

ADJOURNED PLANNING COMMITTEE MEETING

Date: Thursday 3 June 2021
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Coates, Cox, English, Eves, Harwood, Holmes, Kimmance, Munford, Parfitt-Reid, Perry (Vice-Chairman), Spooner (Chairman) and Young

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 20/505745/LBC - Bicknor Farm, Sutton Road, Langley, Maidstone, Kent 1 - 8
10. 21/501467/FULL - The Trinity Foyer, 20 Church Street, Maidstone, Kent 9 - 13
11. Appeal Decisions 14 - 15

Issued on Friday 28 May 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

PLEASE NOTE

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Ordnance Survey - data derived from OS Premium

20/505745/LBC - Bicknor Farm, Sutton Road, Langley, Maidstone, Kent, ME17 3NG

Scale: 1:1250

Printed on: 19/5/2021 at 10:13 AM by StevieH

REPORT SUMMARY

REFERENCE NO - 20/505745/LBC			
APPLICATION PROPOSAL			
Listed Building consent for the demolition of a curtilage listed building at Bicknor Farm to allow for a new residential development granted under planning application 20/500713/FULL			
ADDRESS Bicknor Farm Sutton Road Langley Maidstone Kent ME17 3NG			
RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION			
On balance, the public benefits arising from this case are considered to outweigh the harm to the heritage asset.			
REASON FOR REFERRAL TO COMMITTEE			
Councillor Newton had requested it be reported due to the loss of the heritage asset.			
WARD Downswood and Otham		PARISH/TOWN COUNCIL Otham	APPLICANT J Mills AGENT DHA Planning
DECISION DUE DATE 17/02/21	PUBLICITY EXPIRY DATE 12/04/21		OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
20/500713	Proposed demolition of existing commercial units and re-modelling of an existing dwelling and the erection of 7no. self-build dwellings with associated landscaping and parking – approved	Approved	02/10/20

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a detached outbuilding which has been used for residential use. It is constructed of a mixture of materials, having ragstone walls and a pitched tiled roof, with an extension having a flat and asbestos roof. Fenestration is a mixture of timber and UPVC.
- 1.02 The building is considered to lie within the curtilage of Bicknor Farmhouse. This is a grade II listed building which is estimated to date from the 17th century with later alterations. The farmhouse is constructed of red and grey brick with weatherboarding above, under a tiled roof and has a timber frame.
- 1.03 Bicknor Farm comprises the listed farmhouse and a collection of former agricultural buildings and associated yard areas. The wider surroundings to the site are a mixture of modern residential development and commercial uses. The nearby modern housing estates, comprise a wide mix of housing types, styles and sizes.

2.0 PROPOSAL

- 2.01 Listed Building Consent is sought for the demolition of the building which is considered to be curtilage listed. This is in order to implement planning permission 20/500713, for the erection of 7 self-build dwellings, as the subject building lies upon the line of the proposed access to that development.
- 2.02 The documents submitted with the application included site location plan (DHA/130122/01, existing layout plan (DHA/13022/02), proposed layout plan (DHA/13022/05 & 05A), existing elevations (DHA/13022/07), photographs (DHA/13022/04), consented site layout plan for 20/500713 (DHA/13022/21 B), planning and heritage statement and subsequently a heritage and archaeology statement.
- 2.03 Whilst the applicants have submitted a listed building application, the Planning & Heritage Statement states that they do not consider the building to be curtilage listed due to the physical separation of the buildings, combined with the distinction between the domestic nature of the farmhouse and the agricultural related function of the farm buildings.

3.0 PLANNING HISTORY

*The most relevant history is:
20/500713 – Erection of 7 self-build dwellings – Approved*

4.0 PLANNING CONSTRAINTS

The building is considered to be curtilage listed to the Grade II Listed Bicknor Farmhouse

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP18, DM4
Otham Neighbourhood Plan (Post Referendum version)

6.0 LOCAL REPRESENTATIONS

- 6.01 None received. Site notice posted at site on 20/01/21, expiring on 10/02/21.

7.0 CONSULTATIONS

- 7.01 Historic England: do not wish to comment.
- 7.02 The Georgian Group: as the proposal is to demolish a curtilage listed building, there will be an element of less than substantial harm. A balancing act should be undertaken to assess whether the public benefits outweigh the harm in line with paragraphs 196 of the NPPF.

7.03 Other 5 National Amenity Societies: no response.

7.04 Conservation Officer: Initial comments:

Bicknor Farmhouse is a substantial timber framed building dating from the 17th century, listed Grade II in 1967. The outbuilding proposed for demolition has been identified as being curtilage listed due to its historical and physical relationship to the farmhouse. It was ancillary to the farmhouse and in the same ownership at the time of listing.

The outbuilding is an attractive ragstone and brick structure likely to date from the early 19th century. It has some later unsympathetic additions and alterations such as the modern windows and corrugated lean-to extension. The relationship between the farmhouse and outbuilding has been degraded by low quality intervening buildings. I consider the outbuilding to be of low-medium significance in relation to the farmhouse, which is of high significance.

The demolition of the outbuilding would cause harm to the significance of the listed farmhouse, of which it forms a subsidiary element. In my view the harm would be less than substantial. There are likely to be public benefits associated with the wider proposals for the site (application ref: 20/50713/FULL) which would partially outweigh the harm. The proposed re-use of the ragstone as part of the redevelopment would be welcomed if it can be conditioned appropriately.

Subsequent comments on receipt of detailed Heritage report:

Having reviewed the additional information which comprises a heritage assessment. The document confirms my earlier view that the building dates from the C19 and is of low-medium significance in relation to the principal listed building, Bicknor Farmhouse. The report demonstrates that the building has been diminished by modern alterations but retains its general historic form and agricultural character.

I disagree with the conclusions of the report that the demolition would have a neutral impact, and reiterate my view that total loss of the building would cause less than substantial harm.

8.0 APPRAISAL

8.1 The key issue to consider with this application is the impact upon the listed building.

Impact upon Listed Building

8.02 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy DM 4 of the local plan requires that the significance of designated heritage assets and their settings are conserved, and, where possible, enhanced and policy SP 18 similarly seeks to protect and enhance the quality of heritage assets. Policy DM 4 requires that the relevant tests in the National Planning Policy Framework are applied when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.

8.03 Since the adoption of the local plan, a revised NPPF has come into force, with the relevant section being chapter 16. Paragraph 184 of the NPPF states that heritage assets "are an irreplaceable resource and should be conserved in a manner

appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations". 8.04 Paragraph 193 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...". It states that this is irrespective of the degree of harm amounting from any proposal. 85 Paragraph 194 requires any harm to, or loss of, the significance of a designated heritage asset to be clearly and convincingly justified. Importantly, it is emphasised that harm to a listed building is required to be given considerable weight and importance. The Otham Neighbourhood Plan reiterates the importance of NPPF advice and Local Plan Policy SP18 on maintaining the heritage value of Otham and to provide a 'quality of place'.

- 8.04 When considering the planning application, 20/500713 the duty under S 66(1) is similar to that as under 16(2) of the Act. It is noted here that the officer concluded under that application that "the proposals would provide a high-quality development that will enhance the setting of the Grade II listed Farmhouse and this would outweigh the loss of the small curtilage listed building". In detail, the comment relative to the issue were as follows in the officer report:

"Bicknor Farmhouse is a substantial timber framed building dating from the 17th century, listed Grade II in 1967. The Conservation Officer considers that the existing buildings on site detract from the setting of the listed building due to their scale and poor construction and state of repair but are agricultural in character and typical of historic farmsteads across the region which have developed incrementally. Overall, he considers the proposed development would diminish the historic farmstead setting of the listed building and be harmful but does not consider there are sufficient heritage grounds to justify refusal. In my view, the buildings are of poor appearance and are 'modern' in the context of the age of the farmhouse and detract from its setting. Their removal and replacement with high quality houses I consider would enhance the setting of the farmhouse.

The Conservation Officer advises that one of the buildings is curtilage listed due to its historical and physical relationship to the farmhouse and is likely to date from the early 19th century. This is Building G on the existing plans which is an attractive single storey ragstone building with pitched clay tiled roof but has a poor lean-to extension on its east side. Under the proposals the new rear access requires its demolition and so the agent has been asked why it could not be retained with amendments made to the scheme. The response states that, "the position of the two access roads have been designed so that the impact upon the listed Bicknor Farmhouse is minimised, and were we to amend these, it is likely that any access road would result in greater harm to this building." There is some merit in this argument in that an access road may have to be sited closer to the main listed farmhouse if it were retained but this is not inevitable. The building could potentially be retained as some form of outbuilding or extended to provide a dwelling. However, it would sterilise quite a large part of the site in the northwest corner and on balance I consider the benefits of this scheme in enhancing the setting of the primary listed farmhouse outweigh the loss of this curtilage listed building and any minor harm to the farmhouses significance through its removal in accordance with policy DM4 and the NPPF. The applicant is proposing to re-use the stone from the building in new boundary walls which is a positive measure".

Significance of the heritage asset

- 8.05 The conservation officer has stated that he considers the building to be of low – medium significance in relation to the listed farmhouse, which is of high significance. The building is estimated to date from the 19th-century and it does include some vernacular material, as it has ragstone elevations. Also, it does retain something of a simple functional form, generally associated with farm complexes.
- 8.06 However, it is considered that its significance has been very much reduced through unsympathetic later alterations and additions to the farm complex. In particular, its fenestration includes unsympathetic UPVC units, with timber units being in some state of disrepair. The extension which has been added has an unsympathetic roof form and material and generally detracts from its appearance. Internally, there would not appear to be any significant features of interest and fabric is generally modern and devoid of any clear historical evidence.
- 8.07 With regards to its siting, it is not now considered to have any clear functional relationship with the farmhouse and indeed additional buildings as part of the farm complex are considered to have distorted the historic farmyard context to a degree whereby its contribution in this regard is extremely low.
- 8.08 Therefore, in conclusion although part of its form and appearance have some historical and aesthetic value, its overall significance is considered to be very low.

Harm

- 8.09 Notwithstanding the above, there would clearly be harm resulting from this proposal. The proposal entails the loss of the building in totality, which is considered to be a curtilage listed building. This harm must be afforded considerable weight and importance.
- 8.10 Case law indicates that the loss of a curtilage listed building of low significance can be graded as less than substantial harm. The conservation officer is of the view that the proposal does indeed result in less than substantial harm and I concur with his view.
- 8.11 Therefore, the proposal should be assessed against paragraph 196 of the NPPF in terms of the question of whether or not the public benefits of the proposal outweigh the harm. There is no question here relating to optimum viable use, since the building would be lost and no use is proposed.

Public benefits

- 8.12 The public benefits arising from this proposal are considered to be very low.
- 8.13 The proposal would add to the housing stock, but since there is currently a five-year land supply in place, this is not a significant benefit, as there is no overriding need for housing in this location.
- 8.14 Section 70 of the Town and Country Planning Act states that consideration can be given to local financial considerations so far as they are material to the application. However, this consideration applies to planning permissions whereas the current submission is a listed building application. This would have been a relevant consideration for the permission that granted the seven houses on the site. In this case, the retention of the building precludes the access required to fully implement the development permitted under application 20/500713, namely the erection of 7 self-build dwellings. This development is considered to be CIL liable and there would be benefits in this regard. For example, contributions towards CIL are looking to achieve major intervention at road junctions and the site is located upon one such main arterial route including such road junctions. However, it must also be

considered that this benefit could fall away if a CIL exemption were sought and accepted.

- 8.15 There would also be benefits in terms of job creation, during the construction phase of the housing development, but the housing number is low and therefore the duration would be limited. The submission also refers to benefits arising from household expenditure generated by the housing developments and the impact of these upon local businesses, services and providers. However, again the housing number is low and therefore this benefit would be of a very small scale.
- 8.16 Finally, it could be argued that there is some benefit to the setting of the main listed building through the removal of the existing modern farm buildings which are of poor appearance. However, conversely it could also be argued that the retention of farm buildings within the setting of what is a former farmhouse is more appropriate in terms of character than residential housing, so therefore I do not consider that this benefit can be afforded significant weight. It should however be recognised that planning permission has already been granted for the erection of seven dwellings which considered the heritage implication of demolishing this curtilage listed building.
- 8.17 In conclusion therefore, whilst there are some public benefits which would result from the implementation of the approved housing scheme reference 20/500713, it is considered that these benefits are of a very small scale.

Balancing exercise

- 8.18 The harm arising from the loss of the building must be balanced against the public benefits arising from its demolition.
- 8.19 The harm to the listed building must be given considerable weight and importance. The level of harm is considered to be less than substantial. However as explained above, the significance of the listed building is considered to have already been very much compromised and its contribution to the overall significance of the main heritage asset, the listed farmhouse, is considered to be low and no longer readily readable. Therefore, the degree of harm is considered to be low.
- 8.20 The public benefits arising from this scheme are very limited and their scale is also considered to be low. The conservation officer has stated that he considers that the benefits partially outweigh the harm and he has not actually indicated an objection to the proposal. It is emphasised that this is a very balanced case.
- 8.21 On balance, it is concluded that the benefits arising from this case would marginally outweigh the harm which would result. On balance therefore, approval is recommended.

9.0 CONCLUSION

- 9.01 As emphasised above, it is considered that this is a very balanced case.
- 9.02 On balance, it is considered that the public benefits arising from this scheme would marginally outweigh the harm resulting from the loss of the building. Approval is therefore recommended.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The works hereby permitted shall be carried out in accordance with the following approved plans:

drawing numbers DHA/13022/01 received on 02/12/20 and DHA/13022/02 and DHA/13022/05 received on 14/12/20.

Reason: To clarify which plans have been approved.

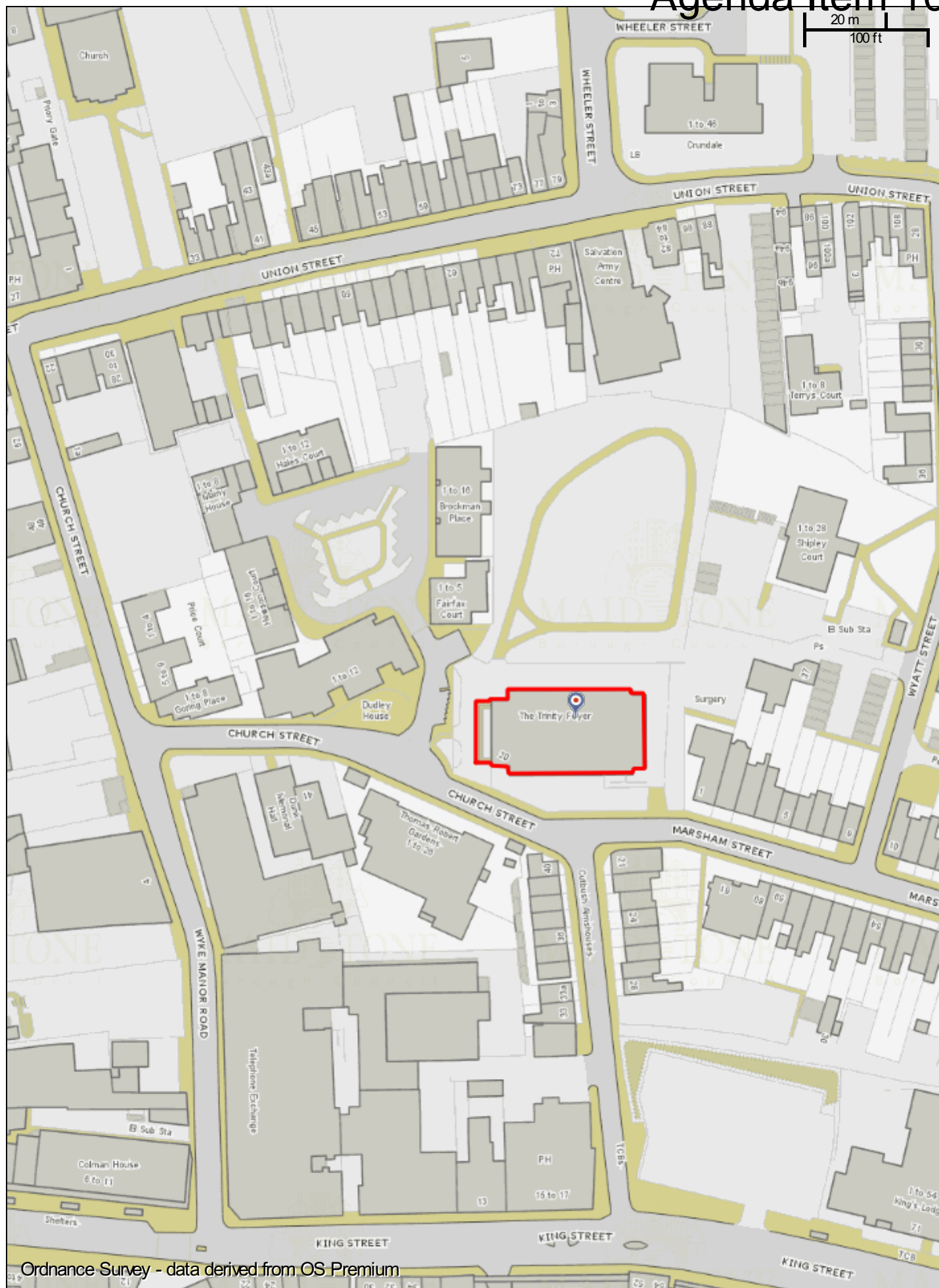
3. No works shall take place until a photographic and descriptive record in accordance with level 2 of Historic England's document entitled "Understanding Historic Buildings A Guide to Good Recording Practice" has been submitted to and approved in writing by, the local planning authority. The approved descriptive record shall also be submitted to the relevant Historic Environment Record

Reason: To ensure that any evidence of historic significance is appropriately recorded.

Informative:

The applicant should note that condition 7 of permission reference 20/500713 requires that the ragstone resulting from the demolition be reused in the approved boundary treatments.

Case Officer: Louise Welsford



Ordnance Survey - data derived from OS Premium



21/501467/FULL - The Trinity Foyer, 20 Church Street, Maidstone, Kent, ME14 1LY

Scale: 1:1250

Printed on: 19/5/2021 at 10:17 AM by StevieH

REPORT SUMMARY

REFERENCE NO - 21/501467/FULL			
APPLICATION PROPOSAL Internal alterations to create 2 no. additional units at first and second floor of The Trinity Foyer.			
ADDRESS The Trinity Foyer 20 Church Street Maidstone Kent ME14 1LY			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal is considered to comply with Development Plan Policy and the aims of the NPPF.			
REASON FOR REFERRAL TO COMMITTEE The Council is the applicant.			
WARD High Street		PARISH/TOWN COUNCIL	APPLICANT Mr Andrew Connors AGENT Baily Garner LLP
DECISION DUE DATE 21/05/21 (EOT agreed until 7/6/21)		PUBLICITY EXPIRY DATE 06/05/21	OFFICER SITE VISIT DATE 14/4/21
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): the most relevant is:			
App No	Proposal	Decision	Date
96/1580 & 96/1630	Conversion of mixed use as training centre, café, creche, gym & 21 residential units	approved	
Various applications for Planning permission and listed building consent for ancillary works			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a grade II listed former Church which dates from the 19th century. The building lies in Holy Trinity conservation area in Maidstone Town centre. It is understood from the submitted statement, that the building is currently vacant, but has been most recently used for a mixed use including 21 residential units, training centre, café, creche and gym.

2.0 PROPOSAL

- 2.01 Planning permission is sought for the creation of two additional residential units one would be on the first floor (a two bedroomed unit (currently flat No.8) would become a 1-bedroomed unit and a studio (flat Nos. 8 and 10)) and one on the second floor (a two bedroomed unit (currently flat No.16) would become a 1-bedroomed unit and a studio (flat Nos. 17 & 19)), so to increase the number from 21 to 23 units. Disabled alterations will be made to flat 18. No external works are proposed and the units would be created from the sub-division/reconfiguration of existing units. On the second floor, the proposed studio flat, No. 17, would have a minimum floor space of 32.85 sq.m, the 1 bed flat, No.19, would have a floor space of 52sq.m. On the first

floor, the proposed studio flat would have a minimum floorspace of 32.85 sq.m and flat 10 would have a minimum floorspace of 52 sq.m.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Local Plan 2017: DM1, DM4, DM23, SP1, SP4, SP18
Technical Housing Standards, nationally described Space Standards, March 2015

4.0 LOCAL REPRESENTATIONS

None received.

5.0 CONSULTATIONS

5.01 Historic England: do not consider they need to be consulted.

6.0 APPRAISAL

6.01 The key issues for consideration relate to:

- Principle of development
- Impact upon the heritage asset
- Other matters

Principle of Development

6.02 The site lies in a town centre location. Policy SP4 of the local plan relates to the town centre and does allow for some residential development. The site is in a sustainable location where there would be easy access to other modes of transport than the private car and in this location the principle of additional residential units is therefore considered acceptable.

Impact upon the heritage assets

6.03 The subject building is a designated heritage asset, being a grade II listed building. It is also located within Holy Trinity conservation area. The only physical changes proposed are partitions to create the additional two units. These changes affect only fabric that was inserted at the time at which the building was converted to form the existing residential units and as such, it is not considered that those works require listed building consent. The works would not affect the special interest of the listed building and are extremely minor in scale in any case.

6.04 It is not considered that there would be any harm to the heritage asset, because the intensified use of the building would not harm historic fabric, nor would it adversely affect the character or appearance of the building, since no external changes are proposed. The NPPF seeks to secure the viable uses for heritage assets and this proposal, which seeks to put additional residential units for use into the building is

therefore considered in line with both development plan policy and the NPPF with regards to its impact upon the heritage assets.

- 6.05 No parking is proposed as part of the works so there would therefore also be no harm to the setting of the listed building arising.

Other Issues

- 6.06 The nature of the proposal and the scale of the development are such that there are no significant residential amenity issues. The two smallest studio flats have a floorspace of just under 33sq.m. The current standard is 37sqm, where a shower room is provided. This level of floorspace is considered acceptable as there are existing bedsits in the building with smaller floorspace and the listed nature of the building requires subdivision to be based around existing walls and window positions. Therefore, the small drop below standard is therefore not considered to be significant in relation to this building, it provides for the best use of space based on the limits of the building. There are no significant parking issues, as the site lies in a sustainable, town centre location with easy access to other modes of transport than the car. The nature of the proposal is such that there are no significant ecological or landscape issues. No external changes are proposed and there would therefore be no significant impact upon the character or appearance of the street scene.
- 6.07 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7.0 CONCLUSION

- 7.01 The proposed development accords with development plan policy and the aims of the NPPF. It would provide additional housing within a sustainable location and would not result in any significant harm character, appearance, significance or setting of the listed building or the character or appearance of the conservation area. Approval is recommended.

8.0 RECOMMENDATION – GRANT Subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

drawing numbers 011T 0.1, 005 P.0 01, 006 P.0 01, 007 P.0 01 and 008 P.0 01 received on 17/03/21;

Reason: To clarify which plans have been approved and to ensure the quality of the development is maintained.

Informatives:

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Louise Welsford

Agenda Item 11

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 27.05.2021**

APPEAL DECISIONS:

1. 17/504923/FULL

DESCRIPTION

Part retrospective and part proposed application for change of use of woodland to airsoft activity centre and erection of associated structures (retrospective) and proposed change of use for camping, filming, re-enacting, woodcraft, Duke of Edinburgh and life skills.

APPEAL: Allowed, permission granted.

Longton Wood
Stockbury Valley
Stockbury
Kent
ME9 7QP

(Delegated)

2. 20/503794/FULL

DESCRIPTION

Demolition of garage and erection of part single, part two storey side extension and single storey rear extension. (Resubmission of 20/502649/FULL)

APPEAL: Allowed, permission granted.

Barming Place Cottage
Abingdon Road
Maidstone
Kent
ME16 9ED

(Delegated)

3. 17/500633/TREES

DESCRIPTION

Appeal against an enforcement notice.

The requirements of the notice are (i) Cessation of parking of vehicles in the approximate area crosshatched within the red line on the plan attached to the enforcement notice. (ii) Remove hard surfacing in the area crosshatched within the red line on the plan attached to the enforcement notice, to be broken up and return land to its previous condition by ripping the ground in two directions, re-spreading topsoil over that land to a depth of 150mm (or more where necessary) to fill in any depression and grading, within the approximate hatched area within the red line on the plan attached to the enforcement notice. (iii) Removal from the land resultant materials from complying with step (ii).

APPEAL: Allowed, enforcement notice quashed.

Unit 3, Lordswood Industrial Estate
Gleamingwood Drive
Lordswood
Kent

4. 20/501972/FULL

DESCRIPTION

Demolition of existing 1no. garage/canopy and 1no. garage/store. Erection of 1no. four bedroom chalet bungalow with garage and associated access/parking.

APPEAL: Allowed, permission granted.

Land At 3
Hockers Lane
Detling
Kent
ME14 3JP

(Delegated)
