

## REPORT SUMMARY

<b>REFERENCE NO - 21/503150/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing buildings and erection of 3no. houses with associated amenity space, landscaping and access.		
<b>ADDRESS</b> The Old Forge Chartway Street East Sutton Maidstone Kent ME17 3DW		
<b>RECOMMENDATION : REFUSE</b> for the reasons set out in Section 8.0		
<b>SUMMARY OF REASONS FOR REFUSAL</b> The principle of this development proposal is unacceptable due to its unsustainable location and in relation to the council record of housing delivery and the 5 year land supply there is no requirement for new housing in unsustainable locations and there has not been demonstrated that there would be any overriding environmental improvement to warrant the redevelopment of the site and further encroachment into open fields.  The new dwellings would introduce inappropriate development into the area with a substantial increase in residential built forms on the open field behind the commercial building. The development would be visible from the wider vantage point created at the junction with Chartway Street due to the removal of the commercial property and would also be visible on public right of way KH531.  The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site. For these reasons, the application should be refused.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> East Sutton and Broomfield and Kingswood Parish Council have recommended the application for refusal and although the recommendation is not contrary to their recommendation both Parish Councils have requested the application be considered at Planning Committee irrespective of the recommendation.		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> East Sutton	<b>APPLICANT</b> Kent Forklifts Ltd <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 25/08/21 (EOT agreed until 1/4/22)	<b>PUBLICITY EXPIRY DATE</b> 01/11/21	<b>OFFICER SITE VISIT DATE</b> 7/7/21
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		
16/500037/FULL : Demolition of existing buildings and erection of 6 No dwellinghouses, amenity space, landscaping and access.  Refused 16.06.2016 for the following reasons: 1. Unsustainable form of housing development in the countryside 2. The size, design, siting and suburban and inward-looking layout, would materially depart from the more spacious and widely separated character of nearby development, out of character with this rural location as a consequence. In addition it is an unacceptable consolidation of existing sporadic development in the locality and an encroachment into adjoining open countryside.		
18/500265/FULL : Demolition of existing buildings and erection of 7no. dwellings with		

associated amenity space, landscaping and access.

Refused 31.05.2018 for the following reasons:

1. Unsustainable form of housing development in the countryside.
2. The size, design, siting and suburban and inward-looking layout, would materially depart from the more spacious and widely separated character of nearby development, out of character with this rural location as a consequence. In addition it is an unacceptable consolidation of existing sporadic development in the locality and an encroachment into adjoining open countryside
3. The close proximity of plot 5 with plot 4 would result in an awkward and overbearing relationship detrimental to the amenities of future occupiers
4. The application has failed to demonstrate (including the absence of adequate detail with regard to visibility splays) that the development will not result in harm to highway safety and that the proposal will provide an adequate standard of access
5. The application has failed to demonstrate (including the absence of adequate detail with regard to acoustic mitigation that the development will provide an adequate standard of residential accommodation.

18/504803/FULL : Demolition of existing buildings and erection of 7no. dwellings with associated amenity space, landscaping and access.

Refused 8/4/2019 for the following reasons :

1. Unsustainable form of housing development in the countryside
2. The size, design, siting and suburban and inward-looking layout, would materially depart from the more spacious and widely separated character of nearby development, out of character with this rural location as a consequence. In addition it is an unacceptable consolidation of existing sporadic development in the locality and an encroachment into adjoining open countryside
3. The close proximity of plot 5 with plot 4 would result in an awkward and overbearing relationship detrimental to the amenities of future occupiers
4. The application has failed to demonstrate (including the absence of adequate detail with regard to visibility splays) that the development will not result in harm to highway safety and that the proposal will provide an adequate standard of access

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The site is in the countryside, outside the urban area of Maidstone, outside the local plan designated Rural Service Centres and the Larger Villages. The site is not subject to any specific landscape designation.
- 1.02 The application site can be divided into 2 clearly distinct areas. The front part of the site comprises a workshop building that extends just over 40 metres back from the road frontage. This building is currently occupied by a food distribution company which I believe employs 2 people. Previously the commercial units on the site have been occupied by a horticultural bulb sales company. The site is accessed off Chartway Street to the west of this building where associated parking and turning areas are also located.

- 1.03 The second much larger area to the south and rear of the site comprises an open field (agricultural land classification of Grade 2) that is enclosed on its east and southern boundaries by hedgerows. This land is currently vacant.
- 1.04 The application site is located on the south side of Chartway Street just over 220 metres from the junction with Charlton Lane to the west, and over 150 metres from the junction with Morry Lane to the east. To the west of the application site is Old Forge House. The substantial buildings and open storage area that form part of the agricultural distribution operations at Street Farm abut and wrap around the western site boundary. To the east of the site are a pair of detached cottages known as 1 and 2 Manor Farm Cottages.

## **2.0 PROPOSAL**

- 2.01 The proposal is for the demolition of existing buildings and erection of 3no. houses with associated amenity space, landscaping and access.
- 2.02 The existing buildings are single storey and are principally situated in the northern part of the site along the eastern and western boundaries. Those to the west of the site are more 'ramshackled' and informal in appearance, with the larger building along the eastern boundary having a pitched roof and a brick built and corrugated roof finish. These buildings would be demolished in favour of the proposed development.
- 2.03 The proposal would result in the development of a T-shaped part of the wider application site, which would result in the provision of 3 detached dwellings and associated curtilages, a detached car barn/store, vehicular access, turning and parking area.
- 2.04 Plot 1 would front Chartway Street and infill between existing linear development along this part of Chartway Street. It would be 2-storeys and have a width of approximately 9m, maximum depth of 9.8m, with an eaves height of 5.2m and a ridge height of 9.2m
- Plot 1 would have an associated car barn which would be detached from the dwelling and its curtilage. This would have a maximum width of 9m, a depth of 7.5m, with a steeply pitched roof with varying pitches, with an overall height of approximately 6.2m.
- 2.05 Plot 2 would be situated to the south/rear of 1 & 2 Manor Farm Cottages. It would be orientated east to west, with an approximate width of 13m, depth of 12.5m. It would have varying roof forms with an eaves height of 5.2m and a ridge height of 10.9m. It would be 4 bedroomed with an integral garage.
- 2.06 Plot 3 would be situated along the western boundary with Old Forge House, this would be orientated principally north to south, with other secondary openings east to west. The dwelling would be L-shaped with a maximum width of approximately 13.7m, depth of 20.5m. Roof pitches would be varied with some cat-slides and first floor accommodation served by dormers. The maximum eaves height would be 5m and a maximum ridge height of 10m.
- 2.07 The plan below indicates the proposed layout :



### 3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: SS1, SP17, SP21, DM1, DM2, DM4, DM5, DM12, DM23 and DM30  
Supplementary Planning Documents: Maidstone Landscape Character Guidance 2012

### 4.0 LOCAL REPRESENTATIONS

9 letters of representation were received from 5 households following the initial consultation and 2 further letters on representation were received from a single household following the submission of additional information (a target re-consultation was carried out solely to the Ecology and Highways Officer on the additional information submitted)

In summary the following matters were raised :

- Site has been seeking consent for residential redevelopment since the 1980s
- Start of future development on the site, precedent for further units
- Highways implications
- Loss of property value
- Unsustainable location (reliance on private car)
- Out of character proposed materials (use of white weatherboarding)
- Lack of services and infrastructure
- Current use contributes to the local economy
- Loss of outlook
- Out of date ecological information/impact on ecology
- Overlooking/loss of privacy
- Works proposed on land outside ownership of applicant (works to wall)
- Transport assessment not reflective of current use
- No suitable fence to be provided along the western boundary.

### 5.0 CONSULTATIONS

5.01 Broomfield and Kingswood Parish Council : After consideration Councillors have not changed their decision and still object to this application as per previous applications.

Comments on 18/504803/FULL

Councillors wish to see this application **REFUSED** and require the application to go before the planning committee.

The previous application 18/500265/FULL was refused by Councillors for the following reasons: The development is outside settlement boundaries and encroaches into adjoining open countryside, there is a potential harm to the character and appearance of the area most especially due to its proximity to the Greensand Ridge. Contrary to Policy SP17, Local Plan 2017.

The proposal must be considered unsustainable as it would rely solely on car use for access to services.

The development proposal is close to a particularly hazardous blind bend in Chartway Street where vehicles and oversized agricultural vehicles particularly, emerge from the bend in the middle of the road at the point of site access. This part of the road has a national speed limit of 60mph.

Councillors felt that this is a resubmission of the previous application with no changes and the above reasons for refusing the application are therefore still valid. In addition whilst the Forge Works itself is on brown field land, the land behind the Forge Works is agricultural land. Chartway Street is also a street of linear development which this development would not be.

#### 5.02 East Sutton Parish Council

1. The site is unsustainable for housing on account of lack of safe public footpaths from the site to the villages of Kingswood and Sutton Valence. The frequency of the bus service along Chartway St would mean future residents being totally reliant on cars.
2. The parish considers that the site proposes housing on agricultural land which is undesirable.
3. The site occupies a prominent position on the greensand ridge which would be detrimental to the amenity value of this local feature.
4. The site would see the loss of employment in the parish. The site is currently in use as a distribution depot for imported foods.
5. The visibility splay is not achievable. The wall to the west which is shown to be lowered is not in the ownership of the site .
6. The details of the layout do not provide for boundary maintenance with existing properties.

In summary, East Sutton Parish council wish to see the application refused. The Parish council is prepared to go to committee to support this view.

5.03 KCC Archaeological Officer : The site of the proposed development lies adjacent to a “smithy” identifiable on the 1<sup>st</sup> Ed OS map. Remains associated with post medieval activity may survive on the site and I recommend a condition should the application be approved.

5.04 Environment Agency : The industrial/commercial use of these buildings/land pose a high risk of contamination which could impact on the proposed development or cause it to impact on the environment. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should be carried out prior to the development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.

Further detailed information will however be required before built development is undertaken.

Details could be conditioned should the application be approved.

5.05 KCC Biodiversity Officer :

The same ecological survey was submitted for this application and planning applications 16/500037 and 18/500265/FULL. As the survey is now 6 years old we have concerns that the survey data is no longer valid.

Current photos of the site have been provided and they highlight that there are areas of the site which have been left unmanaged (the grassland is no longer mown short and there are areas of scrub next to the buildings) and therefore the potential for protected/notable species can not be ruled out.

As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines - the PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the PEA report, OR, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought as part of the planning application. This is in accordance with paragraph 99 of ODPM 06/2005 which states: *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*. An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

One of the principles of the National Planning Policy Framework is that *“opportunities to improve biodiversity in and around developments should be integrated as part of their design”*. The site plan has confirmed that native species fencing will be planted within the site but in addition to that we recommend that ecological enhancement features (over and above any mitigation required) are incorporated into the site and hedgehog highways are incorporated into any close board fencing.

5.06 KCC Highways (following re-consultations after additional information was submitted):

As requested in this authority’s initial consultation response the applicant has completed a net impact assessment, to determine the anticipated change in traffic movements because of the development.

To forecast the amount of traffic that could be generated by the sites extant (*lawful*) and proposed use, the applicant has used trip generation forecasts from a previous planning application associated with the site Maidstone Borough Council (*MBC*) reference: 16/500037/FULL. This is acceptable given how these forecasts were

considered a suitable basis for assessment by Kent County Council (KCC) Highways in the previous application.

Importantly, the results of this assessment confirm that the proposed development will generate less traffic than the site's extant use. Consequently, it is not considered that the impact of development could be considered as 'severe,' in capacity or safety terms, given the anticipated net reduction in traffic movements.

Confirmation that the eastern footway will be provided with a flush kerb, thereby allowing a consistent carriageway width of 4.8 meters, inclusive of overunable areas, has been provided.

This arrangement is considered acceptable in this instance given the non-strategic and relatively lightly trafficked nature of the C83, Chartway Street.

Detailed personal injury collision analysis for the most recently available 3-year period has also been undertaken by the applicant. This analysis confirms that during the period in question 2 collisions have been recorded, one of these was serious in severity. Both these collisions occurred east of the existing site access. However, neither of the collisions are associated with the existing access; it is therefore not considered that the development will exacerbate any existing highway safety issues.

Finally, amendments have also been made to the site layout to achieve full compliance with IGN3 thereby addressing this authority's previous comments.

No objection raised subject to a number of conditions.

## **6.0 APPRAISAL**

- 6.01 The key issues for consideration relate to:
- Principle and sustainability
  - Impact on the character of the surrounding countryside
  - Design and layout of the proposed properties.
  - Impact on outlook and amenity of properties overlooking and abutting the site
  - Trees and landscape
  - Ecology
  - Archaeology
  - Highways and parking considerations.

### **Principle and sustainability**

- 6.02 Adopted Local Plan policy SS1 relates to the provision of the Borough's housing supply. It demonstrates that local housing targets can be met by using land within the existing settlements and on sites with the least constraints on the edge of settlements. It describes the most sustainable locations for the provision for new housing in a sustainability hierarchy with the urban area of Maidstone at the top of this hierarchy followed by the Rural Service Centres as the secondary focus. Larger villages are the third and final location as they may provide a limited supply of housing providing it is proportional to the scale and role of the villages. This application, does not meet these siting preferences and as such, the proposal represents unsustainable development in the countryside.
- 6.03 The council can demonstrate a future five year housing land supply in sustainable locations in order to meet the housing land supply.

- 6.04 The applicant argues that the application site is located within close proximity to Kingswood, which has a number of amenities for the future occupiers. It is highlighted by officers that the village is some 700 metres from the application site. Given this distance and the unsatisfactory access by way of narrow, unlit country roads without pavements it is highly unlikely residents of the proposed development would walk or cycle to Kingswood. In addition, it should be noted that Kingswood village does not have the level of facilities to be included in the sustainability hierarchy set out as part of adopted policy SS1.
- 6.05 The application site is not accessible to the designated rural service centres or larger villages due to inadequate facilities for pedestrians and inadequate public transport. In conclusion, future residents would be reliant on the private car for 'day to day' basic needs. Policy SS1 sets out that development should be located in sustainable locations, and this proposal does not comply with this requirement.
- 6.06 Policy DM5 relates to development on brownfield land. The policy states that where a site is not of high environmental value and where residential density is acceptable redevelopment of brownfield sites will be permitted in certain circumstances. These circumstances include where the proposal would result in significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.' To assist in the interpretation of policy DM5, the supporting text in the Local Plan (paragraph 6.37) sets out six 'key' considerations to be used in assessing the redevelopment of brownfield sites in the countryside. These considerations are as follows:
- The level of harm to the character and appearance of an area.
  - The impact of proposals on the landscape and environment.
  - Any positive impacts on residential amenity.
  - What sustainable travel modes are available or could reasonably be provided.
  - What traffic the present or past use has generated; and
  - The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.
- 6.07 The site is located 2 km from Sutton Valence (a larger village), 4 km from Harrietsham (a Rural service Centre) and 5km from Headcorn (a Rural Service centre). As set out above the application site is not in a sustainable location and with the distances involved the site cannot be made accessible to Maidstone urban area, a rural service centre or larger village. With no significant environmental improvement and the location of the site the proposal is contrary to adopted policy DM5.
- 6.08 In conclusion, the development proposal would be in an unsustainable location and would be contrary to policies SS1, and DM5 of the Maidstone Local Plan and the provisions of the NPPF.

#### **Loss of commercial floorspace**

- 6.09 Local Plan policy SP21 states that the council will prioritise the commercial re-use of existing rural buildings in the countryside over conversion to residential use in accordance with policy DM31. Whilst the proposed development would result in the demolition of a building providing 496 square metres of B8 (storage and distribution) commercial floorspace, policy SP21 considers the 'conversion' of commercial buildings and as a result this policy is not considered relevant.

#### **Impact on the character of the countryside**

- 6.10 Policy SP17 defines the countryside as ‘...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policy map.’ Development proposals in the countryside will not be permitted if they result in harm to the character and appearance of the area. Policy DM30 states that in the countryside proposals will be permitted which would create high quality design, and where the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.
- 6.11 The loss of the existing building, although not problematic in itself would open up views from Chartway street resulting in the site becoming more visible and increasing the impact of the proposed development on the character of the surrounding area. The development would be visible through the site and longer views may be gained further along the road at the junction with Morry Lane. The site would also be viewed from long vantage points on public right of way KH531.
- 6.12 As the rear of the site is currently undeveloped land in the countryside, the introduction of new dwellings in this location is inappropriate development. The siting of this development proposal, in conjunction with the number, height, bulk and massing of the two storey dwellings mainly to the rear of the site, and with large carports further adding to the building mass, would result in an urbanising effect that would be detrimental to the openness and rural character of the area. The proposed development is out of character with the locality and would have an adverse impact on the countryside contrary to policies SP17 and DM30.
- 6.13 Although it is noted that the quantum of dwellings proposed has been reduced since the earlier refusal and as highlighted above the encroachment into greenfield land would be less, this encroachment would be a sporadic form of urbanisation into a linear form of residential development along the immediate part of the Chartway Street. The two dwellings proposed to the rear of the site would be large, detached dwellings and the need for a large turning area, driveway and car ports all further adds to the urbanisation of what is currently an undeveloped field to the rear of the low-level modest commercial building.

#### **Design and layout of the proposed properties**

- 6.14 The proposed development would comprise 3 large detached dwellings. The designs would provide a good general layout and good access into and through the site. The properties will be provided with an adequate area of private rear garden.
- 6.15 The layout shows an informal inward looking cul de sac which is considered to meet the Councils normal block spacing, privacy and amenity space standards. While the layout is acceptable in its own right, the resultant suburban appearance and layout differs substantially from the sporadic character of nearby development and the linear form of dwellings along this part of Chartway Street. The development would appear incongruous and out of character in this rural location as a consequence.

#### **Standard of proposed accommodation**

- 6.16 Policy DM1 supports development which provides adequate residential amenities for future occupiers of the development including in relation to excessive noise, activity or vehicular movements, overlooking or visual intrusion.
- 6.17 The most recent refusal including a reason for refusal which read :

*The application fails to demonstrate that the development would provide an adequate standard of residential accommodation for future occupiers in relation to outlook, privacy and including potential noise nuisance from nearby commercial uses and associated traffic contrary to policy DM1 (Principles of good design) of the Maidstone Borough Local Plan 2017 and the NPPF.*

- 6.18 The site is close to a busy road and adjacent to what appears to be a working farm operating HGV deliveries in the yard relating to the distribution of goods. Environmental Services have previously commented that despite these potential sources of nuisance no assessment of noise from the yard or the road has been submitted with the application. This current application contains no further information in this respect and has not sought to overcome this earlier reason for refusal. The absence of this noise assessment still remains a cause for concern as the application has failed to demonstrate that the proposed residential accommodation will provide an adequate standard of accommodation for future occupiers.
- 6.19 However the number of units has been reduced and the units would not extend as rearwards into the site as previously and it is considered that there would be mitigation measures that could overcome the harm and although it would be beneficial to have the information in advance, on balance should the application be acceptable in all other respects there are likely to be methods in construction (such as triple glazed windows or mechanical extraction) which would overcome the noise of the neighbouring working farm. These could be dealt with by condition requesting a noise report and mitigation measures.
- 6.20 The relationship of the dwellings to each other now overcomes previous concerns regarding the future amenity of the dwellings. This is due to the reduction in numbers and the proposed layout.
- 6.21 The application is accompanied by the same Environmental reports previously provided. Environmental Services have previously commented that due to the previous commercial use of the site there is potential for land contamination to have occurred. In the event that the application is acceptable in all other aspects, a contamination condition should be added.

#### **Impact on neighbours outlook and amenity**

- 6.22 Policy DM1 supports development which respects the amenities of occupiers of neighbouring properties by ensuring that development does not result in overlooking or visual intrusion.
- 6.22.1 Nos 1 and 2 Manor Farm Cottages are located to the northeast of the application site. Plot 2 would be to the south of those properties and Plot 1 to the east. There is considered to be sufficient separation between the properties such that no significant harm would result to neighbouring residential amenity by reason of being overbearing, causing loss of light or outlook, being overshadowing or causing a loss of privacy and overlooking.
- 6.24 The Old Forge House is to the west of the application site and it is Plot 3 that would likely to give rise to the greater impact. However although there are proposed openings facing towards the rear garden of The Old Forge House, these all serve

bathrooms/en-suites or are secondary windows and therefore all windows in the facing elevation could be obscure glazed should the application be considered acceptable in all other respects. There is a degree of separation from the neighbouring boundary and it is not considered this or the other proposed dwellings would give significant rise to harm to neighbouring amenity.

### **Trees and landscape**

- 6.25 The proposed layout is considered acceptable from an arboricultural perspective. An informative should be added to any recommendation for approval that a High Hedge remedial order is in place on the northern boundary of the site.
- 6.26 The indicative landscape shown on the site layout plan is considered reasonable in terms of its use of native species, and the introduction of orchard planting is welcomed. In the event that approval is given more detailed landscape plans together with suitable long-term management proposals should be submitted by way of conditions.

### **Biodiversity**

- 6.27 The same ecological survey was submitted for this application and planning applications 16/500037 and 18/500265/FULL. As the survey is now 6 years old we have concerns that the survey data is no longer valid.
- 6.28 Current photos of the site have been provided and they highlight that there are areas of the site which have been left unmanaged (the grassland is no longer mown short and there are areas of scrub next to the buildings) and therefore the potential for protected/notable species can not be ruled out.
- 6.29 As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines - the PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.
- 6.30 In the absence of this up-to-date information the application cannot be adequately assessed in terms of the impact on protected species.

### **Archaeology**

- 6.31 The site is located within an area of archaeological potential and is adjacent to a smithy which was present in both the 19th and 20th centuries. Should the application be approved a watching brief condition should be attached.

### **Highways**

- 6.32 The most recent refusal included the following ground :

*The application has failed to demonstrate (including the absence of adequate information on visibility splays and traffic generation) that the development will not result in harm to highway safety and that the proposal will provide an adequate standard of access contrary policy DM1 of the Maidstone Borough Local Plan 2017 and the NPPF.*

- 6.33 The agent was given the opportunity to provide further information in this respect during the course of the application following Kent Highways raising the same issues. This information was provided and Kent Highways are satisfied that no harm would result subject to conditions.

### **Other Matters**

- 6.34 The agent has given two examples of what he considers to be two similar sites, both of which were allowed on appeal.
- 6.35 Wind Chimes, Chartway Street referenced 15/507493/OUT (outline planning for 9 houses) was allowed on appeal on 9th December 2016, as a five year land supply could not be demonstrated at the time of the appeal hearing. The Inspector also found that the site was reasonably accessible to Sutton Valence on foot and with bus services to Maidstone.
- 6.36 The Oaks, Maidstone Road, referenced 14/0830 (for the construction of 10 houses) was allowed on appeal on 13th April 2015, as the Inspector found that the site was reasonably accessible to Sutton Valence on foot and with bus services to Maidstone.
- 6.37 Both of the sites in question are within close proximity to a pavement, as well as being closer to Maidstone Urban Area. In addition, the Council can now demonstrate a five year land supply. Finally, the adopted Maidstone Local Plan and revised NPPF both encourage sustainable development with an emphasis on good design that responds positively to its local, natural setting and, where possible, enhances the character of the area. For these reasons, the two examples that have been given are not considered relevant to this current application.
- 6.38 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 principle of this development proposal is unacceptable due to its unsustainable location and in relation to the council record of housing delivery and the 5 year land supply there is no requirement for new housing in unsustainable locations and there has not been demonstrated that there would be any overriding environmental improvement to warrant the redevelopment of the site and further encroachment into open fields.
- 7.02 The new dwellings would introduce inappropriate development into the area with a substantial increase in residential built forms on the open field behind the commercial building. The development would be visible from the wider vantage point created at the junction with Chartway Street due to the removal of the commercial property and would also be visible on public right of way KH531.
- 7.03 The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site. For these reasons, the application should be refused.

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

- (1) The proposal would result in the creation of an unsustainable form of housing development in the countryside with future occupiers reliant on private vehicle use to gain access to basic services and, as such, would be contrary to policies SS1 (Spatial strategy), SP17 (Countryside) and DM5 (Development on brownfield land) of the Maidstone Borough Local Plan 2017 and the NPPF.
- (2) The proposed development by reason of the size, design and siting of houses and substantial encroachment into adjoining open countryside will result in an unacceptable consolidation of existing sporadic development in the locality with the development appearing as incongruous and detrimental to the rural character and landscape quality of the area contrary to policies SP17 (Countryside), DM1 (Principles of good design), and DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017 and the NPPF.
- (3) The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site contrary to Policy DM1 (Principles of good design of the Maidstone Borough Local Plan 2017 and the NPPF.

**INFORMATIVES**

- (1) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.maidstone.gov.uk/CIL](http://www.maidstone.gov.uk/CIL)

Case Officer: Rachael Elliott

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