

REPORT SUMMARY

REFERENCE NO: - 23/502511/FULL		
APPLICATION PROPOSAL: Erection of vehicle workshop, training hub and drop-in centre for military veterans, and creation of new vehicle access (resubmission of 21/502548/FULL - dismissed at appeal under APP/U2235/W/21/3287610).		
ADDRESS: Field adjacent to Dancing Green Lenham Road Headcorn TN27 9LG		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION: The application fails to demonstrate the proposed development of a new building with associated parking and access for light industrial use (restoration garage) is justified and compatible in this countryside location contrary to policy SS1, SP17, DM30 and DM37 of the Maidstone Borough Local Plan (2017) The proposed development, by virtue of its scale, design, and siting, would result in an isolated development and overly dominant building in the rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Low Weald Landscapes of Local Value hereabouts. The proposal would therefore be contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021). The proposed new access by virtue of its prominent location, and requirement to puncture a substantial gap in the existing hedgerow along the frontage of Lenham Road (to make way for the vehicle access) and opening up the view with the introduction of further hardstanding area in the new public views into the site, represents development overly urban in appearance that would cause unacceptable visual harm to the rural character and appearance of the countryside and the Low Weald Landscapes of Local Value. As such, the development is contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (NPPF 2021). The submission in the absence of an Acoustic Report fails to demonstrate the acoustic environment around nearby houses would be within acceptable tolerances and the development would not have an adverse effect on the residential amenity of occupiers of these houses. It would fail to comply with policy DM1 of the Maidstone Borough Local Plan and the core principles set out in paragraph 130 of the NPPF (2021) requiring development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. As stated throughout the process, it is highlighted that there is strong common ground between officers and the applicant on the principles behind the project. Officers continue to be strongly supportive of the project aims but consider that for the reasons identified in this report that this is the wrong site for this building and this use.		
REASON FOR REFERRAL TO COMMITTEE: Cllr. Martin Round has requested the application is determined by the Planning Committee.		
WARD: Headcorn	PARISH COUNCIL: Headcorn	APPLICANT: HX Motors
CASE OFFICER: Francis Amekor	VALIDATION DATE: 06/07/23	DECISION DUE DATE: 25/09/23
ADVERTISED AS A DEPARTURE: Yes		

Relevant planning history

21/502548/FULL Erection of a restoration garage and creation of new vehicle access Refused 22.07.2021 for the following reasons:

The application fails to demonstrate the proposed development of a new building with associated parking and access for light industrial use (restoration garage) is justified and compatible in this countryside location contrary to policy SS1, SP17, DM30 and DM37 of the Maidstone Borough Local Plan (2017)

The proposed development, by virtue of its scale, design, and siting, would result in an isolated development and overly dominant building in the rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Low Weald Landscapes of Local Value hereabouts. The proposal would therefore be contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).

The proposed new access by virtue of its prominent location, and requirement to puncture a substantial gap in the existing hedgerow along the frontage of Lenham Road (to make way for the vehicle access) and opening up the view with the introduction of further hardstanding area in the new public views into the site, represents development overly urban in appearance that would cause unacceptable visual harm to the rural character and appearance of the countryside and the Low Weald Landscapes of Local Value. As such, the development is contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (NPPF 2021).

The submission, in the absence of any surveys has failed to demonstrate that protected species would not be adversely impacted as a result of the proposed development and following on from the conclusions of surveys the proposal is unable to demonstrate a net biodiversity gain. This would be contrary to the aims of policies DM1 and DM3 of the Maidstone Local Plan (2017); Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System; Natural England Standing Advice; and the aims of the National Planning Policy Framework (2021).

Appeal history

Appeal dismissed 21.09.2022. The main conclusions of the Inspector are as follows.

- application building is visually separated from Dancing Green and Newcombe Farm accentuating its visual impact.
- Such a large structure would intrude into the largely undeveloped surroundings in a significant way and would detract markedly from the intrinsic character of the countryside.
- Entrance through the existing hedge would open up views from along Lenham Road.
- Design, mass and scale would not maintain local distinctiveness or respond positively to the local character of the area contrary to policies DM1 and DM30.
- Would result in harm to character and appearance of the area contrary to Policy SP17.
- Would not protect the rural character of the Borough contrary to spatial strategy, Policy SS1.

NB: Following the dismissed appeal, the applicant was provided with detailed planning advice at a meeting with planning officers and Cllr Lottie Parfitt-Reid (Cabinet Member for Housing and Health:) in January 2023. The appeal decision and advice letter following this meeting is provided as an appendix to this report.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is 1.9 miles to the northeast of Headcorn Railway Station, the site is in the countryside and within the designated Low Weald Landscape of Local Value.
- 1.02 The Maidstone Landscape Character Assessment identifies the area as falling within Southern Mixed Pasturelands landscape character area (area 10) with a guidance to conserve and strengthen. The site is also identified as falling within Headcorn Pasturelands (area 13) on the Borough Wide Character Area, which is of high sensitivity and in good condition, with guidance to conserve.
- 1.03 The application site is a roughly rectangular shaped, open field located on the northwest side of Lenham Road. The site measures approximately 38 metres in width and 60 metres in depth, with sections of its boundaries defined by trees and well-established hedgerows. Ground levels within the site are relatively flat and the wider landscape has a relatively flat to slightly undulating topography. Views into the site from Lenham Road are currently screened to a large extent by matured boundary vegetation.
- 1.04 The surrounding area is characterised by a patchwork of predominantly open fields. There are sporadic developments along this part of Lenham Road, including some farmsteads and Gypsy Traveller sites.
- 1.05 Within the immediate vicinity of the application site is the equestrian facilities at Fiddlers Green Stud approved in July 2020 under reference number:19/504099/FULL. This approval includes a large indoor school building measuring 22 metres wide, 73 metres long with a ridge height of 8 metres. This development includes a stable block comprising of 13 stables a detention basin and a canter track. Beyond this development is the Gypsy Traveller site known as 'Land to the rear of The Meadows'.

2. PROPOSAL

- 2.01 The application is a resubmission of the previous application under reference number 21/502548/FULL for the erection of a restoration garage and creation of new vehicle access. This application was refused on 22.07.2021 and a subsequent appeal dismissed. The reasons for refusal are provided in the planning history section of this report.
- 2.02 The current application is the same as the previously refused scheme, in terms of its layout, scale, height and design and the proposed uses. The application description has been updated to list all the proposed uses (vehicle workshop, training hub and drop-in centre for military veterans). The appeal decision letter uses the same description as the current application.
- 2.03 The proposed building would be approximately 20 metres in width and 40 metres in depth, rising approximately 6 metres above ground level to the highest part of the pitched roof, with eaves at 3.5 metres. The dimensions of the building are the same as that in the previously refused scheme. The applicant has set out that the building has to be this size due to the need to accommodate wheelchair users and amputees with prosthetic limbs safely and efficiently in a workshop environment.
- 2.04 The Design and Access Statement indicates that the proposed building would accommodate an existing relocated vehicle restoration business that maintains tractors, farming equipment and Land Rovers. The business is having to vacate existing premises following a request from the landlord.

- 2.05 The objective of the business is to provide training in mechanical skills to veterans to provide future employment opportunities as well as boosting self-esteem. It is also indicated that Veterans and military leavers would be trained to NVQ standard under the auspices of Mid Kent College.
- 2.06 As in the previously refused application, and as highlighted by the appeals inspector the submitted layout plans show most of the internal space would be given over to the workshop use and related business activity. Only one unmarked room on the ground floor is potentially available to provide related services to veterans.
- 2.07 The internal space shown on the informal Computer Generated Images (CGI) submitted by the applicant to show services for veterans, do not correspond with any of the formal submitted floor plans that the Council would approve. There is no information available on where these services will be provided in the building.
- 2.08 Activities designated on the submitted ground floor plan includes a workshop, paint bay, preparation bay, staff rest area, office, wc facilities and a reception area. The first floor would have a storage and wating area.
- 2.09 Externally, the building would have three large openings and a pedestrian access point on the south west facing elevation on the ground floor. An additional entrance is provided on the ground floor of the south east facing elevation, including a first floor entrance doorway accessed via a metal staircase. A total of 12 roof light openings are incorporated in the north east and south west facing roof slope.
- 2.10 The submitted site layout plan indicates retention of majority of the mature boundary hedge along the southern boundary. The south western boundary would be enclosed by a 1.2 metre post and fence with firs and willows hedging. The northern and the north eastern site boundaries would be enclose by a 1.2 metre post and rail fence. The proposed scheme includes provision of a bin store, oil waste tan and septic tank on the premises.



Proposed Site Plan for current application Ref:23/502511/FULL (no change from the application that was refused under reference 21/502548/FULL and dismissed at appeal)

- 2.11 A total of 13 car parking spaces and 2 mobility impaired spaces are provided on the paved area in front of the building for staff and customers. A new vehicle access point comprising of reinforced concrete crossover would be formed from Lenham

Road. This would require removal of the section of the matured boundary hedge along Lenham Road.

3. POLICY AND OTHER CONSIDERATIONS

Development Plan: Maidstone Local Plan 2017:

- Policy SS1 – Maidstone Borough Spatial Strategy
- Policy SP17 – Countryside
- Policy SP21 – Economic Development
- Policy DM1 – Principles of good design
- Policy DM3 – Natural environment
- Policy DM2 – Sustainable design
- Policy DM8 – External lighting
- Policy DM23 – Parking standards
- Policy DM30 – Design principles in the countryside



Proposed elevations for current application under ref: 23/502511/FULL (no change from application refused under reference 21/502548/FULL and dismissed at appeal)

Emerging Draft Policy: Maidstone Draft Local Plan:

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 2 hearings concluded on the 9 June 2023).

- Policy LPRSS1– Maidstone Borough Spatial Strategy
- Policy LPRSP9 – Development in the Countryside
- Policy LPRSP15 – Principles of Good Design
- Policy LPRQ & D4 – Design principles in the Countryside
- Policy LPRTRA4 – Parking

The National Planning Policy Framework -NPPF (2021)

Section 2 – Achieving Sustainable Development
Section 4 – Decision Making
Section 6 – Building a strong, competitive economy
Section 12 – Achieving well Designed Places

Supplementary Planning Document

Maidstone Landscape Character Assessment

4. LOCAL REPRESENTATIONS

Local Residents:

28 representations were received in support of the application stating the following summarised reasons.

- The scheme is in keeping with other structures recently built in the area.
- The proposals would support veterans who suffer from PTSD.
- The scheme would provide a safe and happy place for ex service personnel
- The scheme would provide a central hub, run by Vets and Charities for vets.
- The development would not have an adverse effect on countryside amenities.
- The building will be in a traditional style, with wood-cladding, to give the appearance of an old barn.

1 representation was received objecting to the proposal on the following grounds:

- Increased vehicle movements associated with the development would cause highways safety issues.
- The proposals would increase noise levels and pollution in the local area.
- The proposals would have an adverse effect on property values.

Issues relating property values are not material planning considerations that can be assessed in determining this application.

Headcorn Parish Council

First response after a committee vote the majority wish to see this refused, as it is on a green field site (albeit one that isn't used), is rather large and will possibly add to traffic on this road. Referral to committee is required.

Second response 'We received a very mixed deciding vote with several abstentions and as a council we do not feel this result is fair to the Applicants and that ultimately the decision should be made by MBC Council in this case. We do however acknowledge that the ultimate good this will do for its target demographic (Veterans) would be inestimable.

Cllr Martin Round

Requested that the application is determined by the Planning Committee. (No planning reasons provided)

Cllr. Lottie Parfitt-Reid, Cabinet Member for Housing and Health

Commented stating that 'Looking at the scale of the vast riding school next door, it's hard to see how a commercial building of that scale could be granted and not the veteran's hub which will provide much needed veterans support not just in our borough but across the county.

(Officer comment: The Council's adopted Local Plan has a planning policy (DM41) specifically drafted for the assessment of equestrian development on land in Maidstone borough. Policy DM41 recognises the locational need for equestrian uses to be in countryside locations. In terms of the current proposed uses, relevant

adopted Local Plan policies direct these uses to existing settlements (policy SS1) or the Economic Development Areas (SP21) designated by the Local Plan where accessibility for future users of the facility will be maximised).

5. CONSULTATIONS

KCC Highways

No objection subject to a Construction Management Plan condition for the following reasons Visibility splays meet the Manual for Streets 2 standards, achieving in excess of 200 metres. Provision of 13 car parking spaces, including 2 mobility impaired spaces, meet the Kent Design Guide standards stated in IGN3'.

6. APPRAISAL

6.01 The key issues for consideration are:

- Countryside location and policy SP17
- Character and appearance
- Spatial strategy
- Proposed vehicle workshop, training hub and drop-in centre policy DM37.
- Residential amenity
- Highways
- Ecology

Countryside location and policy SP17

6.02 The application site is in the countryside and the starting point for the assessment of all applications in the countryside is Local Plan policy SP17.

6.03 Policy SP17 states that development proposals in the countryside will only be permitted where:

- a) there is no harm to local character and appearance, and
- b) they accord with other Local Plan policies

6.04 Policy SP17 does not specify an acceptable level of harm to local character and appearance and all proposals in the countryside are likely to result in some degree of harm. In this context all development outside the designated settlements does not accord with this part of SP17.

6.05 In certain circumstances where there is locational need for development (rural worker dwelling, agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria (the applicant highlights agricultural and equestrian buildings that also fall in this category). If development accords with one of these other Local Plan policies, this compliance is weighed against the harm caused to character and appearance with the potential for a proposal to then be found in accordance with policy SP17 overall.

6.06 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".

6.07 The following report considers:

- the degree of harm that the proposal will cause to the character and appearance of the countryside,
- whether there are other policies in the Local Plan that permit the development in this location and
- if found contrary to the plan whether there are material considerations present that would justify approval as a departure from the Local Plan.

Character and appearance

- 6.08 The application site is within the Low Weald Landscape of Local Value. Policy SS1 states that Landscapes of Local Value will be conserved and enhanced, and that protection will be given to the rural character of the borough. Policy SP17 states that the distinctive landscape character of Landscapes of Local Value will be conserved and enhanced and proposals in the countryside will not result in harm to the character and appearance of the area. At the same time, policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area.
- 6.09 The Maidstone Landscape Character Assessment identifies the area as falling within Southern Mixed Pasturelands landscape character area (area 10) with guidance to conserve and strengthen. The site is also identified as falling within Headcorn Pasturelands (area 13) on the Borough Wide Character Area which is in good condition with high sensitivity and guidance to conserve.
- 6.10 The application site is currently an open field adjacent to the road and the proposed development would introduce a large building, providing approximately 800m² of floor space. The building is approximately 6 metres above ground level to the highest part of the pitched roof. The building would be surrounded by open countryside, designated as Low Weald Landscape of Local Value.
- 6.11 Within the wider area pockets of built form, including agricultural, residential and some traveller sites, are interspersed from each other by open fields, hedges, and trees. The appeals inspector noted in the previous appeal that the building.
- '...would intrude into the largely undeveloped surroundings in a significant way and would detract markedly from the intrinsic character of the countryside'.*
- 6.12 The visibility of the proposed building would be made more apparent by virtue of the loss of hedgerow currently along the front boundary of the site. This impact would be particularly noticeable when travelling in either direction along Lenham Road. The appeals inspector pointed out in the previous appeal decision for the site
- 'the formation of the entrance through the existing hedge would open up the proposal to views from along Lenham Road, stating that 'landscaping should not be used to 'hide' a building that would otherwise be out of place in this location'.*
- 6.13 The proposed building would be a prominent feature in the landscape and would not assimilate with the countryside setting within which it would sit. The harmful visual impact would be accentuated by the increased site visibility from the loss of the hedgerow through forming the new site access.
- 6.14 Cllr Lottie Parfitt-Reid, Cabinet Member for Housing and Health and local residents contend that the proposed building is significantly smaller, compared with the indoor school building at Fiddlers Green Stud.
- 6.15 The Council's adopted Local Plan has a planning policy (DM41) specifically drafted for the assessment of equestrian development on land in Maidstone borough. Policy DM41 recognises the locational need for equestrian uses to be in countryside.
- 6.16 In terms of the current proposed uses, there is no locational need for the uses to be in this location. Adopted Local Plan policies direct these uses to existing settlements (policy SS1) or the Economic Development Areas (SP21) designated by the Local Plan where accessibility for future users of the facility will be maximised.

- 6.17 The Fiddlers Green Stud building is positioned at the rear of properties fronting Lenham Road, and whilst it may be larger in scale and height, it has a locational need to be in the countryside (DM41). The Meadows development also has a locational need to be in the countryside and the Inspector considering 'The Meadows' appeal case identified that.

'Fiddlers Green Stud is to be a centre of excellence for the training and production of high-level competition horses¹⁷. The indoor school provides the necessary buildings and infrastructure to realise this intent'.

- 6.18 The appeal Inspector for The Meadows concluded that all of the caravans at The Meadows result in harm however the appeal inspector found that some of this harm was justified given the presence of the Fiddlers Green Stud building. Whilst not present with the current application, the justification for the Fiddlers Stud and The Meadows was the presence of adopted Local Plan policy and the acceptance that these uses should be in the countryside.
- 6.19 It is acknowledged other large buildings exist in the wider area; however, most are of agricultural origin and appear to be largely screened and set back much further from the road (in contrast to the current application building, equestrian and agricultural buildings have a locational need to be in the countryside). The proposal as a result would diminish the contribution the site makes to the largely open and rural character of the area, designated as Landscape of Local Value.
- 6.20 The proposed development would result in the encroachment of built development into what is an open area of land in a rural location and would constitute an erosion of the open, rural landscape of the area. It would neither conserve or strengthen the rural landscape as advocated in The Maidstone Landscape Character Assessment and thus would have an adverse impact on the open and rural character of the countryside.
- 6.21 The proposals would conflict with policies SS1, SP17 and DM30 and the advice in the Maidstone Landscape Character Assessment, jointly targeted towards conserving the rural landscape character of the area. The proposal would result in a high degree of harm to the character and appearance of the countryside.
- 6.22 In terms of the design, mass, and scale of the development the proposal would not maintain local distinctiveness or respond positively to the local character of the area contrary to policies DM1 and DM30 of the Adopted Local Plan.

Spatial strategy

- 6.23 Policy SS1 of the Maidstone Borough Local Plan sets out the spatial strategy and the settlement hierarchy for the borough. This approach directs development to areas of the borough that have been found to be the most sustainable locations for new development. This assessment included considering access by non-motorised transport such as presence of pavements, prospect of linked trips etc.
- 6.24 The hierarchy directs development firstly to the urban area, then the designated rural service centres followed lastly to the larger villages. The supporting text to Policy SS1 explains that development should be delivered where employment, key services, and facilities together with a range of transport choices are available.
- 6.25 The application site is in the countryside and 1.9 miles to the northeast of Headcorn Railway Station. Roads linking the site to Headcorn are unlit and without pavements making access on foot or by bicycle largely impractical.
- 6.26 The applicant has said that the facility will be the only one of its kind in Kent and so the facility will have a large catchment area. The appeal Inspector noted.

"Existing centres within Kent are only open for 84 days a year in total to serve 77,000 veterans in the county. The proposed centre would be open 6 days a week all year round thereby filling a gap and significantly increasing provision for this group".

6.27 The rural nature of the site means most users of the building are likely to rely on private motor vehicles for travel to the site. This situation will generate more, and longer vehicle trips and the countryside site location will provide a constraint on the buildings future use by veterans.

6.28 The application site in the open countryside, it is not in a sustainable location and not a location where the Local Plan directs new development. In addition, uses that will generate the proposed vehicle trips are directed to sustainable locations. Accordingly, the proposal would conflict with the locational strategy of the development plan.

6.29 The appeal Inspector noted:

'...one of the purposes of the planning system is to ensure that development is located in the right place. A site outside of any town or village for a combined industrial, educational and health use would not achieve that objective. The siting of the development is driven by the fact that the appellant owns the land. Whilst understandable this [land ownership] should not be the only consideration'.

Proposed vehicle workshop, training hub and drop-in centre policy DM37.

6.30 Policy SP21 sets out the Council's strategy for supporting and improving the economy of the borough and providing for the needs of local businesses. Where scale and impact is appropriate for the countryside location policy SP21 supports expansion of 'existing' economic development premises in the countryside.

6.31 The application site is an open green field and is not occupied by any commercial buildings and as a result the proposal does not involve the expansion of an existing business (it is accepted that the applicant has a similar existing use on a different site).

6.32 As outlined earlier in this report, the scale and impact of the large, proposed building is not appropriate for the countryside location. With reference to NPPF advice (paragraph 84) the proposed building is not 'well designed'.

6.33 As the proposal does not involve the expansion of an existing business on the application site, local plan policy DM37 is not relevant. In any event the proposal would be contrary to DM37 (1, ii)) which requires new buildings to be "...small in scale... and satisfactorily integrated into the local landscape.

6.34 The supporting text to DM37 highlights the importance of carefully weighing the advantages to the rural economy against the adverse impact on the rural environment. The text advises that where significant adverse impacts would result, rural business should look to relocate to one of the Council's designated Economic Development Areas.

6.35 Given these factors, the application site does not provide a suitable location for new vehicle restoration business. The application is contrary to policies SS1, SP17 and SP21 (policy DM37 is not relevant) of the Adopted Maidstone Borough Local Plan, which seek to direct new development to accessible locations and restrict inappropriate development outside the built confines of settlements.

Residential amenity

- 6.36 Policy DM1 of the Maidstone Borough Local Plan and the core principles set out in paragraph 130 of the NPPF (2021) advise that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings'.
- 6.37 The proposed building would be positioned approximately 45 to 50 metres from nearby dwellings called 'Dancing Green' and 'Newcombe Farm'. As a result, occupiers of these dwellings are likely to be subjected to noise and disturbance from the proposed use. It is accepted that the applicant is currently one of these occupiers but highlighted that the planning system seeks to protect the amenities of the dwelling. As occupancy cannot be guaranteed long term, the protection of the dwelling carries significantly more weight than the situation with the current occupier.
- 6.38 Noise associated with the proposed use could include the starting and revving of engines, customer and staff activity within the site and noise from the workshop. In contrast to other motor vehicle repair garages in built up areas, the application site is in an exposed rural location that does not benefit from screening by adjacent buildings. As a result of this location noise and disturbance is likely to be carried a further distance.
- 6.39 In the absence of a Noise Assessment Report the submitted application has failed to demonstrate that the proposed use and resulting potential noise and disturbance will not result in a loss of residential amenity. Thus, the proposal would fail to comply with policy DM1 of the Maidstone Borough Local Plan and the core principles set out in paragraph 130 of the NPPF (2021) requiring development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings.

Highways

- 6.40 On parking provision and demand, Policy DM23 sets criteria for vehicle parking standards within the borough. The aim is to ensure that new development provides adequate off-street parking to accommodate the need generated by the development and to protect the surrounding area from inappropriate vehicle parking that could create inconvenience and danger to drivers and pedestrians.
- 6.41 The site layout plan indicates provision of 13 car parking spaces and 2 mobility impaired spaces. KCC Highways has responded stating that the level of parking provision is consistent with requirement in the Kent Design Guide, IGN3'.
- 6.42 A new access point from Lanham Road would be provided as part of the development, and this would comprise of reinforced concrete crossover. KCC Highways has responded stating that the new access to the site would have good visibility splays that are consistent with the standards recommended within Manual for Streets 2.
- 6.43 The proposal is contrary to the Council's spatial strategy in that it involves a use that will generate significant vehicle trips (including large catchment area for service users, the vulnerable nature of service users and nature of the vehicle repair use) in an unsustainable countryside location outside any settlement.
- 6.44 The likely effects on the local road network are a different consideration to the sustainability of the location. Government guidance in the NPPF (2021) advises that development proposals should only be refused on transport grounds where the residual cumulative impact is severe and cannot be mitigated by offsite

improvement to the transport network. The proposal is not of a scale that would result in a severe impact on the local road network.

- 6.45 The proposals would comply with policy DM23 and the NPPF (2021) which demand that the adverse effects of development on the wider road network is mitigated. On this basis, KCC Highways have confirmed they raise no objection to the proposals provided a condition is used requiring submission of a Construction Management Plan before the commencement of any development.

Ecology

- 6.46 The application site is a field used as paddocks and as indicated above, one of the earlier reasons for refusal related to the absence of surveys to demonstrate that protected species would not be adversely affected by the development.
- 6.47 An extended Phase I habitat survey was submitted as part of the appeal against the earlier decision to refuse permission. The survey found the site to be of limited ecological value with no evidence of the presence of protected species.
- 6.48 Recommendations are made for habitat enhancement and the need to check for the presence of nesting birds if the hedgerow is removed during the season. Whilst this survey was not resubmitted with the current application the site circumstances have not changed significantly over the intervening period to justify requesting a further survey. No objections are raised on grounds of ecology.

Other matters

- 6.49 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".
- 6.50 The proposal would provide a new building for the relocated business to continue to operate, whilst benefiting the social wellbeing of veterans and making a limited contribution to the local economy. However, in determining the previous appeal, the inspector found these benefits would not outweigh the concerns over the location of the proposal, and there are no material factors in this current proposal to disagree with these findings.
- 6.51 The submission indicates the proposed building would enable an existing vehicle restoration business to relocate to the site. It is intended to train veterans and military leavers to NVQ standard under the auspices of Mid Kent College. The objective is to provide training in mechanical skills so as to provide future employment opportunities as well as boosting self-esteem. A number of comments have been received from local residents emphasising support for military veterans, especially those suffering from post-traumatic stress disorder
- 6.52 As in the previously refused application, and as the appeals inspector pointed out the submitted layout plans show most of the internal space would be given over to the workshop use with only one unmarked room on the ground floor potentially available to provide services to veterans.
- 6.53 The internal space shown on the informal Computer Generated Images submitted by the applicant to show these services for veterans, do not correspond with any of the formal submitted floor plans that the Council would approve and there is no information available on where these services will be provided in the building

- 6.54 The first-floor areas are shown to be storage and a waiting area, and it has not been indicated where the offices of the charities including mental health consultations, CV training and computer skills could take place alongside the workshop. Additionally, as in the previous submission, this current application fails to explain why these services could not be provided in existing venues in the locality and why a new facility is required.
- 6.55 It is the Council's view that the proposal would have an unacceptable adverse effect on the character and appearance of the area. Accordingly, the proposal would be contrary to Policies SP 17 and DM 30 of the Maidstone Local Plan 2017. These policies amongst other things state that development proposals in the countryside will only be permitted if they do not cause harm to the character and appearance of the area and accord with other local plan policies (such as DM36 that relates to new agricultural buildings).
- 6.56 The Council's adopted Local Plan policies reflect the locational needs of certain buildings and uses such as agricultural and equestrian that require rural locations. There are no such locational factors associated with the current proposal and use.
- 6.57 The site is in a location poorly served by public transport with future users reported to be travelling from all over Kent. There is an acknowledged need for the use from the appellant and officers, but importantly it is highlighted there is no need for a countryside location or even a specific 'local' Headcorn need with the appellant implying that the use will generate vehicle trips from across Kent.
- 6.58 Commercial buildings and uses of this size are generally directed to the borough's industrial areas due to the potential harm to amenity both from the use itself and associated vehicle trips in this case from staff, customers and potentially recovery vehicles.
- 6.59 With these negative aspects and the conflict with the development plan, if the outcome of a planning balance exercise weighs in favour of approving the current application, then it is assumed that the decision maker has placed substantial weight (and in the officer's view undue weight) on the nature of the use for veterans. In this situation, the options would appear to be whether there are planning conditions that meet the statutory tests that would secure the use of the building for veterans in perpetuity (as the reason why planning permission was given) or alternatively permission should be refused.
- 6.60 With the practical nature of the use, the lack of any business plan, the lack of any precise detail on how the use would operate it is not considered that a planning condition relating to the use would meet the statutory test of being enforceable. In these circumstances with the impact of the building on the rural character and appearance weighing against the proposal the officer recommendation is to refuse planning permission.
- 6.61 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*". The proposal is found to be contrary to the development plan and no material considerations are found that would justify a departure from the Local Plan.
- 6.62 As stated throughout the process, it is again highlighted that there is strong common ground with the appellant on the principles behind the project and officers continue to be strongly supportive of the project aims but consider that this is the wrong site for this building and this use.

PUBLIC SECTOR EQUALITY DUTY

- 6.63 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 In summary, the application fails to demonstrate the proposed development of a new building with associated parking and access for light industrial use (restoration garage) is justified and compatible in this countryside location contrary to policy SS1, SP17, DM30 and DM37 of the Maidstone Borough Local Plan (2017)
- 7.02 The proposed development, by virtue of its scale, design, and siting, would result in an isolated development and overly dominant building in the rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Low Weald Landscapes of Local Value hereabouts. The proposal would therefore be contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
- 7.03 The proposed new access by virtue of its prominent location, and requirement to puncture a substantial gap in the existing hedgerow along the frontage of Lenham Road (to make way for the vehicle access) and opening up the view with the introduction of further hardstanding area in the new public views into the site, represents development overly urban in appearance that would cause unacceptable visual harm to the rural character and appearance of the countryside and the Low Weald Landscapes of Local Value. As such, the development is contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (NPPF 2021)
- 7.04 The submission in the absence of an Acoustic Report fails to demonstrate the acoustic environment around nearby houses would be within acceptable tolerances and the development would not have an adverse effect on the residential amenity of occupiers of these houses. It would fail to comply with policy DM1 of the Maidstone Borough Local Plan and the core principles set out in paragraph 130 of the NPPF (2021) requiring development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings.
- 7.05 The applicant has failed to demonstrate that there are any other material considerations that would justify going against the local plan.

8. RECOMMENDATION

REFUSE planning permission for the following reasons:

- 1) The application fails to demonstrate the proposed development of a new building with associated parking and access for light industrial use (restoration garage) is justified and compatible in this countryside location contrary to policy SS1, SP17, DM30 and DM37 of the Maidstone Borough Local Plan (2017)
- 2) The proposed development, by virtue of its scale, design, and siting, would result in an isolated development and overly dominant building in the rural landscape, causing unacceptable harm to the character and appearance of the countryside and the Low Weald Landscapes of Local Value hereabouts. The proposal would therefore be contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (2021).
- 3) The proposed new access by virtue of its prominent location, and requirement to puncture a substantial gap in the existing hedgerow along the frontage of Lenham Road (to make way for the vehicle access) and opening up the view with the

introduction of further hardstanding area in the new public views into the site, represents development overly urban in appearance that would cause unacceptable visual harm to the rural character and appearance of the countryside and the Low Weald Landscapes of Local Value. As such, the development is contrary to policies SP17, DM1, DM3, DM30 and DM37 of the Maidstone Borough Local Plan (2017) and the National Planning Policy Framework (NPPF 2021).

- 4) The submission in the absence of an Acoustic Report fails to demonstrate the acoustic environment around nearby houses would be within acceptable tolerances and the development would not have an adverse effect on the residential amenity of occupiers of these houses. It would fail to comply with policy DM1 of the Maidstone Borough Local Plan and the core principles set out in paragraph 130 of the NPPF (2021) requiring development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings.
- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.