



# **Maidstone Local Plan Examination**

## **Response to Inspector's Session 13B Questions**

### **Alternative Sites (Stanley Farm, Staplehurst)**

*Prepared on behalf of*



**COUNTRYSIDE**  
Places People Love

**November 2016  
DHA/11752**

## Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>3</b>
1.1	Overview.....	3
1.2	Scope of Representations .....	3
<b>2</b>	<b>RESPONSE TO THE INSPECTOR’S QUESTIONS .....</b>	<b>4</b>
2.1	Overview of Evidence .....	4
2.2	Qn13.20 Does the site have any relevant planning history? (applications, permissions, appeals, previous allocations) .....	4
2.3	Qn13.21 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) .....	5
2.4	Qn13.22 What is the site’s policy status in any made or emerging neighbourhood plan? .....	5
2.5	Qn13.23 Is the site greenfield or previously developed (brownfield) land according to the definition in the glossary of the National Planning Policy Framework? .....	5
2.6	Qn13.24 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 Representer have any comments on its conclusions.....	5
2.7	Qn13.25 What is the site area and is has a site plan been submitted which identifies the site? .....	5
2.8	Qn13.26 What type, and amount of development could be expected and at what density?.....	6
2.9	Qn13.27 When could development be delivered and at what rate?.....	6
2.10	Qn13.28 What evidence is there of the viability of the proposed development?.....	6
2.11	Qn13.30 Has the site been the subject of sustainability appraisal and does the Representer have any omments on its conclusions? .....	6
2.12	Qn13.31 What constraints are there on the site’s development and how could any adverse impacts be mitigated? .....	7
2.13	Qn13.32 Are these changes necessary for soundness, and if so, why?.....	8
<b>3</b>	<b>CONCLUSIONS AND SUGGESTED MODIFICATIONS .....</b>	<b>9</b>
3.1	Summary .....	9
3.2	Suggested Modifications .....	9

### APPENDICES

- Appendix 1 – Appeal Statement of Case
- Appendix 2 – Appeal Masterplan/Layout

# 1 Introduction

## 1.1 Overview

- 1.1.1 This additional evidence is submitted on behalf of Countryside Properties, which controls a number of major development sites within the Maidstone Borough.
- 1.1.2 Land south of Sutton Road Langley (H1(10)) and Vicarage Road, Yalding (H1(67)) feature as draft housing allocation sites within the emerging plan. Furthermore, allocation sites in Headcorn H1(44) and Coxheath H1(59) already benefit from existing planning permissions.
- 1.1.3 Notwithstanding the above sites, Countryside Properties has also provided robust evidence regarding the suitability and deliverability of two omission sites; Stanley Farm, Staplehurst and Land West of Lenham, and feel these sites need to be added to the plan for soundness reasons.
- 1.1.4 Land west of Lenham has been addressed within the context of the Matter 7 (Rural Service Centres) session. Accordingly, this statement relates solely to Stanley Farm, Staplehurst, which is also subject to a pending planning appeal.
- 1.1.5 We acknowledge that it is beyond the Inspector's scope to recommend that Maidstone Borough Council add specific development sites into the plan. However, it is within the Inspector's remit to recommend that further housing allocations are required and should be subject to further consultation and sustainability appraisal. Furthermore, for clarity, it should be noted that Countryside Properties does not seek to promote Stanley Farm as an alternative to the land allocations within the submission draft of the plan. To the contrary, we consider there to be significant flaws associated to the housing strategy and insufficient firm allocations to meet the objectively assessed housing need. For this reason, there is a clear need to identify additional sites.

## 1.2 Scope of Representations

- 1.2.1 Maidstone Borough Council (MBC) has submitted its Local Plan and associated documentation for Independent Examination. An Examination Programme has divided the hearings into various sections over six weeklong sessions. The first tranche of hearings were held in October 2016 and addressed issues of national policy consistency, housing land supply and other strategic borough-wide policy issues. The subsequent parts, being heard in November and December 2016 continue to consider site-specific allocations and more generic planning issues.
- 1.2.2 This statement constitutes Countryside Properties' formal response to questions raised by the Inspector in regards to Stanley Farm, Staplehurst as part of the Matter 13B hearing session.

## 2 Response to The Inspector's Questions

### 2.1 Overview of Evidence

2.1.1 The Inspector has raised twelve questions in respect of alternative sites and therefore we take this opportunity to respond to each of these. Furthermore, in order to aid the Inspector, we append Countryside Properties statement of case pursuant to an ongoing planning appeal.

### 2.2 Qn13.20 Does the site have any relevant planning history? (applications, permissions, appeals, previous allocations)

2.2.1 The site subject to these representations is a rectangular shaped parcel of land, situated to the south of Headcorn Road, on the eastern edge of Staplehurst.

2.2.2 The site forms part of a wider site that was promoted through the Maidstone 2012/13 Call for Sites Submission (ref HO-15). The initial assessment concluded that despite being well screened and located in a sustainable location (within walking distance of local amenities, the station and the nearest bus stop and a significant distance from properties to the south of the site), there would be a relatively high impact upon the character and appearance of the locality. These factors, along with the uncertainty of not having a developer linked to the site (bringing into question its deliverability), the site was recommended for rejection.

2.2.3 Nevertheless, since this time Countryside Properties have secured an option agreement with the landowner, undertook pre application discussions and progressed an outline application in August 2015 for the erection of 110 dwellings (application ref: 15/507124/OUT). The application site pursuant to Countryside's promotion is approximately one third of the wider site and accordingly the potential impact would be considerably less than when first assessed.

2.2.4 During the life of the application, the planning policy team confirmed that the application should be determined through the process set out in paragraph 14 of the NPPF. They consider the site to be in a sustainable location, the landscape designation is of local importance only and that whilst the development would have impacts, these impacts cannot reasonably be considered to 'significantly and demonstrably outweigh the benefits'. On this basis the policy team raised no objection.

2.2.5 Despite ongoing liaison with MBC and support from MBC officers, the significant delays in determination ultimately necessitated an appeal against non-determination, which was submitted to the Planning Inspectorate on 12 August 2016 and made valid on 9 November 2016.

- 2.3 Qn13.21 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)**
- 2.3.1 The site lies on the eastern edge of Staplehurst, albeit outside the defined limits to built development, within a Countryside location as defined by the emerging plan.
- 2.3.2 Policy SP17 identifies land to the east and south of Staplehurst (which includes this site) as being within the Low Weald area of Local Landscape Importance.
- 2.3.3 Policy SP5 identifies Staplehurst as a Rural Service Centre.
- 2.3.4 Policy SP10 seeks to ensure that key services within Staplehurst are retained and supported, and sets out the considered key infrastructure for Staplehurst.
- 2.4 Qn13.22 What is the site’s policy status in any made or emerging neighbourhood plan?**
- 2.4.1 Staplehurst Neighbourhood Plan has been subject to Examination and referendum and in this regard, the Parish Council has concluded that it did not wish to take the site forward into the Neighbourhood Plan.
- 2.4.2 Nevertheless, the Parish Council chose to progress the neighbourhood plan ahead of the borough wide Local Plan in the knowledge that the higher level plan could supersede it.
- 2.5 Qn13.23 Is the site greenfield or previously developed (brownfield) land according to the definition in the glossary of the National Planning Policy Framework?**
- 2.5.1 The site is Greenfield.
- 2.6 Qn13.24 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.**
- 2.6.1 As documented above, the site forms part of a wider site that was initially promoted through the Maidstone 2012/13 Call for Sites Submission (ref HO-15). However, the site now promoted and subject to the pending appeal is approximately one third of the wider site.
- 2.7 Qn13.25 What is the site area and is has a site plan been submitted which identifies the site?**
- 2.7.1 The site has a total area of 4.3 hectares. As illustrated on the indicative masterplan submitted with the outline planning application, the site is capable of accommodating at least 110 dwellings at a density of 25.5 dwellings per hectare. The appeal masterplan is included as **Appendix 2**.

**2.8 Qn13.26 What type, and amount of development could be expected and at what density?**

2.8.1 As demonstrated in the outline illustrative masterplan, 110 dwellings can adequately be accommodated on the site at a density of 25.5 dwellings per hectare. This ensures development makes the most efficient use of this parcel of land, provides sufficient and appropriate landscaping and with a form of development that reflects the density and pattern of development within the immediate area.

**2.9 Qn13.27 When could development be delivered and at what rate?**

2.9.1 In terms of availability and deliverability, Countryside Properties have an appeal running against the non-determination of an outline planning application for up to 110 dwellings. There are not considered to be any impediments to development coming forward on this site within the next 2 to 5 years.

**2.10 Qn13.28 What evidence is there of the viability of the proposed development?**

2.10.1 There is clear evidence that development is site is viable given the fact an application has been progressed and an appeal is running.

**2.11 Qn13.30 Has the site been the subject of sustainability appraisal and does the Representor have any comments on its conclusions?**

2.11.1 The site (ref: HO73) was subject to the Sustainability Appraisal (SA) of the Maidstone Local Plan in March 2014 prepared by URS Infrastructure & Environment UK Limited.

2.11.2 This report concluded that:

- *This site is not previously developed land and contains best and most veritable agricultural land.*
- *The Landscape Character Assessment concludes that the landscape of the wider area is in good condition with a high sensitivity.*
- *This site is adjacent to a listed building and is within close proximity of a conservation area.*
- *The site is not easily accessible to a secondary school or cycle route*

2.11.3 The appraisal suggests a number of mitigation measures, including:

- *Retention and enhancement of the existing site boundaries through structural landscaping, to screen the site from existing residential dwellings and land to the west.*
- *The siting of development to preserve the setting of adjacent Listed Building, Jewell House, at the site's eastern boundary Public footpath KM281 will be retained and improved, continuing the link between the site and Albion Road Development subject to results and recommendations of phase one ecological survey.*

- *Provision of publicly accessible open space as proven necessary, and/or contributions.*
  - *Appropriate contributions towards community infrastructure will be provided, where proven necessary Pedestrian and Cycle access to be provided from the site to Napoleon Drive to ensure good links to existing residential areas and the village centre, and to the existing open space adjacent to north west corner of the site.*
- 2.11.4 The report concludes that these measures would be likely to address the majority of issues identified by the Sustainability Appraisal, However, there would be a loss of agricultural land and the site will remain very poorly related to a secondary school.
- 2.11.5 The outline indicative masterplan incorporates all of the recommended mitigation to ensure landscape and visual impacts are fully mitigated and to create a landscape led scheme.
- 2.11.6 In respect of agricultural land quality, the site is Grade 3b – not best and most versatile land. In this regard, sustainable development involves balancing environmental, economic and social matters. The loss of agricultural land is one of the many environmental impacts that needed to be weighed against the social and economic benefits in the planning balance.
- 2.11.7 Overall, there are clear benefits of allowing residential development on this site in sustainability terms. This would be a proportionate level of growth within a settlement identified as being able to accommodate further housing provision. The proximity to services, public transport provision, combined with the social benefits of providing much needed private and affordable housing, as well as the significant economic benefits as outlined above, clearly demonstrate that this proposal comprises sustainable development as defined by the NPPF.
- 2.12 Qn13.31 What constraints are there on the site’s development and how could any adverse impacts be mitigated?**
- 2.12.1 The site is located within an area identified within the Maidstone Borough Wide Local Plan (2000) as being a Special Landscape Area (SLA) and an area of Local Landscape Importance in the emerging Local Plan.
- 2.12.2 A full LVIA has been prepared and findings of the LVIA informed the formulation of the masterplan and subsequently shaped the proposal to ensure it would sit sensitively within the landscape.
- 2.12.3 MBC’s own landscape capacity study identifies this as an area that can accommodate some development, and the proposed mitigation within the Council’s own Landscape Capacity Study is fully included as part of the appeal proposal. Again, the appended appeal statement assists in this respect.
- 2.12.4 The indicative site layout seeks to mitigate any impacts by retaining, managing and enhancing the existing hedgerow and boundary ditch vegetation, reinstating historic hedgerow boundaries within amalgamated fields.
- 2.12.5 In summary, the site is absent from any overriding constraints to development and is capable of accommodating a sensitive development that respects the character of the area,

preserves and enhances biodiversity and landscape quality and maintains neighbouring amenity.

**2.13 Qn13.32 Are these changes necessary for soundness, and if so, why?**

- 2.13.1 As set out in detail within our critique and Matter 5A statement, there are areas of the current housing land supply that are not credible, not supported by sufficient evidence and that provide an overly optimistic prediction of delivery that is unlikely to be realised.
- 2.13.2 MBC's housing completion rates have persistently been substandard when analysed over a five (no achievement of target), ten (40% achievement of target) or twenty year period (40% achievement), yet the Council disregards this past performance, resists applying a 20% buffer and fails to positively plan for the housing need with a robust contingency.
- 2.13.3 Furthermore, having regard to the unknown potential of Invicta Barracks (given the decision not to vacate the site until 2027), the excessively high windfall allowance (still subject to challenge) and the question marks surrounding the Broad Locations (including the unrealistic approach to Lenham), a third of the Council's local plan housing supply is to be derived from unspecific sites and uncertain sources that are unlikely to be delivered in the manner or rates expected. This is simply too high to ensure that the plan is effective and deliverable over the plan period.
- 2.13.4 In contrast, Stanley Farm is sustainable, suitable, available and achievable and is deliverable within the immediate five-year period. For this reason, we feel it could play an essential role in delivering more certain housing delivery.
- 2.13.5 To be justified the plan should be the most appropriate strategy when considered against the reasonable alternatives and based on a proportionate evidence base. On the basis that there are further sustainable, deliverable and developable sites available, including our clients land at Stanley Farm, Staplehurst, a more appropriate and positive strategy would be to allocate additional land for development rather than rely on components of housing that are unlikely to be delivered and fall outside of the Council's control.
- 2.13.6 The need to put in place robust and realistic assumptions should be of greater importance as the implication of not putting in place a robust housing strategy are significant. Should the level of under delivery continue, as we fear it will, the identified under supply of housing will quickly render the emerging Local Plan out of date - potentially within 6 to 12 months of adoption.
- 2.13.7 For the reasons outlined above, we consider it is within the Council's own best interest to review and amend the plan and housing supply strategy to ensure that the plan will endure the plan period. These points have already been covered in detail as part of Matter 5A, but in conclusion, the housing supply elements of the plan are not positively prepared, justified or effective and would fail to boost the supply of housing to the required levels as set out in national policy.



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## 3 Conclusions and Suggested Modifications

### 3.1 Summary

3.1.1 The Council's planning strategy is currently not underpinned by robust evidence and therefore is unsound. Accordingly, it is recommended that main modifications are necessary owing to the housing land supply deficiency and due to the inadequate identification of housing to meet the plan target as a whole.

3.1.2 For this reason, existing firm housing allocations within the draft plan must be maintained and, where possible, capacities increased. This includes land south of Sutton Road Langley (H1(10)), Headcorn (H1(44)), Coxheath H1(59) and Vicarage Road, Yalding (H1(67)). Furthermore, additional sites must be identified and we believe that these should include Stanley Farm, Staplehurst.

### 3.2 Suggested Modifications

3.2.1 We acknowledge that it is beyond the Inspector's scope to recommend that Maidstone Borough Council add specific development sites into the plan. However, it is within the Inspector's remit to recommend that further housing allocations are required and should be subject to further consultation and sustainability appraisal.

**1**

**APPENDIX**



## **Statement of Case**

**Appeal against Maidstone Borough  
Council for the failure to determine outline  
planning application 15/507124/OUT  
for the erection of up to 110 dwellings.**

**Stanley Farm  
Staplehurst  
Kent**

**August 2016**

**Our Ref: CJH/11622**

## Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>3</b>
1.1	Executive Summary.....	3
1.2	Purpose of this Statement.....	4
<b>2</b>	<b>SITE AND POLICY CONTEXT .....</b>	<b>5</b>
2.1	Appeal Site.....	5
2.2	Planning Policy Context .....	6
<b>3</b>	<b>CASE BACKGROUND AND APPEAL PROPOSAL .....</b>	<b>12</b>
3.1	Appeal Proposal .....	12
	Detailed Access Proposals.....	13
	Outline Development Proposals .....	13
3.2	Summary of Consultee Comments .....	14
<b>4</b>	<b>CASE FOR THE APPELLANT .....</b>	<b>16</b>
4.2	Principle of Development.....	16
	Five Year Housing Land Supply .....	16
	Sustainability of the Site .....	19
4.3	Visual Impact.....	21
4.4	Transport Considerations .....	23
4.5	Other Matters.....	25
	Ecology .....	25
	Flood Risk.....	25
<b>5</b>	<b>CONCLUSION .....</b>	<b>26</b>
5.1	Overview.....	26

## APPENDICIES

- Appendix 1 – Ham Lane Appeal Decision (APP/U2235/W/15/3131945)
- Appendix 2 – Cheshire East Appeal Decision (APP/R0660/A/13/2204723)
- Appendix 3 – MBC Planning Policy Response (2015)
- Appendix 4 – MBC Landscape Capacity Study Extract (2015)
- Appendix 5 – MBC District Centre Review (2013)

# 1 Introduction

## 1.1 Executive Summary

1.1.1 This appeal has been submitted as no decision has been reached by Maidstone Borough Council on the application, which was submitted to the local authority on the 28 August, and validated on the 2 September 2015.

1.1.2 This appeal relates to a site located on the eastern edge of the Rural Service Centre, Staplehurst, currently used as an agricultural field.

1.1.3 This proposal has received officer support up until very recently. There are a number of compelling reasons why the appeal should be upheld, including:

- The Council remain unable to demonstrate a five year supply of housing land, as identified in the recent appeal at Ham Lane, Lenham (APP/ U2235/W/15/3131945).
- The site is located within a wholly sustainable location, close to existing facilities such as education, retail, services, public transport and business. It is noted that land to the north of this site has been included as a draft allocation within the emerging Local Plan on this basis.
- The visual impact of the proposal has been fully assessed through the submission of a Landscape and Visual Impact Assessment (LVIA) which sets out the minimal impact of the proposal upon the wider landscape.
- The submitted transport assessment demonstrates that there would be no severe residual impact upon the highway network.

1.1.4 Countryside Properties have sought to work with the local planning authority throughout this application. However, they are now in a position where the officer recommendation has altered and there is no likelihood of the application being taken to planning committee in the near future.

1.1.5 This is a high quality proposal that would respond positively to the character and appearance of the locality. Given the reasons above, it is respectfully requested that this appeal is upheld.

## 1.2 Purpose of this Statement

- 1.2.1 This statement has been prepared by DHA Planning on behalf of our clients Countryside Properties Ltd (here in referred to as the appellant) in support of a written representation planning appeal in relation to the non-determination of an outline planning application (reference: 15/507124/OUT). The application sought planning permission for the erection of up to 110 dwellings (with only details of the access being sought at this stage) on land at Stanley Farm, Headcorn Road, Staplehurst, Maidstone, Kent.
- 1.2.2 The application was submitted to Maidstone Borough Council (herein referred to as MBC) on 28 August 2015, made valid on 2 September 2015, and the target date for determination was 2 December 2015. Following positive discussions with MBC, an extension of time was agreed until 29 February 2016 to allow the application to be heard at planning committee with a recommendation for approval. This time passed and a decision is yet to be made.
- 1.2.3 Further discussions were held with MBC, and additional work was carried out in good faith so that the application would be referred to the first available planning committee meeting. The final deadline of the 22 July 2016 was given to MBC to determine the application, however this passed without a decision being made.
- 1.2.4 Throughout the decision making process, this application has had four case officers, who have been supportive of the application up until very recently. Despite ongoing liaison with MBC, the application remains undetermined. As such, given the significant delays, it is now necessary to take the decision making process out of the hands of the Council to enable the application to be determined.
- 1.2.5 This appeal statement sets out the context of the site, both physically, and in terms of planning policy (local and national), before setting out detailed justifications as to why it is considered that the proposed development would be appropriate for this location.

## 2 Site and Policy Context

### 2.1 Appeal Site

- 2.1.1 The appeal site comprises approximately 4.3 hectares, situated to the south of Headcorn Road, located adjacent to the defined settlement confines of Staplehurst.



Figure 1: Aerial View of Site Courtesy of Google Earth

- 2.1.2 The site is currently undeveloped and in agricultural use (agricultural classification 3b), primarily used for arable purposes associated with Stanley Farm located to the south of the site. The site benefits from established hedgerows along the Headcorn Road frontage, as well as mature tree and hedge planting along both the southern and eastern boundaries of the site.
- 2.1.3 The northern boundary of the site is marked by Headcorn Road, which sits to the south of a number of commercial units, Jubilee Sports Ground and agricultural land. To the east the site is surrounded by undeveloped agricultural land, beyond which is Staplehurst Golf Course. To the south the site backs on to the remainder of Stanley Farm and to the southeast is a Public Right of Way (PROW). To the west, the site abuts residential development along Slaney Road. This marks the urban edge of Staplehurst.
- 2.1.4 The immediate area is characterised largely by residential development, comprising a mixture of 2 storey semi-detached and detached dwellings. The palette of materials is varied, including red and yellow brick, white timber cladding, and tile hanging.
- 2.1.5 The site is situated approximately 450m to the northeast of the centre of Staplehurst, an identified Rural Service Centre, which has a number of the key community services and

facilities, including: a health centre; pharmacy; optician and chiropractic clinic; local shops; two public houses; a Primary School; a small library; Staplehurst train station and bus stops. Access to these services is achievable by foot and car.

2.1.6 The site is well connected through the existing road network, with good access into the centre of the village as well as to the more significant settlements of Maidstone to the north, Hawkhurst to the south and Headcorn to the east.

## 2.2 Planning Policy Context

### ***National Planning Policy Framework (2012)***

2.2.1 The National Planning Policy Framework (NPPF) was published and took immediate effect on 28th March 2012. Paragraph 14 explains the Framework's presumption in favour of sustainable development, stating that Local Planning Authorities should, '*positively seek opportunities to meet the development needs of their area*' and that decision takers should approve development proposals that accord with the development plan without delay.

2.2.2 The overarching principle of the NPPF is a clear presumption in favour of sustainable development. In terms of determining applications this means approving development proposals that accord with the development plan without delay and granting permission in cases where the development plan is absent or out of date, providing the development is in accordance with the policies contained within the NPPF (Paragraph 14).

### Sustainable Development

2.2.3 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy;
- a social role – supporting strong, vibrant and healthy communities; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

### Housing Need

2.2.4 The NPPF places pressure on Local Authorities to '*significantly boost*' the supply of housing by adhering to the requirements cited under Paragraph 47. In order to increase housing supply, Local Authorities are to:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *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;

- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

2.2.5 Paragraph 49 states that relevant local policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. It also goes on to state that housing applications should be considered in the context of the presumption in favour of sustainable development.

#### **National Planning Policy Guidance**

2.2.6 The National Planning Policy Guidance (NPPG) was published in March 2014 and replaces a significant level of guidance and good practice set out within the circulars. This document replaces key circulars such as 11/95 relating to conditions.

#### **Maidstone Borough Wide Local Plan (2000) Saved Policies (MBWLP)**

2.2.7 Following the Planning and Compulsory Purchase Act 2004, the Council 'saved' a number of policies of their Local Plan. However, weight is only afforded to these saved policies where they are consistent with the objectives and the advice provided within the NPPF.

2.2.8 The following 'saved' Local Plan policies are considered relevant to the determination of this outline application.

2.2.9 **Policy ENV6** requires landscaping schemes to be submitted in appropriate circumstances. Such schemes should incorporate the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area. A scheme of planting of trees, hedgerows or shrubs will also be required where appropriate, using native or near native species.

2.2.10 **Policy ENV28** states that planning permission will not be granted for development which harms the character and appearance of the countryside. Development is confined to that for agricultural need or forestry, the winning of minerals, open air recreation, the provision of public or institutional uses for which a rural location is justified, and the conversion of existing buildings. Proposals should include measures for habitat creation.

2.2.11 **Policy ENV34** states that in the identified Special Landscape Areas, particular attention will be given to the protection and conservation of the scenic quality and distinctive character of these areas and priority will be given to the landscape over other planning considerations.

- 2.2.12 Car parking provision within new development is advised by means of the County Council's Vehicle Parking Standards, which have been adopted as Supplementary Guidance in pursuance of **policy T13**.
- 2.2.13 Under **policy T21**, the accessibility of a development to public transport needs to be considered in a transport impact study.
- 2.2.14 It is a requirement under **policy T23** that the traffic generated by a development should be adequately serviced by the transport network.
- 2.2.15 It is recognised that residential development can place extra demands on local community facilities and services. **Policy CF1** accordingly requires that planning obligations can be used to provide extended or improved facilities via a legal agreement.

#### ***Adopted Development Plan Documents***

- 2.2.16 Subsequent to the Local Plan of 2000 (MBWLP), the Council adopted two Development Plan Documents (DPDs). These were both adopted in December 2006 – therefore they have been adopted for approaching 10 years.

#### ***Affordable Housing DPD (2006)***

- 2.2.17 The Affordable Housing DPD of December 2006 states that on sites of 15 units or more, (0.5hecatres) the Council will seek to secure a minimum of 40% affordable housing provision. It is required that 60% of these be social rented, with 40% for shared ownership, shared equity and discounted market rent. This policy replaced H34 of the MBWLP.

#### ***Open Space DPD (2006)***

- 2.2.18 Policy OS1 relates to all developments of 10 dwellings or more. Here, there will be a requirement for open space in accordance with the standards set out in the table 2 below. Where it is considered impractical or inappropriate to provide open space on-site, the Borough Council will expect a financial contribution from the developer as an alternative means of provision.

#### ***Maidstone Borough Local Plan – Submission Draft (May 2016)***

- 2.2.19 Maidstone Borough Council submitted its draft Local Plan to the Secretary of the State on the 21 May 2016. This document seeks to provide sufficient housing and employment land across the Borough for the period up until 2031. Whilst it is apparent that the local authority has taken great strides to meet its objectively assessed need and employment floor space, there remain a number of key concerns with the document, and as such it can be given limited weight, other than on site specific matters. At present the most significant concerns are as follows:
- An outline application for a policy compliant proposal for the Council's largest employment site was refused by the Planning Committee – raising serious questions about the Council's long term employment strategy;
  - The Council have included two large strategic locations for development – at the Barracks and at Lenham which have not demonstrated deliverability;

- There remain significant concerns from statutory consultees with regard to the level of infrastructure required. This has led to the Inspector requesting an early meeting with the interested parties prior to the examination;
- There remain question marks over the deliverability and in particular the yield of some of the town centre sites.

2.2.20 Again, given the importance of some of these key issues, it is considered that the emerging plan should be afforded limited weight at this stage.

### **Evidence Base**

2.2.21 MBCs Strategic Housing Market Assessment (SHMA) which was undertaken in conjunction with Ashford and Tonbridge and Malling Borough Council's was reviewed in 2015. This review identified that MBC is required to provide 932 new dwellings per annum, but of these, 322 should be affordable – which equates to approximately 35%.

2.2.22 The majority of the housing allocations within the local plan are Maidstone centric, and these would only bring about a provision of 30% of affordable units. This is based upon the viability appraisal undertaken as part of MBCs evidence base. However, sites within the Rural Service Centres such as this one, would be required to provide 40% affordable housing. The provision of housing upon this site (of up to 110, therefore up to 44 affordable dwellings) would assist with the Council meeting this specific need. It is important to note that these houses could also be delivered early within the plan period.

2.2.23 In addition to the SHMA, MBC have also produced (with their consultants Jacobs) an assessment of the quality of the landscape within the borough and the implications that this would have upon proposed development sites. In January 2015 MBC published their Landscape Capacity Study which looked at each individual site put forward through the call for sites process.

2.2.24 This document fully assessed this site (albeit the larger site which was being promoted at that time - the application site plus additional fields to the east). This identified the site (HO-15) as having a low landscape sensitivity and a high capacity to accommodate housing (the assessment is set out within appendix 4).

2.2.25 The landscape assessment is consistent with the contents of the LVIA that the appellant submitted, insofar as it notes that there has been the loss of field boundary vegetation which has occurred over a significant period of time, and the replacement with low fencing, which has altered its character. This also suggested potential mitigation for new development:

- *Retain and utilise strong field boundary vegetation to contain further development;*
- *Respect rural, isolated setting of Spilsill Farm to the south;*
- *Retain landscape buffer between Staplehurst Golf Course and any further development;*
- *Reflect density, pattern, scale and style of housing to the west;*
- *Redefine settlement edge and create sensitive urban/rural interface;*
- *Consider views from, and character of, public footpaths within northern part of the site.*

2.2.26 The matters set out above, were also fully considered within the LVIA and are later addressed within this Statement.

- 2.2.27 The Council, through emerging policy SP17 have identified land to the east and south of Staplehurst as being within the Low Weald area of Local Landscape Importance. It should be noted, that it was (in part) for this reason that the scale of the proposal was reduced significantly, to that submitted to MBC and now before the Inspectorate. It is considered that this proposal which was formulated by virtue of the LVIA, is consistent with the findings of the Landscape Capacity Study (2015) as being suitable for housing growth. It should be noted that the Inspector within the Ham Lane Appeal, found SP17 to be a policy of restraint, and therefore to be out of date given the Council's lack of a five year supply of housing land.
- 2.2.28 The Council have also undertaken a review of the local and district centres within the borough (as defined with the existing local plan), which then informs suitable locations for housing growth. This document (within appendix 5) identifies Staplehurst as a 'district centre' and suggests that because of the growth of the village since the adoption of the previous local plan, the designated district centre should now extend further south.

### **Neighbourhood Plan**

- 2.2.29 Staplehurst Parish Council has undertaken a significant level of work with regards to its proposed Neighbourhood Plan. This Neighbourhood Plan has been to examination, with the Inspector providing an interim report to Maidstone Borough Council in May 2016. Since this interim report was produced, the Inspector in question (Clare B Wright) lost her accreditation, and as such the process has stalled until a new Inspector has been chosen.
- 2.2.30 Irrespective of the above, the previous Inspector concluded that the Plan, in its current guise, would not be in compliance with current European Union obligations given that no Strategic Environmental Impact (SEA) was completed as part of the plan. The Inspector correctly concluded that the Parish could not rely on MBCs SEA as this had not yet been through an independent examination and was therefore untested. Until this SEA is therefore completed, the plan carries no weight.
- 2.2.31 In addition, the Inspector also raised concerns with the consistency and transparency (and corresponding fairness) of the site selection process. She states within the interim report that *'The site selection process has not been sufficiently robust enough to ensure that the policies and proposals in the Plan would contribute to the achievement of sustainable development, have regard to national policy and guidance and generally conform to the strategic policies of the development plan.'*
- 2.2.32 Later within the report, she then concludes that *'as stated earlier, insufficient evidence exists to demonstrate a sufficiently robust process for the Plan to include site allocations, therefore these elements have been withdrawn.'* Given the current 'state of play', in that the Neighbourhood Plan fails to meet the necessary EU obligations, and that the proposed site allocations have not been appropriately selected, it is considered that the current Neighbourhood Plan carries no weight in the determination of planning applications within the Parish.
- 2.2.33 Again, it should be noted that the applicant did seek to meet with the Parish Council prior to submitting the planning application, but they were unwilling to meet to discuss the proposal, or how it would potentially sit within their Neighbourhood Plan. It is understood that this was an approach taken with all developers, which is borne out by the Inspectors findings above.

- 2.2.34 Whilst Neighbourhood Planning is an important tool to shape developments within Parishes and Neighbourhoods, any plan is required to be found sound, and to seek to accord (where possible) with the development plan. In this instance, the Staplehurst Parish Plan fails on both counts, and is therefore not considered a material consideration in the determination of this appeal.

## 3 Case Background and Appeal Proposal

### 3.1 Appeal Proposal

- 3.1.1 This is an appeal for the non-determination of an outline planning application submitted for the erection of up to 110 dwellings within land abutting the village confines of Staplehurst, with all matters reserved for future consideration aside from access which is to be determined in detail.
- 3.1.2 An indicative site masterplan was submitted with the application to demonstrate that the site can realistically accommodate up to 110 dwellings. A Landscape Visual Impact Assessment (LVIA) was also submitted which fully addresses the impact of the proposal upon the character of the immediate vicinity and the wider area. In addition, reports were submitted to cover with ecological, transport, drainage and arboricultural considerations.
- 3.1.3 Prior to the submission of the application, pre application advice was sought from MBC in early 2015. Officers were supportive of the scheme on the basis that MBC were unable to demonstrate a five year supply of housing land. Moreover, the site is considered to be a sustainable location for residential development, with good links into the village centre, and to the transport nodes of the station as well as bus links into Maidstone (to the north) and Hawkhurst and Cranbrook (to the south). The appellant also sought to engage with Staplehurst Parish Council and carried out public consultation (full details of which are set out within the Statement of Community Involvement, which was submitted with the application).
- 3.1.4 During the life of the application the case has had four case officers, who had been supportive of the application up until the publication of the Housing Topic Paper in June 2016 (when the Council expressed the view that they were able to demonstrate a five year supply of housing land). Previously the case officers had confirmed the application would be recommended for approval. Following positive discussions, an extension of time was agreed until the end of February 2016 to allow the application to be heard at planning committee.
- 3.1.5 The appellant was informed on a number of occasions that the application would be heard at the next available planning committee with a recommendation for approval. However, this did not occur. In the meantime, Kent County Council (KCC) placed a holding objection on this, and other applications submitted within the village of Staplehurst, on the basis of concerns of the impact upon the A229/Headcorn Road/Marden Road crossroads. Following the receipt of this holding objection, MBC suggested that the three developers with applications submitted within the area (Countryside Properties, Redrow and Bovis Homes) work together to provide a strategy (and to undertake the suitable safety audits) to overcome these concerns. This advice was provided on the basis that all three applications were supported by officers at that time, and should this issue be overcome, would be reported to Members accordingly.
- 3.1.6 The appellants, together with Bovis Homes and Redrow (who have planning applications on neighbouring sites) met with MBC and KCC on the 25 April 2016. At this meeting, KCC expressed that this was a holding objection rather than a technical or outright objection to the proposal. The purpose of the holding objection was in order for more information to be provided to KCC for further assessment – by all three developers within the vicinity. The

appellant has (in conjunction with the other two developers) sought to provide all information requested subsequent to this meeting, although to date the holding objection remains.

- 3.1.7 Whilst this work was ongoing, MBC published its 'Housing Topic Paper', which states that MBC is now able to demonstrate a five year supply of housing land. Subsequent to the publication of this document (and the handing of the case to another officer – Mr Wynn) the appellants were informed that the application would no longer receive officer support, and would instead be recommended for refusal.
- 3.1.8 Discussions were held with officers on 21 July 2016 who informed the appellant that the sole reason at this stage (irrespective of the holding objection from KCC) for refusal would be the visual harm of the proposal. This matter will therefore be fully addressed later within this Statement.
- 3.1.9 Whilst the appellant has sought to work with MBC on this application, it has come to the stage where the appellant has no certainty over timescales for determination, and has therefore decided to appeal against non-determination. This has been discussed with MBC who understand why this stance has been taken.

#### **Detailed Access Proposals**

- 3.1.10 Vehicular access to the site is proposed to the north via a priority road junction off Headcorn Road.
- 3.1.11 At the main site access, 1.8m wide footways will be provided on both sides of the access road. These footways will link to crossing points demarcated by tactile paving, allowing for crossing movements to take place from the south side of Headcorn Road to the north side, and onwards towards the playing fields and remainder of Staplehurst.
- 3.1.12 A pedestrian link is proposed in detail linking the site's north west corner with the existing pedestrian footway running along the south side of Headcorn Road, which currently terminates at the culverted ditch crossing fronting the nearest house to the site's western boundary. This footway will be provided on the south side of the ditch, in land shown as highway on the KCC highway definition plan, and will be facilitated by reshaping the ditch in the same manner as the existing feature to the west.

#### **Outline Development Proposals**

- 3.1.13 The site masterplan has been submitted in indicative form and accordingly would be subject to refinement during the course of the subsequent reserved matters application(s). However, the illustrative masterplan demonstrates at this stage that up to 110 dwellings can adequately be accommodated on the site to make the most efficient use of this parcel of land, with appropriate landscaping.
- 3.1.14 The illustrative masterplan indicates the following key concepts:
- erection of up to 110 residential dwellings, comprising a range of 2, 3 and 4 bedroom semi-detached and detached properties in 2 to 2 ½ storey form;
  - a density of 25.5 dwellings per hectare;
  - 40% affordable housing would be provided within the site;

- incorporation of the natural field patterns, hedges and trees to create individual character areas;
- access to the north off Headcorn Road, entering the site to form a spine road with loops and cul-de-sac routes running off this;
- appropriate landscaping to maximise potential for biodiversity and maintain rural character and perimeter landscaping s retained and reinforced through additional native species planting;
- public open space would be provided to the south of the application site, as well as other areas of open space more centrally in the site.

### 3.2 Summary of Consultee Comments

Statutory Consultee	Comment
Heritage, Landscape and Design	No objection subject to conditions - which have been agreed by the appellant.
KCC Development Contributions	Financial contributions requested – which have been agreed by the appellant.
Flood Risk Officer	No objection subject to conditions – which have been agreed by the appellant. .
KCC Biodiversity Officer	No objection subject to conditions – which have been agreed by the appellant.
KCC Highways	Holding Objection for the following reasons: <ul style="list-style-type: none"> <li>• Impact of the proposal upon the A229/Headcorn Road/Marden Road crossroads.</li> </ul>
MBC Planning Policy	In summary, confirmation that this application should be determined through the process set out in paragraph 14 of the Framework. Whilst the development would have adverse impacts, they cannot reasonably be considered to ‘significantly and demonstrably outweigh the benefits’. On that basis there is no policy objection to the proposed development. Full comments are attached at appendix 3.
PROW & Access Service	No objections.
Southern Water	Request that a condition should be attached should planning permission be granted – which has been agreed by the appellant.
Upper Medway IDB	No objection subject to conditions.
NHS	Request financial contribution.
Environmental Health	No objection subject to conditions – which have been agreed by the appellant.
Rural Planning Ltd	No objection.
KCC Archaeological Officer	No objection subject to conditions – which have been agreed by the appellant.
Kent Police	No objection subject to conditions – which are not agreed by the appellant. This condition seeks to impose features relating to secure by design that may or may not be acceptable to the appellant, given



	the outline nature of this proposal. Whilst the appellant would be willing to liaise with the Police prior to the submission of any reserved matters application, it is not considered that this should be controlled by condition.
Staplehurst Parish Council	Object for the following reasons: <ul style="list-style-type: none"><li>• increase of traffic putting strain on Headcorn Road</li><li>• existing sewage problems near the site</li><li>• no children's play area</li><li>• site not allocated in Staplehurst Neighbourhood Plan nor in the MBC Local Plan.</li></ul>
KCC Flood Risk	No objection subject to conditions – which have been agreed by the appellant.
UK Power Networks	No objection.
Environment Agency	No comment.

## 4 Case for the Appellant

4.1.1 This section sets out the main issues upon which this appeal should be considered. This includes the following:

- Principle of Development
- Sustainability of the site
- Visual Impact
- Highway Considerations
- Other Matters

### 4.2 Principle of Development

4.2.1 The site is situated outside, but immediately adjoining defined limits to built development, however in order to properly consider the principle of residential development on the site, it is necessary to consider MBC's five year housing land supply position.

#### ***Five Year Housing Land Supply***

4.2.2 Up until very recently, MBC has accepted that it could not demonstrate a five-year supply of deliverable housing sites (as confirmed by a number of application and appeal decisions). However, in May 2016 MBC submitted its Regulation 19 version of the emerging Local Plan to the Secretary of State (SoS) for independent examination. The submitted evidence base included a 'Housing Topic Paper'. Subsequent to the publication of this document, MBC now claims that it can demonstrate a five year housing land supply and therefore considers its new position to have connotations for paragraphs 14 and 49 of the NPPF.

4.2.3 This assumption is disputed by the appellant, whose view remains the case that MBC cannot demonstrate a five year housing land supply. Therefore policies for the location of new housing should be considered out of date and the lack of a five year supply represents a significant material consideration against which this appeal should be judged. In accordance with paragraph 14 of the NPPF, for decision taking this means granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

4.2.4 MBC claims to have a 5.12 year supply of housing when assessed against an Objectively Assessed Need (OAN) of 18,560. This figure is based on the findings set out in the Maidstone Borough Local Plan Housing Topic Paper 2016 that forms part of the Council's emerging Local Plan evidence base. This document suggests that MBC has a five year supply of 6,896 units, against a claimed requirement for 6,741 units (equivalent to a 5.12 year supply). Over the next five years, MBC claims to be able to deliver just 155 more dwellings than the minimum number needed to have a five year supply.

4.2.5 Appendix F of the Housing Topic Paper shows that of the units making up the claimed five year supply, 2,540 units (37%) do not have planning permission but are untested draft allocations within the emerging Local Plan. Table 8.11 shows that of these 2,540 units, 565 (22%) have a committee resolution to grant planning permission where the S106 agreement has not yet been completed, leaving 1,975 units (78%) which do not yet even benefit from a resolution to grant, and in some instances no planning application has yet been submitted.

As such, if even only a very small proportion of these sites (156 units) were shown not to be deliverable, the Council would have to concede that it could not demonstrate a five year supply. These figures cast significant doubt over MBC's claims.

4.2.6 The onus is on MBC to demonstrate that these sites are deliverable within a five year period. No such evidence has been published. That is especially problematic in respect of the substantial proportion of sites which do not have the benefit of planning permission (37% of the claimed five-year supply). MBC's claim of a five year housing supply is therefore nothing more than an untested assertion.

4.2.7 This position is backed up by appeal decisions such as appeal APP/E2205/W/15/3032575 against the decision of Ashford Borough Council to refuse outline planning permission for 100 dwellings and associated works on Land South of Tilden Gill Road, Tenterden, Kent. The Inspector in this case concluded that the LPA could not reliably demonstrate a five year supply as the evidence had not been formally tested by examination:

*"66. I am not convinced that a five-year housing land supply can be reliably demonstrated on this basis because the SHMA has not been tested by examination... Similarly the predictions of supply have not been tested".*

4.2.8 Likewise, appeal APP/R0660/A/13/2204723 against the decision of Cheshire East Council to refuse outline planning permission for 120 dwellings and associated works on land to the west of Audlem Road. Cheshire East Council attempted to make a similar claim – relying on uncommitted draft allocations forming part of the five year supply. The Inspector in that case noted:

*"89. At the Inquiry, a considerable amount of the assumed supply was from sites without planning permission. These sites included some development proposed to be delivered on strategic sites identified in the [draft Local Plan]. These sites have yet to be considered through the local plan examination process and I am aware that there has been opposition to some of the allocations. I appreciate that the inclusion of these sites in the [draft Local Plan] shows some sense of commitment on the part of the Council, to taking them forward to fulfil the future needs of the Borough. It seems premature though, to place such a considerable emphasis on such sites in the calculation of housing supply. This is particularly so, as the anticipated time scale for the adoption of the [draft Local Plan] may be optimistic. Therefore, I consider there is insufficient clear evidence to convince me, in the circumstances of this appeal, that the inclusion of the uncommitted strategic sites in the deliverable housing supply is justified."*

4.2.9 In this case, MBC appears to be placing considerable emphasis on uncommitted draft allocations which remain subject to numerous objections that have not been tested. The submitted Local Plan has not yet been assessed by an Inspector, and interested parties have not yet been able to debate the robustness of the policies or housing trajectory assumptions of the document. In the Audlem Road decision, the Inspector concluded that Cheshire East Council relying on uncommitted strategic sites in its five year housing supply is unjustified – and since Cheshire East Council has changed its position and is no longer attempting to claim that the uncommitted draft allocations should form part of its five year supply.

4.2.10 Furthermore, whilst the appellant acknowledges the St. Modwen judgement (CO/3653/2015) which confirmed that on its own, the absence of a planning permission is not sufficient reason for a site to be categorised as undeliverable and therefore discounted

from a five year supply. In this case, MBC is relying on sites without planning permission to make up over a third of its claimed five year supply. Ouseley J noted in St Modwen that it was likely that the Council would grant at least some planning permissions during the five year period, however in Maidstone's case, the Council would need to grant planning permission for 2,385 of the 2,540 units without planning permission (i.e. approximately 94% of those sites) early enough so that those units could be delivered within five years in order to achieve a five year supply. There has to be very significant doubt cast on whether this is a realistic suggestion. Clearly, without a five year supply of housing land, the Council's policies of restraint are no longer considered up to date. Existing policies ENV28, and ENV33 (or SP17 of the emerging plan) should not therefore be applied when considering applications on sites such as these as a constraint to development.

- 4.2.11 Since the submission of the Local Plan to the SoS and MBCs claim that it can now demonstrate a five year supply, appeal APP/U2235/W/15/3131945 for Land west of Ham Lane, Lenham (the Ham Lane Appeal) has been allowed, granting planning permission for 82 dwellings on a non-allocated site outside defined settlement confines. The Inspector found that he could not be satisfied that a five year supply existed: "57. Notwithstanding the Council's assertion post-Inquiry that it is now able to demonstrate a five-year housing land supply, as the authority's up-to-date full objectively assessed housing needs have yet to be formally demonstrated, tested and endorsed through the thoroughness and robustness of the local plan process, I cannot be satisfied that a five-year housing land supply exists. Accordingly, I consider that paragraphs 49 and 14 are engaged.

*58. In accordance with the judgment of the Court of Appeal in Suffolk Coastal District Council and Hopkins Homes Limited and the Secretary of State for Communities and Local Government, and Richborough Estates Partnership LLP and Cheshire East Borough Council 2016 (EWCA Civ 168), I find that Policy ENV28, Policy ENV33 and Policy ENV34 of the saved Local Plan, Policy SP 17 of the emerging Local Plan, and the accompanying settlement boundaries, and the Strategy Plan and associated policies of the Neighbourhood Plan all, to varying degrees, create or constrain housing supply and, accordingly, are to be considered out-of-date."*

- 4.2.12 The Ham Lane appeal decision makes it absolutely clear that on the basis of current evidence, **MBC cannot demonstrate a five year housing land supply**. Accordingly, the **determination of this application must be considered in the context of the presumption in favour of sustainable development**, which requires that LPAs should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (paragraph 14).
- 4.2.13 During the life of the application, MBC Planning Policy team confirmed that whilst the proposed development would have some adverse impacts, **these impacts cannot be reasonably considered to 'significantly and demonstrably' outweigh the benefits. On that basis the MBC policy department raised no objection to the proposed development.**
- 4.2.14 It is also relevant to note that in considering the Ham Lane Appeal the Inspector confirmed even if MBC was able to demonstrate a five year supply of housing land, the benefits of the scheme in terms of the supply of housing land would still be considerable and the adverse impacts of the scheme in terms of the supply of housing would not outweigh the benefits. The Inspector highlighted that the OAN is a target, not a limit to development, and in this instance he took the view that whilst the Council had not sought to allocate the site, given

its location and limited visual impact (despite being at the foot of the North Downs AONB) the benefits were significant enough to warrant approval. There are clearly some parallels with this subject appeal site insofar as the site is sustainable and development on it would have a limited visual impact.

### **Sustainability of the Site**

4.2.15 As set out within the policy context section of this statement, the National Planning Policy Framework set out what it considers sustainable development to be. It provides three dimensions to sustainable development, being:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

### **Social Role/Availability of Services**

4.2.16 Given that MBC is unable to demonstrate a five year supply of housing land, applications (or appeals) of this nature should be determined in accordance with the NPPF, and in particular, a full assessment should be made with regards to the three strands of sustainable development. This statement seeks to address these matters and to address why it is considered that the proposal accords with the specific requirements of the NPPF.

4.2.17 This proposal seeks the provision of 110 dwellings on this site, 40% of which would be affordable, in an accessible sustainable location for new development that adjoins the village of Staplehurst. The site is capable of accommodating development within a sensitive landscape led proposal that respects the character of the area, preserves and enhances biodiversity and landscape quality has significant economic, social and environmental benefits.

4.2.18 The delivery of much needed affordable housing, as well as private housing would have significant social benefits, not only to the village, but to the borough as a whole. The Council's SHMA identifies that throughout the plan period a total of 322 affordable dwellings per annum would be required (a total of 5,800). As of 2016, this still requires 1,182 to be delivered from the broad locations, and 1,800 from other allocated sites. An early delivery of these additional units would therefore address this shortfall in the short term. Given the level of development occurring within the Maidstone urban area and periphery – where only 30% affordable housing is sought – delivery from this site within a RSC would bring about up to

44 affordable units (40%), all of which could be delivered over a 24/36 month period from commencement.

- 4.2.19 The appeal site is situated adjacent to the settlement boundary of Staplehurst, with the proposed access being less than a 450m walk from the village centre. Given the level of services within the settlement, and its good public transportation links, the Council has identified Staplehurst as a rural service centre (RSC) within the emerging local plan. RSCs are identified as the next most suitable locations outside of the urban area of Maidstone. As officers state, these have been identified for their 'accessibility, potential for growth and role as a service centre for the surrounding area.' Staplehurst has a number of the key community services and facilities, including good health care services consisting of a health centre, pharmacy, optician and chiropractic clinic together with a number of local shops, and two public houses, the 'Railway Tavern', and the 'King's Head'. It also has a Primary School and a small library. Proportionate growth within the settlement would further ensure the long term viability and vitality of these services.
- 4.2.20 With respect to public transport, the nearest bus stops to the site are located on the A229, approximately 500m or a seven minutes' walk from the site frontage on Headcorn Road. Route number 5 serves both bus stops, providing links between Maidstone in the north and Cranbrook, Hawkhurst and Sandhurst in the south.
- 4.2.21 Staplehurst train station, which is situated approximately 1.3km from the site, takes its access from Station Approach and the A229. Footways link directly to the station entrance and as noted above existing footpaths route through the local residential development to provide convenient connections. The railway links into London are particularly good, with sever trains an hour during peak times. Indeed, it is for this reason, that a number of commuters travel to Staplehurst (or Headcorn and Marden) from south Maidstone to utilise this service.

#### ***Economic Role***

- 4.2.22 In terms of economic benefits, as set out above, the proposal would ensure that the long-term vitality and viability of Staplehurst village centre is complemented. Additional residents are likely to spend within the existing facilities, which in itself ensures that the viability of these facilities are at least maintained. In addition, the proposal will deliver an additional £1.1m to MBC in the form of the New Homes Bonus, as well as Section 106 contributions of c. £975,000. It should be noted that the appellant has agreed to meet all contributions that have been requested. It is estimated that during the construction phase, the development will create c.95 jobs per year over the 3 year period of the build. This includes direct employment associated with the project as well as indirect jobs likely to be created within the supply chain.

#### ***Environmental Role***

- 4.2.23 In terms of the environmental impacts of this proposal (aside from the visual impact which is dealt with below), the development would set aside specific areas for qualitative enhancements for biodiversity. Given that the current field has very little biodiversity, these areas are able to significantly enhance the wildlife opportunities on the site. In addition, the good proximity of the site to public transport opportunities, as discussed above, will minimise the use of the private car. This further demonstrates the environmental sustainability of the site.

4.2.24 Overall, there are clear benefits of allowing residential development on this site in sustainability terms. This would be a proportionate level of growth within a settlement identified as being able to accommodate further housing provision. The proximity to services, public transport provision, combined with the social benefits of providing much needed private and affordable housing, as well as the significant economic benefits as outlined above, clearly demonstrate that **this proposal comprises sustainable development as defined by the NPPF.**

### 4.3 Visual Impact

4.3.1 An LVIA was submitted with the application on the basis that the site is located within an area identified within the Maidstone Borough Wide Local Plan (2000) as being a Special Landscape Area (SLA). The appellant considered the LVIA to be useful tool in understanding the impact of the proposal upon the wider landscape, given that it was not designated for housing provision. The findings of the LVIA informed the formulation of the masterplan and subsequently shaped the proposal to ensure it would sit sensitively within the landscape.

4.3.2 The LVIA assesses the landscape character of the site and its surroundings, considers the landscape and visual qualities of the site, its function in the landscape and its contribution to the wider landscape. It then explains the likely landscape and visual effects that may arise as a result of the proposed development.

4.3.3 From a local perspective, the Maidstone Landscape Capacity Study Sensitivity Assessment (2015) states housing development potential within Staplehurst Low Weald is limited to locations including immediately adjacent to existing settlements and farmsteads. The Maidstone Landscape Capacity Study Sites Assessment Study (2015) determines the capacity of the landscape to accommodate either housing, mixed use, employment or economic development on a number of sites throughout the Borough. This has been submitted as part of MBC's evidence base to the SoS to justify the proposed locations for housing growth. At page 105, the study notes that the appeal site relates well to the existing residential extent of Staplehurst and has capacity for medium density housing, having low landscape character sensitivity and with a moderate number of visual receptors, and scope to mitigate visual impacts through design and planting. Within the site specific assessment (the Landscape Capacity Study; Site Assessments 2015), it identified this site as having a **high capacity to accommodate housing**, and a **low visual impact**. The following mitigation was proposed should development be proposed within the site:

- *Retain and utilise strong field boundary vegetation to contain further development;*
- *Respect rural, isolated setting of Spilsill Farm to the south;*
- *Retain landscape buffer between Staplehurst Golf Course and any further development;*
- *Reflect density, pattern, scale and style of housing to the west;*
- *Redefine settlement edge and create sensitive urban/rural interface;*
- *Consider views from, and character of, public footpaths within northern part of the site.*

4.3.4 This proposal would seek to retain any of the existing field boundaries and to also enhance them where possible. The existing eastern hedge would be retained, and used as a natural boundary to the development, providing a soft edge to the development site. Further indigenous planting would also be incorporated along this boundary where appropriate. It is therefore considered that this mitigation can be included within the development.

- 4.3.5 The rural setting of Spilshill Farm would also be retained with development set away from this southern boundary. Again, the submitted LVIA informed the masterplan, citing that development should be consolidated towards Headcorn Road, in order that the rural context of these buildings and landscape be retained.
- 4.3.6 Initially (through the call for sites process) all of land up to the Stanley Golf Course was proposed for housing development. Following further analysis of the site, it was concluded that this would be inappropriate, and that development should only be proposed within the *western third* of this site – being best related to the village, and allowing for this buffer to be maintained. It is therefore considered that this proposed mitigation is complied with.
- 4.3.7 In terms of density and pattern of development, whilst the application is in outline form, it is shown indicatively that the proposal would respond positively to the existing grain of development – both density and layout. There would be a central spine road, with access roads running from it – as per the existing residential area. The proposal would also be predominantly two storey in height, as per the existing.
- 4.3.8 It is considered that the existing settlement boundary is harsh – with close boarded fences along the rear gardens immediately abutting the agricultural field. This proposal would see the dwellings face outwards, but would also see the retention of landscape buffers – which would provide a softer edge to the village. Consequently, it is considered that through detailed landscaping plans, significant enhancements could be made to the village edge.
- 4.3.9 The treatment of the edge of the site very much goes ‘hand in hand’ with the views ascertained from public footpaths. These run to the east and south of the site, again directions to which the development would face, and where soft landscaping would be enhanced. Whilst the development would inevitably result in development closer to the footpaths, it is not considered that this would prove harmful given the betterment that would be achieved.
- 4.3.10 In addition to the above, an assessment of the local landscape character in the vicinity of the site is included within the LVIA and identifies a number of detracting features that are not characteristic of the typically intimate and enclosed historic landscape character of the Low Weald. This includes the presence of built form associated with residential, industrial and recreational land uses, the disruption of the historic landscape pattern through the loss of internal field boundaries within the site, the adjacent grassland fields, Home Farm dog track, Jubilee Sports Fields and the Golf Course. This assessment not only addresses the points raised above, but reviews the wider context of the area, and considers other areas of betterment that can be achieved through the delivery of this proposal.
- 4.3.11 The LVIA confirms the site is visually well contained, and short and medium range views are relatively limited since the site is screened by the existing boundary vegetation and landform rapidly curtailing views of the site. Long distance views are limited as a result of the enclosed nature of the landscape and intervening vegetation and development. Long views out to the north as far as the Greensand Ridge are obtained from the more elevated southern parts of the site.
- 4.3.12 The proposed development responds to a number of key landscape and visual sensitivities and seeks to retain and enhance the key landscape features and perimeter planting where possible. The proposed development uses the historic field boundary pattern and shallow valley extending from the vegetated ditch to define the open space to the south,



incorporate visual corridors of important local views into the indicative layout. Importantly, the proposed development aims to restore the smaller scale field pattern to the east of the site through the planting of hedgerows along historic alignments with occasional canopy trees to restore the locally characteristic green infrastructure network and soften views of built development from the PROW on the golf course to the east.

- 4.3.13 The LVIA acknowledges that the proposed development would introduce built development into the open grassland fields of the site which is within a locally designated but highlights that the site is subject to urbanising influences, adjacent to the settlement edge and not typically representative of the small, enclosed fields and intimate atmosphere that characterise the SLA. The loss of open grassland and a limited amount of hedgerow will be more than offset by the proposed enhancements in landscape features and there are likely to be beneficial effects on landscape features, notably hedgerows with trees and specimen trees.
- 4.3.14 The proposed development seeks to retain, manage and enhance the existing hedgerow and boundary ditch vegetation, and reinstates historic hedgerow boundaries within amalgamated fields. Access through the site is enhanced, with new connections to the existing PROW to the south. The sense of local identity is reinforced through the opportunity to reveal views of All Saints Church tower from within the site, through the creation of visual corridors that direct the eye to the church tower. The visual corridors also retain long distance views out towards the Greensand Ridge. Therefore, the proposed development is considered to accord with national and local planning policy, and meet the objectives and guidance for published national, regional and local landscape character assessments.
- 4.3.15 To summarise, this proposed development is informed by a full LVIA, which sets out the appropriate development areas, as well as defining areas of open space, and new hedge planting. In addition to the LVIA, MBC's own landscape capacity study identifies this as an area that can accommodate some development, and the proposed mitigation within the Council's own Landscape Capacity Study is fully included as part of this outline proposal. As set out, the site is visually well contained and short and medium range views of the site are limited. It is therefore considered that the proposal can be appropriately assimilated within the landscape and that **residential development on this site is therefore acceptable in visual impact terms.**

#### 4.4 Transport Considerations

- 4.4.1 A full Transport Assessment prepared by DHA Transport was submitted with the application to review the existing transport conditions in the locality and assess the transport impacts of the proposed development. The scope of which was agreed with KCC Highways prior to the application being submitted.
- 4.4.2 The trip generation for the proposed development has been estimated using average vehicle trip rates derived from the TRICS 7.2.1 database, based on 120 units. This confirms that the proposal would generate approximately 62 vehicle movements within the peak AM hour and 64 in the peak PM hour. This is not considered to be severe.
- 4.4.3 Vehicle distribution and assignment analysis has been undertaken using data obtained from the 2011 Census to show the likely impact of the increased trip generation. The net increase in the traffic flow through the A229 signal junction as a result of the development was

- shown to be 2% in the morning peak hour and 1.7% in the evening peak hour with respect to the 2020 'do minimum' scenario.
- 4.4.4 In terms of junction capacity assessments - for the site access junction on Headcorn Road it has been demonstrated that there would be no significant impact on traffic flows on Headcorn Road as a result of the proposals, with all RFC values significantly below 0.85 indicating that the junction would operate well within capacity.
- 4.4.5 For the A229 signal junction the results of the LinSig assessment have shown that the traffic flows for the 2020 with committed development scenario, which includes 5 years of background traffic growth, would result in the junction operating just within capacity in the morning peak hour and at capacity in the evening peak hour. However, the addition of the proposed development traffic, which constitutes an additional 2.0% and 1.7% traffic in the morning and evening peaks respectively, would only marginally impact upon the junction operation. In these terms the impact of the development traffic cannot be judged as severe.
- 4.4.6 The development impact on other non-car travel modes has also been considered. This has shown that the expected number of pedestrian, cyclists and public transport users can be accommodated on the network.
- 4.4.7 The proposal also includes a draft Travel Plan which seeks to maximise the opportunities for modal shift away from the use of the private car. Incentives such as providing each house with a folding bicycle (or vouchers to purchase) and travel packs for new residents would incentivise alternative travel options being sought. It is also noted that the existing bus service from Hawkhurst to Maidstone is to be upgraded from 1 per hour to 2 per hour.
- 4.4.8 KCC were consulted on this application and has raised a **holding objection** to this application, on the basis of a perceived severe impact upon the junction of the A229/Headcorn Road/Marden Road. The appellant vigorously disputes this position on the basis that KCC have failed to provide evidence to demonstrate why the impact of the proposal is considered to be severe. This is of significant importance, as the lack of technical evidence fails to underpin their holding objection, and is the reason why there is no current technical objection.
- 4.4.9 It is important to note that Kent County Council did not object to the recently approved application to the west of the application site at 'Hen and Duckhurst' and that they were satisfied for the applicant in that instance to make financial contributions for improvements to the crossroads. In addition, KCC did not object to a recent appeal within Hawkhurst, which utilises the same highway (A229) with the village containing a junction which is considered to be at capacity.
- 4.4.10 It is important to note that KCC recently placed a holding objection upon three strategic sites within the South East of Maidstone. These applications were subsequently approved by MBC Members on officer advice, on the basis of the lack of evidence that KCC put forward to justify their objection. These applications (15/509015/OUT; 15/509251/OUT and 14/506264/FULL) were all considered to be able to provide suitable mitigation to ensure that there was no residual severe impact by MBC Officers and Members.
- 4.4.11 It is therefore important to consider that KCC has objected to the Maidstone Emerging Local Plan on the basis that they consider the housing numbers to be too great, and that the highways infrastructure is a constraint to development. It is on this basis that KCC objected

to of the applications set out above to the south of Maidstone (although not elsewhere despite similar infrastructure impacts/constraints) without any technical evidence to confirm the impact upon key junctions.

- 4.4.12 KCC has utilised the VISUM model in its assessment which they suggest is an appropriate mechanism for assessing individual junctions. Conversely, the advice provided to KCC by Highways England and Maidstone Borough Council is that the VISUM model is inappropriate to assess these individual junctions. Nevertheless, KCC has not assessed the junction using any other tool, and accordingly the holding objection remains, despite this being contrary to the opinion of Mott McDonald (MBCs transport consultants), DHA Transport and the other developers' highway consultants. Again, it was for this reason that MBC Members approved the three previously mentioned applications within the south east of Maidstone despite KCCs objection.
- 4.4.13 It has been unfortunate that KCC has been unwilling to engage fully in the negotiations for improvements to this junction, and that the appellants have been required to work solely with the Borough Council's independent consultants 'Mott McDonald' to deliver a workable solution. It should be noted that the appellant has sought to engage with all interested parties throughout, undertaking additional work, on a cumulative basis with the Borough and other developers within the vicinity.
- 4.4.14 As set out above, the appellant's Transport Assessment and the subsequent assessment by MBCs independent assessors, demonstrates that the **residual impact of this development upon this junction would not be severe**. It is on this basis, and in accordance with paragraph 32 of the NPPF, that **there is no sound highways ground upon which to dismiss this appeal**.

## 4.5 Other Matters

### *Ecology*

- 4.5.1 An Extended Phase 1 Habitat Survey was undertaken by Southern Ecological Solutions Ltd in April 2014 and a Phase 2 Report in August 2015 to assess ecological receptors. Both reports conclude that the biodiversity value of the site to be largely restricted to the field boundary habitats and southern part of the site. In addition, any potential adverse impacts from the development proposal upon specific protected species/habitats/designated sites and upon identified ecological receptors will be able to be mitigated for in line with relevant wildlife legislation and planning policy.
- 4.5.2 KCC Ecology is satisfied with the information supplied and raise no objection; therefore **there are no sound reasons for refusal on ecology grounds**.

### *Flood Risk*

- 4.5.3 A Flood Risk Assessment was undertaken by WERM Limited. This concludes that with the SuDS solutions proposed, and given that the site has no history of previous flooding from any sources, that the development will be as safe as is reasonably practicable.
- 4.5.4 KCC Flood Risk raise no objection to the application, therefore **there are no sound reasons for refusal on flood grounds**.

## 5 Conclusion

### 5.1 Overview

- 5.1.1 As set out within this Statement, MBC has consistently supported this application, up until very recently. The Council now claims that it can now demonstrate a five-year supply of housing land and on this basis its stance towards the application has shifted.
- 5.1.2 Through the evidence submitted and the existing case law on this matter, it is clear that **MBC is not currently able to demonstrate a five-year supply of housing land**, given their reliance upon draft allocations within the untested emerging local plan. The Inspector's decision on the Ham Lane Appeal (APP/U2235/W/15/3131945) is of particular importance in this instance. MBC submitted its 'Housing Topic Paper' as late new evidence to that Public Inquiry, and the Inspector confirmed that despite this new evidence there was no basis to justify re-opening the Inquiry and found that MBC could not demonstrate a five-year supply of housing land, given that it had not yet been tested at examination.
- 5.1.3 Given this shortfall, local planning policies of restraint must be considered out of date and residential development should not be resisted simply because sites are not proposed to be allocated.
- 5.1.4 The proposal has been assessed in terms of the three threads of sustainability, and is considered to bring about significant economic, social and environmental benefits that would outweigh any harm that the proposal might bring about. The proposal would not result in significant visual harm, is well connected with existing infrastructure and would not result in severe residual highway impacts. **The proposal is therefore considered to be compliant with the requirement for sustainable development as defined within the NPPF.**
- 5.1.5 When considered against the wider tests of paragraph 14 of NPPF and the presumption in favour of development, there are no adverse impacts that would override the positive aspects outlined within this statement. This is reinforced by MBC's Planning Policy response to the application which states that any perceived impacts of the scheme cannot reasonably be considered to 'significantly and demonstrably' outweigh the benefits.
- 5.1.6 The proposal has also sought to align itself with the Council's evidence base that has informed their emerging Local Plan. It has been informed by the Council's SHMA, Landscape Capacity Study, as well as their review of existing services and facilities, and is considered to represent a sensitive and sustainable development accordingly.
- 5.1.7 Based on the matters highlighted within this Statement, we respectfully request that this appeal is allowed.

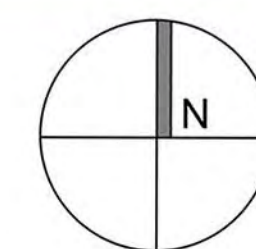
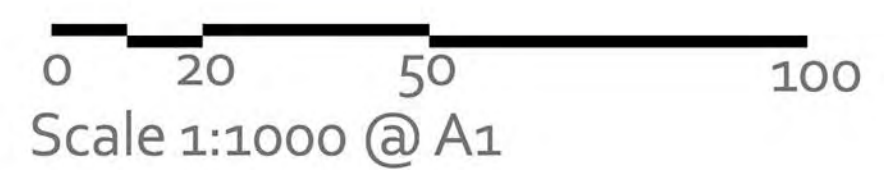
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**APPENDIX**



# 21953A 110J Headcorn Road Site Housing Layout

Proposed development at Staplehurst, Kent



CLAGUE ARCHITECTS

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