

# Maidstone Borough Local Plan Examination

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

**Representation R19106: Staplehurst, Prisling Lane, TN12 0HH**

By

Graham Norton B.A.(Hons) T.P, Dip R.M., MRTPI  
Land and Planning Director

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

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

**Q 13.20 Does the site have any relevant planning history?**

**Appendix 1** sets out the planning history for the site, along with appeal decision APP/U2235/A/00/1053692 dated 20<sup>th</sup> March 2001.

This planning history is set out in Maidstone Borough Council's letter of 22<sup>nd</sup> July 2015.

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

The site is not allocated for housing. It is set in the countryside with no identified protectionist policies.

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

Staplehurst Parish Council has recently prepared a Neighbourhood Plan and this now is subject to a referendum vote which has taken place on Thursday 3<sup>rd</sup> November.

Within this document

Policy PW2 states:

PROPOSALS FOR NEW DEVELOPMENT IN THE COUNTRYSIDE BEYOND THE EXTENDED VILLAGE ENVELOPE WILL BE ASSESSED IN TERMS OF THE POTENTIAL IMPACT OF THE DEVELOPMENT UPON THE VISUAL SETTING AND LANDSCAPE FEATURES OF THE SITE AND ITS SURROUNDINGS, THE POTENTIAL IMPACT UPON THE BIODIVERSITY OF THE AREA AND OTHER RELEVANT PLANNING CONSIDERATIONS, SUCH AS THE IMPACT OF TRAFFIC AND NOISE. PROPOSALS WHICH FAIL TO DEMONSTRATE THESE IMPACTS CAN BE SATISFACTORILY ADDRESSED WILL NOT BE SUPPORTED.

Policy H1 states:

THE DESIGN OF NEW HOUSING DEVELOPMENTS SHOULD BE PRINCIPALLY INFORMED BY THE TRADITIONAL FORM, LAYOUT, CHARACTER AND STYLE OF THE VILLAGE'S VERNACULAR ARCHITECTURE.

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

Brownfield Land.

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

The site was rejected in the Council's Call for Sites exercise and its commentary is set out in **Appendix 2**.

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

Yes. The site area is approx. 0.55 ha (1.36 acres).

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

This unsightly industrial estate is set amongst an attractive group of rural buildings. Of which, the property to the east, Bletchingly Farmhouse, is a very impressive Grade II listed building (see **Appendix 3**). Further, the buildings opposite the site are an attractive group, inclusive of another Oast and Chapmans Farmhouse is also Grade II listed (**Appendix 3**).

There is an attractive Oast (not listed) on the site and this would be subject to investment and enhancement if the adjacent non-conforming uses were removed and replaced with housing. Such is the quality of the built environment in this group of buildings it is suggested that the planning inspector / MBC consider this area as a small new conservation area so that redevelopment of the subject site is of the highest environmental quality to respect the existing historic setting. A Kentish barn style scheme would be environmentally advantageous – a better use of this brownfield land and would assist the current shortfall in 5 year housing supply and an exceptional small housing scheme delivered. A yield of 6 dwellings (plus upgrading of the Oast to modern standards).

As part of the planning evaluation on this site, we wish to draw attention to the relaxation of control with regard to the conversion of existing industrial buildings to residential. A new application for prior approval has been accepted and such applications will be allowed to be made on or after 1<sup>st</sup> October 2017. Such prior approval applications for this industrial situation is based on a successfully introduced system for the conversion of agricultural buildings.

Four tests will apply:

- Transport and highway impact
- Contamination risks in relation to the building
- Flood risk in relation to the building
- Impacts of noise

Given the above, a better environment will be created if the poor quality existing buildings are demolished to allow for high quality redevelopment rather than the conversion of these buildings which at best will not be the best and most aesthetic of solutions.

We also wish to point out that the Borough Council has resolved to grant planning permission on sites in the countryside. For example, MA/15/505906 for 14 dwellings and B1 offices was granted by Members despite it being recommended for refusal (grounds of unsustainable, design, lack of an adequate off site contribution to affordable housing). This was a brownfield site at Grafty Green Garden Centre, Headcorn Road, Grafty Green. This location, as stated in the report, is 5.1km from Headcorn and 6.4km from Lenham; the nearest Rural Service Centre. (Grafty Green with a pub and shop cum post office is 2km away). The subject site is a lot closer to Staplehurst, the largest rural settlement in the Borough, than the above site.

A copy of the committee report is attached at **Appendix 4**. (Two separate reports were made)

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

The octogenarian owner of this site is very keen to obtain a residential allocation so that it can be redeveloped as a matter of urgency. It is available in the short term, five year land supply. The yield of 7 would be made in a single year; say Spring 2018.

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

As the existing commercial use has a relatively low value because of the very poor nature of the buildings, it is clear that the site is economically viable subject to no disproportionate abnormal costs to treat contamination. (No ground reports have been undertaken as it is necessary to confirm the principle of redevelopment first).

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

No. However a pre application consultation with Maidstone Borough Council planning Department on 22<sup>nd</sup> July 2015 was unhelpful to progress a small redevelopment scheme. See **Appendix 1**.

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

The company considers this site to be viable. The constraints of demolition cost, contamination clean-up costs are all capable of being absorbed within normal commercial business practice. A high quality scheme can be delivered as the market values in the area are relatively high especially as Staplehurst Station is a major attraction.

# APPENDIX 1

Maidstone Borough Council

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②

Date: 22 July 2015  
My ref: 15/504299/PAMEET

Dear Mr Norton,

**SITE: Bletchingley Farm, Pristling Lane, Staplehurst, Kent, TN12 0HH**  
**PROPOSAL: Pre-app – Demolition of existing workshop buildings, erection of 6 new dwellings and conversion of oast and old stable block to 2 residential units.**

Thank you for your enquiry seeking planning advice for the aforementioned development proposal. Thank you also for your payment. Following our meeting I would make the following comments regarding your pre-application proposal.

#### **Site and history**

The site in question relates to a collection of workshops located to the west of Bletchingley Farm. The site and workshop buildings would have originally formed part of the farmstead. The site is located some 1.6 miles to the southwest of Staplehurst within the open countryside and a designated Special Landscape Area. Bletchingley Farmhouse to the east of the site and Chapmans Farmhouse located to the north are grade II listed buildings. The site is accessed from Pristling Lane with dedicated parking around some of the buildings.

There have been numerous planning and lawful development certificate applications for this site, and on review it would appear that two applications have been approved for various business uses, as set out below.

**91/0219** - Change of Use of redundant farm buildings to business and leisure use - Approved 17.11.1995

This application relates to the change of use of the oast and old stable block and includes conditions restricting the hours of operation and prohibits the open storage of plant, materials, products or waste on the land.

**98/0717** – Lawful Development Certificate for the existing use of units 19 and 20 for vehicle repairs and storage and unit 21 for vehicle storage – Application permitted

The lawful development certificate relates to the uses occurring inside the buildings and not outside. The application also found that on the balance of probability as to the evidence, the

use of units 18, 22 and 23 was not demonstrated to have subsisted for a period in excess of 10 years prior to 19 May 1998.

### **Proposal**

Conversion of the oast and old stable block to two residential properties and demolition of the remaining buildings on the site and erection of 6 new houses.

### **Principle of the development**

Development Plan Policy and Central Government Guidance generally seek to restrict new development in the countryside in order to protect its openness and character. The landscape qualities of the Special Landscape Area are to be given a priority in decision making. As an exception to the general theme of restraint, policy and guidance allow for the conversion of rural buildings to commercial use, with saved Local Plan Policy ENV44 directly relevant.

It would appear that some of the buildings on the site have been granted planning permission for change of use in accordance with policy ENV44, and other buildings on the site benefit from a lawful certificate for vehicle repairs and storage which are also generally in accordance with policy ENV44. The approved / established uses on the site are considered typical re-uses for rural buildings as supported by policy. In addition, the business uses are controlled by restrictive conditions, inter alia, to prohibit open storage on the site. I would note that the council are in a position to take enforcement action if the site is not being used in accordance with the permission / certificate, and the use of the site is damaging to the surrounding countryside and neighbour amenities.

Whilst the site is not considered to be in a very sustainable location in transport terms, I do not consider the continued controlled use of the site for the approved business uses is unacceptably harmful to open countryside or adjacent properties. I also note that the site is fairly well screened by landscaping along the boundary. I am unaware of any enforcement history on the site on complaints from neighbouring properties in relation to the uses on the site. The existing uses also constitute employment uses in a rural location in accordance with the NPPF.

Your principle enquiry relates to the potential for residential development on the site through the conversion of two existing buildings and the erection of 6 new houses.

The site is defined as being within the open countryside under Policy ENV28 of the Maidstone Borough Wide Local Plan 2000. Policy ENV28 seeks to prevent development which would harm the character and appearance of the area or the amenities of surrounding occupiers, and confines development to certain listed exceptions. Your proposal in this case is not within one of the Policy exceptions and is therefore contrary to the provisions of Policy ENV28. However, as the Council is currently unable to demonstrate a five year supply of housing, in accordance with Paragraph 49 of the NPPF, Policy ENV28 is out of date, insofar as it applies to the supply of housing.

In such circumstances, the proposal falls to be considered under Paragraph 14 of the Framework which at its heart is a presumption in favour of sustainable development. Paragraph 7 of the Framework sets out the three dimensions to sustainable development; economic, social and environmental, and that these roles are mutually dependent.

The site is located some distance from Maidstone town centre and the closest village to the site is Staplehurst which is some 1.6 miles away. In my view the site is not within an acceptable walking distance of any local schools, train station, bus stops or local facilities and services. In addition, Pristling Lane is an unlit road subject to speed limits of up to 60 mph and without the benefit of pedestrian pavements. Such conditions would not be conducive to

walkers, especially older people, people with mobility issues or indeed lone walkers. Further, given the speed limits and unlit road, I do not consider that cycling into Staplehurst is likely to form an attractive alternative to the private motor vehicle for future occupiers.

In my view future occupiers of the houses would be heavily reliant on private motor vehicles which would be at odds with bullet point four of Paragraph 9 of the Framework, which indicates that pursuing sustainable development involves seeking positive improvements in people's quality of life including improving the conditions in which people live, work and travel. This location would fail to achieve this aim through a reliance on private car travel for a likely majority of journeys. Paragraph 55 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Given the walking distances from local facilities within Staplehurst I do not consider housing on this site would enhance or maintain the vitality of the village. Consequently, the proposal would not be able to achieve the environmental or social roles of sustainable development in terms of access to services.

The proposal would provide some, albeit limited additional housing and there may be additional local economic benefits during the construction phase. Whilst these economic benefits weigh in favour of the proposal I consider they would be very limited and the redevelopment of the site would also result in the loss of an employment in a rural location contrary to the NPPF.

The existing buildings on site are mainly former farms buildings and are typical of this rural setting. The erection of six new dwellings on the site would radically alter the visual appearance and character of the site and the introduction of houses in this location would encroach into the countryside through the erosion of rural space and would cause visual harm through domestication. Accordingly the proposal would fail to achieve the environmental role of sustainable development in terms of protecting and enhancing our natural environment.

I therefore conclude that the proposed development would fail to constitute sustainable development and is contrary to the NPPF and would not be supported by the council.

Local Plan Policy ENV45 relates to the conversion of rural buildings and advises that the re-use and adaptation of rural buildings for residential purposes will not be permitted unless strict criteria are met unless

- (A) Every reasonable attempt has been made to secure a suitable business re-use for the building; and
- (B) Residential conversion is the only means of providing a suitable reuse for a listed building, an unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed building(s) or, other buildings which contribute towards the environment character of the countryside or which exemplify the historical development of the Kentish countryside;

The oast and old staples are not listed but they are located adjacent the listed Bletchingley farmhouse and, the buildings themselves do have some architectural merit such that a conversion to residential may be considered in accordance with Policy ENV45 if the existing business uses are no longer viable. However, I do not believe conversion to residential would be suitable due to main use of the site and neighbouring uses which would be detrimental to the amenity of future residential occupants. The remaining buildings on the site would not meet the tests in Policy ENV45.



### Summary

I conclude that the proposal for new residential development on the site would not represent sustainable development due to the location and would consequently be contrary to Policy ENV28 of the Local Plan and the NPPF.

The advice given above does not indicate any formal decision by the Council as Local Planning Authority. Any views or opinions are given in good faith and to the best of ability, without prejudice to the formal consideration of any planning application. The final decision on any application that you may make can only be taken after the Council has consulted local people, statutory consultees and any other interested parties. The final decision on an application will then be made by senior officers or by the Council's Planning Committee and will be based on all of the information available at that time.

The advice will be carefully considered in reaching a decision or recommendation on any resulting application; subject to the proviso that circumstances and information may change or come to light that could alter that position. It should be noted that the weight given to pre-application advice notes will decline over time.

Yours sincerely



for Head of Planning and Development

**Case Officer:** Andrew Jolly

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# Appeal Decision

Hearing held on 14 February 2001

by **Katie Peerless DipArch RIBA**

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

The Planning Inspectorate  
Room 1404  
Tollgate House  
Houston Street  
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☎ 0117 987 8927

Date

20 MAR 2001

**Appeal Ref: APP/U2235/A/00/1053692**

**Bletchingley Farm, Pristling Lane, Staplehurst.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dellmead Ltd against the decision of Maidstone Borough Council.
- The application (ref: MA/00/0497), dated 9 March 2000, was refused by notice dated 18 May 2000
- The development proposed is the demolition of redundant farm buildings and workshops. Restoration and conversion of existing oast/barn. Erection of 3 new dwellings.

**Summary of Decision: The appeal is dismissed.**

## Planning History

1. Planning permission for the conversion of the oast to a dwelling was granted under ref: MA/85/0236. Planning Permission for the use of the packing shed at the front of the site for leisure use and the oast for mixed B1 and leisure use was granted under ref: MA/91/0219. A Certificate of Lawful Use for buildings numbered 19, 20 and 21, on plan numbered MA/98/0717/S/CLD, for vehicle repairs and storage was granted in 1998.

## Main Issues

2. I consider that there are two main issues in this case:
  - (i) the effect of the proposed development on the character and appearance of the surrounding countryside, having in mind the Development Plan policies and national planning guidance that relate to residential development in the countryside.
  - (ii) the effect of the proposed stable development on the living conditions of the future occupiers of the proposed dwellings

## Planning Policy

3. The Development Plan for the Borough includes the Kent Structure Plan and the Maidstone Borough-Wide Local Plan (2000). Relevant Structure Plan policies are S2, ENV1, ENV2, ENV4, RS1 and RS5. S2 is a general environmental protection policy and ENV1 seeks to protect the countryside for its own sake. Policy ENV2 protects Kent's landscape and ENV4 defines Special Landscape Areas (SLAs) where priority will be given to the conservation and enhancement of the natural beauty of the landscape over other planning considerations. Policy RS1 relates to design standards for development permitted in the open countryside and RS5 limits development in rural Kent to specific criteria.
4. The Local Plan policies relevant to this case are ENV29, ENV37, H29, ENV51A and ENV52. Policy ENV29 defines the areas considered as countryside and imposes similar restrictions on development as Structure Plan policy RS5. Policy ENV37 relates to

development in the High Weald Special Landscape Area where particular attention will be given to the protection and scenic quality and distinctive character of the area, and priority will be given to the landscape over other planning considerations. Policy H29 states that, outside village boundaries, planning permission for infilling, which could be acceptable for extending small groups of houses, will not be granted if the proposal would extend rural settlements into the open countryside. Policy ENV51A relates to the re-use or adaptation of redundant rural buildings for residential use and limits the circumstances under which this is deemed acceptable. Policy ENV52 deals with applications for stable development and, amongst other criteria, requires that proposals will not have an adverse impact on the enjoyment of neighbouring properties.

5. National guidance on development in rural areas is given in Planning Policy Guidance Note 7, *The Countryside – Environmental Quality and Economic and Social Development (PPG7)*. This document notes that new housing in the open countryside should be strictly controlled and requires great weight to be given to the conservation of the natural beauty of the landscape when making development control decisions.
6. Planning guidance on housing is given in Planning Policy Guidance Note 3 (PPG3), which includes requirements for development outside urban areas to favour the re-use of previously developed land; however this excludes land that is, or was, occupied by agricultural or forestry buildings. Any new housing should be sited in the most sustainable locations, where it can be demonstrated that additional housing provision will help to support local services.
7. The Council has published a planning guidance note – *Converting Rural Buildings*, which I have regarded as a material consideration in this case.
8. The site is adjacent to two listed buildings and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires decision takers to have regard to the desirability of preserving the setting of a listed building when considering whether to grant planning permission for development that is likely to affect such a setting.

## **Reasons**

### ***Character and Appearance***

9. The appeal site is a former farmyard that, at present, contains a nineteenth century oast, a former barn, various disused and dilapidated agricultural buildings and some modern prefabricated asbestos-cement units used as vehicle repair works. The farmyard has now been separated from the main farmhouse, Bletchingley Farm, which is grade II listed. The site forms part of a small enclave of buildings set in a rural area outside the village of Staplehurst, in wide, flat countryside that forms part of the High Weald Special Landscape Area. There are residential units at Chapmans Farm Oast and Chapmans Farmhouse, close to the appeal site on the north side of Pristling Lane and a pair of semi-detached cottages that stand a little way from the main cluster of buildings, to the south east.
10. The development proposed would include the demolition of all the buildings on the site apart from the main body of the oast and the adjacent barn. They would be replaced by three large detached houses with related garages; the oast would be converted to a single residential unit and the existing barn would be used as stables and garaging.

11. The appellant considers that the proposed development should be considered as a minor extension to a small group of houses as referred to in Local Plan policy H29. He maintains that, because the overall footprint of the new built development would not exceed that existing on the site at present, there would be no encroachment into the surrounding countryside, and the proposed development would comply with the requirements of this policy. However, the farmyard setting and its environs contain few existing residential properties and compared to these the proposals, in my view, would not qualify as a minor extension. The size and number of the new dwellings would, in my opinion, represent a significant enlargement of the group and as such would not comply with policy H29.
12. If the agricultural buildings were to be removed, I consider that the land vacated would revert to being included within the countryside designation. Any further building outside the limits of the existing oast, stables and workshops would therefore be subject to the policies pertaining to development in rural areas and the SLA. In this respect the proposed development does not fall within any of the categories of development listed as permitted exceptions in Structure Plan policy RS5 or Local Plan policy ENV29. The appellant has also referred to Local Plan policy ENV3, but as this relates to development within urban and village areas, I consider that the policy is not relevant in this case.
13. Both parties agree that the site has a run down and cluttered appearance that detracts from the appearance of the existing landscape, and I noted on the site visit that, in particular, the large semi-derelict Dutch barn to the south west of the oast is particularly prominent. The proposed development would have the advantage of tidying the site and removing those buildings that are unsightly. The appellant considers that this is a strong material consideration in favour of the proposal that would help to outweigh the conflict with rural settlement policies that restrict the siting of new dwellings in the countryside.
14. The proposed development would replace typical farmyard buildings, some of which have open sides and are therefore of relatively small bulk, with large barn-type dwellings of considerable mass. Whilst the individual design of the houses may be in keeping with the Kentish vernacular tradition, the grouping of three such buildings, together with their garages would, to my mind, have an impact on the character and appearance of the countryside that would be altogether more dominant and suburban than that of the existing buildings. The site is visible from much of the surrounding countryside, from several directions, and the domestic nature of the proposals would, I feel, be detrimental to the natural beauty of the Special Landscape Area.
15. Significant benefits to the appearance of the farmyard would, I consider, be brought about if the semi-derelict buildings only were taken down and the detritus removed, without redevelopment of the site. The workshop buildings, whilst of no architectural merit, are not untypical of many agricultural buildings found in the countryside, and, as such, do not appear incongruous in their setting. I am, therefore, of the opinion that there would be no additional benefit in terms of the enhancement of the landscape, neither would its character be maintained, were all the buildings proposed for demolition to be replaced by the new dwellings and garages that are proposed. The proposed development would therefore fail to comply with Structure Plan policies S2, RS1, ENV1 and ENV 4 and Local Plan policy ENV37.
16. The appellant has suggested that the whole site meets the definition of previously developed land as set out in Annexe C of PPG 3, and is therefore suitable for residential development. This definition excludes buildings that are currently in agricultural use but, because the

buildings are not, at present, used for this purpose, the appellant maintains that they cannot be considered as such. The only buildings on the site that are both proposed for demolition and have the benefit of a Certificate of Lawful Use for a use other than agriculture are those numbered 19, 20 and 21 on the Plan numbered MA/98/0710/S/CLD. I note that planning permission for conversion to business and leisure use was granted for the oast and a shed to the north of the site, which is numbered 23 on the above plan, in 1991. The Council maintains that this use has not been taken up but the appellant suggests that the permission has been partly implemented. However, on the site visit I saw no evidence that either of the two open sided sheds to the north of the site had been converted to a leisure use. Therefore, I consider that these, and the two Dutch barns, should still be considered as having an agricultural use and are not, therefore, defined as being on previously developed land.

17. Consequently, as much of the new development would be sited on areas of land occupied by agricultural buildings, I am of the opinion that the proposal could not be considered as a reasonable replacement for the buildings that are presently on the previously developed areas of the site. In this respect, the guidance given in PPG3 is not, in my view, relevant to this proposal.
18. There is some dispute between the parties as to whether the earlier planning permission for conversion of the oast to residential use has been lawfully implemented, but the proposals contained in this application were confirmed as being different to that previously permitted. The Council has suggested that it is not opposed, in principle, to this part of the proposal, and I find no conflict between the oast conversion proposals and Local Plan policy ENV51A. The detail of the balcony is in dispute, but I consider that this is a minor issue that could be overcome by further negotiation between the parties. However, the setting of the oast in relation to other development on the site will be an important factor in the consideration of any scheme. As I have been given no details of how the oast could be treated as an individual unit, I shall not, therefore, deal with the matter of the conversion as a separate issue.
19. As much of the site lies within the curtilage of the former farmyard, there is virtually no existing landscape or wildlife habitat that would be lost if the proposed development were to proceed. There would, therefore, in my view, be no conflict with Structure Plan policy ENV2. Both parties agreed that the proposed development would have no detrimental effect on the setting of the two nearby listed buildings, both of which are separated and screened from the site, and I find no reason to disagree with this view.
20. The amount of traffic generated by the proposed development would, I consider, be less than that at present created by the commercial use of the property. This reduction in traffic levels would have a beneficial effect on the surrounding network of narrow rural lanes, but would not, in my opinion, be sufficient to outweigh the harm to the landscape.

#### *Living Conditions*

21. The proposed stable block would face the proposed house on plot 4 and be separated from it by a distance of some 12m. The Council considers that this could result in unpleasant smells from soiled bedding in the stables pervading this property, to the detriment of the amenity of its occupiers. However, I consider that this would be an unlikely to occur, unless the animals in the stables were poorly cared for, in which case the occupants of the nearby properties would have recourse to other methods of control, outside the planning system. The general smell of horses is not usually perceived to be unpleasant and any prospective

purchasers of the property would, presumably, be aware of the proximity of the stables. The siting of the spoil heap for used bedding could be the subject of a condition of any permission, to ensure that it was positioned in a location where it did not impinge on the dwellings. The proposed development would not, therefore, in my view conflict with Local Plan policy ENV52.

#### **Other Matters**

22. I note that the appellant has cited other examples of development that he considers comparable to this case. Two of these are outside the Borough and are, therefore, subject to different Local Plan policies. I have no details of the applications for the schemes within the Maidstone Borough, or their planning history, and cannot comment on their relevance to this appeal. I have, therefore, considered this case on its own merits.
23. I sympathise with the appellants' stated financial reason for wishing to pursue the proposed development, but this cannot be considered as a planning matter, and I cannot, therefore, take it into account.

#### **Conclusions**

24. Although there would be some benefits to the appearance of the farmyard in terms of tidying of the site, and in terms of reduction in traffic in the area, I consider that these factors would not be sufficient to outweigh the harm that would be caused by the scheme to the character of the Special Landscape Area. Whilst the oast and stable conversions might not be detrimental to the area, the overall residential intensification of the site and the scale of the proposals are not, in my view, acceptable in terms of the relevant Structure Plan and newly adopted Local Plan policies. I also consider that the benefits of the proposals would not amount to the special justification for isolated new housing in the countryside required by PPG7. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be not succeed.

#### **Formal Decision**

25. In exercise of the powers transferred to me, I dismiss the appeal.

#### **Information**

26. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.

*Katrina Petrus*

**Inspector**

**APPEARANCES**

**FOR THE APPELLANT:**

Brandon Broadbent MRTPI	5 Shearers Close, Grove Green, Maidstone, Kent.
Martin Hunt RIBA	Lloyd Hunt Partnership, Camelot, Pescot Avenue, Longfield, Kent.
Richard Catchpole	Dellmead Ltd.

**FOR THE LOCAL PLANNING AUTHORITY:**

Geoffrey John Brown BA(Hons) Planning Officer, Maidstone Borough Council  
MPhil MRTPI  
Michael John Parkinson BA(Hons) Conservation Officer, Maidstone Borough Council  
MRTPI IHBC

**DOCUMENTS**

Document	1	List of persons present at the Hearing.
Document	2	Letter of notification and circulation list
Document	3	Third Party representations
Document	4	Council's statement including appendices
Document	5	Mr Broadbent's Statement including appendices
Document	6	Page 23 of Kent Structure Plan 1996

**PLANS**

Plans	A - G	Drawings 2009/SV 1 - 7
Plans	H - T	Drawings 2009/P 1 - 13
Plan	U	Drawing 2009/WD 1
Plan	V	Historic O.S. map extract of appeal site

## APPENDIX 2



<b>1. SITE INFORMATION</b>	
Reference number	HO-102
Site name/address	Bletchingley Farm, Pristling Lane, Staplehurst
Landowner	Unknown
Agent	Wealden Homes
Greenfield/PDL	Mainly appears previously developed
Site area (ha)	1 ha
Proposed yield	20-25 dwellings
Is the site urban, adjacent to urban, rural settlement or rural	Rural
Site origin (e.g. Call for Sites)	Call for sites

<b>2. SITE ASSESSMENT/SUITABILITY</b>	
Site description (including topography and surrounding land uses)	Former farmyard and farmhouse in relatively isolated rural location. Some traditional farm buildings, including oasthouse and some modern buildings in poor condition, including Dutch pole barn. Extensive areas of hard-standing and quite a few vehicles stored on site. Appears to be partly in use for motor vehicle businesses. Also includes residential Grade II Listed farmhouse and garden.
Current use	Lawful use not readily apparent from planning history. Appears to be in current use for vehicle restoration/maintenance and a residential dwelling (farmhouse).
Adjacent uses	Mainly agricultural land, some residential.
Planning and other designations (AONB, greenbelt etc)	Countryside and Special Landscape Area.
Planning history	<p><u>07/1638</u> - Detached outbuilding - AC</p> <p><u>02/0296</u> - Detached outbuilding - AC</p> <p><u>00/0497</u> - Demolition of redundant farm buildings and workshops, conversion of existing oast to 1No. dwellinghouse, conversion of existing barn to stabling and garaging and erection of 3No. dwellinghouses with garaging and access onto Pristling Lane - R, APPEAL DISMISSED</p> <p><u>99/0979</u> - Demolition of farm buildings and workshops and conversion of oast and barn to one dwelling, conversion of barns to 3x 1 bed holiday cottages and erection of 4x 2 storey houses - R</p> <p><u>98/0021</u> - Certificate of lawful development for existing use of units 18, 19, 20, 21 &amp; 22 for agricultural engineering, spares storage, general vehicle repairs, haulage operating centre, furniture construction and repair and general carpentry and boat repair - WITHDRAWN</p> <p><u>95/1126</u> - LBC for single storey extension to dwelling - AC</p> <p><u>85/0236</u> - Conversion of oasthouse and hopper huts to</p>

SHEDLAA Appendix A: Housing site assessments

	three dwelling units – AC
Has site previously been considered in Local Plan Inquiry, if so, record Inspectors recommendation	No
Landscape/townscape impact – including reference to Landscape Character Assessment 2012 (inc. long distance views); cumulative landscape impact; existing screening	<p>Former farm, generally in keeping with the rural character of the countryside. Some buildings are of poor visual appearance/ quality but they are in keeping with what one expects to see in such a rural location. These buildings and the open storage on site are of relatively limited visual impact in longer views, due to the height of some buildings, the alignment of the road, the layout of the site and some conifer screening. The extent of proposed development would cause harm to the openness of the countryside, although the impact would be somewhat lessened because there is already built development on site. Also, it would cause harm to the rural character and appearance of the Special Landscape Area and would be out of keeping with the generally sparse degree of existing residential development in the locality. The conversion of some existing better quality buildings to residential may have relatively limited visual impact, subject to detail.</p> <p>Landscape Character Area Assessment:  <b>KEY CHARACTERISTICS</b>  <input type="checkbox"/> <input type="checkbox"/> Low lying and gently undulating clay Low Weald landscape with many ponds, ditches and watercourses  <input type="checkbox"/> <input type="checkbox"/> Large irregular blocks of ecologically important ancient woodland interspersed with pasture, orchards and arable fields  <input type="checkbox"/> <input type="checkbox"/> Species rich native hedgerow field boundaries with mature oak trees as imposing hedgerow trees and sometimes within fields where boundaries have been removed  <input type="checkbox"/> <input type="checkbox"/> Historic buildings scattered throughout the landscape</p> <p>Condition Assessment Very Good Sensitivity Assessment High</p> <p>Guidelines - conserve</p>
Ecological Impacts (inc. SSI & local wildlife sites within or adjacent to site)	Potential for protected species (eg bats, newts) within traditional buildings.
Trees (inc. TPO, ancient woodland within and adjacent to site)	None of significance
Agricultural land quality	Grade 3
Heritage impacts (Listed building, conservation area)	Listed building on site would need to be retained. Existing buildings, although some of poor quality, are not out of character with what one would expect to see close to such a farmhouse. It is not considered that there would be any enhancement to the setting of the Listed building.

SHEDLAA Appendix A: Housing site assessments

	<p>Conservation Officer comments:          "Bletchingley Farmhouse (Grade II) lies within the proposed site which also includes its former farmyard. Whilst the latter does contain some unattractive modern buildings, it also includes some traditional buildings, such as an oast, which are important contributors to the setting of the listed farmhouse and add to its significance. Development of the site for new build housing would result in the loss of these buildings and also a loss of the rural setting of the listed farmhouse. There would also be a similar adverse impact on the listed Chapmans Farm opposite. Conversion of selected traditional buildings within the farm complex is likely to be considered acceptable."</p>
Archaeology (SAM etc.)	<p>KCC Archaeological Advisor comments: "Part of historic farm complex of Bletchingley, with main building dating from 16<sup>th</sup> century. Several farm buildings identifiable on 1<sup>st</sup> Ed OS map may be surviving below ground. Significant archaeology could be dealt with through suitable conditions on a planning approval"</p>
PROW (within or near site)	<p>None affected</p>
<p>Access (Highways)</p> <ul style="list-style-type: none"> <li>• Site access</li> <li>• Impact on wider highway network</li> <li>• Access to strategic/main highway network</li> <li>• Availability of public transport/walking/cycling</li> </ul>	<p>Use of public transport not feasible. Single track road.</p> <p>KCC Highways comments:</p> <ul style="list-style-type: none"> <li>• Site accessed from Pristling Lane, which is a single carriageway lane.</li> <li>• The site is considered suitable for a very limited quantum of housing given its isolated location. Pristling Lane has a good crash record but is not wide enough for two vehicles to pass without encroaching on to the highway verge.</li> </ul>
<p>Access to services – distances from bus stop/rail station/shop/GP/school</p>	<p>No services close to site. Farm shop approximately 0.9 miles away. Facilities in Staplehurst village more than 1 mile away. No pavements.</p> <p>KCC Highways comments:</p> <ul style="list-style-type: none"> <li>• There are no services or public transport links within walking distance of the site and no formal footways are provided on Pristling Lane.</li> </ul>
Air quality/noise	<p>No significant issues.</p>
Land contamination	<p>Likely due to motor related uses.</p>
Flood Risk (zone/drainage)	<p>No</p>
Impacts on existing residential amenity (including access to open space)	<p>Could be positive by removing potential noise source.</p>
Utilities (availability of utilities infrastructure: water/gas/electric)	<p>Likely to be achievable.</p>
Suitability (assessment conclusion)	<p>Unsuitable due to harmful visual impact, harm to setting of listed building and unsustainable</p>

<b>3. AVAILABILITY</b>	
Is the whole site available for the proposed use: e.g. <ul style="list-style-type: none"> <li>• No existing uses</li> <li>• Willing landowner</li> <li>• Willing developer</li> <li>• Existing tenancy or lease agreement</li> </ul>	Unknown, could be potentially.
Availability conclusion	Available

<b>4. ACHIEVABILITY</b>	
Identification of any abnormal costs or other constraints to development which would prevent or delay this site being delivered	Likely to be contamination clean-up costs, which could delay development.
Achievability conclusion	Possibly achievable.

<b>Timing (following assessment - when could the site be delivered?)</b>	
now - 2016	✓
2016 - 2021	
2021 - 2026	
2026 - 2031	

<b>5. CONCLUSIONS</b>
<p>Likely to result in harm to the character and appearance of the Special Landscape Area, the setting of listed buildings and unsustainable.</p> <p>This is a former farm, generally of rural appearance. The extent of built development proposed (20-25 dwellings) would unacceptably erode the openness of the Special Landscape Area and harm its rural character. It would be out of keeping with the sparse extent of built development in the surroundings.</p> <p>The site is not closely related to facilities and is considered unsustainable. Access is insufficient, being onto a single track rural lane.</p> <p>There would be an adverse impact upon the rural setting of Listed Bletchingley Farmhouse.</p> <p>Conversion of selected traditional buildings to residential (which may be feasible) could be dealt with under a planning application if submitted.</p> <p><b>REJECT</b></p> <p>Approximate Yield: 0</p>

## APPENDIX 3

**Name:** BLETCHINGLY FARMHOUSE

**List Entry Number:** 1060697

**Location**

BLETCHINGLY FARMHOUSE, PRISTLING LANE

The building may lie within the boundary of more than one authority.

**County:** Kent  
**District:** Maidstone  
**District Type:** District Authority  
**Parish:** Staplehurst

**National Park:** Not applicable to this List entry.

**Grade:** II

**Date first listed:** 25-Mar-1987

**Date of most recent amendment:** Not applicable to this List entry.

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## Legacy System Information

The contents of this record have been generated from a legacy data system.

**Legacy System:** LBS

**UID:** 174636

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## Asset Groupings

This List entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

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## List Entry Description

### Summary of Building

Legacy Record - This information may be included in the List Entry Details.

### Reasons for Designation

Legacy Record - This information may be included in the List Entry Details.

### History

Legacy Record - This information may be included in the List Entry Details.

### Details

STAPLEHURST PRISTLING LANE TQ 74 SE (South side)

3/166 Bletchingly Farmhouse

GV II

Farmhouse. C16 or early C17, with early-to-mid C19 facade and with alterations of c.1911. Facade red brick in Flemish bond. Plain tile roof. 2 storeys, on chamfered brick plinth. Gabled. Projecting brick stack to left gable end. Late C16 or early C17 red and grey brick stack in English bond projecting from right side of rear left wing towards junction with main range; 3 star-shaped brick flues set on broad shouldered and moulded brick plinth. Tall brick stack to right of centre. Regular 4-window front of recessed 12-pane sashes with cambered heads. One similar sash to left end of ground floor, and 2 tripartite sashes, also with cambered heads. Single-storey brick porch of c.1911 under stack, beneath second window from right, with plain parapet with moulded painted coping, and with clasping pilasters with ball finials rising just above parapet. Panelled door with cambered head, flanked by 2 paned lights. Short rear return wing to left, extended in c.1911. Short gabled rear wing to right, of c.1911. Interior not inspected.

Listing NGR: TQ7708541622

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## Selected Sources

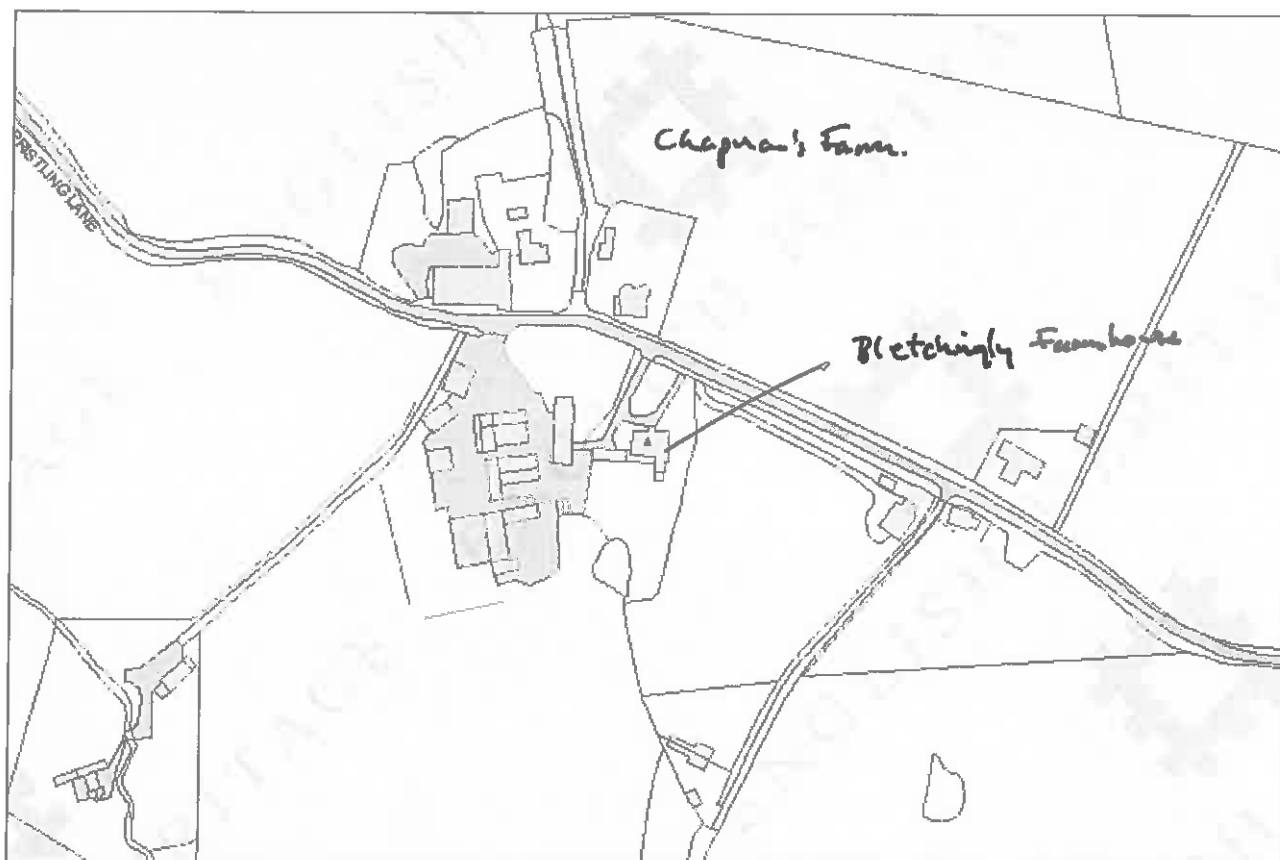
Legacy Record - This information may be included in the List Entry Details

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## Map

**National Grid Reference: TQ 77085 41622**

The below map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - [1060697.pdf](#) - Please be aware that it may take a few minutes for the download to complete.



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This copy shows the entry on 06-Jan-2015 at 04:31:49.

## List Entry Summary

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

**Name:** CHAPMANS FARMHOUSE

**List Entry Number:** 1344386

### Location

CHAPMANS FARMHOUSE, PRISTLING LANE

The building may lie within the boundary of more than one authority.

**County:** Kent

**District:** Maidstone

**District Type:** District Authority

**Parish:** Staplehurst

**National Park:** Not applicable to this List entry.

**Grade:** II



**Date first listed: 25-Mar-1987**

**Date of most recent amendment: Not applicable to this List entry.**

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## Legacy System Information

The contents of this record have been generated from a legacy data system.

**Legacy System: LBS**

**UID: 174632**

## Asset Groupings

This List entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

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## List Entry Description

### Summary of Building

Legacy Record - This information may be included in the List Entry Details.

### Reasons for Designation

Legacy Record - This information may be included in the List Entry Details.

### History

Legacy Record - This information may be included in the List Entry Details.

### Details

STAPLEHURST PRISTLING LANE TQ 74 SE (North side)

3/162 Chapmans Farmhouse

GV II

Farmhouse, now house. C17 or earlier, with C19 facade. Ground floor red brick in Flemish bond, first floor hung with diagonal stripes of dark and lighter tiles. Plain tile roof. 2 storeys and garret. Half-hipped roof. Rear stack towards left end and another towards centre. Projecting brick stack to right. Irregular fenestration of three 3-light casements. Panelled door between right and central windows. Rear wing to left. Interior not inspected.

Listing NGR: TQ7589141896

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## Selected Sources

Legacy Record - This information may be included in the List Entry Details

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## **APPENDIX 4**

14<sup>th</sup> July 2016

**15/505906 - DEMOLITION OF THE EXISTING GARDEN CENTRE BUILDINGS AND INFRASTRUCTURE, ERECTION OF 14 DETACHED BESPOKE DWELLINGS INCLUDING GARAGES WITH ANNEX ABOVE, TWO STOREY B1 OFFICE UNIT (5,515SQFT); TOGETHER WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING - GRAFTY GREEN GARDEN CENTRE, HEADCORN ROAD, GRAFTY GREEN, KENT** PDF 172 KB

- View the background to item 88.

**Additional documents:**

- 15/505906 - Committee Report , item 88. PDF 85 KB
- 15/505906 - Appendix 1 , item 88. PDF 234 KB
- 15/505906 - Appendix 2 , item 88. PDF 98 KB View as HTML (88./4) 54 KB
- 15.505906 Urgent Update (2) , item 88. PDF 57 KB View as HTML (88./5) 15 KB
- 2nd Urgent Update\_Grafty Green Garden Centre , item 88. PDF 51 KB View as HTML (88./6) 15 KB
  - 15-505906\_photos , item 88. PDF 1 MB
  - Webcast for 88.

**Minutes:**

Having stated that she had pre-determined this application, Councillor Brice left the meeting when it was discussed.

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Quinn, the applicant, addressed the meeting.

It was noted that a £50,000 contribution in respect of the provision of a broadband connection to the wider village of Boughton Malherbe had been put forward by the applicants. However, the Officers maintained that such a contribution was not a policy requirement of the Council and did not meet the tests of the CIL Regulations, and should be prioritised instead towards providing an overall affordable housing contribution totalling £290,000. It was suggested that the provision of broadband would benefit the existing community and future occupiers of the development by reducing the need for car journeys and making the site and village more sustainable. The provision of the broadband connection could be dealt with outside the S106 legal agreement, with a corresponding £50,000 reduction in the affordable housing contribution, reinforced by an informative regarding its delivery.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to the prior completion of a S106 legal agreement, including a reduced contribution of £240,000 towards affordable housing off-site having regard to the proposed provision of a broadband connection, the Head of Planning and Development be given delegated powers to grant permission subject to conditions and informatives. In making this decision, the Committee felt that the amended proposal was a sustainable approach to the use of this redundant brownfield site and that the benefits for the local community, economy,

landscape and wildlife were sufficient to outweigh any disbenefit arising from the development proposals.

**RESOLVED:**

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following summarised contributions:

- A contribution of £240,000 towards affordable housing provision off-site;
- A contribution of £33,053 towards the provision of primary education;
- A contribution of £18,864 towards NHS provision;
- A contribution of £22,050 towards off-site provision of public open space; and
- A contribution of £672 towards library book stock,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the second urgent update report, and the additional condition set out in the first urgent update report, with an additional informative as follows:

The Council expects to see the £50,000 reduction in the affordable housing contribution allocated towards the provision of the broadband connection for the benefit of the community.

2. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement.

Voting: 12 – For 0 – Against 0 – Abstentions

**REPORT SUMMARY**

<b>REFERENCE NO - 15/505906/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of the existing garden centre buildings and infrastructure, erection of 14 detached bespoke dwellings including garages with annex above, two storey B1 office unit (5,515sqft); together with associated parking, access and landscaping.			
<b>ADDRESS</b> Grafty Green Garden Centre Headcorn Road Grafty Green Kent ME17 2AT			
<b>RECOMMENDATION: Refuse</b>			
<b>SUMMARY OF REASONS FOR REASONS FOR REFUSAL</b> Notwithstanding additional details provided by the applicant in response to the deferment authorised by the Planning committee of 2 <sup>nd</sup> June 2016, the proposal remains a departure from the Development Plan in that it would: <ul style="list-style-type: none"> <li>• Be contrary to Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (MBWLP), located in open countryside outside of the a defined settlement and does not fit into any of the exceptions relating to development in the countryside;</li> <li>• Be contrary to Saved Policy ENV34 of the MBWLP where landscape considerations are given priority over other planning considerations, and;</li> <li>• That the application fails to demonstrate that it is a sustainable form of development contrary to advice and guidance contained within paragraphs 14 , 49, 50 and 55 of the NPPF;</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>• Matter deferred from 2<sup>nd</sup> June 2016 Committee</li> <li>• The proposal is a departure from the Development Plan</li> <li>• Referral by Boughton Malherbe Parish Council</li> </ul>			
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Boughton Malherbe	<b>APPLICANT</b> SQE Grafty Green Ltd/Quinn Estates <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 09/11/15	<b>PUBLICITY EXPIRY DATE</b> 09/11/15	<b>OFFICER SITE VISIT DATE</b> 11/03/16	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
09/0363	Erection of a new building to house and operate a biomass electricity plant	Approved	27/04/2009
<i>Summarise Reasons</i>			
83/1671	Erection of temporary toilet accommodation	Approved	19/01/1984
<i>Summarise Reasons</i>			
87/1209	Opening of pet centre	Approved	27/11/1987
<i>Summarise Reasons</i>			

82/1143	Change of use of glasshouse area to retail garden centre	Approved	18/08/1983
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## MAIN REPORT

### 1. Overview and Reasons for Deferral

1.01 The Officers case and recommendation for refusal of planning permission together with reasons for refusal were given in full in their report presented to the 2<sup>nd</sup> June 2016 Committee. This report attached as Appendix 1.

1.02 Members deferred the application in order to seek amendments that:  
That with acceptance of the apportionment of contributions set out in paragraph 14.5 of the report of the Head of Planning and Development, consideration of this application be deferred for one cycle to seek the following amendments to the scheme:

- The apex corner by Crumps Lane to be demarcated from the residential curtilages and to be a flood attenuation and natural habitat receptor site and the gardens on the west side to be cut in half and the western boundary demarcated as an open woodland landscape buffer/semi-natural state receptor site
- That when the application is reported back to Committee a full set of proposed conditions and draft Heads of Terms must be included to assist Members should they be minded to grant delegated powers to approve.

1.03 In response to this, the applicant has submitted a Landscape Strategy Drawing 2243/15/B/3A which indicates amendments to the scheme in response to the members minuted comments on 2<sup>nd</sup> June; the main amendments are as follows:

- Provision of a wildlife receptor area and wetland ponds in the south east corner of the site bordering Crumps Lane. This is to be separated from the rest of the development by a post and rail fence and proposed tree and hedge planting;
- Segregation of a half acre strip of land, located on the western boundary of the site, to provide for a receptor buffer. The buffer would be formed of a rough managed grassland sward with planting of hawthorn and other suitable native species to be agreed and be provided with hibernacula and other wildlife habitats. The gardens to plots 1 – 3 would be considerably reduced in size and separated from the sward by post and rail fencing designed to facilitate the free movement of animals across the boundary

1.04 Other amendments to the proposed landscape strategy include:

- Access onto shared ownership land including the sward on the western boundary and woodland areas located on parts of the southern, eastern and northern boundaries;
- Provision of a wildlife corridor within existing tree cover along part of the northern boundary;
- Additional tree and hedge planting to be carried out along the estate roads and also on the internal boundaries of the properties;

- Provision of a scheme of sward management, coppicing and thicket maintenance, to areas of established woodland with additional planting where necessary to develop wildlife corridors within the site particularly between the wetland area located in the south eastern corner and the western sward and woodland area.

## **2.0 Section 106 Proposed Heads of Terms**

2.01 The applicant has submitted their amended suggested Heads of terms to any future Section 106 agreement should members be minded to grant planning permission (appendix 2); In summary, these are;

1. Payment of a £50,000.00 sum to the Boughton Malherbe Parish Council to facilitate the purchase of land to create a village car park as a community infrastructure project;
2. £190,000.00 contribution towards the provision of affordable housing within the borough, payable in phases
  - 50% payable on the occupation of the 5<sup>th</sup> dwelling in the site;
  - The balance to be paid on or before the occupation of the final dwelling on the site;
3. £18, 863.00 payment towards primary healthcare in the area;
4. £33,053.00 towards the provision of primary education;
5. £22,050 payment towards public open space provision;
6. £672.00 contribution towards library book stock;
7. The setting up of a management company or companies as part of the development that would be parties to:
  - i. The transfer of dwellings on the land, and;
  - ii. Enter into the sale or leases of the commercial units on the land
8. The establishment of a Travel Plan during the construction period to limit HGV movements through Liverton Hill;

## **3.0 PLANNING CONSTRAINTS**

None relevant

## **4.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13, CF1, H27; H28  
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP3, SP7, SP8, H1 (27), H2, DM1, DM2, DM4, DM6, DM11, DM12, DM13, DM20, DM23, DM24, DM27, ID1

## 5.0 LOCAL REPRESENTATIONS

As in the Committee Report presented 2<sup>nd</sup> June 2016

## 6.0 CONSULTATIONS

As in the Committee Report presented 2<sup>nd</sup> June 2016

## 7.0 BACKGROUND PAPERS AND PLANS

**Drawings** : 14.093.02.C; 14.093.03.A; 14.093.04; 14.093.05; 14.093.07; 14.093.08; 14.093.09; 14.093.10.A; 14.093.11.A; 14.093.12; 14.093.13; SDS204336.01; SDS204336.02; SDS204336.03; SDS204336.04; SDS204336.05; SDS204336.06; 2243/15/B/3A; 2243/15/B/4

**Documents:** Housing Types; Power Details Planning Statement; Design and Access Statement; Archaeology Desk Based Assessment; Flood Risk Assessment; Economics Benefits Statement; Landscape Strategy; Landscape Visual Impact Assessment ; Tree Survey; Phase 1 Habitat Survey; Statement of Community Involvement; Transport Statement; Geo Environmental Investigation ; Sustainability Report; Landscape Strategy ; Utilities Report; Strutt and Parker Marketing Information ; Quinton Edwards Marketing Information.

## 8 APPRAISAL

- 8.1 The details contained within the amended Landscape Strategy drawing 2243/15/B/3A only address, in part, the main issues raised by members, as minuted at the 2<sup>nd</sup> June Committee.in respect of the provision of a wetland area in the corner of the site adjacent to Crumps Land and the use of substantial areas of the gardens on the western boundary as an open woodland landscape buffer and semi-natural receptor.
- 8.2 As well as the landscaping detailing to the wetland area located on the corner of Crumps Lane and Headcorn Road, western boundary, landscape improvements are also proposed within the submitted Landscape Strategy drawing that would serve to provide and enhance wildlife corridors, particularly to link these two parts of the site and; along the northern boundary edge. This fails to utilize half of the garden area of the dwellings on the western boundary as required in the committee minutes of 2<sup>nd</sup> June. However, the applicant maintains that the proposed landscape strategy overall provides an opportunity to reinforce all the site boundaries, where necessary, by the planting of appropriate tree end hedge species such as alder buckthorn, common hawthorn; holly, hazel and aspen to reflect the prevailing character of the surrounding nearby woodland. Again, post and rail fences can be considered for use to facilitate free animal movement to and from the site.
- 8.3 A scheme of sward management & maintenance; planting, coppicing and thicket management could be put in place so as to develop wildlife corridors not only between the two main buffer areas located in the western woodland area and in the wetland area on the corner of Crumps Lane but also throughout the site and this can



be further facilitated by the erection of post and rail fencing designed to allow through access to animals throughout the site.

8.4 As well as the use of low-key lighting within the site which has already been included within the scheme, consideration is also given to

- Use of solar panels on the buildings;
- Bat and bird bricks
- Use of bound gravel rather than tarmac on road surfacing;
- Phasing in respect of delivering landscape zones and buffering

8.5 Notwithstanding the additional landscape information provided by the applicant, Officers maintain that the full extent of the Committee requirements have not been addressed in the amended Landscape Strategy presented particularly in its failure to substantially reduce by half the garden areas to plots s 1 – 3 and demarcate the separated land as an open woodland landscape buffer/semi-natural state receptor site. As such, the principles underlying the original reasons for refusal in respect of landscaping and layout remain in place and are not addressed by any subsequent submissions made by the applicant during the deferral period.

8.6 Officers maintain that the location of the site in a geographically isolated area within open countryside outside of and some distance from any defined settlement remains the same as before. The development is therefore subject to the saved MBWLP Policy ENV28 and does not fit into any of the permitted exceptions relating to development in the countryside. Therefore the proposal represents a departure from the Development Plan. Within this context officers continue to maintain that 14 dwellings located on this site would be compromised in terms of their sustainability by being located of sufficient distance from any village or major service centre to be almost wholly reliant car borne journeys to service even their most basic needs. As such, the proposed development is unable to be considered as providing for a sustainable location for residential development in the terms and guidance contained within the NPPF.

8.7 Officers also maintain that in terms of design and layout, the development would fail to draw benefit from the rural location in terms of locating green space and views out of the site, despite the generosity of plots. The scale of the dwellings and plot layout provide for a suburban street pattern that would not be indicative in terms of its scale or, acceptable in terms of its setting and context within the local still largely unspoilt rural countryside. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas that are truly outstanding and innovative helping to raise the standard of design in rural areas; significantly enhance its immediate setting and be of a design and scale sensitive to the defining characteristics of the local area. This development does none of this, and, even with the additional landscaping and some measures to augment biodiversity, as proposed in the amended Landscape Strategy, the development would fail to meet design guidance for rural development laid out in this paragraph.

8.8 In respect to the applicant seeking to retain the £50,000.00 contribution toward the village hall in their draft heads of terms for a S106 agreement, officers maintain that such a contribution would not be directly related or necessary for the development and such funds should instead be prioritized toward providing for an overall

affordable housing contribution totalling £240,000. Without this, an inadequate contribution would continue be made toward affordable housing contrary to the Council's Affordable Housing DPD.

- 8.9 Therefore should members be minded to approve this application Officers would recommend that the following heads of terms to any Section 106 agreement be applied to any planning permission that may be granted that would take into account the re-allocation of monies away from the village hall and added to the affordable housing contribution

**Affordable Housing**

A lumps sum contribution of £240,000.00 towards affordable housing provision off-site

**Primary Education**

A lump sum contribution of £33,053 toward the provision of primary education

**NHS Provision**

A lumps sum of £18,864 towards NHS Provision

**Public Open Space**

A lumps sum of £22,050.00 towards off site provision of public open space

**Library Book Sctock**

A lumps sum of £ 672.00 towards library book stock

- 8.10 Therefore, the reasons for refusal of the application originally presented to 2<sup>nd</sup> June 2016 Committee for their consideration reiterated in this report remain relevant. Should, after due consideration, the members be minded to grant planning permission recommended conditions are attached to this addendum report as appendix 2.

**9.0 RECOMMENDATION – REFUSE for the following reasons:**

**Reasons for refusal**

1. An inadequate off-site contribution towards affordable housing would be provided with monies that could otherwise be used for this purpose instead being put toward the repair and maintenance of Grafty Green Parish Hall which is located some 2km distant from the development and, not necessary for the carrying out of the development contrary to the Council's Affordable Housing DPD.
2. The design and layout of the development, which encroaches westward onto greenfield land, consists of uniformly large dwellings and curtilages in the form of a suburban street pattern that would have a visually conspicuous and discordant presence that would not be acceptable in terms of its setting and context within the local still largely unspoilt rural countryside located within the Low Weald Special Landscape Area. The proposal would therefore be contrary to saved Policy ENV 28 and saved Policy ENV34 of the MBWLP that seeks to both conserve and protect the scenic quality and distinctive character of the area and; also be contrary to

paragraph 55 of the NPPF which seeks to promote sustainable development in rural areas.

3. The development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements. It is considered that residential development of this site would be compromised in terms of sustainability by being located at a sufficient distance from any village or major service centre for the residents to be almost wholly reliant car borne journeys to service even their most basic needs. The site is therefore unable to be considered a sustainable location for residential development in being contrary to the requirements of paragraph 55 of the NPPF that would seek to both maintain and enhance the vitality of rural communities and paragraph 70 which seeks to encourage development close to existing settlements and villages where their presence would serve to promote local services.

## INFORMATIVES

Case Officer: Tom OConnor

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

*Report 2nd time.*

**REPORT SUMMARY**

<b>REFERENCE NO - 15/505906/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Demolition of the existing garden centre buildings and infrastructure, erection of 14 detached bespoke dwellings including garages with annex above, two storey B1 office unit (5,515sqft); together with associated parking, access and landscaping.			
<b>ADDRESS</b> Grafty Green Garden Centre Headcorn Road Grafty Green Kent ME17 2AT			
<b>RECOMMENDATION – REFUSE PLANNING PERMISSION</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION-REASONS FOR REFUSAL</b>			
<p>1. The proposal is a departure from the Development Plan in that it would be contrary to</p> <ul style="list-style-type: none"> <li>• Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (MBWLP) in that it is located in open countryside outside of the a defined settlement and does not fit into any of the exceptions relating to development in the countryside and;</li> <li>• Saved Policy ENV34 of the MBWLP where landscape considerations are given priority over other planning considerations.</li> <li>• That the application fails to demonstrate that it is a sustainable form of development contrary to advice and guidance contained within paragraphs 14 , 49, 50 and 55 of the NPPF;</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• The proposal is a departure from the Development Plan</li> <li>• Referral by Boughton Malherbe Parish Council</li> </ul>			
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Boughton Malherbe	<b>APPLICANT</b> SQE Grafty Green Ltd/Quinn Estates <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 09/06/16	<b>PUBLICITY EXPIRY DATE</b> 09/11/15	<b>OFFICER SITE VISIT DATE</b> 11/03/16	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
09/0363	Erection of a new building to house and operate a biomass electricity plant	Approved	27/04/2009
<i>Summarise Reasons</i>			
83/1671	Erection of temporary toilet accommodation	Approved	19/01/1984
<i>Summarise Reasons</i>			
87/1209	Opening of pet centre	Approved	27/11/1987

## Planning Committee Report

2.2 The 512sqm office building would be located at the southern part of the site fronting Crumps Lane and consist of a semi hexagonal two storey building with two office spaces on each floor separated by centrally positioned common utilities and service areas. 25 commercial parking spaces would be provided within the curtilage to service this building

2.3 In terms of construction materials each of the buildings would use the following in common:

- A red stock facing brick
- Grey Oak facing board
- Either a grey tile or grey slate roofing material
- Timber windows and doors

2.4 The existing dwellings at Wellington Lodge and Gate House would be retained respectively on the north eastern and southern edges of the development adjacent to the entrances.

### 3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13, CF1, H27; H28  
Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)  
Maidstone Borough Council Draft Local Plan: SS1, SP3, SP7, SP8, H1 (27), H2, DM1, DM2, DM4, DM6, DM11, DM12, DM13, DM20, DM23, DM24, DM27, ID1

### 4.0 PLANNING CONSTRAINTS

None Relevant

### 5.0 CONSULTATIONS

5.1 **Boughton Malherbe Parish Council** – No objection. Request that the matter be referred to full committee if officers minded to refuse.

5.2 **KCC Flood Protection** – No objections to the proposed drainage in principle and the proposed reduction of peak flows compared to that of the existing site is welcomed. Accordingly, should your Authority be minded to grant permission to this development, we would request that the following Conditions are attached in respect of SuDS, implementation, maintenance and management of the sustainable drainage scheme and control of surface water to avoid risks to controlled waters.

5.3 **Kent Police: Object to the proposal;** Specific reference to crime & disorder and fear of crime referred to para.57 of the NPPF has been omitted. **Natural England – No objection** Comments dated 20<sup>th</sup> August 2015

5.4 **KCC Highways:** No objection to this application subject to the following conditions.

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

## Planning Committee Report

Maidstone borough at the size ranges that this development will cater for. The small office development will benefit from Open Access BT broadband connections, which are vital infrastructure for all business regardless of location and offers employment opportunities for residents in the new.

### 5.10 MBC Housing Officer

It should be noted that in the progress of this application, the applicant has substantially increased their offer in respect of commuted sum for affordable housing, initially set at £34,000, to £190,000

The Councils adopted policy on affordable housing (Policy AH1 – adopted December 2006)

Below is a summary of what the Councils Housing team's position is with regards to the above planning application

Firstly, in the applicants email dated 11 May 2016 they have set out the latest total contributions, namely:

• Village Hall -	£50,000
• Broadband -	£50,000
• Affordable Housing -	£190,000
• NHS -	£18,864
• Primary education -	£33,053
• Public Open Space	£22,050
• Library Book stock -	£672
• TOTAL -	£364,639

As has previously been highlighted, the Village Hall and Broadband provisions (both £50,000) should not take preference over contributions to affordable housing, therefore these amounts should be included within the affordable housing provision. Furthermore, as the local planning authorities number one priority for s.106 contributions, affordable housing contributions should therefore be prioritised above the amounts quoted above for NHS (£18,864) and Primary Education (£33,053) as well

With the above comments in mind, Housing believe that the off-site affordable housing contribution for this scheme should be given priority over the other contributions listed and should be at least £341,917, made up as follows:

Affordable Housing	£190,000
Village Hall	£50,000
Broadband	£50,000
NHS	£18,864
Primary education	£33,053

### 5.11 KCC Ecology

We have reviewed the ecological information submitted and we are satisfied that sufficient information has been provided to provide a good understanding of the ecological constraints associated with the proposed development. The submitted surveys confirmed that the following species/species groups are present:

## Planning Committee Report

A site notice was displayed on the site on 11<sup>th</sup> August 2015. Six letters have been received from local residents, two in support of the application and four objecting to the proposal on the grounds of:

- Drainage issues extant on the site; incidences of local flooding;
- Crumps Lane being unsuitable as an access to residential development
- Availability of industrial and office sites elsewhere in the vicinity;
- Residential development of the site would substantially increase traffic flows within the locality beyond the capability of the local highway network to cope.

### 7.0 BACKGROUND PAPERS AND PLANS

7.1 Drawings : 14.093.02.C; 14.093.03.A; 14.093.04; 14.093.05; 14.093.07; 14.093.08; 14.093.09; 14.093.10.A; 14.093.11.A; 14.093.12; 14.093.13; SDS204336.01; SDS204336.02; SDS204336.03; SDS204336.04; SDS204336.05; SDS204336.06; 2243/15/B/3; 2243/15/B/4

7.2 Documents: Housing Types; Power Details Planning Statement; Design and Access Statement; Archaeology Desk Based Assessment; Flood Risk Assessment; Economics Benefits Statement; Landscape Strategy; Landscape Visual Impact Assessment ; Tree Survey; Phase 1 Habitat Survey; Statement of Community Involvement; Transport Statement; Geo Environmental Investigation ; Sustainability Report; Landscape Strategy ; Utilities Report; Strutt and Parker Marketing Information ; Quinton Edwards Marketing Information.

### 8.0 APPRAISAL

#### 8.1 Principle of Development

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications shall be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this Borough the Development Plan remains the saved policies of the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:

*"In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*
- (4) the provision of public or institutional uses for which a rural location is justified; or*
- (5) such other exceptions as indicated by policies elsewhere in this plan."*

8.3 Located where it is within open countryside, outside of a defined settlement and therefore subject to the saved MBWLP Policy ENV28, the proposal does not fit into any of the permitted exceptions relating to development in the countryside. None of the exceptions contained within the MBWLP against the general policy of restraint apply, and as such, the proposal represents a departure from the Development Plan.

## Planning Committee Report

ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date where a five year supply cannot be demonstrated. However, the 5 year land supply has now been demonstrated in the recent submission of the Local Plan for examination by the Inspectorate. Therefore, though the presumption in favour of **sustainable** development identified in paragraph 14 of the NPPF remains, Maidstone Borough Wide Local Plan (2000) Policy ENV28 is once again relevant and a material policy consideration in the assessment and determination of this application for residential development located outside of settlement boundaries and within the countryside.

10.2 Located some distance outside of the settlement boundaries of the smaller villages listed in Policy H27 of the Borough Wide Local Plan or even within 10km of any of the larger villages (Policy H28) insufficient justification has been made in this application for the residential development in the countryside; for instance, the provisions for dwellings reasonably considered necessary for the purposes of agriculture or forestry or any other policy exception that might be considered acceptable elsewhere. As such, this development is clearly contrary to the requirements of Policy ENV28 of the Maidstone Borough-Wide Local Plan in respect unsuitable residential development in the countryside. No allocation has been made for the development of this site in the emerging Local Plan recently submitted to the Inspectorate.

10.3 The remoteness of the site is one of its defining characteristics. For instance, the closest settlement is Grafty Green, a small rural settlement some 2km distant containing a rural shop/post office and a public house. Further afield the nearest main settlements identified as Rural Service Centres (RSC) in the settlement hierarchy laid out in the draft Local Plan under draft policy SP3, are at Headcorn 5.1km distant and Lenham at 6.4km distant.

10.4 The applicant raises in their submission that the vehicular traffic generated by the proposed residential development is likely to be significantly less than that generated by the garden centre when it was in operation. However, the type of journeys that would have been generated by visitors to the garden centre retail outlet would have been materially different from those of the residential units proposed. As a shopping destination, the garden centre would have been the destination for customers and suppliers visiting the site and the end point of these specific vehicle journeys. Residential development centred on this site would necessitate both short haul and longer vehicular journeys even to serve the most basic needs of the residents.

10.5 In terms of its relationship with other settlements with core services, the development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements of Grafty Green (2km), Ulcombe (2.7km) and Platts Heath at 3.1km. Local bus service connections are infrequent (3 journeys per day) passing the site Mondays to Saturdays but with no service on Sundays and, as previously indicated, the closest secondary schools are located some 10km distant in Maidstone.

10.6 Within this context, it is considered that dwellings on this site would be compromised in terms of their sustainability by being located at a distance from any village or major service centre to be almost wholly reliant car borne journeys to service even their most basic needs. Notwithstanding its non compliance with saved Policy ENV28 of the adopted Borough Wide Local Plan (2000), this site would otherwise be unable to be considered **sustainable** location for residential development in the terms of the NPPF and draft Local Plan.

10.7 The NPPF encourages residential development to be located in or close to village settlements where their presence would serve to promote and serve local services, in



subsequent planting of garden plants by future occupiers and, in any case, distances between each dwelling and their orientation would be successful in any case in preventing any loss of residential amenity by mutual overlooking of private areas of main windows.

11.5 The road layout and distribution of development appears to pay little regard to the rural pattern of development. The curving layout of the access road is not a characteristic of the local area and appears arbitrary and gives the new development a very suburban feel. It is not the best or most appropriate response to this rural location. This site planning also creates large areas of hard standing in front of buildings.

11.6 The suburban feel to this site is further emphasised by the creation of substantial areas of hard standing in front of each of the dwellings. There is a failure, also, to draw benefit from the rural location in terms of locating green space and views out of the site, despite the generosity of plots. Whilst the use of local materials and design references are welcome, together with the use of Kentish Vernacular design cues the scale of the dwellings and plot layout are such to resemble a collection of 'barn conversions' laid out within a suburban street pattern which would not be a pattern of design and development that would be indicative or acceptable in terms of its setting and context within the local still largely unspoilt rural countryside. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas that are truly outstanding and innovative helping to raise the standard of design in rural areas; significantly enhance its immediate setting and be of a design and scale sensitive to the defining characteristics of the local area. This development is none of these and therefore fails to meet design guidance for rural development laid out in this paragraph.

## 12. Office Development

12.1 The MBC Economic Development Officer argues that this would contribute towards achieving the target of delivering 14,400 new jobs in the Borough by 2031, as outlined in the adopted Economic Development Strategy 2015. He also advises that good quality, flexible small office space is in demand and there is a paucity of stock and a lack of investment in property of this nature. This is evidenced in the Qualitative Employment Site Assessment (GVA September 2014) which forms part of the evidence base for the Local Plan. He cites a loss of office accommodation lost due to the temporary Permitted Development Rights that enable the conversion of office space to residential uses without planning consent.

12.2 Evidence from Locate in Kent, the County's inward investment agency, supports the view that there is a need for small flexible work space. Analysis of their commercial property database indicates that at the end of July 2015, only 43 office properties were available in Maidstone borough at the size ranges that this development will cater for. The small office development will benefit from Open Access BT broadband connections, which are vital infrastructure for all business regardless of location and offers employment opportunities for residents in the new.

12.3 Some concern has been raised by the Design South East in respect of the commercial space not being sufficiently integrated or otherwise relating well with the residential part of the development. However, this site has, until its closure in 2015, been consistently operated commercially as a sui generis mixed use garden centre since the 1980's providing local employment in terms of the horticultural, sales and other ancillary uses such as the café. This application would seek to retain and an important employment use on part of the site.

12.4 In terms of its design, materials and overall external appearance, the mainly two storey building would reflect in terms of its roof and window lines, the scale and character of the proposed dwellings proposed within the wider residential estate with external finishes of timber facing board and slate roofs reinforcing the built connection with the wider built

## Planning Committee Report

14.2 Paragraph 49 of the NPPF urges local planning authorities to be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including rural exception sites such as the former Grafty Green Garden Centre, where appropriate. Authorities are also advised, within these circumstances to consider whether allowing some market housing on sites such as these would, in turn, facilitate the provision of significant additional affordable housing to meet local needs.

14.3 Development of this size and scale would therefore be expected to generate a commuted sum toward housing which in terms of the Affordable Housing SPD is set at 40% affordable housing provision of the houses built. Of these, 60% would be for rental with the rest available for shared ownership. This equates to 4 affordable rent units and 2 shared ownership units. Given the size, value and low density of the proposed development the council was amenable to negotiate an alternative arrangement based on the provision of, say, affordable houses off site of a size and scale more commensurate for use by the average family..

14.4 No allocation of land to provide for affordable housing provision has been made upon the site though, as a site of over 0.5ha, it would usually be required under the Councils Affordable Housing DPD. Overall provision has been made for commuted sums totalling £364,639 has been made by the applicant including an affordable housing contribution off site; sums for primary education, public, NHS contribution and public open space, again off-site.

14.5 The breakdown of the applicant's latest offer in respect of contributions made on 11<sup>th</sup> May 2016 is set out below

• Village Hall -	£50,000	
• Broadband -	£50,000	
• Affordable Housing -	£190,000	
• NHS -	£18,864	
• Primary education -	£33,053	
• Public Open Space	£22,050	
• Library Book stock -	£672	<b>- TOTAL -£364,639</b>

14.6 In their calculations, the applicant has also included in this sum contributions of £50,000 each in respect of the village hall refurbishment and repair, and; the introduction of broadband to the area none of which are policy requirements of this Council or required under the CIL regulations

14.7 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

14.8 Neither the Village Hall Contribution or the Broadband contribution are necessary for the furtherance of this development or, in the case of the village hall in any way related to the development in terms of scale or kind whereas, the provision of broadband could be transferred to the cost of the development

## Planning Committee Report

16.2 The site is south of the Greensand Ridge some 3 – 4km distant and there will be the possibility of some visibility of the site when viewed southward from the brow of the hillside. However, this would be mitigated by the irregular topography of the area and intervening woodland

16.3 Local views of the site are already mitigated by the dense tree screen existing on the perimeter of the site and these would be mitigated by further landscape planting undertaken to augment the perimeter screen and also internally to boundaries within the site. The proposal would therefore not be readily visible from the nearby highway network or more distant dwellings in the locality such as Orchard Farm

16.4 The proposed density on the site appears arbitrary and unrelated to either the context or place making decisions. In areas the layout appears somewhat wasteful, with large areas of space given over to parking courts in front gardens and seemingly awkward leftover spaces around and between homes and garages. In addition the development has now spread westward to develop a larger site than the pre-application indicated, spreading the same amount of development thinner across the area.

16.5 It is intended by the applicant to provide full details of the perimeter and internal landscaping within the context of a Landscape Master Plan which would be subject to a condition should planning permission be approved

16.6 This will include additional hedge and tree planting to enhance and reinforce the existing hedgerow enclosures on the main out-facing northern and southern elevation with an 8 – 10m deep belt of trees planted on the western boundary of the site that does not have a hedgerow. Water storage would be created sourced from standing water and screened by additional planting at the junction with Crumps Lane. Internally, the individual plots would be planted with mixed hedges on their respective boundaries

### 17.0 Residential Amenity

17.1 Only two nearby dwellings would be affected by the proposal and they are located on the perimeter of the site. Gate House, on the southern perimeter is located some 23m to the south of the gable end of Plot 1 which presents not main living room windows towards this dwelling. In addition, a hedge and tree screen would be planted on the intervening boundary between the two,

17.2 The main rear elevation of Willington Lodge, on the eastern perimeter would be positioned in excess of 30m from the main elevations of Plots 10 & 11 and, separated by an augmented existing hedge and tree screen. Window to window interface distances between the existing dwellings and those proposed are therefore sufficient to protect the residential amenities of these dwellings.

17.3 Layout of the proposed scheme is low density at less than 4 dwellings per hectare within substantial plots with hedge and trees screens located on each of their boundaries. As such, there would be sufficient space and landscaping designed within the scheme to protect the residential amenities of the dwellings.

### 18.0 Highways

18.1 A total of 14 dwellings, each with double garages and outside parking and a commercial parking area of 24 spaces will be served by the sole access onto the site from Crumps Lane to serve the office block. Egress only from the site would be shared by the

## Planning Committee Report

### RECOMMENDATION –REFUSE for the following reasons:

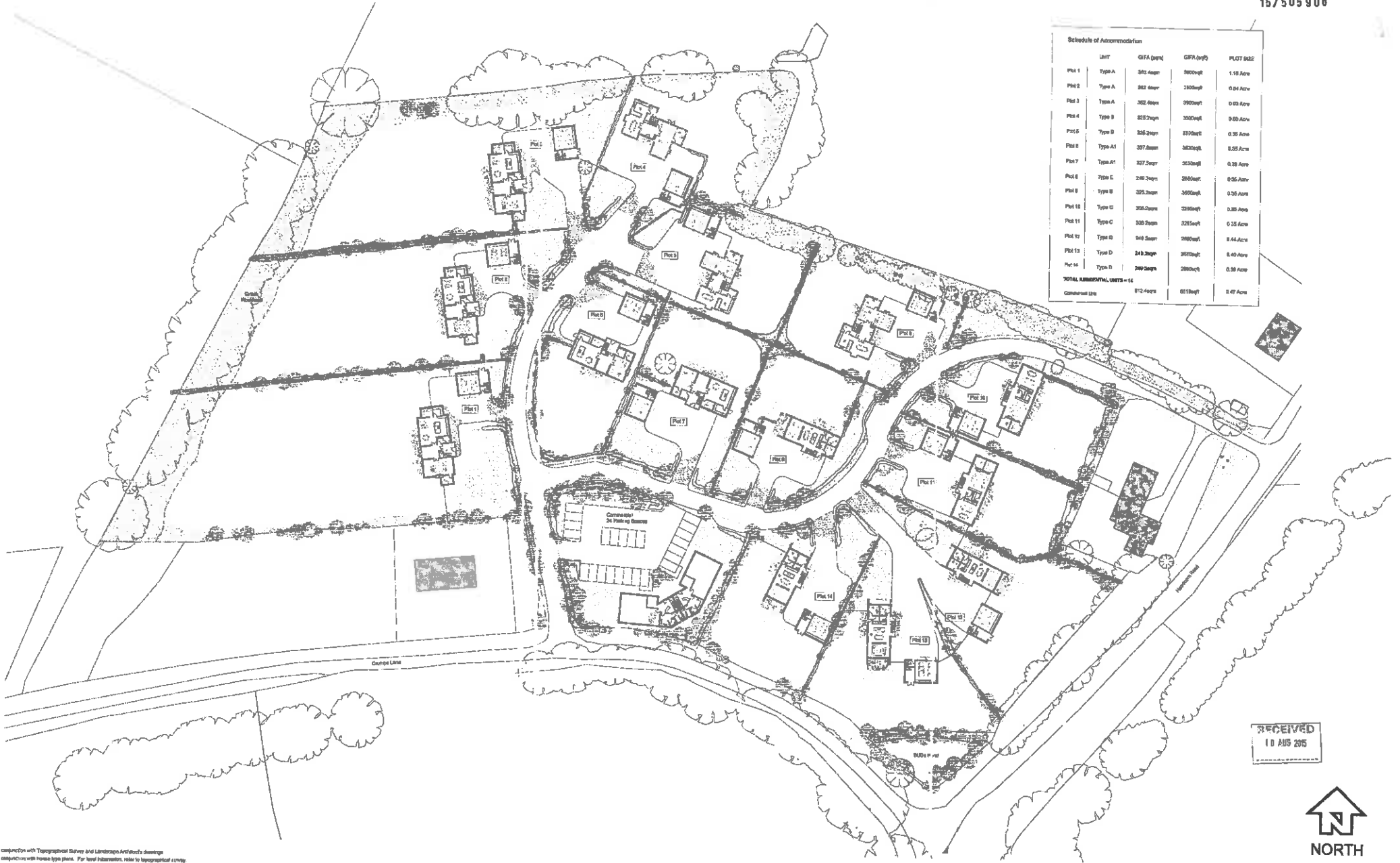
#### Reasons for refusal

1. An inadequate off-site contribution towards affordable housing would be provided with monies that could otherwise be used for this purpose instead being put toward the repair and maintenance of Grafty Green Parish Hall which is located some 2km distant from the development and, not necessary for the carrying out of the development contrary to the Council's Affordable Housing DPD.
2. The design and layout of the development, which encroaches westward onto greenfield land, consists of uniformly large dwellings and curtilages in the form of a suburban street pattern that would have a visually conspicuous and discordant presence that would not be acceptable in terms of its setting and context within the local still largely unspoilt rural countryside located within the Low Weald Special Landscape Area. The proposal would therefore be contrary to saved Policy ENV34 of the MBWLP that seeks to both conserve and protect the scenic quality and distinctive character of the area and also be contrary to paragraph 55 of the NPPF which seeks to promote sustainable development in rural areas.
3. The development occupies a relatively isolated location some distance from the Rural Service Centres of Lenham and Headcorn which would be expected to provide the majority of its day to day needs and is even some distance from the closer minor village settlements. It is considered that residential development of this site would be compromised in terms of sustainability by being located at a sufficient distance from any village or major service centre for the residents to be almost wholly reliant car borne journeys to service even their most basic needs. The site is therefore unable to be considered a *sustainable* location for residential development in being contrary to the requirements of paragraph 55 of the NPPF that would seek to both maintain and enhance the vitality of rural communities and paragraph 70 which seeks to encourage development close to existing settlements and villages where their presence would serve to promote local services.

#### INFORMATIVES

Case Officer: Tom OConnor

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



**Schedule of Accommodation**

Plot	Type	GFA (sqm)	GFA (sqft)	Plot Area
Plot 1	Type A	312.4sqm	3360sqft	1.19 Acrs
Plot 2	Type A	362.4sqm	3890sqft	0.94 Acrs
Plot 3	Type A	362.4sqm	3890sqft	0.94 Acrs
Plot 4	Type B	225.2sqm	2410sqft	0.60 Acrs
Plot 5	Type B	225.2sqm	2410sqft	0.58 Acrs
Plot 6	Type A1	207.6sqm	2230sqft	0.55 Acrs
Plot 7	Type A1	227.2sqm	2430sqft	0.58 Acrs
Plot 8	Type E	240.2sqm	2570sqft	0.56 Acrs
Plot 9	Type B	225.2sqm	2410sqft	0.58 Acrs
Plot 10	Type C	228.2sqm	2440sqft	0.58 Acrs
Plot 11	Type C	225.2sqm	2410sqft	0.55 Acrs
Plot 12	Type D	248.2sqm	2660sqft	0.64 Acrs
Plot 13	Type D	248.2sqm	2660sqft	0.64 Acrs
Plot 14	Type D	240.2sqm	2570sqft	0.58 Acrs
<b>TOTAL RESIDENTIAL UNITS = 14</b>				
Commercial Use		812.4sqm	8710sqft	1.47 Acrs

RECEIVED  
10 AUG 2015



To be read in conjunction with Topographical Survey and Landscape Architects drawings  
To be read in conjunction with house type plans. For level information, refer to topographical survey



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Plot 14  
Rev A: Plot 14 Accommodation 05.07.2015  
Rev B: Plot 12 & 14 Annex Accommodation 18.08.2011

Plot  
Former Guy's Green Garden Center, Middleway Street  
Client  
SDE Quality Green Ltd  
15/505906  
Proposed Masterplan - Ground Floor Level

Date: 18/08/2011  
By: June 2015  
Drawn: JH  
Over:

**guy holloway**  
ARCHITECTS  
100-102, 104-106, 108-110, 112-114, 116-118, 120-122, 124-126, 128-130, 132-134, 136-138, 140-142, 144-146, 148-150, 152-154, 156-158, 160-162, 164-166, 168-170, 172-174, 176-178, 180-182, 184-186, 188-190, 192-194, 196-198, 200-202, 204-206, 208-210, 212-214, 216-218, 220-222, 224-226, 228-230, 232-234, 236-238, 240-242, 244-246, 248-250, 252-254, 256-258, 260-262, 264-266, 268-270, 272-274, 276-278, 280-282, 284-286, 288-290, 292-294, 296-298, 300-302, 304-306, 308-310, 312-314, 316-318, 320-322, 324-326, 328-330, 332-334, 336-338, 340-342, 344-346, 348-350, 352-354, 356-358, 360-362, 364-366, 368-370, 372-374, 376-378, 380-382, 384-386, 388-390, 392-394, 396-398, 400-402, 404-406, 408-410, 412-414, 416-418, 420-422, 424-426, 428-430, 432-434, 436-438, 440-442, 444-446, 448-450, 452-454, 456-458, 460-462, 464-466, 468-470, 472-474, 476-478, 480-482, 484-486, 488-490, 492-494, 496-498, 500-502, 504-506, 508-510, 512-514, 516-518, 520-522, 524-526, 528-530, 532-534, 536-538, 540-542, 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