

**Session 14A – Wednesday 30 November 2016 – 10:00-13:00**  
**Alternative Sites**

Representation 19101 – Mr Brian Matthews

Land Adjoining Appleacres House, Maidstone Road, Warmlake,  
Sutton Valence, Maidstone, Kent ME17 3LR

**Qn14.1 Does the site have any relevant planning history?  
(applications, permissions, appeals, previous allocations)**

The site has the benefit of an outline planning permission (MA/15/0996/OUT) for six dwellings that was allowed at appeal on 4 August 2016; copy attached.

At present there is an alternative outline planning application lodged with Maidstone Borough Council for nine dwellings 16/507761/OUT. The location of the proposed nine units set in 0.49 hectares of the overall site is located towards the rear of the site (western boundary). This is an alternative proposal to the six dwellings already approved and the site layout plans overlap in part. This proposal was submitted following the local planning authority's decision to approve 5 dwellings MA/15/509960 on the adjoining land which is situated to the rear of the Warmlake Business Centre.

**Qn14. 2 What is the site's policy status in the submitted Local Plan? (eg whether in defined settlement/countryside/AONB/conservation area/ Landscape of Local Value etc)**

The site is located within the countryside in the emerging local plan. The site is not situated within a Conservation Area an AONB or an Area of Local Landscape Value (ALLV). The site is therefore white land.

**Qn14. 3 What is the site's policy status in any made or emerging neighbourhood plan?**

The site is within the defined Sutton Valence Neighbourhood Plan area. No policy status has been given to the site to date as the neighbourhood plan is in the early stages of production.

**Qn14. 4 Is the site greenfield or previously developed (brownfield) land according to the definition in the glossary of the National Planning Policy Framework?**

The site is greenfield land under the definition set out in the National Planning Policy Framework. The land is not in active agricultural land use. It is a redundant orchard.

**Qn14.5 What previous consideration by the Council has been given to the site's development (eg inclusion in a Strategic Housing and Economic Development Land availability Assessment (SHEDDLAA) and does the Representor have any comments on its conclusions.**

No previous consideration has been given to this site by the local planning authority as part of the local plan process

The site was submitted as an alternative site as part of the Regulation 19 consultation on 18 March 2016. No local plan submission had been made prior to that date.

**Qn14.6 What is the site area and is has a site plan been submitted which identifies the site?**

The overall site area is 1 hectare. Site plan attached showing the extent of the site.

**Qn14.7 What type, and amount of development could be expected and at what density?**

The site is able to accommodate a mix use development comprising of residential and B1(a) office accommodation.

Due to its location on the edge of a designated larger village we consider that a proposal for 9 units is appropriate. Furthermore there is already an extant planning permission on the site for 6 dwellings. Surrounding properties are detached family sized dwellings. Therefore, a proposal for nine dwellings is an appropriate figure. The site layout plan attached.

The site is able to accommodate in addition to the nine dwellings small serviced office accommodation.

The landowner of the site is Mr Brian Matthews a commercial surveyor with 40 years experience in the local property market. At present, we believe the emerging Maidstone

Local Plan falls short in terms of new employment, commercial and office accommodation.

There is an opportunity on this site to provide not just a residential use but also serviced office accommodation (Class B1(a) Use). The site can accommodate two 3,000 sq ft office units set over two storeys plus a larger 5,000 sq ft unit plus car parking provision. These units will be sub divided internally into smaller units (say 1,000 sq ft units). The office blocks will have a rural character and architectural style and will be arranged in a courtyard setting using traditional materials such as facing brickwork, timber cladding with clay tiled pitched roof.

There is no office accommodation in the pipeline within the Maidstone Borough Council area. The town centre has already lost 360,000 sq ft of small office suites in the town centre. This is partly due to the Government policy of allowing change of use from office to residential under the GPDO *Prior Approval* procedure. Indeed, the

local planning authority is incorporating these former office premises as part of its housing supply calculations in this emerging local plan. Local residents are now having to leave the Council's area to commute for employment to other sites in neighbouring towns such as Kings Hill near West Malling.

To our knowledge there are no small employment units or small scale office suites under construction in the Maidstone Borough Council area.

Government policy of rating empty office accommodation and commercial units has been a further reason in the reduction in office accommodation space within the town centre in any speculation.

We believe that there is demand at Warmlake for small services office accommodation and that it is sustainable having sufficient high speed internet and access onto the major highway network.

The proposal shown on drawing allows for the provision of enhanced landscaping around the boundary of the site and an open space to the front onto the A274 Maidstone Road.

**Qn14.8 When could development be delivered and at what rate?**

Development can proceed within the first 5 years of the plan period (2016-2021)

**Qn14.9 What evidence is there of the viability of the proposed development?**

The site is a greenfield site. There are no remediation costs associated with this development. No significant highway or junction improvement works. Kent County Council Highways has previously supported the new arrange access arrangements into this site.

**Qn14.10 Has the site been the subject of sustainability appraisal and does the Representor have any comments on its conclusions?**

No sustainability appraisal undertaken as part of the local plan process.

However, attached are various appeal cases in the local area confirming that the site is a sustainable location. Attached are the following appeals cases relevant to this site:

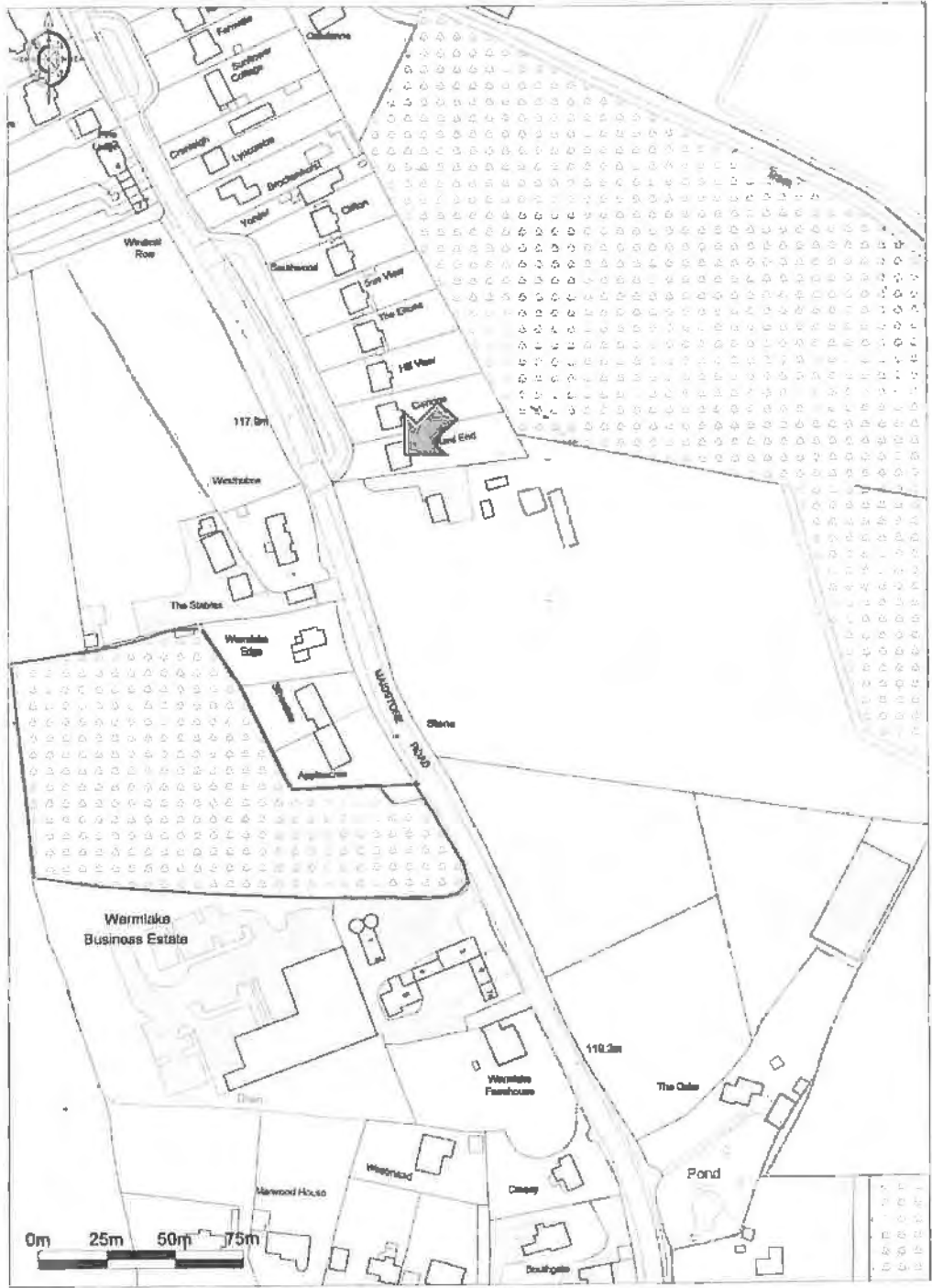
- APP/U2235/A/14/2228989 The Oaks (MA/14/0830) – Ten dwellings
- APP/U2235/W/15/3137036.Chartway Street (MA/15/0464) Six Dwellings
- APP/U2235/W/16/3146765 Appleacres, Warmlake- Six Dwellings
- MA/15/9960 Land Rear of Warmlake Industrial Estate- Five Dwellings

**Qn14.11 What constraints are there on the site's development and how could any adverse impacts be mitigated?**

No physical constraints. The proposal would involve the replacement of a boundary hedge line fronting onto the highway in order to create a visibility splay. However, there remains an opportunity to provide a replacement hedge line along the front of the site with indigenous and native plants that will be represent an improvement to the existing hedge line. To maintain the setting of the adjoining listed building on the Warmlake Industrial Estate a landscaped area will be retained at the front of the site.

Existing boundaries of the site that have a hedge line can be retained and enhanced as part of these proposals

SITE LOCATION PLAN  
APPLEACRES, WARMILAKE



17 March 2016

Spatial Policy  
Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone ME15 6JQ

Our Ref: 15-021

Dear Sir/ Madam

**Maidstone Local Plan Regulation 19 Consultation  
Land Adjoining Appleacres House, Maidstone Road Warmlake, Sutton  
Valence, Kent ME17 3LR**

We are acting on behalf of Mr Brian Matthews the owner of the above mentioned site

**We would like to make representations on the local plan and we would also wish to participate in the forthcoming hearings of the local plan that will be scheduled in due course.** We wish to **OBJECT** to the local plan on the basis of its soundness. Broadly, we have concerns about the spatial strategy with an under supply of allocated sites in Policy H1 with no contingency sites plus concern over the 'broad locations' identified in Policy H2.

National planning policy promotes positive plan-making and in this context, Local Plans should be prepared and based on a strategy which seeks to meet the objectively assessed need (OAN). When the Council consulted on an earlier version of this document in March 2014, the objectively assessed need (OAN) was 19,600 for the plan period (2011-2031) and the housing requirement for the Borough was agreed on the basis of the OAN figure. The figure was revised to 18,560 following a later review based on 2012 population data. Given further inward migration levels from London and a continued unmet need in the Greater London area the local planning authority must therefore include additional allowance as a result of increasing migration from London.

With regards to the allocated sites Policy H1, we still consider there to be an overall shortfall in numbers. In addition, it is proven that the indicative yield stipulated in the Regulation 19 is on the high side. We will demonstrate this with some selected examples bellow from the list of recommended allocated sites.

For example in the earlier Regulation 18 document indicates that Site H1 (1) *Bridge Nursery* had an indicative yield of 165. The actual planning permission granted by the local planning authority was for a lower figure (140 units). H1 (3) *West of Hermitage Lane* was originally to yield 330. In 2015 planning permission was granted on H1 (3) for 300 on this site and construction is underway. Likewise H1 (4) *Oakapple, Barming* has a reduced number of units 187 compared to 240 stated previously in earlier documentation. H1(43) *Glebe Gardens* is forecasted as providing 10 units the planning application submitted is for 8. H1 (52) *Hubbards Lane* is scheduled to yield 21. However, only 11 can be accommodated on the site. H1 (64) *West of Eyhome Street* was earmarked for 35 units. Construction is underway for 14 units

As you will note there is a downward trend between the forecast figures and the actual. The combined total of these sites in Policy H1 is 8707 units representing a significant proportion of the total. However, from the evidence we have there is always an under provision based on these indicative numbers. **In our opinion the local planning authority needs to provide additional sites as a contingency by allocation additional sites.**

With regard to the windfall allowance of 1,026 it is unclear where this figure has been derived upon.

In addition to this we are doubtful about the broad locations for developable sites between 2026 -2031 referenced in Policy H2.

Policy H2 refers to Maidstone Town Centre accommodating 700 units over the plan period 2026-2031. Over the past 18 months alone since the introduction of permitted development rights and Prior Approval procedures for conversion of office to residential (Part L) the town centre alone has already lost approximately 300,000 sq ft (32,000 sq metres of floorspace with the conversion of large office blocks such as Concorde House, Kent House, Miller House and others. The figure of 700 units is not a long term aspiration and will already be included elsewhere in the figures as the works have planning permission and have been converted.

At Lenham there is a neighbourhood plan in preparation which does not include any major development either west or east of the village in the broad locations identified in the plan. Finally, with regards to Invicta Barracks (1,300 units) the disposal of this site by the Defence Estates Organisation (DEO) has been discussed for over 20 years. The DEO has disposed of other significant land at the Medway Council area also occupied by Royal Engineers whilst over the same period there has not been any intent to dispose of this land.

In light of this, the local planning authority should bring forward additional sites that were previously submitted as part of the call for sites and earlier stages in the plan making process

***Land Adjoining Appleacres House, Maidstone Road Warmlake, Sutton Valence, Kent ME17 3LR***

The subject site is bounded to the east by the A274 Maidstone Road and a linear form of residential and commercial development. To the south the site is the Warmlake Industrial Estate and to the west are fruit orchards. The site is concealed from the surrounding landscape by dense mature hedges. The site is a former apple orchard which is no longer capable of productive use.

The site is not located in any national or local landscape designated area.

The property is located in Warmlake and adjoins the built environs of the expanding village of Sutton Valence. Warmlake has essential facilities and forms part of Sutton Valence which is designated as a large village. However, it is to be noted that the daily shopping facilities within the Parish are actually in Warmlake and residents of Sutton Valence need to travel north to Warmlake to purchase daily essentials. The post office at Sutton Valence is approximately 800 metres south of the site at Haven Farm Shop on North Street. There is also a petrol station and local shop north of the site offering a wide selection of goods and food stuffs. All are located within close proximity and within walking distance of the subject site and make the locality very sustainable.

Schools are within easy walking distance and there is a continuous public footpath leading from the subject site to the local primary school. This same footpath provides access to the bus route where a regular service to Maidstone Town Centre gains access to the towns various senior schools.

Employment is readily available nearby. There are employment sites dotted around the hamlet and around Sutton Valence. Additionally the bus route accesses Parkwood some 1.5 miles to the north where there is one of the towns largest employment sites. Warmlake is a collection of residential and commercial properties located around the A249 Warmlake Road/ Chartway Street junction. This form of development extends northwards towards Langley on the west side of Maidstone Road providing the subject site with a backdrop of residential and commercial development.

Our client's site can provide a low density residential layout with a mix of house types to achieve a high quality residential development in Warmlake. This type of property is in short supply within the Borough and can be a catalyst for attracting inwards investment to the area.

Clearly in any objective assessment this site is in a sustainable location which compares very favourably both with other proposed housing sites allocated in the draft Maidstone Local Plan. The proposed site is opposite a site that has recently been allowed at appeal for 10 units. A copy of the appeal decision is attached with this letter for reference (APP/U2235/A/14/2228989, The Oaks, Maidstone Road, Sutton Valence).

As this site has not been included in the current local plan documents the only option available is to make representations at Regulation 19 stage and at the Public Inquiry.



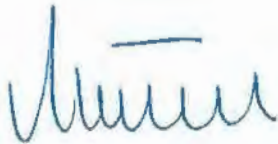
4

This will be the first opportunity in the process for our client to present the case for including the land in the plan.

The site shown on the attached plan is suitable for 6-10 dwellings.

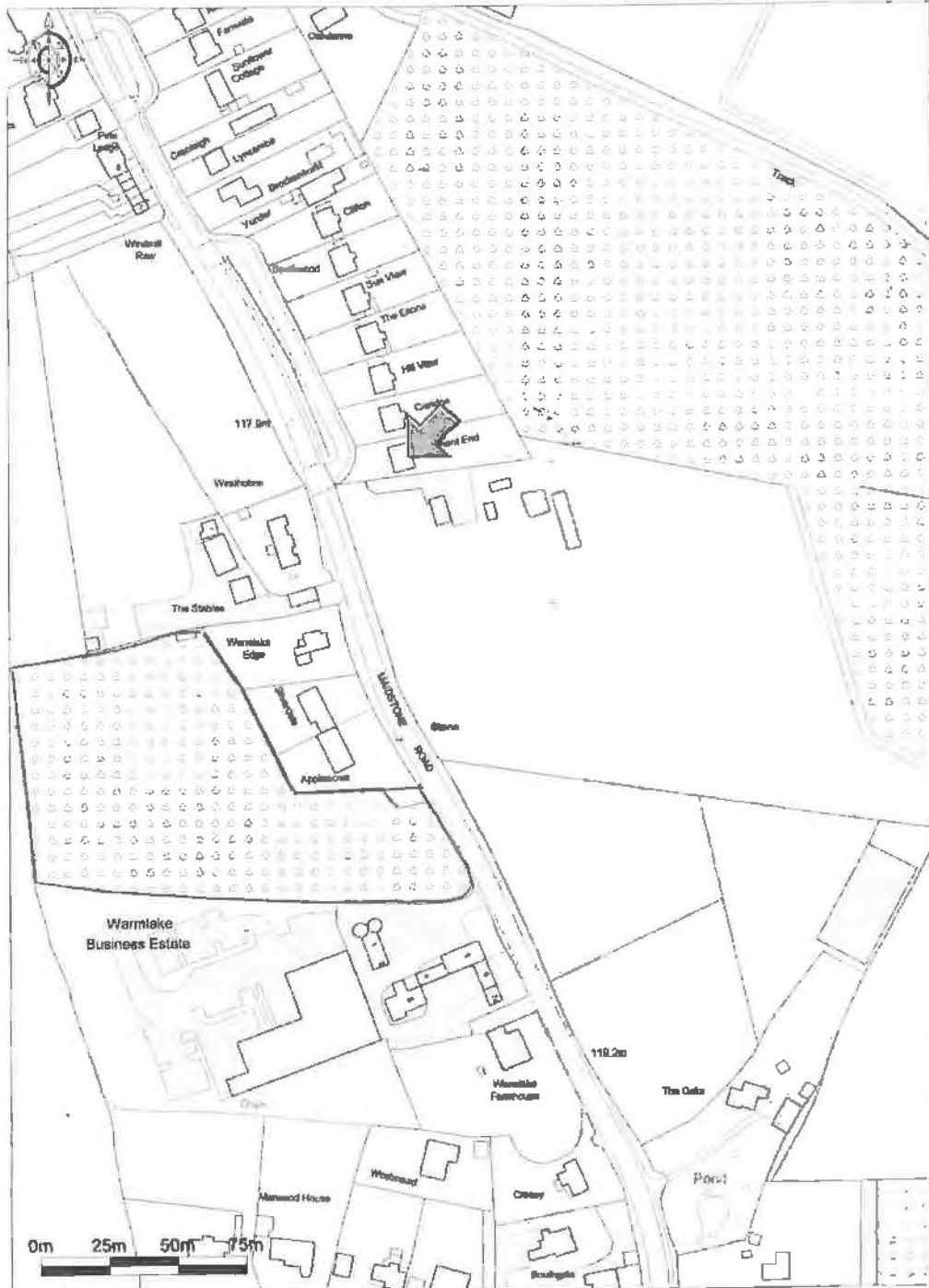
We trust this letter of response will be taken into consideration. We would wish to be notified in order to participate at the forthcoming hearings

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Andrew Street', with a horizontal line above the first few letters.

Andrew Street

SITE LOCATION  
PLAN  
ADDRESSES,  
WIRRMILE



Ordnance Survey © Crown Copyright 2015. All rights reserved.  
Licence number 100022432. Method Scale - 1:2500





subject to site survey and I.A. approvals

scale bar



# proposed site plan

**gdm architects**  
 01332 760471  
 1000 Maidstone Road  
 Maidstone, Kent, ME15 9JQ  
 www.gdmarchitects.co.uk

## warmlake, maidstone road

number: 3658/p01 | date: oct 2016 | scale: 1:500@A3 | dm: af chkd: ge appd: ge



---

## Appeal Decision

Site visit made on 26 July 2016

by **Nick Palmer BA (Hons) BPI MRTPI**

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

Decision date: 4 August 2016

---

**Appeal Ref: APP/U2235/W/16/3146765**

**Appleacres, Maidstone Road, Sutton Valence, Kent ME17 3LR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr Brian Matthews against Maidstone Borough Council.
  - The application Ref 15/509996/OUT is dated 29 November 2015.
  - The development proposed is six detached dwellings plus other associated works.
- 

### Decision

1. The appeal is allowed and planning permission is granted for six detached dwellings plus other associated works at Appleacres, Maidstone Road, Sutton Valence, Kent ME17 3LR in accordance with the terms of the application, Ref 15/509996/OUT, dated 29 November 2015, subject to the conditions as set out in the attached schedule.

### Procedural matters

2. The application is for outline planning permission with matters of access and layout submitted for approval. Details of scale, appearance and landscaping are reserved for subsequent consideration.
3. The appeal is against the failure of the Council to give notice of its decision within the statutory period. The Council has indicated that had it made a decision it would have refused permission and has set out its reasons. I have considered the reasons as set out in the Council's statement as forming the main issues in my decision but in doing so I have also taken into account the views expressed by interested parties.

### Main Issues

4. The main issues in the appeal are:
    - i) the effect of the proposed development on the character and appearance of the area including its effect on the setting of the adjacent listed building; and
    - ii) the effect of the proposed development on biodiversity and ecology.
-

## Reasons

### *Character and Appearance*

5. The site is in the countryside and outside the development boundaries as defined in the Maidstone Borough-Wide Local Plan (LP) (2000). Sutton Valence is about 1 km to the south although there is frontage development along Maidstone Road and around the junction with Warmlake Road and Chartway Street. The site is a former orchard which lies between a group of buildings in business use and the dwelling known as 'Appleacres'. There are further dwellings along Maidstone Road in both directions. Planning permissions have been granted for residential development on the rear part of the adjacent business estate and on the opposite side of the road, the latter on appeal<sup>1</sup>. Thus while the site is in the countryside it adjoins a significant amount of existing and proposed development.
6. The proposal would provide six detached houses on either side of a cul-de-sac extending back from Maidstone Road. The development would extend to the rear of the adjacent dwellings but no further back than the business estate. For these reasons although the development would occupy open land it would be closely related to the existing developments on either side.
7. Part of the existing orchard on the road frontage would be retained and enhanced as an open landscaped area and other open areas would be retained within the site. The development would maintain a sense of openness that would harmonise with the rural character of the area.
8. Directly adjacent to the site and within the business estate there is a late 19<sup>th</sup> century oast house which appeared on my visit to be in use as offices. This building is listed at grade II. It has two brick circular kilns with truncated conical roofs facing the site and weather boarded stowage accommodation on the other side. The building forms part of a group of buildings which are adjacent to Warmlake Farmhouse and which have been converted to business units. The oast house is seen in the context of those buildings. The appeal site is separated from that group by a high conifer hedge along much of its boundary and there is no evidence that the site has historically been functionally associated with the oast house.
9. However the site currently forms an open area of land which is adjacent to one side of the listed building albeit that the orchard trees obscure views of the building from the road to some extent. The proposal would retain a significant area of open land on the frontage of the site thereby maintaining those views.
10. Most of the development would be to the rear and separated from the business estate by the conifer hedge. The proposed dwelling closest to Maidstone Road would be adjacent to the listed building but separated by its garden. The garage of that dwelling would be closest to the listed building. Although details of scale and appearance are not matters for consideration the likely size of the garage combined with its distance away from the listed building would not adversely affect its setting.

---

<sup>1</sup> APP/U2235/A/14/2228989

11. I give great weight to the conservation of the heritage asset in terms of its setting. However for the reasons given I find that there would be no harm to the setting of the listed building. Furthermore I find that there would be no harm to the character and appearance of the area.
12. The Council acknowledges that it cannot demonstrate a five year housing land supply as required by the National Planning Policy Framework (the Framework) and the parties agree that the supply stands at 3.3 years. In this circumstance, paragraph 49 of the Framework states that policies for the supply of housing should not be considered up-to-date. The Council states that its draft Local Plan is about to be submitted for examination and that this would make provision for the objectively assessed housing need. However, the draft Local Plan carries little weight at this stage. Although the Council may have identified a supply in its draft submission this does not mean that the sites identified are available for development.
13. Paragraph 14 of the Framework states a presumption in favour of sustainable development. Where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole, or specific policies in the Framework indicate that development should be restricted.
14. Policy ENV28 of the LP restricts development that can take place in the countryside and in as far as it restricts housing development it is a policy for the supply of housing. In the absence of the required housing land supply that policy is out of date. The proposal would not accord with policy ENV28 but because it is out of date I can give only limited weight to this conflict.

*Biodiversity/Ecology*

15. The site contains apple trees that were used as an orchard until the 1980s. There is no evidence before me that any biodiversity or ecology survey has been carried out and the Council has put forward no expert evidence regarding the likelihood of species being present. Neither has any evidence been provided regarding the potential effect on any nearby site identified as being of nature conservation value.
16. Given that any necessary mitigation measures could be carried out following a suitable survey which could be secured by a condition I conclude that there is insufficient evidence that the proposal would harm biodiversity or ecology.

*Other Matters*

17. An interested party has raised concern about additional traffic on the A274 that would result from this and other planned developments in the area. The Highway Authority considers that the road has sufficient capacity to accommodate the traffic that would be generated by the proposal and I see no reason to differ.
18. The proposed dwellings would be sited to avoid overlooking or any other harmful effect in terms of the living conditions of adjacent occupants.
19. Kent County Council requested financial contributions towards education and library provision to be secured by a planning obligation. However the Planning

Practice Guidance<sup>2</sup> states that tariff-style contributions should not be sought from developments of 10 dwellings or less.

### **Planning Balance**

20. I have found that there would be no harm to the setting of the listed building or to the character and appearance of the area. Furthermore there would be no harm to biodiversity or ecology subject to the imposition of a suitable condition. The proposal would be of benefit in addressing the shortfall in housing supply and that benefit would not be significantly and demonstrably outweighed by any harm.
21. The proposal would meet the social dimension of sustainable development by provision of needed housing. The Council has no objection regarding the accessibility of the site to services and facilities by means other than the car following the appeal for the site opposite referred to above. I concur with the Council and with the Inspector's findings on this matter. The accessibility of the site to services and facilities would accord with the three dimensions of sustainable development. The absence of harm in terms of character and appearance would accord with the environmental dimension. The development would be supportive of the local economy both during its construction through the generation of employment and by the future residents supporting local businesses. The proposal would accord with the economic dimension in this respect. For these reasons considered as a whole the proposed development would be sustainable.

### **Conditions**

22. I have imposed the conditions suggested by the Council with two exceptions. In doing so I have had regard to the tests in paragraph 206 of the Framework and I have made some changes to the suggested wording of the conditions to accord with those tests.
23. A condition requiring layout and access to be in accordance with the approved plan is necessary in the interest of certainty.
24. Conditions requiring approval of details of external facing materials and hard surfacing materials, landscaping and means of enclosure are necessary to ensure the appearance of the development is acceptable. A landscape management plan is necessary to ensure the future maintenance of the landscaped areas that are not included within residential plots.
25. Conditions requiring provision for vehicles entering the site during the construction of the development and provision of the required visibility splays and car parking facilities are necessary in the interest of highway safety.
26. A condition restricting lighting is necessary in order to prevent light pollution within the rural area.
27. Details of foul and surface water drainage are required in order to ensure that there is no flooding or pollution of surface waters.
28. A condition requiring a biodiversity and ecology survey is necessary to identify any necessary mitigation measures and to ensure that those measures are

---

<sup>2</sup> ID 23b-031-20160519

- carried out. A condition restricting clearance of trees and vegetation during the bird breeding season is necessary to avoid impact on breeding birds.
29. A condition requiring renewable energy measures is necessary in the interest of sustainability.
30. The Council suggested a condition restricting permitted development rights. However the Planning Practice Guidance states that such conditions should not normally be imposed. I find that the suggested condition would not meet the tests of necessity or reasonableness.
31. I have not imposed the suggested condition requiring the provision of swift bricks and/or bat boxes because this is imprecise and measures for protection of biodiversity and ecology are required by a separate condition.
32. The County Council requested a condition requiring high speed broadband connection but there is no evidence as to whether such a connection would be feasible or reasonable.
33. The hedgerow on the road frontage would be moved back and a 2 metre wide footpath would be provided. The Highway Authority suggest that an additional area of land for a bus stop waiting area would be desirable but there is no evidence that such a facility would be necessary as a result of the proposed development.

**Conclusion**

34. For the above reasons I conclude that the appeal should be allowed and that planning permission should be granted.

*Nick Palmer*

INSPECTOR



### **Schedule of Conditions**

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development shall be carried out in accordance with the details of access and layout shown on drawing number 3658/sk05 rev b.
- 5) No development shall take place until samples of all external facing materials and hard surfacing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 6) No development shall take place until details of all fencing, walling or other 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 before occupation of the dwelling to which they relate.
- 7) No development shall take place until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 similar size and species.
- 9) Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
- 10) No development shall take place until details of parking provision and a vehicle turning area to each dwelling have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the parking provision and vehicle turning area serving that dwelling have been provided in accordance with the approved details and are available for use. The car parking and turning areas shall thereafter be kept available for those purposes.

- 11) The visibility splays shown on the approved plan shall be provided before any dwelling is occupied. The visibility splays shall thereafter be retained and maintained and kept clear above 1 metre in height.
- 12) No development or ground works shall take place until the following details have been submitted to and approved in writing by the local planning authority:
  - provision of parking facilities for site personnel, operators and visitors for the duration of construction;
  - provision of wheel washing facilities for the duration of construction; and
  - provision for construction vehicle loading/unloading and turning facilities for the duration of construction.

The development shall be carried out in accordance with the approved details.

- 13) Details of all external lighting shall be submitted to and approved in writing by the local planning authority prior to its installation. The details shall include details of measures to shield and direct light from the light sources so as to prevent light pollution. The lighting shall be installed in accordance with the approved details and thereafter retained.
- 14) No development shall commence until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The details shall include measures to prevent the discharge of surface water onto the highway. Development shall take place in accordance with the approved details.
- 15) No site clearance of trees, hedges or shrubs shall take place during the bird breeding season (mid-March to July inclusive) without the site having first been screened by a suitably qualified ecologist.
- 16) No development or clearance of vegetation shall take place until a biodiversity and ecological survey report for the site has been submitted to and approved in writing by the local planning authority. The report shall identify and make an assessment of any biodiversity and ecological interests present on the site and incorporate, if required appropriate measures to be undertaken to mitigate the impact of the proposed development on such interests. Any mitigation measures shall be undertaken in accordance with the approved biodiversity and ecological survey report.
- 17) No development shall take place until details of renewable energy sources to be incorporated into the development have been submitted to and approved in writing by the local planning authority. The approved renewable energy sources shall be provided before any dwelling is occupied.



**schedule:**  
 site area = 4,696,926 (excluding amenity areas)  
 6 x 5 bed detached homes each with attached double garage

# feasibility layout plan

gdm arch

Approved Plan  
 NAL15/996/01



**Maidstone Borough Council**  
Maidstone Planning Department  
King Street  
Maidstone  
Kent  
ME15 6JQ

**Highways and Transportation**  
Ashford Highway Depot  
4 Javelin Way  
Ashford  
TN24 8AD

**Tel:** 03000 418181  
**Date:** 4 February 2016

**Application - MBC/15/509996/OUT**

**Location - Appleadacres Maidstone Road Sutton Valence Kent ME17 3LR**

**Proposal - Outline planning application for the erection of six detached dwellings and other associated works, with access and layout to be considered at this stage and all other matters reserved for future consideration**

Thank you for your consultation in relation to the above planning application at Maidstone Road, Sutton Valence. I have the following comments to make with respect to highway matters :-

The parking provision proposed meets our standards as set out in IGN3 and there are adequate turning facilities within the site for refuse vehicles. The introduction of a 2 metre footway at the frontage of the site is welcomed to improve the visibility splay to north for vehicles exiting Warmlake Business Estate as well as for the proposed application.

Bearing in mind the potential collective accumulation of dwellings in this area, it might be helpful if through the Section 278 Agreement with this authority required for the access, that an area of land could be reserved for a bus stop waiting area at the back of the footway proposed. The local planning authority if minded to approve this application may wish to include this as a requirement.

For the reasons outlined above and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority subject to:

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

Please note that this development proposal would result in additional traffic movements on the A229 corridor in south Maidstone, where there are concerns regarding the cumulative effects of further traffic on congestion and delays to road users. In this instance the scale of any increase is expected to fall within the daily variations in traffic flow and the associated impact cannot therefore be regarded as severe in the context of the current conditions.

**INFORMATIVE:** It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

**Sam Yates**  
Graduate Development Planner



---

## Appeal Decision

Site visit made on 23 March 2015

**by Louise Phillips MA (Cantab) MSc MRTPI**

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

**Decision date: 13 April 2015**

---

**Appeal Ref: APP/U2235/A/14/2228989**

**The Oaks, Maidstone Road, Sutton Valence, Maidstone ME17 3LR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr D Austen against Maidstone Borough Council.
  - The application Ref MA/14/0830, is dated 15 May 2014.
  - The development proposed is the demolition of the existing dwelling and the construction of 10 new dwellings including associated garaging.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and the construction of 10 new dwellings including associated garaging at The Oaks, Maidstone Road, Sutton Valence, Maidstone ME17 3LR in accordance with the terms of the application, Ref MA/14/0830, dated 15 May 2014, subject to the conditions set out at Annex A.

### Procedural Matters

2. The appeal is made on the basis that the Council failed to give notice of its decision within the prescribed period. However, paragraph 3.1 of its Statement sets out the reasons for which planning permission would have been refused had it been in a position to determine the application. I have treated this as the decision the Council would have made had it been empowered to do so.
3. Since the appeal was lodged, the appellant has submitted a revised Sustainability Plan, ref 500/DA/016A, to correct an error in scale identified by the Council. The Council has seen this plan and I do not consider that third party interests would be prejudiced by my taking it into account.

### Main Issues

4. The main issue is whether the proposal would represent sustainable development, having regard to access to services for future residents; the character and appearance of the area; and the shortfall in the Council's five year housing land supply.

## Reasons

5. The appeal site is a triangular piece of land on the east side of Maidstone Road. It is presently occupied by a single detached house and there is a small stable block to the rear of the dwelling. These buildings are in the southern corner of the site, close to the access, while the rest of the land is open and in use for equestrian purposes.
6. The proposed development is to demolish the existing buildings on the site and to construct 10 detached, four and five bedroom houses with garages. These would be reached via the existing single point of access onto Maidstone Road, and a new driveway through the site itself. This would branch to either side of a pond to be created at the centre of the development. It is proposed to plant a significant number of new trees along the boundaries of the site and to separate the individual plots with indigenous hedgerows.
7. The site lies outside defined settlement boundaries and is in the countryside for development plan purposes. In such areas, Policy ENV28 of the Local Plan<sup>1</sup> restricts development to particular types which do not include that now proposed, and so the appeal scheme would conflict with its terms. However, the Council does not have a five year supply of specific deliverable sites for housing as required by paragraph 47 of the National Planning Policy Framework (the Framework) and, in such circumstances, paragraph 49 instructs that its policies for the supply of housing should not be considered up to date. As Policy ENV28 is clearly a relevant policy for the supply of housing, the presumption in favour of sustainable development at paragraph 14 of the Framework requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I must determine the appeal on this basis.
8. Starting with access to services, one of the core principles of the Framework is to *"manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable"*. Paragraph 30 seeks to encourage solutions which support reductions in greenhouse gas emissions and reduce congestion; and, subject to specific exceptions, paragraph 55 seeks to avoid new isolated homes in the countryside. In respect of the last point, Warmlake has no defined settlement boundary, but it comprises numerous houses and buildings in other uses. The area of development is sufficiently large that the proposed dwellings could not be considered isolated by virtue of being on their own.
9. The site is more than the recommended 400m walking distance from Sutton Valence, the nearest defined settlement to the south, but it is only approximately 1km away. This is not so far that most people would not be able to walk and, while the route is not lit, I see no reason why it should be particularly dangerous given it would be along a pavement. Therefore, between the services on offer in Sutton Valence and Warmlake itself, future residents would be able to access a reasonable range of services on foot.
10. Nevertheless, it seems to me that residents would also wish to access more distant services and in this respect, I do not doubt that they would own cars. However, Warmlake is also well served by buses destined for various places

---

<sup>1</sup> Maldstone Boroughwide Local Plan, 2000.

and several stops are within sight of the site entrance. Consequently they would not be dependent upon use of a private vehicle and, given that Maidstone town centre is only approximately 6km away, regular car journeys are likely to be relatively short.

11. For these reasons, I conclude that the proposed development would be in a sustainable location in terms of access to services. It would not conflict with the aims and principles of the Framework in this respect. I have had regard to the appellant's various examples of other developments in the countryside for which planning permission has been granted. I acknowledge the Council's position that none of these is directly comparable to the appeal scheme, but this does not change my view that the latter would be acceptable on its own merits.
12. Turning to character and appearance, the layout of the proposed dwellings around a central access drive would depart from the prevailing pattern of ribbon development along this stretch of Maidstone Road and Warmlake Crossroads. The fact that the dwellings would back onto Maidstone Road rather than face it would also be a difference of the scheme. However, many of the existing houses are set well back from the road behind substantial screening so that neither formal frontages nor a consistent building line are notable features of the street scene. Consequently the presence of gardens adjacent to the road would not look particularly unusual, if indeed they could even be seen behind the roadside hedge.
13. Moreover, although the development would extend onto presently open land, its overall depth would be similar to that which already exists opposite the site stretching south to Warmlake Road. Whilst initially, the new dwellings would be clearly seen from the footpath to the north east, the enhanced planting proposed along the eastern boundary of the site would soften its appearance significantly. The generous garden space, hedgerows and pond within the site itself would also act to break up the built form and set the development sensitively within the landscape.
14. I therefore conclude that the appeal scheme would not cause harm to the character and appearance of the area. It would be sustainable in this regard and I find no conflict with this specific aim of Local Plan Policy ENV28.
15. For the reasons above, I consider that the proposed development would represent sustainable development in respect of the two main issues in dispute. Thus in light of the shortfall in the Council's housing land supply, I give substantial weight to the benefit of the additional dwellings which would be provided. In the absence of any other harm, this benefit would outweigh the conflict with Policy ENV28 in relation to development in the countryside.

### **Other Matters**

16. In reaching my decision, I have taken account of the concerns raised by interested parties in relation to road safety. These include the fact that the site is on a bend, the proximity of the access to Warmlake Crossroads and the speed of the traffic in the area. However, the location of the site on the outside of the bend permits clear visibility from the access in both directions. Thus while I do not doubt that this stretch of road can be busy with fast moving traffic, the proposal would not increase the risk of accidents in any



significant way. I take this view having regard to the fact that the Highway Authority does not object, subject to conditions.

17. I also acknowledge the concerns raised in respect of the loss of agricultural land and the provision of executive-style houses. Nevertheless, I understand that the site has not been used for agricultural purposes for some considerable time and that there is a need in the Borough for 4-5 bed houses, albeit the need for smaller houses is greater.
18. Therefore, none of the other matters raised would amount to adverse impacts which would significantly and demonstrably outweigh the benefit I have found. Consequently the proposal would constitute a sustainable form of development for which there is a presumption in favour.

### **Conclusion**

19. For the reasons given above, I conclude that the appeal should be allowed. The Council has suggested a number of conditions, although not precise wording, and I have considered them in light of the advice in the Planning Practice Guidance. I have imposed the standard time limit for the commencement of development and attached a condition requiring the development to be carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of proper planning.
20. The conditions relating to materials, boundary treatments and landscaping are required to protect the character and appearance of the area. In this respect, I have also imposed a condition to remove the permitted development rights provided by Schedule 2, Part 1, Classes A and E of the GPDO<sup>2</sup>, which relate to house extensions and the construction of buildings etc. within the curtilage. This is necessary in view of the semi-rural location of the site and the value of the generous garden spaces in assimilating the development.
21. The condition requiring the submission of details in respect of surface water drainage is necessary to minimise flood risk, while that requiring details of any external lighting scheme is necessary to protect wildlife. I have also imposed a condition requiring visibility splays to be installed and maintained at the access to ensure that the proposal is not detrimental to highway safety.
22. The Council has suggested a condition requiring the development to achieve level 4 of the Code for Sustainable Homes. However, in a Written Ministerial Statement (WMS) dated 25 March 2015<sup>3</sup>, the Secretary of State for Communities and Local Government confirms that the Code has been withdrawn as part of the process of streamlining "technical standards" for new housing. Whilst the WMS includes transitional arrangements that would enable local authorities to impose some local requirements in the short term, I have not been presented with any evidence to qualify the particular standard the Council seeks in this case. Consequently, I am not satisfied that a condition in relation to this matter is justified and so I have not imposed one.

*Louise Phillips*

INSPECTOR

---

<sup>2</sup> Town and Country Planning (General Permitted Development) Order 1995 (as amended).

<sup>3</sup> Planning Update, March 2015.

### **Annex A – 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, all with the prefix 500/DA: 0005; 006; 007; 008; 009; 010; 011; 012; 013; 014; 015; 016; 018; 0019; 020A.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces 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.
- 4) Notwithstanding the details shown on drawing No 500/DA/018, no development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed before the buildings are occupied in accordance with the approved details.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities; car parking layouts; other vehicle and pedestrian access and circulation areas; and hard surfacing materials.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 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 similar size and species, unless the local planning authority gives written approval to any variation.
- 7) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens, shall be submitted to and approved by the local planning authority prior to the first occupation of any of the dwellings hereby permitted. The landscape management plan shall be carried out as approved.
- 8) No development shall be carried out, at any time, as permitted by Schedule 2, Part 1, Classes A or E of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) without first obtaining express planning permission from the local planning authority.
- 9) No development shall take place until a sustainable surface water drainage scheme for the development has been submitted to and

approved in writing by the local planning authority. The scheme should demonstrate that surface water run-off post development would not exceed that from the undeveloped site following the corresponding rainfall event. The scheme shall be implemented in accordance with the approved details before any of the dwellings is occupied and shall be maintained as such thereafter.

- 10) No development shall take place until details of any external lighting proposed have been submitted to and approved in writing by the local planning authority. The lighting scheme shall be implemented as approved and retained as such thereafter.
- 11) None of the dwellings hereby approved shall be occupied until visibility splays measuring 2.4m x 70m have been provided in both directions at the site access with Maidstone Road. Thereafter, these shall be kept clear of any structure or erection exceeding 1.0 metres in height.

PLANNING DRAWING



INDICATION ELEVATION OF PLOTS 1 & 5 SCALE 1:100 (PLOT 5 HANDED VERSION)



INDICATION ELEVATION OF PLOTS 2 & 4 (PLOT 2 HANDED VERSION) SCALE 1:100



INDICATION ELEVATION OF PLOT 3 SCALE 1:100



*Approved Scheme  
Road Warmlake  
Business Estate*



OS LOCATION PLAN 1:1250

**NOTES:**

THIS DRAWING SHALL NOT BE ISSUED

ALL BUILDING WORKS SHALL CONFORM WITH THE CURRENT BUILDING REGULATIONS, THE REGULATORY APPROVED DOCUMENTS, LOCAL AUTHORITY AND ALL APPLICABLE STATUTORY INSTRUMENTS. ALL MATERIALS AND WORKMANSHIP SHALL BE CARRIED OUT TO STRICT ACCORDANCE WITH RELEVANT BREECHING STANDARDS AND RELEVANT REGULATIONS.

ALL DIMENSIONS ARE TO BE CHECKED AND VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORK.

ALL ELECTRICAL WORKS TO CONFORM WITH CURRENT BS REGULATIONS.

BE ALSO BE AWARE OF ANY OTHER LOCAL AUTHORITY REQUIREMENTS OR SPECIALIST WORK ON EXISTING BUILDINGS.

THIS DRAWING IS THE PROPERTY OF THE ARCHITECTS AND SHALL NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECTS.

PLEASE NOTE THAT PLANS ARE DRAWN TO THE SCALE SPECIFIED AND CAN BE SCALED FOR PLANNING PURPOSES ONLY.

© 2015 LAMBERT & FOSTER ARCHITECTS



T 01882 440300 E info@msdarchitects.com  
LONDON SW10 0LD 111 HIGH STREET, TOWNHALL, KENT  
WWW.MSDARCHITECTS.CO.UK

**PROJECT:**  
RESIDENTIAL DEVELOPMENT  
WARMLAKE BUSINESS ESTATE  
SUTTON VALANCE  
KENT

RESIDENTIAL DEVELOPMENT  
FOR 5 DETACHED PROPERTIES

SCALE 1:500, 1:1250 @ A1  
PROPOSED SITE PLAN  
PURPOSE: PLANNING  
DATE: NOV 15 DWG NO. 1251 P002C  
© MSD ARCHITECTS

ALL DIMENSIONS TO BE CHECKED AND CONFIRMED ON SITE  
SUBJECT TO PLANNING & BUILDING CONTROL APPROVAL

SITE PLAN AS PROPOSED 1:500 @ A1

WARMLAKE BUSINESS ESTATE SUTTON VALANCE