller site.



Impact of noise on occupiers of nearby caravans

- 6.6 The third reason for refusal relates to the impact of noise on occupiers of nearby caravans and states that;

'In the absence of a Noise Assessment detailing the acoustic environment around the site, the development would likely cause irritation and inconvenience to occupiers of nearby caravans. It would conflict with the requirements of Policy DM1 (iv) of the Maidstone Borough Local Plan Local Plan, and paragraph 130 of the NPPF (2021). The policies jointly seek protection of residential amenity for all existing and future occupiers of buildings.'

- 6.7 The Case Officer's report provided additional context to this reason for refusal stating that:

'The application site is within 25 metres of the approved gypsy traveller site and activities around the yard and barking of dogs would result in some level of noise and disturbance to existing occupiers of the gypsy traveller site. Unfortunately, the application is not supported by a Noise Assessment detailing the acoustic environmental around the site, including the likely noise impact of the proposed dog kennel on the amenities of existing residents of the caravans with windows partially open. MBC Environmental Health Team have recommended a noise management plan condition is attached to any permissions granted to ensure that if any noise issues arise, they can be managed effectively.'

- 6.8 In response to this reason for refusal we have carried out a noise and vibration assessment to establish existing as ambient, residual and background sound levels of the area. This has been submitted as part of this resubmitted application.

- 6.9 The executive summary confirms that; *'it is the professional opinion of ES Acoustics Ltd that noise associated with the dog kennel proposal would result in a low likelihood of adverse impact on the surrounding residential receptors. No additional mitigation measures would be required to ensure the amenity of surrounding receptors.'*

- 6.10 We consider that the submission of this noise assessment, overcomes the previous reason for refusal relating to noise.

Highways safety

- 6.11 The fourth reason for refusal relates to the impact of the proposal on highways safety and states that;

'The development owing to the lack of turning facilities within the site would cause vehicles to reverse onto the access road which would endanger drivers and pedestrian using the road. It would thus conflict with paragraph 112 (c) of the NPPF (2021) which seeks to ensure the adverse effects of development on the wider road network is mitigated.'

- 6.12 The Case Officer's report provided additional context to this reason for refusal stating:

'The storage building occupies a floor area of approximately 70m², unfortunate, the submission does not indicate any parking provision for development. Whilst there appear to be adequate space around the buildings for parking a car and goods vehicle, there would be insufficient space to provide a turning area required for vehicles to leave the site in a forward gear. Owing to the lack of adequate turning facilities, the scheme would likely result in vehicles reversing in and out of the site which could cause inconvenience and danger to existing residents. Paragraph 112 of the NPPF (2021) requires proposals to create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians,



cyclists and vehicles. To this extent, the effect of the proposal in parking terms would be unacceptable.'

- 6.13 The proposed kennels would be used ancillary to the occupation of Caravan 2 which has permission for Gypsy/Traveller occupation. The access to the site would be taken directly from the existing yard to Caravan 2, where there is sufficient space to turn a vehicle within the site. Two parking spaces are shown on the block plan overleaf. Whilst tracking diagrams have not been provided, it is clear from the site plan that there would be a significant amount of space within the site for a vehicle to turn and leave the site in forward gear.



- 6.14 The kennels would be used for personal use by the owner/occupier of caravan 2 and as such would not attract any additional vehicle movements to and from the site. We believe therefore that the proposal would not lead to an increase in vehicle movements to and from the site compared to the existing use.
- 6.15 On the basis that the proposal used would not attract any additional vehicle movements and in any event the turning of any vehicles could be carried out within the yard to Caravan 2.
- 6.16 The appellant would be willing to accept a personal permission which ties the proposal to the occupation of the caravan such that two uses would be linked, ensuring no additional vehicle movements. The requirements of a condition could require the proposed use to cease, and all structures removed if the occupation of the mobile home ceased. We consider that sufficient information has been submitted to overcome this reason for refusal.



7. Conclusion

- 7.1 Planning permission is sought for the change of use of agricultural land for storage of materials and erection of storage barn and dog kennels/runs with associated hardstanding road (ancillary to residential occupation of site for Gypsy/Traveller use) Part retrospective. (Resubmission of previously refused scheme)
- The aim of this resubmitted planning application is to overcome the previous reasons for refusal relating to application ref 23/500748/FULL or at the very least to reduce the reasons for appeal in advance of a planning appeal.
 - We have provided a noise assessment which has been carried out by consultants ES Acoustics Ltd, who have confirmed '*that noise associated with the dog kennel proposal would result in a low likelihood of adverse impact on the surrounding residential receptors. No additional mitigation measures would be required to ensure the amenity of surrounding receptors.*'
 - A block plan has also been provided which sets out two parking spaces and confirms that vehicles will be able to exit the site in forward gear. We trust that this additional information overcomes the fourth reason for refusal.
 - We disagree with the previous conclusions in relation to impact upon landscape and character. Whilst we would encourage the Case Officer to form a different view in relation to this proposal we accept that it is likely that a planning appeal will follow.