

REPORT SUMMARY

REFERENCE NUMBER: 23/501345/FULL		
APPLICATION PROPOSAL: Change of use of land to a luxury holiday park to comprising 6no. hard standing pitches, 2no. safari lodges, swim pond, cycle store and conversion of existing agricultural barn to a reception building with associated access, parking, foul water package treatment plant, 2no. surface water attenuation ponds with landscaping and lighting.		
ADDRESS: Reeds Wood Cox Street Detling Maidstone Kent ME14 3HL		
RECOMMENDATION: Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION: The landscape impact on the Kent Downs Area of Outstanding Natural Beauty is limited to short range views at the access point and additional landscaping that can be secured within the site. The AONB's landscape and scenic beauty can be adequately conserved overall and the scheme complies with Policy SP17, the NPPF and the key principles of the Kent Downs AONB Management Plan. There are significant benefits for tourism/rural economic development and it complies with Policies SP21, DM37 and DM38 in that the modest scale of the proposal is appropriate for this location and the site is relatively unobtrusively located and well screened by existing and proposed vegetation. By its nature and business model, this type of tourism use necessitates a rural location close to an equestrian business. A condition for a detailed Woodland Management Plan is considered to safeguard the ancient woodland/Local Wildlife Site (LWS) (covered by a Tree Preservation Order). The appearance of the 2 lodges to be stationed on site and the barn to be converted are appropriate to the sensitive location and the materials are both natural and vernacular and comply with design policies DM1 and DM30. External lighting has been designed to be low level and low colour temperature and the night time lux levels have been revised lower as requested by KCC's biodiversity officer and complies with policies DM3 and DM8. EV charging points are included. The onsite shop and the link of the tourism use with the neighbouring stables help to reduce what is an unsustainable location. KCC as local highway authority is satisfied that the access is safe and the residual cumulative impact on the local road network is not severe. Surface water drainage and foul drainage arrangements are both acceptable. The application was advertised as a Departure from the Development plan and is objected by the Kent Downs AONB units. However, it is concluded that adequate mitigation has been secured and there are material considerations of benefits to tourism and economic activity which, on balance, would make the proposal acceptable.		
REASON FOR REFERRAL TO COMMITTEE: The development is potentially a departure from the Development Plan.		
WARD: Detling And Thurnham	PARISH/TOWN COUNCIL: Detling	APPLICANT: Mr Kevin Rice AGENT: Architectural Designs
CASE OFFICER: Marion Geary	VALIDATION DATE: 26/04/23	DECISION DUE DATE: 30/11/23
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

21/504513/FULL

Change of Use to a luxury holiday park to comprise of 10no. hard standing pitches, 2no. safari lodges, amenity building, cycle store and the conversion of existing agricultural barn to reception building and associated access and parking
Refused 10.01.2022

Refused for reasons of harm to the character and appearance of the AONB; harm to Ancient Woodland; highway impact on narrow lanes; new amenity building unjustified.

13/2169

Erection of single dwelling and annexe with landscaping scheme and associated works (under paragraph 55 of the National Planning Policy Framework)
Refused 18.07.2014 and Dismissed on Appeal

Refused for reasons of harm to AONB and unsustainable location

On adjoining site (Chestnut Wood Farm):

21/504112/FULL

Change of use of ground floor of barn to use as a staff mess/staff welfare/office accommodation ancillary to the commercial livery and material changes to the external appearance of the building.
Approved 22.09.2021

18/506064/FULL

Change of use of ground floor of barn to use as a staff mess/staff welfare/office accommodation ancillary to the commercial livery and material changes to the external appearance of the building.
Approved 22.01.2019

17/503501/FULL

Removal of existing stable, manege, portable buildings/storage containers and erection of replacement stable building and manege.
Approved 24.10.2017

16/505312/FULL

Variation of condition 2 of 14/506188 (Change of use of the first floor of the barn to residential use in connection with the equestrian and agricultural businesses at Chestnut Wood Farm.) - to allow for the permanent residential use of the first floor of the barn.
Approved 25.08.2016

14/506188/FULL

Change of use of the first floor of the barn to residential use in connection with the equestrian and agricultural businesses at Chestnut Wood Farm.
Approved 20.11.2015

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 This countryside site is to the west of Cox Street and north of Scragged Oak Road on the western site Detling Hill on the upper plateau of the North Downs Kent Downs Area of Outstanding Natural Beauty. It lies within the Bredhurst to Bicknor North Downs Landscape Character Area.

- 1.02 The application site measures 2.9 ha and comprises grazing land surrounded on 4 sides by Ancient and Semi-Natural Woodland (Newlands/Burnt Woods) that is subject to a Woodland TPO (no. 11 of 1983) and is also part of the Cox Street Valley Woods, Yalsted Local Wildlife Site. The site is within the same ownership as Chestnut Wood Farm Livery to the north-west.
- 1.03 The grazing land slopes down from 179m OD in the SW corner to 175m OD in the NE corner, a drop of 4m over a distance of 190m. There are buildings at the southern end comprising a brickwork outbuilding, a large agricultural barn, a timber outbuilding and 2 metal containers. The buildings/containers are set on a large area of hardstanding which appears to have been added over 10 years ago (based on aerial images).
- 1.04 There are 2 vehicular accesses, one off Scragged Oak Road via Chestnut Wood Farm Livery and the other directly to Cox Street, albeit without a sealed surface.
- 1.05 The site lies in Flood Zone 1 and over a groundwater source protection zone.

2. PROPOSAL

- 2.01 The revised application seeks planning permission for a change of use to a Holiday Park to comprise of 6 hard standing pitches for motorhome/touring caravans, stationing of 2 holiday lodges, cycle shelter and the conversion of existing agricultural barn to reception/amenity building with 4 space parking area. The application originally proposed 7 hard standing pitches and 2 lodges.
- 2.02 Vehicular access will be via Cox Street involving a widening and a maximum 14m wide bellmouth at the highway edge.
- 2.03 The intention is that the Holiday Park will attract tourists who wish to bring their horses on holiday with them to be looked after within the Chestnut Wood Stables facility. The holidaymakers can exercise their horses within the adjacent equestrian facilities or in fields and paddocks owned by the applicant or by use of local bridleways in the area. The site manager will live at the adjacent livery business. Any horse lorries or horseboxes belonging to the holidaymakers will be parked within the livery stables. The application forms states that 1 full time staff and 2 part time staff will be employed.
- 2.04 An existing barn which is brickwork/blockwork/metal sheeting is to be converted to a reception/amenity building including a small shop for the holidaymakers. It is to have sweet chestnut weatherboarding with clay tiles, windows and doors to be dark aluminium powder coated. The Barn has a footprint of approx. 108 sqm and is approx. 6m high to the ridge. There will be demolition of a brick store and an old tractor shed and pole barn building and removal of existing storage containers.
- 2.05 The 2 holiday lodges to be stationed on the site are each 3 bedroomed and measure 14m by 6.1m (85sqm) and 4.8m high to the ridge, raised 0.6m from the ground (stepped access) with a small veranda. The proposed external materials are sweet chestnut weatherboarding and clay tiles to the roof.
- 2.06 For the touring caravan/motorhome site, the revised scheme is for 6 hardstanding pitches. Each pitch will have an electricity point and an EV charging point and will be separated by new hornbeam boundary hedging. The dimensions of the pitches are intended to comply with caravan site licence requirements (ie minimum 6m separation between caravans).
- 2.07 The access track is indicated to be lit with low level bollards and will be a 1-way loop arrangement. Parking will be on permeable resin bound surfacing. Pathways will be pavers. The access will lead to an existing gate at Cox Street which will

necessitate widening to 2 lanes and a maximum 14m width at the highway edge (using a no-dig method due to the location within the protected woodland).

- 2.08 The gap between the caravan/lodge area and the edge of the ancient woodland is 15m and will be comprised of semi-natural improved neutral grassland with edge habitat planted along the woodland boundary and will be protected by native species hedging. All the woodland and buffer zone areas are stated to be out of bounds to the holiday makers. The applicant has indicated that the woodland is to have a coppicing regime re-introduced.
- 2.09 New planting on and around the site is indicated to be Field Maple (12); Wild Cherry (7); Goat Willow (5); Wild Service Tree (4); Hawthorn (71); Flowering Cherry (10) Hazel (4); Blackthorn (49) Wayfaring Tree (39) with mixed native and hornbeam hedging.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017; SS1, SP17, SP21, DM1, DM3, DM21, DM30, DM31, DM37, DM38, DM41

Kent Waste and Minerals Plan (amended 2020):

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Maidstone Landscape Character Assessment 2012 (Updated 2013)

Kent Downs AONB Management Plan 2021-2026 (Third Revision)

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound were out to public consultation ending on 13 November 2023 so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

Members are advised that the replacement for policy SP17 is draft policy LPRSP9 which in the Main Modifications recently consulted on is proposed to have the word "significant harm" when considering the level of harm to the rural character and appearance of the area.

4. LOCAL REPRESENTATIONS

Local Residents:

Detling Parish Council

- 4.01 Support: The proposal meets the requirements of Local Plan policies DM30 - and DM38. Noted that KCC Highways has dropped its objection after a revision was made to the application. The proposal is well screened and benefits rural employment and the local economy, outweighing any detriment to the AONB.

Councillor Thompson

- 4.02 Objection:

- Conflicts with Principles SD1, SD2, SD3, SD8, SD9, WT1 of the AONB Management Plan
- detracts rather than enhances character and quality of the AONB
- negative impact on landscape and special character

- no net gain to biodiversity
- disconnects woodlands in the AONB
- does not strengthen local distinctive and historic character
- noise, vehicle emissions, and lighting harm to ecology
- Direct impact and recreational pressure on TPO site, ancient Woodland, in a Local Wildlife Site.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

Natural England

5.01 No objection subject to standing advice on:

- Landscape
- Ancient Woodland, Ancient and Veteran trees
- Priority Habitats and Species
- Sites of Special Scientific Interest Impact Risk Zones

Southern Water Services

5.02 No objection.

Environment Agency

5.03 No comment as site is not located on Source Protection Zones 1 or 2.

Forestry Commission

5.04 No objection subject to:

- Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees

Kent Downs AONB Unit

5.05 Objection

- development would neither conserve nor enhance the local character and tranquillity of the Kent Downs AONB, contrary to paragraph 176 of the NPPF.
- contrary to paragraph 180 which seeks to protect Ancient Woodland
- Contrary to Kent Downs AONB Management Plan principles SD1, SD3, SD7, SD8, LLC1, WT1.
- Contrary to management objectives of the local Landscape Character Area (conserving the small scale nature of the roads and villages and remote quality of the countryside, maintaining the existing landscape mosaic of arable land, grassland, woodland, orchards and parkland and controlling urban fringe pressures and activity).
- More informal and basic overnight tourism accommodation facilities are more likely to be able to be accommodated within this landscape

KCC Highways

5.06 No objection subject to conditions on:

- Access and visibility splays
- Construction Environment Management Plan
- on site vehicle and cycle parking
- Vehicle loading/unloading and turning facilities

5.07 The removal of the KCC objection is based on analysis of the additional trips generated by the amended proposal being a modest increase of 1.5% to the daily total. When combined with the previous Personal Injury Collision Evidence, there is not a safety issue along the route.

KCC Drainage

5.08 No objection subject to conditions on:

- Attenuation ponds being constructed as proposed
- Permeable resin bound surfaces

KCC Ecology

5.09 No objection subject to condition on lighting types and timing, glazing of lodge facing woodland.

Environmental Protection

5.10 No objection subject to condition on:

- 1 rapid EV charging point

Kent Wildlife Trust

5.11 Objection:

- impacts on ancient and deciduous woodland priority habitat that forms part of Cox Street Valley Woods Local Wildlife Site.
- Needs an ancient woodland compensation strategy
- Woodland needs protecting from impacts during the construction and operational phases

6. APPRAISAL

6.01 The key issues are:

- Spatial Strategy
- Impact on countryside/AONB
- Visual Impact
- Tourism
- Ecology
- Trees and Ancient Woodland
- Highways

Spatial Strategy

- 6.02 The starting point for assessment of all applications in the countryside is Local Plan Policy SP17 which states that development proposals in the countryside will only be permitted where:
- a) there is no harm to local character and appearance, and
 - b) they accord with other Local Plan policies
- 6.03 This is a form of development which is a relatively intense change of use with associated paraphernalia and structures which, by reason of being proposed on open countryside in agricultural use, inevitably harms the character and appearance of the area. However, by its nature and business model, this type of tourism use necessitates a rural location close to an equestrian business.
- 6.04 The application was advertised as a Departure from the Development plan for that reason. It is therefore necessary to assess the impact on the countryside/AONB in terms of acceptable mitigation and whether there are material considerations which, on balance, would make the proposal acceptable.

Impact on countryside/AONB

- 6.05 Policy SP17 requires great weight to be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty with account taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD.
- 6.06 The Landscape Character is the Bredhurst and Stockbury Downs which is of "poor condition" and "moderate sensitivity" with guidelines being to "RESTORE & IMPROVE".
- 6.07 Paragraph 177 of the NPPF in terms of the AONB states that great weight should be given to conserving and enhancing the landscape and scenic beauty due to their highest status of protection. Whilst this is development on a site of 2.9 ha, in the context of the NPPF, whether a proposal is 'major development' takes account of its nature, scale and setting, and whether it could have a significant adverse impact. It is concluded that the tourism development of 8 units of accommodation does not need to meet the tests for "major development" in the NPPF. Hence there is no need for exceptional circumstances nor for the development to be in the public interest.
- 6.08 Nevertheless, the NPPG elaborates the NPPF that all development within nationally protected landscapes needs to be located and designed in a way that reflects their status as landscapes of the highest quality.
- 6.09 The proposal needs to be considered against the aims and objectives of the latest revision of the Kent Downs AONB Management Plan, in particular Principles SD1, SD2, SD3, SD8, SD9, WT1 which emphasise the statutory duty to conserve and enhance the natural beauty of the Kent Downs AONB where changes to land use should be opposed where they disregard biodiversity, rich habitats, tranquillity, woodland and trees, failing to conserve or enhance the Kent Downs AONB.
- 6.10 The LVIA submitted concludes that the existing dense tree screening to all sides together with the proposed planting will ensure no harmful visual impact will occur to either the landscape of the AONB or within the site itself.
- 6.11 It is generally accepted that holiday lodges and touring caravans/motorhomes represent intrusive development in the countryside and as such should normally only occupy well screened locations. This site is generally well screened by virtue of the protected woodland tree belts on all sides although the widened access to Cox Street will be visible and may allow glimpses of the southern part of the holiday

park. Much of the screening is mature sweet chestnut trees which lose their leaves in winter months and are likely to be coppiced/thinned at some point if woodland management recommences. This reduces their screening value at certain times of the year and/or coppicing cycle, particularly from Cox Street where the tree belt is approx. 15m wide.

- 6.12 However, taking into account of the size of the application site, this is a generally discretely located site with limited public views which has scope for extensive additional landscape buffer screening between the AW and the tourism plots with native planting.
- 6.13 It is concluded that the landscape impact is limited to short range views at the access point and additional landscaping that can be secured within the site. This means that the AONB's landscape and scenic beauty can be adequately conserved overall.

Tourism

- 6.14 Policy SP17 cross refers to compliance with other policies in the MBLP which, in this case, includes policies that support tourism and rural economic development.
- 6.15 Policy SP21 states that proposals for the expansion of existing economic development premises in the countryside will be permitted (including tourism related development) provided the scale and impact of the development is appropriate for its countryside location. It is considered that the modest scale of the proposal is appropriate for this location.
- 6.16 Policy DM38 specifically addresses the impact of holiday caravans and camp sites in the countryside which will be permitted if the following criteria are met:
1. The proposal would not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance.
 2. The site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species.
- 6.17 As detailed above, the site is relatively unobtrusively located and well screened by existing and proposed vegetation.
- 6.18 Policy DM37 states that the sustainable growth and expansion of businesses in rural areas will be permitted subject to:
- New buildings being small in scale and the resultant development being appropriate in scale for the location and satisfactorily integrated into the local landscape;
 - The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access;
 - The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance.
- 6.19 All of these criteria are met as detailed below.
- 6.20 The tourism and rural economic benefits are considered to be significant especially as the use relates well to the existing equestrian business and the area is served by an extensive bridleway network. This is a material consideration of considerable weight.

Visual Impact

- 6.21 Policy DM37 states that the sustainable growth and expansion of businesses in rural areas will be permitted subject to new buildings being small in scale and the resultant development being appropriate in scale for the location and satisfactorily integrated into the local landscape and the new development will not result in an unacceptable loss in the amenity of the area such as the appearance of the development from public roads will be of importance.
- 6.22 Policy DM 31 relates to the conversion of a rural building which should be of acceptable form, bulk, scale and design and be capable of conversion without major or complete reconstruction and in-character in terms of materials, design and form.
- 6.23 The proposal also has to satisfy the design requirements of policies DM1 and DM30 which require that new buildings should be unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.
- 6.24 The constraints imposed by the AW and the need for a 15m buffer results in a developed central area for the caravan pitches and lodges which will have a relatively regimented appearance. Despite the apparent space around the pitches by the 15m wide AW buffer, this does concentrate the development's use and activity in a small enclave within trees which are AW and protected by a TPO and form part of a Local Wildlife Site.
- 6.25 However, the reduction in the number of pitches to 6 with 2 lodges is considered to represent a less cramped layout than the refusal under 21/504513/FULL and strikes an appropriate balance with the economic and tourist benefits that will arise.
- 6.26 The appearance of the new lodges to be stationed and the barn to be converted are appropriate to the sensitive location and the materials are both natural and vernacular.

Ecology/Lighting

- 6.27 Policy DM3 on the Natural Environment relates. A submitted preliminary ecological appraisal concludes that the Local Wildlife Site woodland surrounding the site has the potential to support foraging bats, nesting birds, badgers and dormice and also possibly reptiles. There are recommendations for mitigation and ecological enhancements.
- 6.28 Policy DM 8 on external lighting requires it be the minimum amount of necessary, minimises glare and light spillage and not be detrimental to intrinsically dark landscapes and lighting proposals that are within or are near enough to significantly affect Local Wildlife Sites will only be permitted in exceptional circumstances.
- 6.29 The lighting from the use of the holiday units and pitches, the bollard lighting within the site and safety lighting of the amenity block throughout the night has the potential to be intrusive and harmful to biodiversity, particularly bearing in mind the proximity and narrow dimensions of the surrounding protected woodland which is a Local Wildlife Site.
- 6.30 The agent has confirmed compliance with the KCC Biodiversity officer's request in the interests of insects specifically that the wayfinder bollard lighting will comprise of photocell-controlled lighting on 1m posts and will be reduced to 10% (0.5 Lux) between the hours of 2100 – 0700. The PIR sensors to the Lodge accesses and site entrances are to turn off after one minute and any lighting within the pool area is to be turned off at 2100. The woodland facing windows to the lodges will comprise of sage-glass tinted windows to reduce domestic light spillage towards the LWS.

- 6.31 The EV charging points to each of the plots will be lit. The main lighting is bollard lighting is 3000K colour temperature and directed down and away from the woodlands/LWS. There will be new planting in the buffer between the bollards and the LWS to further screen any light spillage. The PIR downlights to the Lodges Accesses and Site Entrances will be 2700K colour temperature better suited to ecology.
- 6.32 It is considered that the revised lighting scheme is designed to be minimised and commensurate with safety requirements and the design of the lighting plus planting screening as controlled by a suggested condition will mean no harm to the ecology of the LWS around the site. KCC's Biodiversity Officer is supportive of this approach and is concluded that policies DM3 and DM8 are not breached.

Trees and Ancient Woodland

- 6.33 Paragraph 180 of the NPPF seeks to protect Ancient Woodland (AW), specifically that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Policy DM3 of the MBLP also refers to the need to protect AW and trees with significant amenity value and in terms of Local Wildlife 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.
- 6.34 The layout shows adequate 15m buffer to the AW where new development is proposed. This will be landscaped and no access for recreational use, secured by condition. The existing barn to be converted does lie in the buffer but that derives from an existing situation and the access point to the building have been designed to be outside the buffer. There are existing access tracks into the site from Chestnut Wood Livery and Cox Street which also lie within the AW buffer. Again, these are in situ and could not be practically moved to any less sensitive alignment.
- 6.35 The main direct impact on the AW is from the widening of the Cox Street access to accommodate the size of vehicles. The submitted tree report recommends tree protection measures and arboricultural method statement which can be secured by condition. Four trees close to the access would have the access widening works within their Root Protection Areas but harm will be acceptably reduced by a no-dig method of construction. Advance root pruning trench in regard of another tree is also suggested and can be required by condition. Three trees will need to be removed- these are Sweet Chestnut and a Holly, all category C and their loss will not have significant impact on the visual, arboricultural or ecological value of the AW.
- 6.36 Overall, it is considered that the NPPF and local plan policies for a AW subject to a Tree Preservation Order are complied with subject to a condition for a detailed Woodland Management Plan for the ancient woodland/Local Wildlife Site (LWS)

Highways

- 6.37 There are requirements in policy DM38 to ensure acceptable amenity impacts from tourism development. Policy DM 21 relates to assessing the transport impacts of development
- 6.38 The site is remote from public transport and the topography and unlit narrow lane network in this part of the Borough is not conducive to walking or cycling to access local services. Hence the location is inherently unsustainable. However, the proposal indicates a small shop aimed at providing day to day convenience goods which should reduce trip generation and the intended linkage of the site use with neighbouring horse riding activities would mean that the vehicular comings and

goings for tourism purposes would be expected to be less than a more typical caravan/lodge site.

- 6.39 The NPPF requires that development should be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy DM21 of the MBLP requires that the impacts of trips generated to and from a development are demonstrated to be accommodated, remedied or mitigated to prevent severe residual impacts.
- 6.40 The application includes a Transport Report and a follow up Technical Note detailing and assessing the impact of in relation to traffic movements and suitability of the existing access for any increased vehicle movements. The Holiday Park site is intended for a frequent turnover of visiting motorhomes, touring caravans and horseboxes. Hence the suitability of the access and the local network of narrow lanes needs to be demonstrated to be acceptable bearing in mind an increase the volume of larger vehicles i.e. caravans and campervans and lack of passing places in the lanes within 800m of the site. The trip generation calculation also need to be of a worst case scenario
- 6.41 The scheme was reduced to 6 caravan pitches and 2 lodges and the additional Technical note shows that the additional trips generated by the proposal will contribute a modest increase of 1.5% to the daily total. The Personal Injury Collision evidence indicates there is not a safety issue on the route. On this basis, applying the NPPF test, there is not an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. Therefore the highway reason for refusal of the previous 2021 scheme has been overcome.
- 6.42 The applicant has offered to liaise with third party landowners to improve scope for vehicle passing. This would be beneficial but cannot be conditioned or otherwise legally required as part of the planning permission due to lack of certainty it can be achieved at this stage.

Other Matters

- 6.43 Policy DM41 relates to equestrian development but the criteria do not apply to associated holiday lets or caravan sites so is not relevant to this planning application.
- 6.44 Surface water will drain to a SuDs scheme of permeable hard surfacing, soakaways and 2 drainage "wetland" ponds. Foul sewage is to a 25 person capacity Package Treatment plant and the Environment Agency has no comments to make in terms of groundwater.
- 6.45 There are no residential properties sufficiently close that would suffer a direct loss of residential amenity.
- 6.46 Archaeological interest can be dealt with by condition.

PUBLIC SECTOR EQUALITY DUTY

- 6.47 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION:

- 7.01 The landscape impact on the Kent Downs Area of Outstanding Natural Beauty is limited to short range views at the access point and additional landscaping that can be secured within the site. This means that the AONB's landscape and scenic beauty

can be adequately conserved overall and the scheme is considered to comply with Policy SP17, the NPPF and the key principles of the Kent Downs AONB Management Plan

- 7.02 The proposal has significant benefits for tourism/rural economic development and complies with Policies SP21, DM37 and DM38 in that the modest scale of the proposal is appropriate for this location and the site is relatively unobtrusively located and well screened by existing and proposed vegetation which are also the requirements of design policies DM1 and DM30. By its nature and business model, this type of tourism use necessitates a rural location close to an equestrian business.
- 7.03 A condition for a detailed Woodland Management Plan is considered to safeguard the ancient woodland/Local Wildlife Site (LWS) (covered by a Tree Preservation Order).
- 7.04 The appearance of the 2 lodges to be stationed on site and the barn to be converted are appropriate to the sensitive location and the materials are both natural and vernacular.
- 7.05 External lighting has been designed to be low level and low colour temperature and the night time lux levels have been revised lower as requested by KCC's biodiversity officer and complies with policies DM3 and DM8.
- 7.06 EV charging points are included. The onsite shop and the link of the tourism use with the neighbouring stables help to reduce what is an unsustainable location. KCC as local highway authority is satisfied that the access is safe and the residual cumulative impact on the local road network is not severe.
- 7.07 Surface water drainage and foul drainage by a 25 person Package Plant are both acceptable.
- 7.08 The application was advertised as a Departure from the Development plan and is objected by the Kent Downs AONB units. However, it is concluded that adequate mitigation has been secured and there are material considerations of benefits to tourism and economic activity which, on balance, would make the proposal acceptable.

EIA Screening

EIA Development	No
Comments	This development is in a Sensitive Area of the AONB but is not a type or scale of project within either Schedule 1 or 2 of the EIA Regulations 2017.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

CONDITIONS:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country

Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

22/3272 Existing Block Plan
22/3277 Proposed Reception and Amenity Building
22/3278 Proposed Lodge Plans and Elevations
22/3280 Pond Sections
22/3275B Proposed Block Plan
22/3279A Drainage Strategy
22/3280A Lighting Layout
22/3281 Planting Plan

Reason: For the avoidance of doubt

- 3) Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a watching brief to be undertaken by an archaeologist approved in writing by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 4) Prior to the commencement of development, a detailed Woodland Management Plan for the ancient woodland/Local Wildlife Site (LWS) shall be submitted to and approved in writing by the Local Planning Authority. This will include the measures outlined within the Cantia Amended Soft Landscaping Proposals Woodland Management Information (Section 4.0) June 2023, and also include the following:

- Description and evaluation of all features to be managed within the ancient woodland/LWS, 15m buffer and caravan/lodge areas
- Aims and objectives of management
- Constraints that might influence management
- Map of all habitat management areas including location and design of proposed livestock fencing
- Detailed management proposals for the ancient woodland and LWS
- Detailed management proposals for habitats within the campsite area and 15m buffer (wetlands, hedgerows, tall meadow grassland and tree planting);
- Details of signage to be installed to highlight the significance of the ancient woodland and Local Wildlife Site, and the importance of sensitive use.
- Dog-waste and litter disposal facilities to be provided within the campsite to encourage owners to remove all waste from the LWS;
- Prevention of visitors sourcing firewood from the habitats within and bordering the site (deadwood and woody vegetation);

- Preparation of a work schedule for all management areas (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the persons, body or organisation responsible for implementation of the plan, and
- Ongoing monitoring and remedial measures.

The Plan will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured. The approved plan will be implemented in accordance with the approved details.

Reason: To protect and enhance the Ancient Woodland and Local Wildlife Site and in the interests of ecology.

- 5) Prior to commencement of development, details of a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds and bats and shall include provision of bat boxes, bird boxes, bug hotels, bee bricks, habitat piles and native planting. Details of any habitat creation will be detailed including hedgerow and wildflower planting. The approved details will be implemented prior to first use of the approved tourist site and thereafter retained.

Reason: In the interests of biodiversity and ecology.

- 6) Prior to commencement of development, a Construction Environment Management Plan for Biodiversity shall be submitted to and approved in writing by the Local Planning Authority. It shall include methods for avoiding pollution of the ancient woodland by compaction, light, dust and noise during the construction period, and details of precautionary mitigation measures for bats, breeding birds and hazel dormouse to be implemented during building and vegetation clearance, as recommended within the Preliminary Ecological Appraisal (Kent Botany). This will include a Preliminary Roost Assessment of the five trees to be removed (Arboricultural Impact Assessment by Cantia), together with any required surveys and European protected species licensing prior to removal.

Reason: In the interests of biodiversity and ecology.

- 7) Prior to commencement of development above ground level, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, shall have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter.

Reason: To ensure an energy efficient form of development

- 8) Prior to commencement of development above ground level, written details and samples of the materials to be used in the construction of the external surfaces of the lodges and amenity/reception buildings hereby permitted shall have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. These shall accord with the Design and Access Statement which referred to sweet chestnut cladding, aluminium windows and clay roof tiles.

Reason: To ensure a satisfactory appearance to the development.

- 9) Prior to first occupation of the tourist lodges hereby permitted, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscaping scheme which is in accordance with the Council's Landscape Character Guidelines shall include native species planting

including details of species, plant sizes and proposed numbers and densities, with details of the new hedgerow planting as shown on Drawing 22/3281. The landscaping scheme shall include native species and require the use of non-plastic tree guards. Hedges should have a final maintenance height above 1.5m. The detailed landscaping scheme shall include a plan for the long term maintenance of the landscaping.

All planting, seeding and turfing specified in the approved detailed landscaping scheme shall be fully in place by the end of the first planting season following first occupation of the approved tourist lodges. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the lodges, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 10) The new hard surfacing shall be carried out in accordance with the approved details on drawing 22/3275B before the first use of the holiday accommodation and maintained thereafter. No further hard surfacing shall be installed unless an application is submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the area and to minimise surface water runoff.
- 11) Prior to first use of the holiday lodge/caravan/motorhome site hereby permitted, the amended access to the site, shown on Drawing 22/3275B shall be provided and maintained and available for use with visibility splays provided and maintained as shown on drawing 17056 H-01 P1 (Appendix F of Transport Technical Note Oct 2022).
Reason: In the interests of highway safety.
- 12) The approved details of the cycle parking shelter hereby approved and parking/turning areas shall be completed before the commencement of the tourism use hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 13) Prior to first use of the caravan/lodge site hereby permitted, a minimum of 4 electric vehicle charging points shall be provided on the site and made available for the users of the proposed tourism site. The electric vehicle charging points shall be retained for the lifetime of the development.
Reason: In the interests of sustainability and air quality.
- 14) Prior to first use of the tourist site hereby permitted, foul and surface water drainage for the site shall be in place in accordance with the Drainage Strategy drawing 22/3279A (including Klargestor Bio-Tec 4 (25 person) sewage treatment plant) and shall be retained thereafter.
Reason: To ensure that adequate drainage is provided for the development and

reduce the potential for flooding, protect the water environment and prevent contamination of the land.

- 15) No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), shall be carried out within the new accessway, vehicle turning and/or parking areas or in such position as to preclude vehicular access to them.

Reason: Development without adequate access, vehicle turning facilities and/or parking provision is likely to lead to vehicle movements and parking inconvenient to neighbouring residents and other road users and in the interests of local amenity and road safety.

- 16) All external lighting shall be installed in accordance with the locations set out in the lighting layout drawing 22/3280A and the Lighting Strategy by DFL except as amended by agent email dated 08 August 2023 as follows:

- wayfinder lighting to be photocell-controlled on 1m posts and reduced to 10% (0.5 Lux) between the hours of 2100 – 0700.
- The PIR sensors to the Lodge accesses and site entrances to turn off after 1 minute.
- Any lighting within the pool area to be turned off at 2100.
- The woodland facing windows to the lodges will comprise of sage-glass tinted windows

The lighting these shall be retained thereafter as approved.

Reason: In order to safeguard the night-time rural environment and the ecological interests of the locality.

- 17) No boundary treatments over 1m high shall be installed except in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of rural visual amenity.

- 18) The buffer zone the approved block plan 22/3275B shall be free from any development and shall not be used for any tourism related purpose.

Reason: In the interests of visual amenity, the protection and enhancement of biodiversity and the character and appearance of the open countryside location.

- 19) The use of the site hereby approved is for the stationing of no more 2 holiday lodges of maximum dimensions 14m by 6.1m (85sqm) and 4.8m high to the ridge and no more than 6 touring caravan or motorhomes shall be stationed on the land at any time. No horse boxes or horse lorries shall be stationed on the site on the site at any time.

Reason: To safeguard the character and appearance of the countryside.

- 20) The lodges and all caravans/motorhomes stationed on the site hereby approved shall be occupied for bona fide holiday purposes only and shall not be occupied as a person's sole or main place of residence.

(i) The tourist accommodation hereby permitted shall not be occupied continuously by any person(s) for a period in excess of 28 days and there shall be no return to occupation by those person(s) within a period of 3 months.

(ii)The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all the occupants and this

information shall be made available at all reasonable times upon request to the local planning authority.

(iii) Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the site, who will keep the register (referred to at (ii)) and make it available for inspection, shall also be submitted to the local planning authority (planningenforcement@maidstone.gov.uk) prior to the first occupation of any of the buildings with the relevant contact details subsequently kept up to date at all times.

(iv) At the end of each calendar year following first occupation the operators of the site shall submit the up-to-date register of occupants to the Local Planning Authority (planningenforcement@maidstone.gov.uk) for review.

Reason: To ensure proper control of the use of the holiday use and to prevent the establishment of permanent residency.

INFORMATIVES

- 1) Forestry Commission - felling licence
- 2) KCC Highways
- 3) Environmental Protection- construction

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