

Maidstone Borough Council

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By email only to [REDACTED]

20 January 2023

Dear Mr Roberts

APPLICATION REF: 21/502548/FULL

PROPOSAL: Erection of vehicle workshop, training hub and drop in centre for military veterans and creation of new vehicle access

ADDRESS: Field adjacent to Dancing Green, Lenham Road, Headcorn, TN27 9LG

The following advice is provided following the meeting at Maidstone House on the 16 January 2023 attended by:

- Twiggy Roberts (HX motors)
- Adam Francis
- Councillor Lottie Parfitt-Reid (Lead Member, Communities and Public Engagement)
- Rob Jarman (Head of Development Management)
- Tony Ryan (Development Team Leader)

Summary conclusions:

- No revised drawings or details have been submitted to date that seek to address the reasons for the refusal of planning permission. These reasons are set out in the planning history below.
- Planning legislation requires planning decisions to be made in accordance with the Local Plan unless other considerations indicate otherwise.
- There are no policies in the Local Plan that support the provision of the proposed building and use in this location.
- The application represents a departure from the Local Plan and (as happened with the first submission) the application would generally be refused under delegated powers and not reported to a planning committee.
- A resubmitted planning application should seek to demonstrate that there are other relevant considerations that justify a departure from the Local Plan by providing the information listed in points a) to r) in the advice below.
- This information submitted with a planning application will be considered by the planning case officer and a judgment made to whether the information justifies a departure from the plan.
- The applicant should seek assistance from either the Parish Council or a ward councillor to submit (within three weeks of the application submission) a call in to the case officer to report the application to a planning committee, this call in would be if the officer recommendation is to refuse planning permission (an officer recommendation to approve would already need a committee decision as a departure).
- When a planning committee date is known (agenda set 7 working days beforehand) you will have the opportunity to lobby members of the planning committee before the meeting and also address members in person for 3 minutes at the meeting. More information is available at this link to the Council's website [Committee details - Planning Committee \(maidstone.gov.uk\)](http://maidstone.gov.uk)

Relevant planning history:

- Application 21/502548/FULL refused 22 July 2021 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 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 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 against the refusal of permission dismissed in a decision letter dated 21 September 2022 (Inspector conclusions discussed in the advice below)

Policies:

The status of the development plan is confirmed by Section 38 (6) of the Planning and Compulsory Purchase Act, 2004 which states: "... *determination must be made in accordance with the plan unless material considerations indicate otherwise.*" National policy and guidance are material considerations in the determination of planning applications.

Development Plan

- Maidstone Borough Local Plan (October 2017), (https://maidstone.gov.uk/_data/assets/pdf_file/0005/171149/Local-Plan-v2-November-2017.pdf)

Policy SS1 Maidstone borough spatial strategy
 Policy SP17 Countryside
 Policy SP23 Sustainable transport
 Policy DM1 Principles of good design
 Policy DM3 Natural environment
 Policy DM6 Air Quality
 Policy DM8 External lighting
 Policy DM21 Assessing the transport impacts of development
 Policy DM23 Parking standards
 Policy DM30 Design Principles in the Countryside
 Policy DM37 Expansion of existing business in rural areas

National policy and guidance

- National Planning Policy Framework (NPPF 2021)
- National Planning Practice Guidance (NPPG)

Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015

Site is located in landscape character area 43, Headcorn Pasturelands. The Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015 assesses the area as being of high overall landscape sensitivity and sensitive to change.

The relevant guidelines and mitigation are:

- New development should respect the local vernacular in scale, density and materials
- Plant new isolated oaks within pasture and hedgerows to replace ageing population
- Conserve and enhance the small scale field pattern and sense of enclosure
- Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads
- Soften the visual prominence of large agricultural barns through native planting

Maidstone Borough Council Local Plan Review, draft plan for submission (Reg 22)

- 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. The relevant policies in the draft plan are as follows:
 - LPRSP12: Sustainable transport
 - LPRSP14: The environment
 - LPRSS1: Maidstone borough spatial strategy
 - LPRSP9: Development in the countryside
 - LPRSP14A: Natural environment
 - LPRSP14(C): Climate change
 - LPRSP15: Principles of good design
 - LPRTA2: Assessing the transport impacts of development
 - PRTRA4: Parking
 - LPRQ&D 1: Sustainable design
 - LPRQ&D 2: External lighting
 - LPRQ&D 6: Technical standards

Assessment:

The main planning considerations relate to

- Location
- Visual impact, bulk and massing
- Information on the use

Location

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

Policy SP17 states that development proposals in the countryside will not be permitted unless:

- a) they will not result in harm to the character and appearance of the area and
- b) they accord with other Local Plan policies

The supporting text to policy SP17 advises "*The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake*". The provision of a large building with an industrial appearance will result in harm to the character and appearance of the area. As a result, the development is contrary to (as listed above) SP17 (a).

After outlining the protection to the intrinsic countryside character, the supporting text goes on to say "*...there is a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming... the countryside economy and to maintain mixed communities*". The policy P17(b) in response, refers to a need to accord with other LP policies.

There are no Local Plan exception policies that apply. With the proposal not in accordance with SP17 (a) or (b) the application would be a departure from the adopted Local Plan.

Local Plan policy SS1 (Maidstone Borough spatial strategy) states that the main focus for new development in the borough will be Maidstone's urban area (as the largest and most sustainable location) followed by the designated rural service centres and then the designated larger villages. The site is located in the countryside outside any of these areas.

The appeal inspector states that the proposal is not in accordance with the broad thrust of the Council's spatial strategy. The Inspector noted that one of the purposes of the planning system is to ensure that development is 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. Unlike the appeal proposal other nearby buildings "... require a countryside location". The proposal would not accord with Policy DM37.

Resubmitted planning application requirements

This letter must include the advice that the proposed building and use should be relocated to a site within an existing settlement that is supported by other uses and is served by public transport.

A future planning application submitted for the same site, is requesting that an exception is made for this use in this location as a departure from normal planning policy. In this situation and for the application to seek to justify the location, a future planning application should:

- a) Additional information on the current circumstances of the business and why and when it needs to move.
- b) Provide an estimation of how many staff and visitors will be in the building at the busiest time and how these people will get to the building, especially given the wide catchment area.
- c) Explain why the support functions need to be provided in this location and not in an area better served by public transport?
- d) Set out what public transport is available and how will visitors be encouraged to use public transport. If visitors come by private vehicle how will the impact be minimised (encouraging car share etc). Subject to landscape considerations is there sufficient on site car parking.
- e) Show provision of adequate on site cycle parking and EV charging point.
- f) Provide precise details of the site search, including site postal address, who was approached and the reason why the alternative site was discounted.
- g) Demonstrate why this relatively inaccessible site is the only location where this facility and this building can realistically and feasibly be provided.

Visual impact, bulk and massing

Local Plan policies DM1 and DM30 state that proposals in the countryside should create high quality design with layouts that are accessible to all and maintain and maximise opportunities for permeability. Proposals should respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. Proposals should sensitively incorporate natural features such as trees, and hedges worthy of retention.

The appeal inspector made the following observations:

- Substantial building with an industrial appearance.
- Material would not mitigate overall building dimensions
- 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.
- Would not protect the rural character of the Borough contrary to spatial strategy, Policy SS1.
- Design, mass and scale of the development would not maintain local distinctiveness or respond positively to the local character of the area contrary to policies DM1 and DM30

The proposal that was refused planning permission consisted of a single, large building that occupied a large percentage of the application site area. This design approach, the bulk and massing and the separation from the front boundary increased the visual impact of the building. As noted by the appeal inspector other nearby buildings have similar floorspace but visual impact is reduced by breaking up the bulk and massing into different heights.

Resubmitted planning application requirements

It is unclear why a double height workshop space is required in the building, and information should be submitted with a future application to either reduce the size of the space or to demonstrate the need for this space.

With the offices and potentially other uses (such as the paint spraying bays) not requiring double height space, there are opportunities to break up the building massing. Some parts of the building could be single storey with perhaps single storey at the front of the site and double storey space at the rear.

As the appeal inspector set out, inappropriate development should not be approved in the countryside on the basis that landscape screening is provided. Notwithstanding this, where development is approved, landscaping can help mitigate some of the negative visual impacts on the countryside.

A resubmitted planning application should include a detailed landscaping scheme designed in accordance with the Council's adopted Landscape Character Assessment (2012).

The scheme should show all existing trees and hedgerows on the land, and details of those retained, and a planting schedule (including location, quantities, planting species and size) together with a programme for the approved scheme's implementation and long term management.

The landscape scheme should show a double layer of staggered planting along the front boundary and include trees. The views into the site from the entrance should be screened by using an angled access road with landscaping screening the building and parking areas from the site entrance. Landscape screening should also be provided on the other site boundaries.

Information on the use

Legislation requires decisions on planning applications to be made in line with the adopted Local Plan unless other relevant considerations indicate otherwise.

The Council in refusing permission and the independent appeal Inspector in dismissing the appeal have concluded that the planning application was not in line with the Local Plan.

In this situation, the onus is on the applicant to provide sufficient information on other factors that could justify granting planning permission as a departure from the Local Plan. The applicant needs to show that the negative visual impact on the countryside and development in an unsustainable location is outweighed by the benefits of the proposal now and in the long term.

Resubmitted planning application requirements

A future planning application would need to include the following information:

- h) Information on how the four charities would use the facility and how would this be secured long term.
- i) Provide details of the terms on which you are seeking to occupy the site at Dancing Green (10 year guarantee etc) and why this financial assistance cannot be applied to acquiring/occupying an alternative site in a more appropriate location.
- j) Set out the relationship of the existing business (HX Motors) to the new building and use. It is understood that the existing site that offers motor vehicle repairs will be vacated due to redevelopment of the site.
- k) Explain what business related services the new use and the large workshop space will offer to paying customers and how will the use be viable long term, especially after the 10 year support period. Where will the vehicles that are being restored come from?
- l) Provide assurance that the proposal will come to fruition as anticipated and be sustained.

- m) Provide details of the special space and circulation requirements that the use has and as much information from official sources on these requirements.
- n) Amended plans to show the reduction in the bulk and massing of the building and the different internal uses of the floorspace.
- o) Additional information on how the use would operate in practice on a day to day/weekly basis.
- p) Information on where the mental health consultations, CV training and computer skills, mock job interviews and social interactions referred to could take place alongside the (incompatible) workshop use. Would these functions be available all the time or at set times?
- q) The plans submitted with a future planning application should show measures to prevent noise nuisance to neighbours, renewable energy generation and measures to achieve a net biodiversity gain such as bird boxes bat boxes and bee bricks which should ideally be integrated into the building.
- r) Should include a detailed landscaping scheme designed in accordance with the Council's adopted Landscape Character Assessment (2012).

Other issues

The fourth ground for the refusal of planning permission related to the lack of any survey to establish whether the development would harm protected species.

The Inspector in the appeal decision letter stated that a phase 1 survey has been carried out following the refusal of planning permission and the Inspector had received a copy of the survey report.

There is no record to date of this report being sent to the Council. The phase 1 survey report should be submitted with the future planning application and the Council will seek advice from the KCC Ecology team

Documents required to be submitted:

If you wish to submit an application, you can do so online at: www.planningportal.co.uk/applications When applying for planning permission there are National and Local requirements that are used to determine whether to make a planning application valid. The validation checklist of what is needed can be found online at: www.maidstone.gov.uk/validationchecklist.

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

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

Prior to the submission of a future planning application, you are advised to contact and seek the views of the local ward councillors for the area and the parish council. Details of the ward councillors (Headcorn) can be found at the following link to a page on the Council's website: [Your Councillors - Maidstone Borough Council](#) Headcorn Parish Council can be contacted at [Contact The Clerk - Headcorn Parish Council \(headcornpc.org\)](#)

The ward councillors have the power to call in any planning application for determination by the Council's planning committee. The planning committee meets every month with the case officer committee report deadline two weeks before the committee meeting date. Details of the planning committee are available on the Council's website at the following link: [Browse meetings - Planning Committee \(maidstone.gov.uk\)](#)

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The advice in his letter will be carefully considered in reaching a decision or recommendation on any resulting planning application. The assessment of the application will also take into account any change in circumstances or new information that could alter the advice that has been provided. It should be noted that the weight given to pre-application advice will decline over time.

Yours sincerely

For Head of Development Management

Tony Ryan
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