

Maidstone Borough Local Plan Examination

Session 13B Tuesday 29th November 2016
14:00 – 17:00 regarding 'Alternative Sites'

Representation R19115: Yalding, land off Kenward Road

By

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Replies to questions set by the Local Plan Inspector are as follows:

Issue (i) – whether the alternative site would be suitable, sustainable and deliverable.

Q 13.20 Does the site have any relevant planning history?

Yes. Most recent application MA/16/503772/OUT for up to 60 dwellings including bungalows, starter home apartments and self build plots (40% affordable) refused 2nd August 2016. Delegated officers report – see **Appendix 1**.

Appendix 2 sets out the company's submitted planning statement that accompanied the application.

Q 13.21 What's the site's policy status in the submitted Local Plan?

It adjoins the western side of the village as defined by the defined confines of the built up settlement. It is countryside shown as white land with no specified protectionist policies.

Q 13.22 What is the site's policy status in any made or emerging Neighbourhood Plan?

Yalding Parish Council are in the process of making a Neighbourhood Plan for the whole of their Parish. This is at its formative stages and a draft plan has yet to be put to public consultation.

Q 13.23 Is the site greenfield or previously developed (brownfield) land according to the definition in the glossary of the National Planning Policy Framework?

Greenfield land on the western edge of the village as defined on the proposals map.

Q 13.24 What previous consideration by the Council has been given to the site's development (e.g. inclusion in a Strategic Housing and Economic Land Availability Assessment (SHEDDLAA) and does the Representer have any comments on its conclusions?

The sites were rejected under HO3-304 (north of Kenward Road) and HO3-305 (south of Kenward Road). See **Appendix 3**. In our opinion, the Council has granted planning permissions on sites in less sustainable locations.

Q 13.25 What is the site area and has a plan been submitted which identifies the site?

Yes. See **Appendix 4**. Land west of Medway Avenue which is the area proposed for housing is approximately 2.4ha (5.9acres) and land to the south of Kenward Road is approximately 6ha (15acres). This is land to be given to the Borough Council or Parish Council for local community uses as they see fit in the years ahead.

One is led to understand that the Parish Council and other representations have made commentary that the village lacks services/amenities. We wish to highlight the benefit

of the community being gifted 6ha of land for community use for whatever land use/purpose is deemed fit in the years ahead. This is a wonderful opportunity to have land with the maximum amount of flexibility over the years ahead, to provide facilities for the village. The extent of this land is shown at **Appendix 4**.

Q 13.26 What type, and amount of development could be expected and at what density?

It is suggested that the site west of Medway Avenue would provide something in the region of 60 dwellings.

Q 13.27 When could development be delivered and at what rate?

The land is owned by a senior citizen local farmer and subject to planning clearance it is readily available within the next five years. It is anticipated that the site could release approximately on average 30 dwellings per year inclusive of 40% affordable housing provision to a local Housing Association.

Q 13.28 What evidence is there of the viability of the proposed development?

The Company is confident on the issue of viability on this greenfield site and normal commercial returns can be achieved as there are no high levels of abnormal costs to undermine the site's viability.

Q 13.30 Has the site been subject of sustainability appraisal and does the Representor have any comments on its conclusions?

No specific sustainability appraisal has been undertaken. However, the company achieved planning permission for 3 houses on adjoining land in Kenward Road under APP/U2235/W/15/3028963 of 15th September 2015, **Appendix 5**, and the inspector concluded at para. 12:

"12. The character of the site would undoubtedly change from the existing, but I do not consider that there would be harm to the countryside as the Council suggests, for the reasons outlined above. On the contrary, in time, and with the benefit of sympathetic design and maturity of existing and proposed planting, the site forms a logical extension to the settlement in a **sustainable location** (my emphasis). For these reasons it would be consistent with policy guidance within The Framework and accordingly the appeal should succeed and planning permission be granted."

This site is now being built.

Q 13.31 What constraints are there on the site's development and how could any adverse impact be investigated?

The only major constraints relate to obtaining planning permission. Any perceived adverse impact on the countryside can be addressed in the same way as concluded by the Inspector in the above referenced appeal i.e. retaining existing trees and hedges, along with high quality design use of bungalows to reduce the visual impact and substantial landscaping.

APPENDIX 1

NOTES FOR TECH:		
APPLICATION PROPOSAL		Ref No 16/503772/OUT
Outline planning application for the construction of up to 60 no. bungalows, houses and starter home apartments, inclusive of self build plots for sale, with 40% affordable housing and new vehicular access from Kenward Road with all matters reserved.		
ADDRESS Land North Of Kenward Road Yalding Kent		
RECOMMENDATION -		
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Yalding	APPLICANT Wealden Ltd AGENT Wealden Homes
DECISION DUE DATE 02/08/16	PUBLICITY EXPIRY DATE 03/06/16	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including relevant history on adjoining site):		
App No.	Summary	
-		

DESCRIPTION OF SITE

The site is a sloping site to the northern edge of the village which is currently covered with polytunnels used for the cultivation of soft fruit. The site slopes up from Kenward Road which runs to the south west of the site and residential development to the east. In the immediate context of the site access, Kenward Road is a rural lane before it turns south east towards the built up area of Yalding. The site has a section of conifer trees to the front of the site which runs around the eastern boundary and separates the site from the rear gardens of properties on Medway Avenue. There are further residential properties on Kenward Road, which lie beyond the aforementioned bend further east. The surrounding land also contains polytunnels and land used for fruit cultivation, the adjoining field to the north-west is separated from the application site by a further conifer tree belt.

The village of Yalding is within 400 metres of the site (to the High Street junction) along a route that includes no footpath for approximately half the route. The village is classified as a larger village and has a local shop, post office, public house and GP surgery. There is also a railway station and bus connections to Maidstone and Paddock Wood.

PROPOSAL

Outline planning application for the construction of up to 60 no. bungalows, houses and starter home apartments, inclusive of self build plots for sale, with 40% affordable housing and new vehicular access from Kenward Road with all matters reserved.

The indicative access position is in the north-west corner of the site and provides according to the TA, visibility splays of 90m to the east and 90m to the west. Although there was no technical drawing of the access, with a roundabout type access shown on the indicative masterplan, the applicant has provided further detail on the likely access type together with detail on a potential new footpath which will run along the northern and southern highway boundary of Kenward Road towards the village. The applicant has also suggested minor improvements at the junction of the High Street and Kenward Road to improve visibility.

The applicant has also indicated an area to the south on the opposite side of Kenward Road to be offered for potential community uses although there is limited detail regarding this area other than potential uses it could be put to. The applicant simply states that could be gifted to the community if planning permission were to be granted for the housing development. This area lies within the ownership of the applicant (within the blue line) but is outside the red line application site and therefore does not form part of the application site

SUMMARY INFORMATION

PLANNING CONSTRAINTS

MOD Thurnham MOD Safeguarding Directive Thurnham

Thurnham Exclusion Zone Thurnham, Kent

Thurnham Wind Station THURNHAM WIND SAFEGUARDING

Wind Turbine Development Consultation Ar Biggin Hill Airport

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Development Plan: Maidstone Local Plan 2000 (MLP 2000)

Submission version Maidstone Local Plan 2011-2031

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED	OFFICER RESPONSE
Parish/Town Council	PC objects to application in current form, site was rejected by the Maidstone Local plan and is outside the development boundary. MBC have a five year supply	Addressed in report below
Residential Objections Number received: 4	<ul style="list-style-type: none">- Object on account of additional traffic- Kenward road is a country road and is narrow. Would change feel of village- Transport issues- fast road, traffic volume- Drainage issues foul and SW- Loss of ecology/greenfield land, overlooking and insufficient infrastructure- Impact on roads, infrastructure and character of village	Addressed in report below
Residential Support Number received: 0	<ul style="list-style-type: none">- n/a	

CONSULTATION RESPONSES

KCC Highways – No Objection subject to conditions

Natural England- No objection subject to connection of foul water to existing sewer and design of SUDS to ensure protection from contamination. Conditions suggested. In relation to protected species, it directs council to its published Standing Advice.

MBC Housing – No objections but advice given in respect of housing mix, affordable housing, space standards and lifetime home requirements

Upper Medway IDB- no objections subject to following advice of KCC Drainage

KCC Drainage- no objections subject to condition regarding SUDS design

Environmental Health- no objections subject to an emissions assessment

Southern Water- confirms there is insufficient capacity in the system but suggests informative and condition to be attached to permission regarding foul water disposal

Southern Gas Networks- Gas main near site and advice given

KCC Development Contributions- still awaiting formal comments

APPLICANT'S SUPPORTING COMMENTS (summary of key points)

- The council do not have a five year housing supply and therefore the development should be considered favourably in accordance with the NPPF having regard to the relevant tests
- The site is a sustainable location and suitable for housing (drawing attention to an appeal on the adjoining site)
- The applicant is willing to gift land to the south as a community benefit to the scheme.

APPRAISAL

Principal of Development

The site lies outside but adjoins the development boundary as defined by the MLP and thus is classed as 'countryside' which is subject to policy ENV28 which restricts development to specific types of development. This does not include major housing development. Therefore as a matter of principle the development is contrary to policy ENV28 which seeks to protect the intrinsic beauty of the countryside and restrict development within the settlement boundaries. Whilst there is likely to be some debate on the latter part of the policy in respect of the NPPF, the role of ENV28 is fully compliant with the NPPF in respect of protecting the character of the countryside. Therefore, the test is whether there are any material considerations which justify a departure from the development plan

Despite, the applicant's case put forward in relation to the five year supply, it is the council's position that it is able to demonstrate a five year housing supply having regard to paragraph 47 of the NPPF and its role as a material consideration in decision making. Paragraph 47 states that Councils should;

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

achieving the planned supply and to ensure choice and competition in the market for land;

The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011-31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19,600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.

The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

The recent appeal at Ham Lane and its commentary on the council's five year supply position is noted, but it should be recognised this is only one appeal decision and the inspector in this case did not fully test the appellant's evidence on the five year position as he found the appeal development to be otherwise acceptable and not solely reliant on the lack of a five year supply. It is considered the council's case remains justified on this point, particularly as those allocations counted in the five year are continuing to come forward and in some cases approved by the council.

The policy consequence of the above position, mean the council's housing policies are not out of date and they can be given due weight. In this case, it is considered the development would be contrary to policy ENV28 as the boundary still serves a useful purpose in this location, restricting development from harmful extension into the countryside. It is a key point that the development boundary in this location is retained in its current position in the emerging Local Plan document with the development boundary only to alter to enclose the emerging allocated sites at Vicarage Road and the Syngenta Site which will contribute to meeting the objectively assessed needs over the plan period. The future growth of Yalding is set out in emerging policy SP16. It is a relevant point that the application site was also considered to be unsuitable for housing under the SHLAA exercise as the site was considered to inappropriately extend the village into the countryside.

Alternatively, even if the above position was incorrect in respect of the five year housing supply, it is still considered the landscape and impact on the character of the countryside is such that it would outweigh other materials considerations.

The land to the south west is proposed in the application as being potentially available to be used as a community site if housing was granted within the application site. However, this does not fall within the red line application site (but shown within the blue line, within applicant's ownership) and no specific detail has been provided on the proposed use or development of this land other than some vague possibilities. As a result of the lack of detail and any evidence to its relationship to the proposed housing site, this can be given little weight in the decision making process. Furthermore, there is no information on how this land would be managed over the long term particularly as the Parish object to the application and therefore it is unlikely the management would be achieved with local support.

On account of the unresolved concerns regarding the impact on the character of the area and the lack of information, the provision of the land would in any fail the tests for planning obligations as set out in section 122 of the Community Infrastructure Levy 2010 and paragraph 204 of the NPPF as the provision of the said land would not comply with the following tests;

- a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Visual/Landscape Impact

MBC Landscape are concerned regarding the lack of a Landscape Visual Impact Assessment and are of the view the development has not demonstrated that it will meet the landscape guidelines set out in the character assessments. The submitted information is limited to a masterplan showing general blocks of development with some indicative landscaping imposed. The masterplan does not appear to have taken account of its sensitive position or indeed potential constraints of its sloping and elevated topography. For example the SUDS features are shown in the middle of the site, which is on a slope, and little information show to how built form could both relate to the existing settlement or be accommodated successfully within this sensitive site. Whilst it is acknowledged that the application is an outline application in nature, there is little evidence to demonstrate how development could integrate into the wider landscape or mitigate its impact.

The site contains a conifer belt to the front of the site and is well contained to the eastern boundary with the rear gardens of the residential properties on Medway Avenue. However, in a general sense the site is considered to be sensitive in landscape terms, occupying an elevated and open position rising up from the Kenward Road. Its visual context is closely related in visual terms with the open landscape which falls to the north and south west and to the west. Due to nature of Kenward Road, the site is seen as separate from the Yalding village to the south and the immediate context from which the site is observed has a rural character, with a narrow country lane and open views across the valley and into the site from the lane. The sloping nature of the site compounds the potential impact of major housing development in this location.

Whilst the site and its adjoining land are covered by polytunnels, these are common in agricultural areas and therefore these are appropriate in this context. It is considered the character changes from an urban/village context turning the bend in Kenward Road towards the application site where it takes on distinctly rural character as a result of the topography and open views which are characteristic of the locality and the application site. If the site was developed, the site would result in urbanising of the countryside and represent an inappropriate incursion into the countryside. As well as the built form within the development, new footpath link to the village could have the potential of reinforcing this perceived

urbanisation of the countryside in this location. Whilst landscaping could be proposed on the site it is not considered possible to mitigate these impacts of the development.

The applicant has drawn attention an appeal decision on the adjoining land (APP/U2235/W/15/3028963) which lies beyond the bend in Kenward Road, in order to demonstrate that the location is suitable for housing. However, it is relevant to draw attention to the distinction the inspector made in relation to the appeal site in respect of its impact on character;

The site has a more domestic appearance and acts more as a transitional site to the countryside beyond.....would form a logical extension of the village which would not impact upon the character of the surrounding countryside or be perceived as extending into that countryside in any meaningful or adverse way.'

It is considered the inspector in this paragraph is making a clear distinction between the appeal site as a part of residential garden and the countryside beyond, which is the context of the current application, a much more open and sensitive environment in character terms.

It is considered the development would have significant adverse impact on the landscape character of the area and would therefore be contrary to policy ENV28, emerging policies SP16 and SP17 and one of the core principles of the NPPF which seeks to protect the intrinsic beauty of the countryside.

Accessibility/Highways

The applicant has drawn attention to the aforementioned appeal in relation to the Inspector's comments relating to accessibility and that the appeal site was considered to be in a sustainable location. This site, however, is within a different context to the application site as this lay within the 30mph and was beyond the tight bend in the road.

However, on request of the council, the applicant has provided further information of the feasibility of a new footpath link to the village and this is shown as being provided within the northern part of Kenward Road in the vicinity of the site before a crossing to link with a footpath running along the southern extent of Kenward Road towards the village. The applicant has also clarified the type of access that could be achieved for the site by showing a priority junction rather than the roundabout shown on the masterplan. Whilst it is acknowledged access is reserved matter, it is incumbent on the applicant to show a safe means of access can be achieved. The applicant is also proposing detail on minor improvement to the High Street/Kenward Road junction. KCC highways have reviewed this detail on the access, highway junctions and general accessibility matters including the footpath and crossing point and have no objections to the application on highway grounds.

It is therefore acknowledged therefore on purely accessibility grounds the development can be made acceptable.

Ecology/Trees

Natural England have confirmed they have no objections to the scheme on account of potential impact on the SSSI if a suitable condition is placed on the design of the SUDS to ensure no pollution occurs from the drainage measures. They also advise the council to take account of its standing advice in respect of protected species. The application was supported by a Phase 1 ecology report which concluded there was little potential for protected species on the housing site having regard to Natural England's standing advice. The ecologist has confirmed that the suite of ponds to the north east of the site are heavily stocked with fish and

therefore are not likely to be a pond suitable for supporting populations of Great Crested Newts. Therefore, there are no concerns in relation to ecology and it is quite possible any development could incorporate biodiversity enhancement works.

Flood Risk/Drainage

The applicant has indicated that the site would be served by Sustainable Urban Drainage System (SUDS) which follows the approach set out in national policy. The masterplan submitted with the application does not set out a drainage strategy as such but indicates general locations of SUDS features. The application is also supported by a FRA which meets the requirements of the NPPF and confirms the SUDS can restrict discharge rates to greenfield rates. Although there is no indicative strategy submitted, it is considered there is sufficient information to confirm the site could be adequately drained and the application would be compliant with the NPPF in terms of managing flood risk. The KCC Flood Risk officer has no objections subject to a condition requiring further information on the design of the SUDS.

Conclusion

The site lies within an area classed as countryside both in the adopted and emerging local plan. The site does not form part of the emerging plan and was rejected as part of the SHLAA exercise due to landscape impact. The council can demonstrate a five year housing supply and therefore its housing policies can be given due weight. Therefore the development is contrary to the emerging strategy including that of Yalding set out in policy SP16. Due to the context of the application site, the sensitive nature of the application site, it is considered the development would result in an unacceptable harm to the rural landscape and which would harm the character of the countryside contrary to ENV28 and the NPPF. The application is not supported by any landscape visual impact assessment nor has the submitted information demonstrated it can mitigate this potential harm.

RECOMMENDATION – REFUSAL REASONS

The development would represent an unjustified and unacceptable development which would adversely harm the character of the countryside contrary to policy ENV28 and the core principles of the NPPF. The development would cause significant landscape harm by way of its urbanising effects and would represent an unacceptable extension of the village into the countryside. The development would be contrary to policy ENV28 of the Maidstone Borough Council Local Plan 2000, Policy SP16 and SP17 of the submitted Maidstone Local Plan 2011-2031 and the National Planning Policy Framework.

N/A

Case Officer Ashley Wynn

Case Officer Sign:



Date: 29/7/16

Delegated Authority Sign:

A handwritten signature in black ink, appearing to be 'SAD' with a large loop at the end.

Date: 02/02/18

TL/DM Countersign if refused:

Date:

APPENDIX 2

Planning Statement

Outline planning application for the construction of up to 60 no. bungalows, houses and starter home apartments, inclusive of self-build plots for sale, with 40% affordable housing, and new vehicular access off Kenward Road, Yalding, Kent ME18 6JP

Wealden Homes
Wealden Court
Church Street
Teston
Maidstone
Kent
ME18 5AG

April 2016

1 Introduction

1.1 Context

- 1.1.1 This report has been prepared to set out background evidence to support an outline planning application for the erection of up to 60 dwellings on land north of Kenward Road, Yalding, Kent.
- 1.1.2 This Statement should be read alongside the submitted professional reports and Design and Access Statement.

1.2 Application Site & Surroundings

- 1.2.1 The site is elevated sloping land to the north of Kenward Road and is approximately 2.4 hectares (6 acres) of agricultural fruit growing land. It is well defined by hedges to form its eastern and northern boundary; beyond which is farm land belonging to Court Lodge Farm (the application site forms part of this substantial farm). The southern frontage to Kenward Road is formed by a high hedge and it is off this road that there is a gated agricultural access. The eastern boundary is formed by hedging at rear of properties that front on to Medway Avenue.
- 1.2.2 The land is situated on relatively high ground and therefore this site is excluded from flooding which arises, at times from the nearby Rivers Beult and Medway.

2 Pre-Application Consultation and Planning History

2.1 Pre-Application Consultation

- 2.1.1 The company has consulted with the planning authority and the planning department considered that housing development was not considered to be in compliance with adopted Local Plan policies notwithstanding that MBC cannot demonstrate a 5 year land supply as set out in the National Planning Policy Framework guidance.

2.2 Planning History

- 2.2.1 Currently the full planning history is not available online from the Council records. However, there appears to be no significant planning history to be of great importance. It should be noted that the Council will review the planning records as part of their evaluation of this submission.

2.3 Yalding Parish Council

- 2.3.1 The company has sought to have a discussion with the Parish Council but as the Council are not in favour of housing growth in the village the chairman declined a meeting with the Managing Director of Wealden Homes. This is regrettable.

2.4 Maidstone Local Plan Call for Sites Exercise

- 2.4.1 The Council is in the course of preparing a new Local Plan for the Borough and as part of this system the Council has had several 'call for sites' exercises in order to find sustainable sites suitable for housing development. It should be noted that the application site has been included in this exercise but it has not been selected by the Council as a suitable site to accommodate additional levels of housing growth in Yalding, notwithstanding the fact that it is a sustainable village location.

3 Application Proposals

3.1 Proposed Development

- 3.1.1 The proposed development is for a maximum of 60 houses in outline form only as the objective of the application is to determine whether or not the site is suitable in principle for much needed housing.

- 3.1.2 The proposal presents an attractive mix of house types in that several categories of housing are promoted, namely:

- Self build dwellings
- Bungalows
- Traditional two storey houses
- Starter Home apartments

In addition there will be 40% provision of affordable housing which accords with Council policy for the provision of much needed affordable housing in rural areas. The government has a new emerging policy on this issue and it is anticipated that this special element of affordable housing will 'starter homes' which will be made available inclusive of a discounted price to attract younger people to purchase property and enter on to the first rung of the property ladder.

- 3.1.3 In addition, the local land owning farmer is prepared to gift 6 ha (15 acres) of land south of Kenward Road to the Borough Council / Parish Council for long term community uses. This land can be set aside for the benefit of the village, and it will be for local people to determine what uses can be put on this land at some time in the future. Possible uses include:

- Nature conservation park on land adjacent to the River Beult. This complements the SSSI designation attached to the River and will provide public access for recreation / amenity / educational uses.
- Relocated primary school.
- New village hall with café / kitchen facilities for emergency services should the village be subject to future severe flooding. The site can act as a refuge centre at times of emergency flooding as the existing village hall is in a flood zone.
- Farm shop.
- New medical centre (the existing one is in the flood zone).

- Hotel / holiday accommodation.
- Small workshops units for local employment.
- Allotments / open space / play areas / landscaping.

The above solution will create a new boundary to this part of the village but it provides an opportunity to enhance local facilities with a zero land cost.

4 Planning Policy

4.1 The Development Plan

4.1.1 The Planning and Compulsory Purchase Act 2004 directs that proposals for development should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

4.1.2 In Maidstone Borough, the statutory Development Plan comprises the saved policies of the outdated Maidstone Borough-Wide Plan 2000. Additional documents include Affordable Housing Development Plan Document and the Open Space Development Plan Document. Both these were adopted some while ago in 2006. These documents are out of date and need to be replaced by modern new policies.

4.2 Maidstone Boroughwide Local Plan (saved policies)

4.2.1 The site is outside the defined built up settlement of Yalding, and as open countryside the site falls within a large area of 'white land'. The Council protect open countryside under policy ENV28. This is a broad brush generalist policy to protect the countryside.

4.2.2 The Borough also has SPD documents relating to levels of open space and affordable housing provision as stated above.

4.3 National Planning Policy Framework (NPPF)

4.3.1 The NPPF is a relatively new policy document, and it has a new thrust to increase housing supply. It requires local planning authorities to maintain an up to date 5 year supply of housing for sites that are readily available and deliverable. Para 49 states:

'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable housing sites.'

4.3.2 The Borough Council recognised that it has a very low level of housing supply, at a 3.3 year level which is low and therefore suitable sites need to be released to meet NPPF guidance. To date, the Council has released many new sites in the countryside, at the urban edges of Maidstone and on the edges of sustainable villages. The application site falls into this latter category.

4.4 Emerging Maidstone Local Plan

- 4.4.1 A Regulation 19 consultation draft of the replacement new Maidstone Local Plan was published in February 2016. The Plan is yet to be subject to an Examination in Public, a form of local public inquiry but this is anticipated for the latter part of 2016 or early 2017. Consequently, the Plan, at the moment, has limited weight in the determination of planning applications but gives a very strong indication of the Council's proposed policies.
- 4.4.2 In terms of comparison with the old 2000 Boroughwide Plan, this new Maidstone Local Plan again shows the application site as unconstrained 'white land' on the Proposal Map with the site being adjacent to the defined built up boundary. On this plan, the triangular western garden of Eastwells is shown as being open garden land but this site now has planning permission for the erection of three detached plots granted at appeal in the first instance. This extends the western built up extent of the village.
- 4.4.3 Of significance is the new status of the land (6 ha) to be gifted to MBC/Yalding Parish Council. Previously this was highly protected as a Special Landscape Area under policy ENV34 but this designation has been deleted so that this area is now 'white land' also and is no longer subject to a landscape policy constraint policy. This provides greater development scope for local community uses in the longer term if this new status is confirmed in the new Maidstone Local Plan which sets out the future position up to 2031.

5 The Planning Case

- 5.1 The Borough Council urgently needs new housing sites in order to meet the guidance set out in the NPPF as its short term land supply is only at a 3.3 year level; well below the minimum 5 year requirement. The Council need to react quickly to this situation and release more sites which are readily available for housing development.
- 5.2 Yalding has been selected as a village that is a sustainable location and is a 'Larger Village' identified by the Council as being suitable for a modest level of housing growth to meet the evidenced needs of the Borough. The application site is a sustainable location as evidenced by the inspectors decision notice in approving 3 plots on the adjacent 'Eastwells' site in Kenward Road.
- 5.3 Development, if well designed inclusive of high quality landscaping, can easily be absorbed into the existing fabric of this part of Yalding because the site is well defined by its existing boundaries.
- 5.4 The site is not subject to flood risk as it is on elevated ground and a considerable distance away from the Rivers Beult and Medway. It is in Zone 1 of the Environment Agency's flooding categorisation.
- 5.5 The submitted Transport Report set out the highway position and it is considered that the highway authority should have no grounds for rejecting the application on highway grounds especially as the substandard Kenward Road / High Street junction is to be improved to increase visibility thereby making the junction considerably safer.

- 5.6 From an ecological point of view the land is not subject to protected species although there is a loss of productive farm land. However, the loss of land to the Court Lodge Farm is not harmful to viability as it is a substantial farming unit.
- 5.7 The application provides house types that are likely to be most welcome in the market place where there is a Government Policy driver to increase housing supply. This application actively promotes self-build plots for example. There are bungalows for the elderly who seek this rare type of new accommodation as very few modern bungalows are built today. There is a 40% provision of affordable housing and if the Council are minded to approve the application a S106 legal document will be entered into subject to detailed negotiations.
- 5.8 A substantial area is proposed to be gifted to the Borough Council / Yalding Parish Council and again a S106 agreement will be prepared to gift this land which will provide the local community with a land asset which can be utilised to meet the needs of the local community. This opportunity is available now as the farmer owner is prepared to gift the land on the basis of this application.
- 5.9 Releasing this application site will provide the Borough with much needed housing land along with a major gifted land asset for long term community use.

6 Conclusions

- 6.1 It is clear that the Council does not have a five year supply of housing and this is a key failure within the planning system for the Borough. In short, housing supply urgently needs to be increased on sustainable sites. The application is in a sustainable location as it has good links to public transport (bus and rail) and local facilities. Given this status, Yalding is included as a 'Larger Village' identified for housing growth within the Reg. 19 Local Plan prepared by the Borough Council.
- 6.1.1 The site is well defined by its well defined boundaries and building here does not significantly harm the surrounding countryside. The site has no special landscape status and this is a good opportunity to provide housing on a sustainable site which is the test applied by Government under the NPPF.
- 6.1.2 Maidstone Borough does not have an up to date statutory local planning basis. The existing plan base is the Maidstone Boroughwide Local Plan of 2000 which is out of date albeit that some of its saved policies still apply but again do not provide a satisfactory basis for future planning decisions. National policy is up to date, as set out in the NPPF, and given the Borough's substantial lack of a 5 year land supply which is at a 3.3 year level – the presumption in favour of fresh land releases applies for sustainable development. This site and the residential development proposed is in total accord with the principles and guidance of the NPPF and as such conditional planning permission should be granted. In addition, the application provides a substantial gifting of land on the southern side of Kenward Road. This land provides a long term land asset for the community to develop as the local community sees fit. There is great scope here for the village to create community facilities which will greatly assist the village's wellbeing in mitigation to set against the provision of a relatively modest housing scheme which in itself provides 40% affordable housing which will assist local residents in renting or buying an equity share in a new starter home.

APPENDIX 3

Housing Sites Assessment Proforma - 2014

1. SITE INFORMATION	
Reference number	HO3-304
Site name/address	Land north of Kenward Road Yalding
Landowner	
Agent	Mr G. Norton Wealden Homes
Greenfield/PDL	Greenfield
Site area (ha)	4.76
Proposed yield	Not specified
Is the site urban, adjacent to urban, rural settlement or rural	Rural
Site origin (call for sites/local plan rep?)	Call for sites late response

2. SITE ASSESSMENT/SUITABILITY	
Site description (including topography and surrounding land uses)	<p>This is a 4.76 ha site. It is located on the north side of Kenward Road to the rear of properties that front Kenward Road and to the west of properties in Medway Avenue.</p> <p>The land rises northwards away from Kenward Road and the dwellings that front Kenward Road and is situated on the scarp slope of the Greensand Ridge.</p> <p>The land is in agricultural use and is currently under intensive polytunnel cultivation.</p> <p>The site has a frontage to Kenward Road west of Eastwells which is marked by a tall line of conifer trees. There is also planting along the rear boundaries of the properties in Kenward Road and Medway Avenue with the site.</p>
Current use	Agriculture. Under polytunnel cultivation
Adjacent uses	Agriculture and residential dwellings
Planning and other designations (AONB, greenbelt etc)	<p>The site has no specific designation in the MBWLP 2000.</p> <p>Land opposite the site on the south side of Kenward Road lies within the Greensand Ridge Special Landscape Area MBWLP policy ENV34.</p> <p>The site's eastern boundary to the rear of properties in Medway Avenue and the rear gardens of properties fronting Kenward Road are also within the SLA and also, the village boundary of Yalding as defined in the MBWLP 2000.</p>
Planning history	<p>No previous history on indicated site</p> <p>Site to south ('Eastwells' Kenward Road) 14/0539: Erection of 3 detached houses with integral garages and two additional parking spaces/plot: REFUSED 13/11/2014</p> <ol style="list-style-type: none"> 1. The proposal represents a significant extension into the open countryside and therefore to the built form of Yalding and by reason of its mass and design and associated loss of hedgerows, trees and other natural features would cause harm to the character and appearance of the open countryside and fail to represent good design, contrary to

	Policies ENV28 & ENV41 of the Maidstone Borough-Wide Local Plan 2000 and Central Government Advice contained in The National Planning Policy Framework.
Has site previously been considered in Local Plan Inquiry, if so, record Inspectors recommendation	No
Landscape/townscape impact – including reference to Landscape Character Assessment 2012 (inc. long distance views); cumulative landscape impact; existing screening	<p>Landscape Character Assessment 2012 Landscape Character Area 38: Yalding Farmlands</p> <p>KEY CHARACTERISTICS</p> <ul style="list-style-type: none"> • Low lying landscape which forms part of the Low Weald • Reservoirs and water bodies along the foot of the Greensand Ridge • Drains running southwards towards the River Beult • Enclosed pasture • Frequent orchards • Parkland landscape surrounding Hunton Court • Historic settlement of Yalding <p>Condition Assessment - Very Good Sensitivity Assessment - High</p> <p>SUMMARY OF ACTIONS</p> <ul style="list-style-type: none"> • Consider the generic guidelines for the Low Weald • Conserve orchards and the traditional small scale field pattern • Conserve the largely undeveloped rural landscape and the remote quality of existing development • Conserve the historic parkland landscape around Hunton Park • Conserve the rural setting of traditional buildings and farmhouses • Conserve distinctive ragstone walling • Conserve the undeveloped character of the landscape • Resist conversion to arable land • Avoid linear infill development along roads • Soften the impact of agricultural buildings and fruit equipment storage areas with native planting • Increase habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas <p>Soften the visual prominence of large agricultural barns through native planting</p>
Ecological Impacts (inc. SSI & local wildlife sites within or adjacent to site)	Site covered in polytunnels and the remaining field margins also appear very well managed. The only suitable habitat therefore, appears to be along the hedges that bound the site.
Trees (inc. TPO, ancient woodland within and adjacent to site)	No Tree Preservation Orders No Ancient woodland Existing conifer tree screen to Kenward Road on the site's southern boundary
Agricultural land quality	Grade 3 (site not specifically surveyed)
Heritage impacts (Listed building, conservation area)	None

Archaeology (SAM etc.)	Not within a safeguarded Area of Archaeological Potential
PROW (within or near site)	None
Access (Highways) <ul style="list-style-type: none"> • Site access • Impact on wider highway network • Access to strategic/main highway network • Availability of public transport/walking/cycling 	<p>Access possible directly onto Kenward Road and hence onto the B2010 Yalding Hill some 400m to the east. The existing conifer trees would be lost to enable the access to be provided.</p> <p>Yalding Hill is served by Nu-Venture Bus route 23 The village is also served by Nu-Venture Bus route 26 (via Vicarage Road).</p> <p>Bus route 23 is from Maidstone to Yalding and Laddingford. This is an hourly service Monday to Saturday and is operated by Nu-Venture: Hourly from M/S to site from approx 0900 to 1830 To M/S from site from approx 0730 to 1700</p> <p>Bus route 26 serves Yalding from Maidstone to Goudhurst via Hunton: This is a 2-hourly service Monday to Saturday and is operated by Nu-Venture: From M/S to site 2-hourly from approx 10:15 to 17:40 (Mon-Fri only) otherwise 16:00 To M/S from site 2-hourly from approx 0740 (schooldays) to 1400</p>
Access to services – distances from bus stop/rail station/shop/GP/school	<p>Yalding Primary School approx. 610m (in Vicarage Road)</p> <p>Doctors' Surgery approx. 950m (Benover Road)</p> <p>Post Office approx. 900m other shops and facilities approx. 600m</p>
Impacts on existing residential amenity (including access to open space)	<p>The gardens to the existing residential properties are lengthy and there is landscaping on the boundaries.</p> <p>Suitable design and layout should ensure that no unacceptable impact on residential amenity occurs.</p>
Availability of utilities infrastructure – e.g. water/gas/electric	Likely to be available given the site's location close to the existing settlement
Air quality/noise	Unlikely to be an issue
Land contamination	Potentially, given the intensive agricultural use of the land
Flood Risk (zone/drainage)	Not in Flood Zones 2 or 3
Suitability (assessment conclusion)	<p>The site and adjoining land are currently covered in polytunnels which are prominent in the landscape.</p> <p>However, the location of the site is such that residential development on the scarp slope to the north of the existing houses would result in an unacceptable expansion of development into the countryside with resulting harm to its character and appearance.</p>

3. AVAILABILITY	
Is the whole site available for the proposed use: e.g. <ul style="list-style-type: none"> No existing uses Willing landowner Willing developer Existing tenancy or lease agreement 	Whole site available Willing landowner/ interested developer (Wealden Homes)
Availability conclusion	Available

4. ACHIEVABILITY	
Identification of any abnormal costs or other constraints to development which would prevent or delay this site being delivered	None immediately apparent
Achievability conclusion	Potentially achievable

Timing (following assessment - when could the site be delivered?)	
now - 2016	X Proposer has indicated these timescales
2016 - 2021	X
2021 - 2026	
2026 - 2031	

5. CONCLUSIONS	
<p>The site and adjoining land are currently covered in polytunnels which are prominent in the landscape.</p> <p>However, the location of the site is such that residential development on the scarp slope to the north of the existing houses would result in an unacceptable expansion of development into the countryside with resulting harm to its character and appearance.</p> <p>REJECT</p> <p>YIELD - 0</p>	

Housing Sites Assessment Proforma - 2014

1. SITE INFORMATION	
Reference number	HO3-305
Site name/address	Land South of Kenward Road Yalding
Landowner	
Agent	Mr. G. Norton Wealden Homes
Greenfield/PDL	Greenfield
Site area (ha)	2.56
Proposed yield	Not specified
Is the site urban, adjacent to urban, rural settlement or rural	Rural but adjacent to existing settlement
Site origin (call for sites/local plan rep?)	Call for sites (late submission)

2. SITE ASSESSMENT/SUITABILITY	
Site description (including topography and surrounding land uses)	<p>The site comprises a highly visible open field in arable use located on the south side of Kenward Road immediately to the west of Oast Court.</p> <p>The existing oast complex in Oast Court lies within the Yalding Conservation Area and is clearly visible across the field from Kenward Road and is a prominent feature in the landscape.</p> <p>The land slopes gently southwards towards the River Beult which lies beyond the southern site boundary.</p> <p>The eastern boundary with East Court is formed by a high hedgerow. The northern and western boundaries are enclosed by low fencing and have no hedges or landscaping. There are trees, including poplar trees along the site's southern boundary.</p>
Current use	Agriculture
Adjacent uses	Agriculture and residential
Planning and other designations (AONB, greenbelt etc)	Within Greensand Ridge Special Landscape Area MBWLP 2000 policy ENV34 Adjoins Yalding Conservation Area
Planning history	None recent MK3/73/0545: O/A for residential development to an approved scheme with landscaping on northwest and south west boundaries of the site: REFUSED 25/02/1974
Has site previously been considered in Local Plan Inquiry, if so, record Inspectors recommendation	No
Landscape/townscape impact – including reference to Landscape Character Assessment 2012 (inc. long distance views); cumulative landscape impact; existing screening	<p>Landscape Character Assessment 2012 Landscape Character Area 38: Yalding Farmlands</p> <p>KEY CHARACTERISTICS</p> <ul style="list-style-type: none"> • Low lying landscape which forms part of the Low Weald • Reservoirs and water bodies along the foot of the Greensand Ridge • Drains running southwards towards the River Beult • Enclosed pasture • Frequent orchards • Parkland landscape surrounding Hunton Court • Historic settlement of Yalding

	<p>Condition Assessment - Very Good Sensitivity Assessment - High</p> <p>SUMMARY OF ACTIONS</p> <ul style="list-style-type: none"> • Consider the generic guidelines for the Low Weald • Conserve orchards and the traditional small scale field pattern • Conserve the largely undeveloped rural landscape and the remote quality of existing development • Conserve the historic parkland landscape around Hunton Park • Conserve the rural setting of traditional buildings and farmhouses • Conserve distinctive ragstone walling • Conserve the undeveloped character of the landscape • Resist conversion to arable land • Avoid linear infill development along roads • Soften the impact of agricultural buildings and fruit equipment storage areas with native planting • Increase habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas <p>Soften the visual prominence of large agricultural barns through native planting</p>
Ecological Impacts (inc. SSI & local wildlife sites within or adjacent to site)	The eastern boundary field margin and the southern field margins are the only areas of the site likely to be of any ecological interest.
Trees (inc. TPO, ancient woodland within and adjacent to site)	No TPOs No adjacent Ancient Woodland Hedgerow and some trees to east and southern boundaries
Agricultural land quality	Predominantly Grade 3 some Grade 2 on western side of site.
Heritage impacts (Listed building, conservation area)	Close to the NW corner of Yalding Conservation Area. The oast houses in Oast Court are within the Conservation Area. They are prominent in views of the area and in particular from further west along Kenward Road due to the openness of the site.
Archaeology (SAM etc.)	Not within a safeguarded Area of Archaeological Potential
PROW (within or near site)	None
<p>Access (Highways)</p> <ul style="list-style-type: none"> • Site access • Impact on wider highway network • Access to strategic/main highway network • Availability of public transport/walking/cycling 	<p>Access onto Kenward Road and hence onto the B2010 Yalding Hill some 180m to the east.</p> <p>Yalding Hill is served by Nu-Venture Bus route 23 The village is also served by Nu-Venture Bus route 26 (via Vicarage Road).</p> <p>Bus route 23 is from Maidstone to Yalding and Laddingford. This is an hourly service Monday to Saturday and is operated by Nu-Venture: Hourly from M/S to site from approx 0900 to 1830 To M/S from site from approx 0730 to 1700</p> <p>Bus route 26 serves Yalding from Maidstone to Goudhurst via Hunton: This is a 2-hourly service Monday to Saturday and is operated by Nu-</p>

	Venture: From M/S to site 2-hourly from approx 10:15 to 17:40 (Mon-Fri only) otherwise 16:00 To M/S from site 2-hourly from approx 0740 (schooldays) to 1400
Access to services – distances from bus stop/rail station/shop/GP/school	Yalding Primary School approx. 350m (in Vicarage Road) Doctors' Surgery approx. 750m (Benover Road) Post Office approx. 600m other shops and facilities approx. 450m
Impacts on existing residential amenity (including access to open space)	The gardens to the existing residential properties to the east of the site are lengthy and there is landscaping on the boundary. Suitable design and layout should ensure that no unacceptable impact on residential amenity occurs.
Availability of utilities infrastructure – e.g. water/gas/electric	Likely to be available given the site's location close to the existing settlement
Air quality/noise	Unlikely to be an issue
Land contamination	Unlikely
Flood Risk (zone/drainage)	The extreme southern part of the site lies within Flood Zone 2 and 3
Suitability (assessment conclusion)	Whilst this may appear to be a suitable site for development, it would extend the village of Yalding significantly westwards into a prominent and open piece of countryside that provides a setting for the village on its western side. Furthermore the setting of the oast houses in Oast Court is also likely to be compromised by any development.

3. AVAILABILITY	
Is the whole site available for the proposed use: e.g. <ul style="list-style-type: none"> No existing uses Willing landowner Willing developer Existing tenancy or lease agreement 	Whole site available Willing developer (Wealden Homes)
Availability conclusion	Available

4. ACHIEVABILITY	
Identification of any abnormal costs or other constraints to development which would prevent or delay this site being delivered	None immediately apparent
Achievability conclusion	Potentially achievable

Timing (following assessment - when could the site be delivered?)	
now – 2016	X Proposer has indicated these timescale
2016 – 2021	X
2021 – 2026	
2026 – 2031	

5. CONCLUSIONS	
Whilst this may appear to be a suitable site for development, it would extend the village of Yalding significantly westwards into a prominent and open piece of countryside that provides a setting for the village on its western side. Furthermore the setting of the oast houses in Oast Court and therefore the Conservation	

Area is also likely to be compromised by any development.

Given these issues I do not consider that the site should be developed.

REJECT

YIELD - 0

APPENDIX 4



Do Not Scale.

Report all discrepancies, errors and omissions.

Verify all dimensions on site before commencing any work on site or preparing shop drawings.

All materials, components and workmanship are to comply with the relevant British Standards, Codes of Practice, and appropriate manufacturers recommendations that from time to time shall apply.

For all specialist work, see relevant drawings.

This drawing and design are copyright of the Clague LLP
Registration number OC335948.

Rev	Date	Description
A	16/06/15	First Issue
B	08/07/15	issued following Client feedback
C	13/07/15	issued following Client feedback
D	28/10/15	issued following Client feedback

Project Title

Wealden Homes
Proposed Residential Development
Kenward Road
Yalding
Kent

Drawing Description

Illustrative Masterplan
Option 1

Scale	Drawn by
1:2500 @ A3	DM
Date	Checked by
June 2015	MC

CLAGUE ARCHITECTS

82 Burgate, Canterbury Kent CT1 2BH	01227 782080
1 Kingsbourne Court, Luton Road, Harpenden, Hertfordshire AL5 3BL	01562 785102
4th Floor, 89 Charterhouse Street London EC1M 6HR	0203 587 8112

CANTERBURY LONDON HARPENDEN

Drawing Number	Revision
22467A/SK100	D

Proposed Residential Development, Kenward Road, Yalding, Kent



0m 50m 100m 150m
 1:2500

APPENDIX 5

Appeal Decision

Site visit made on 2 September 2015

by **Mr Kim Bennett BSc Dip TP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15/09/2015

Appeal Ref: APP/U2235/W/15/3028963

Eastwells, Kenward Road, Yalding, Maidstone, Kent ME18 6JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Donald Vaughan against the decision of Maidstone Borough Council.
 - The application Ref 14/0539, dated 31 March 2014, was refused by notice dated 13 November 2014.
 - The development proposed is the erection of three 4 bedroom detached houses with integral garages and two parking spaces externally.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of three 4 bedroom detached houses with integral garages and two parking spaces externally at Eastwells, Kenward Road, Yalding, Maidstone, Kent ME18 6JP in accordance with the terms of the application, Ref 14/0539, dated 31 March 2014, subject to the conditions in the schedule attached to the end of this decision.

Procedural Matter

2. The Council's decision notice referred to conflict with Policy ENV41 of the Council's Local Plan 2000 (LP). This related to concerns about impact upon existing ponds on the site at the time. However the ponds have since been removed and the Council accepts that reference to that policy is no longer relevant. I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises the extensive side garden of the property known as Eastwells which is a large semi-detached house located on the north east side of Kenward Road at the end of a line of residential properties extending along that road. It has a domestic appearance containing a number of lawns, flower beds, shrubs and several mature trees, and although there was apparently a tall beech hedge along the frontage of the site, that has since been removed.
-

Eastwells itself lies within the defined village settlement of Yalding, but the site is immediately beyond that boundary and technically therefore is classified as countryside. There is open agricultural land opposite the site whilst to the north and east there is further agricultural land currently being farmed intensively with crops under polytunnels.

5. The site lies in open countryside for development plan purposes and Policy ENV28 of the LP presumes against the proposal in that it would not comply with the exceptions set out in that policy. However the Council acknowledges that it does not have an identified 5 year supply of deliverable housing as required by paragraph 47 of the National Planning Policy Framework (the Framework). Indeed as of April 2014 the Council explains that it had identified only a 2.1 year supply. In such circumstances the Framework advises in paragraph 49 that policies for the supply of housing should not be considered up to date, which would include Policy ENV28 as it directly affects the supply of housing in terms of restricting development in the countryside. The Framework further advises that in the absence of a 5 year supply, development should then be assessed in the context of the presumption in favour of sustainable development. Both main parties agree with that view and I shall determine the appeal on that basis.
6. As referred to above, the site immediately adjoins a row of houses along Kenward Road which are included within the built confines of the settlement and it is only some 300 metres from the High Street where there are a number of shops and services. In my view it is clearly in a sustainable location. I note that the Council agrees with that and its main concern relates to the impact of the development on the countryside.
7. However, although it is classified as countryside, the site has a more domestic appearance and acts more as a transitional site to the countryside beyond. The layout of the proposed dwellings in terms of their siting and set back from the road frontage would form an extension of the existing building line and character of existing properties along Kenward Road and would not look out of place. The 30 mph sign is located immediately adjoining the northern boundary of the site and approaching it from the north, the development would not be apparent because it would be screened by a large shelter belt of trees which protects the agricultural land to the rear. In locational terms therefore, the site would form a logical extension of the village which would not impact upon the character of the surrounding countryside or be perceived as extending into that countryside in any meaningful or adverse way.
8. The proposal would involve the loss of a number of mature trees but many of these are small domestic specimens and I note that in assessing their loss, the Council's landscape officers did not consider any worthy of formal protection through a Tree Preservation Order. I also note that several frontage trees would be retained. Although the Council is concerned about the removal of a beech hedge along the frontage, which it reiterates in its appeal statement, as referred to above that hedge has since been removed and is therefore no longer an issue for my consideration.
9. In design terms, the proposed dwellings would adopt a traditional vernacular form, consistent with other properties in the locality, and would use a range of traditional materials including plain clay roofing tiles, tile hanging and red

facing brick. Such an approach would be in keeping with the character of the settlement and I note that the Council does not take any issue with the particular design approach being proposed. Although the Council is concerned about the massing of the proposed dwellings with limited gaps between buildings, they would be comparable with other existing development along Kennard Road and not out of place as a result.

10. The Council has not raised any concerns relating to detailed matters such as highway issues, flooding, ecology or residential amenity and I see no reason to take a different view.

Conclusion

11. Although the Council considers that an additional three dwellings would only make a small contribution towards the shortfall in housing supply, which I acknowledge, it would nevertheless make some contribution to what is currently a large shortfall and on a site which the Council accepts is in a sustainable location. In that respect I also note that the Council's emerging local plan identifies Yalding as having potential for limited new housing provided that it is of a scale in keeping with the character of the settlement. Whilst I do not afford that significant weight given its stage of preparation, I consider the proposal would be consistent with that objective and is a further factor in its favour.
12. The character of the site would undoubtedly change from the existing, but I do not consider that there would be harm to the countryside as the Council suggests, for the reasons outlined above. On the contrary, in time, and with the benefit of sympathetic design and maturity of existing and proposed planting, the site forms a logical limited extension to the settlement in a sustainable location. For these reasons it would be consistent with policy guidance within the Framework and accordingly the appeal should succeed and planning permission should be granted.
13. The Council has suggested a total of 16 conditions. Those relating to materials, boundary treatment, refuse, visibility splays, surface water, site levels, landscaping and lighting are all necessary in the interests of good planning and to achieve a high standard of development. Whilst provision and retention of parking facilities is necessary, the suggested condition also calls for on-site turning facilities which is not what is shown on the plans. I note that the highway authority did not request that and given the low level of traffic on Kenward Road I do not consider that is necessary. Similarly there is no evidence before me to suggest there are any issues with contamination or foul sewer capacity and conditions relating to those issues are not necessary as a result. A condition relating to the recommendations included within the ecological report is necessary in the interests of promoting biodiversity and I note those recommendations also include provision for bird nesting boxes. However a further condition relating to review of ecological matters if the development does not commence within 2 years is unreasonable.

Kim Bennett INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:8127(site survey);DV/14/03/PO1A; PO2; PO3; PO4; PO5
- 3) No development above ground level shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the development, including all hard surfacing, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development above ground level shall take place until full details of all boundary treatments have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained as approved.
- 5) No development above ground level shall take place until full details of all facilities for the storage of refuse and recyclable have been submitted to and approved in writing by the local planning authority. The facilities shall be provided before first occupation of the dwelling to which they relate and thereafter retained as approved.
- 6) The garage and parking areas shown on the approved plans shall be provided before first occupation of the dwelling to which they relate. Thereafter both garage and parking areas shall be kept permanently available for parking use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) shall be carried out on those areas of land.
- 7) No development above ground level shall take place until full details of all visibility splays, to include provision of a 1.2 metre open grassed area along the full extent of the site's frontage have been submitted to and approved in writing by the local planning authority. The splays and grassed area shall be provided before first occupation of the dwelling to which they relate and thereafter retained as approved.
- 8) No development shall commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be provided before first occupation of the dwelling to which it relates and thereafter retained as approved.
- 9) No development above ground level shall take place until details of existing and proposed site levels and the finished slab levels of the buildings hereby permitted, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) No development shall take place above ground level until details of any external lighting, including details of spread and intensity of light and size

and design of light fittings, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained as approved.

- 11) No development shall take place above ground level until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The said scheme shall include hard and soft landscaping; trees and hedgerows to be retained together with measures for protection during construction; planting plans; written specifications; schedules of trees, plants, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the local planning authority give prior written consent to any variation.
- 12) No development shall take place above ground level until full details of the recommendations contained within the preliminary ecological appraisal report dated 23 June 2014 have been submitted to and approved in writing by the local planning authority. Such details as may be approved shall be provided before first occupation of the dwelling to which they relate and thereafter retained as approved.