

REPORT SUMMARY

REFERENCE NO: - 23/501986/FULL		
APPLICATION PROPOSAL: Erection of 3no. dwellings with associated garages, parking, and amenities, including alterations to existing access.		
ADDRESS: Land northeast of Redwood Glade Forge Lane Bredhurst Kent ME7 3JX		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION: The 3 large detached 4 bedroom houses by reason of their design. height, bulk, and layout in this currently open backland location in the countryside and outside any designated settlement, would both individually and cumulatively result in harm to the character and appearance of the local area. The proposal would have a detrimental urbanising impact on the existing character and scenic beauty of the nationally significant landscape AONB with a failure to contribute positively to the conservation and enhancement of this protected landscape. With this identified harm increased by the additional domestic paraphernalia associated with this additional 4 households in this rural location. The proposal is contrary to policies SP17, DM1, DM5 and DM30 of the Local Plan (2017), the Kent Downs AONB Management Plan 2023-2026, and the National Planning Policy Framework (2023). The proposal located outside of any outside any designated settlement, represents unsustainable residential development where future occupants would be reliant on the use of private cars to access services and facilities and in the absence of any overriding justification for three new dwellings at this location, the development is contrary to policies SS1, SP17 and DM5 of the Maidstone Borough Local Plan (Adopted October 2017) and guidance in the NPPF (2023) relating to sustainable development. The application fails to demonstrate that the proposal will provide an adequate standard of living accommodation for future residents. In this location close to the M2 motorway, and with the absence of a Noise Assessment Report the application fails to demonstrate that the acoustic environment both internally and externally would be within acceptable tolerances. The proposal would fail to comply with policy DM1 of the Maidstone Borough Local Plan requiring development to secure high quality design and a good standard of amenity for future occupants of buildings. The proposal is contrary to policy DM1 of the Maidstone Borough Local Plan (Adopted October 2017) and guidance in the NPPF (2023).		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Robert Hinder for the reasons set out in section 4 of this report.		
WARD: Boxley	PARISH/TOWN COUNCIL: Bredhurst	APPLICANT: Mr & Mrs David & Gerarda Olver & Everett AGENT: Taylor Roberts Ltd
CASE OFFICER: Francis Amekor	VALIDATION DATE: 10/05/23	DECISION DUE DATE: 24/11/23
ADVERTISED AS A DEPARTURE: No		

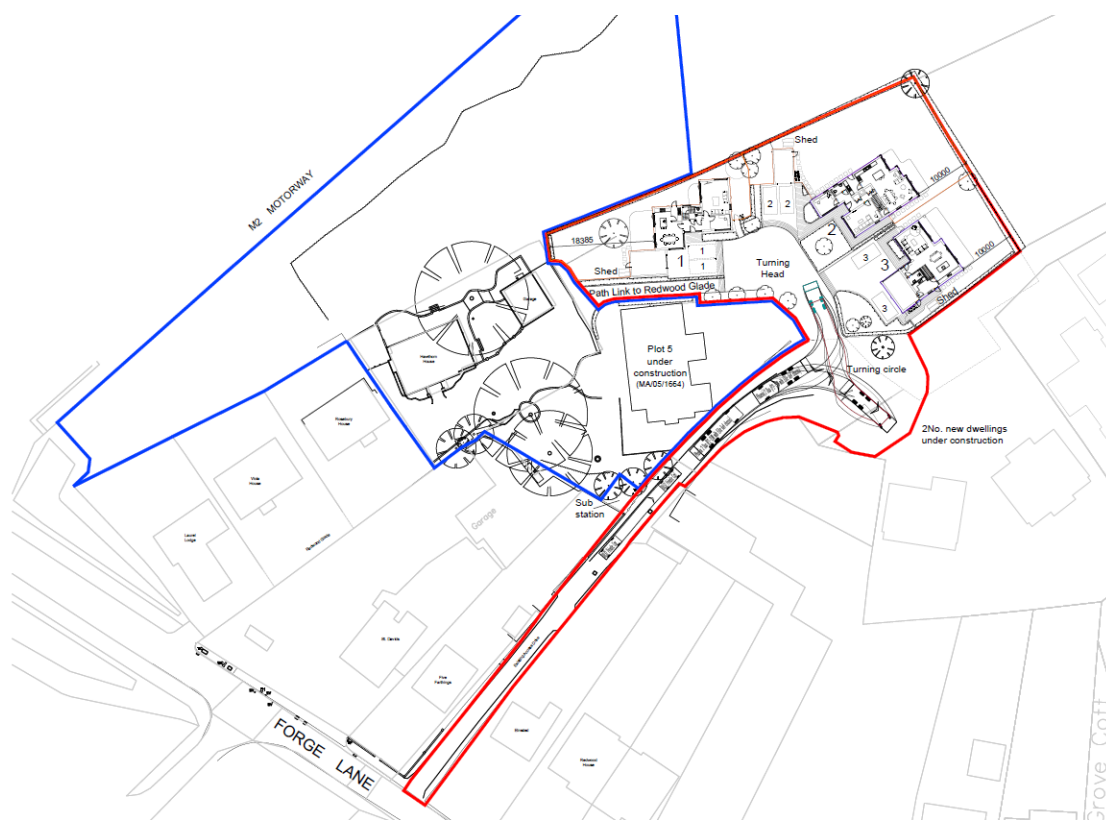
Relevant planning history

22/502988/FULL Erection of 4 dwellinghouses including amendment to access into the site from access track and associated amenities. Withdrawn 10.02.2023.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is in the countryside and within the Kent Downs Area of Outstanding Natural Beauty. The site is a builder's yard accessed from Forge Lane via a long track containing a small timber shed and scaffolding. The site has mature vegetation along sections of its boundaries.
- 1.02 The Maidstone Landscape Character Assessment identifies the wider area as falling within the Bredhurst to Bicknor North Downs Landscape Character Area (area 2) and the relevant advice for this area is to improve and conserve character where condition is poor.
- 1.03 Residential properties fronting Forge Lane are to the south west, whilst to the east the expansive residential garden of Condor House. The southern site boundary abuts the front garden of residential properties allowed at appeal under reference number: APP/U2235/W/17/3176721, and the detached dwelling currently under construction on plot 5. To north of the site is an open verdant field characteristic of the wider countryside beyond the M2 motorway.



Proposed site plan.

- 1.04 Green Court, a grade II listed building is approximately 104 metres to the southeast of the application site. Development within the built up part of Bredhurst village has a diverse architectural character comprised mainly of traditionally built two-storey detached houses and bungalows in a wide range of designs and materials.

2. PROPOSAL

- 2.01 Planning permission is sought for three 4 bedroom detached dwellings. The dwellings and their garages are positioned around a turning head. Each dwelling has a ridge height of 9 metres with roof eaves at 5 metres. Fenestration is consistent with dwellings of this size and the openings on the approved dwellings on the adjacent plot.

- 2.02 The ground floor of the proposed dwellings have a lounge, kitchen dinner, entrance hall, store and downstairs toilet, the upstairs have 4 bedrooms, and a bathroom. The houses have outdoor amenity space provided at the rear.
- 2.03 Plots 1 and 3 have attached garages with plot 2, a single storey detached garage. The proposed garages have a pitched roof with the ridge set down from the ridge of the main house. Each garage is approximately 4.5 metres wide with an average depth of approximately 6.5 metres. Two open air car parking spaces are provided for each house in front of the garage.



Plot 1
1:100



Plot 2
1:100



Plot 3
1:100

Proposed front elevations

3. POLICY AND OTHER CONSIDERATIONS

Development Plan: Maidstone Local Plan 2017:

- Policy SS1 – Maidstone Borough Spatial Strategy
- Policy SP17 – Countryside
- Policy DM1 – Principles of good design
- Policy DM3 – Natural environment
- Policy DM2 – Sustainable design
- Policy DM5 – Development on Brownfield Land
- Policy DM8 – External lighting
- Policy DM23 – Parking standards
- Policy DM30 – Design principles in the countryside

Emerging Draft Policy: Maidstone Draft Local Plan:

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2023, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

The relevant policies in the Maidstone Draft Local Plan are as follows:

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

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 (2023)

Section 2 – Achieving Sustainable Development
Section 4 – Decision Making
Section 12 – Achieving well Designed Places

Supplementary Planning Documents

Kent Downs Management Plan.
Ministry of Housing, Communities and Local Government: National Design Guide.
Government’s Technical Housing Standards: Nationally Described Space Standards (March 2015).
National Planning Policy Guidelines (NPPG).

4. LOCAL REPRESENTATIONS

Bredhurst Parish Council:

4.01 Wish the application to be approved.

Cllr Robert Hinder:

4.02 Support for the application for the following reasons:

- Extremely impressed with the ecological arrangements that are already in place and the surrounding landscape.
- Applicant has sought pre - application advice and as far as I am aware has implemented this advice.
- Architecture proposed is in keeping and superior to neighbouring properties that have been constructed.
- Standards of proposed energy saving measures go beyond the basic requirements.
- I find no aspects where this proposal is at odds with any of the current policies of the council.
- If officers are minded to recommend refusal I wish it to be called to full planning committee.

Local residents:

4.03 2 objections have been received raising the following (summarised) issues.

- The plans submitted are materially inaccurate, consequently, plot 3 is being built on land not in the ownership of the applicant.
- Loss of privacy - full height windows shown on the first-floor side elevation of the house on plot 3 look directly into neighbouring properties and their garden.
- The land being provided as transitional land for reptiles is a regularly mown and bears no similarity to the land indicated in the proposal.

5. CONSULTATIONS

MBC Heritage, landscape, and trees

- 5.01 The proposal site lies within the Bredhurst to Bicknor North Downs Area of the Maidstone Borough Council Landscape Character Areas, which has a landscape guidance of 'Improve areas and conserve character where condition is poor'. Within the Dry Valleys and Downs specifically the Bredhurst and Stockbury Downs area of the MBC Borough Wide Character Areas, which has a landscape guidance of 'Restore and Improve'.
- 5.02 The site also lies within the Kent Downs Area of Outstanding Beauty. The Kent Downs Area of Outstanding Beauty is a statutory landscape designation whose distinctive character and natural beauty are precious enough to be safeguarded in the national interest.
- 5.03 While we recognise (as does the applicant's landscape consultant) that Landscape Visual Impact Assessments are required for Environmental Impact Assessment, an Landscape Visual Impact Assessment can also be requested as a separate document in its own right to accompany a planning application.
- 5.04 A Landscape Visual Impact Assessment would enable MBC to use a recognised methodology to determine the landscape and visual impact of the proposal on the locality, in accordance with best practice and guidance (GVLIA3). This would enable us to better assess cumulative impacts which should be recognised as there is pressure from creeping development in this area. Without the Landscape Visual Impact Assessment, the impact of the proposal cannot be fully assessed.

6. APPRAISAL

- 6.01 The key issues are:
- Countryside location and policy SP17
 - Previously developed land and local plan policy DM5
 - Landscape and visual impact on Kent Downs Area of Outstanding Beauty.
 - Residential amenity
 - Access and parking
 - Ecology

Countryside location and policy SP17

- 6.02 The application site is in the countryside and the starting point for assessing all applications in the countryside is Local Plan policy SP17. 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
- 6.03 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.
- 6.04 In certain circumstances where there is locational need for development (equestrian, rural worker dwelling agricultural buildings etc) other Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance generally outweighs the harm caused to character and appearance with a proposal found in accordance with policy SP17 overall. In this case, there are no other policies in the Local Plan that would permit new dwellings in this location.

- 6.05 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*".
- 6.06 To this extent and in principle, the proposal would conflict with policy SP17 of the Local Plan in so far as it seeks to resist development outside defined settlement boundaries and to protect the countryside. This report will consider whether there are material considerations that justify granting of planning permission contrary to the Local Plan.

Landscape and visual impact on the countryside and Kent Downs AONB

- 6.07 Policy SP17 identifies that great weight should be given to the conservation and enhancement of the Kent Downs AONB. The NPPF states "*Great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues..... The scale and extent of development within [an AONB] should be limited...*"
- 6.08 The Maidstone Landscape Character Assessment identifies the wider area as falling within the Bredhurst to Bicknor North Downs Landscape Character Area (area 2) and the relevant advice for this area is to improve and conserve character where condition is poor.
- 6.09 The application site combined with the open field to the north, makes an important contribution to the wider Kent Downs Area of Outstanding Beauty. Consequently, developing the currently vacant and open plot for three, large two-story four bedroom houses and expanding the extent of current built development would have a harmful visual impact on local character.
- 6.10 Local Plan Policy DM 30 advises that in areas such as the current appeal site that are "outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design..." and meet several criteria will be permitted.
- 6.11 These criteria in policy DM30 state.
- i) The...siting...design, mass and scale of development...would maintain, or where possible, enhance local distinctiveness including landscape features" and
 - ii) Impacts on the appearance and character of the landscape would be appropriately mitigated....".
- 6.12 In assessing the proposal against DM30 point i) with the backland location the proposal does not represent high quality design. The proposal involving substantial new buildings arranged in a cul de sac does not maintain or enhance the existing open character of the appeal site. The proposal is contrary to Local Plan Policy DM 30 (i).
- 6.13 In assessing the proposal against DM30 point ii) Local Plan paragraph 4.105 advises "To assist in the successful integration of new development into the countryside the council will ensure Landscape and Visual Impact Assessments are carried out as appropriate to assess suitability and to aid and facilitate the design process".

- 6.14 Landscape and Visual Impact Assessment is the recognised industry standard for assessing landscape harm. Comments from the Council's Landscape officer state that "*Landscape and Visual Impact Assessment would enable officers to use a recognised methodology to determine the landscape and visual impact of the proposal on the locality, in accordance with best practice and guidance (GVLIA3)*".
- 6.15 Whilst the application site is located in a nationally significant and protected landscape, the applicant chose not to submit this assessment as part of the planning application. The applicant in addition declined the request for this assessment to be carried out during the consideration of the application.
- 6.16 The recognised industry standard guidelines for carrying out Landscape and Visual Impact Assessment are published by the "Landscape Institute and Institute of Environmental Management & Assessment" "Guidelines for Landscape and Visual Impact Assessment". Chapter 7 of these guidelines consider the harm that can be caused to an area by cumulative impacts.
- 6.17 Paragraph 7.17 of the "Guidelines for Landscape and Visual Impact Assessment" advises "*There are many different types of cumulative landscape and visual effect that may need to be considered. They can include:*
- *the effects of an extension to an existing development or the positioning of a new development such that it extends or intensifies the landscape and/or visual effects of the first development.*
 - *the 'filling' of an area with either the same or different types of development over time, such that it may be judged to have substantially altered the landscape resource and views or visual amenity.*
 - *the interactions between different types of development, each of which may have different landscape and/or visual effects and where the total effect is greater than the sum of the parts.*
 - *incremental change as a result of successive individual developments such that the combined landscape and/or visual effect is significant even though the individual effects may not be..."*
- 6.18 With reference to paragraph 7.17 of the "Guidelines for Landscape and Visual Impact Assessment" the proposal introduces new built development on an existing open site. The proposal will *intensify "...the landscape and/or visual effects of the first development" and the filling of the area will have substantially altered the landscape resource and views or visual amenity.*
- 6.19 In addition to Policy DM30, Local Plan policy SP17 advises "*Account should be taken of the Kent Downs Area of Outstanding Natural Beauty Management Plan..."*."
- 6.20 In Chapter 3. Sustainable Development of the Kent Downs AONB Management Plan, paragraph 3.1.4 (page 24) deals with "Cumulative Change". The management plan sets out "*...there is continual pressure for small-scale development and change creating a cumulative impact on the special character and qualities of the AONB. The landscape character assessment review of the Kent Downs continually picked up small scale poorly designed or inappropriately located, housing development, ...each individually small impact taken cumulatively is progressively diminishing the qualities and character of the AONB at a strategic scale*".
- 6.21 Paragraph 3.1.4 of the AONB Management Plan specifically describes the negative impact the current application will have on the nationally important landscape of the Kent Downs AONB.
- 6.22 In addition to the "Guidelines for Landscape and Visual Impact Assessment" and the Kent Downs Management Plan, cumulative impacts are regularly considered a material consideration by appeal inspectors.

- 6.23 Policy DM30 is concerned with mitigating the impacts of development on the appearance and character of the landscape. The current proposal with regards to layout and appearance represents an urban design approach to a backland site in the countryside and in a protected landscape.
- 6.24 The proposal would unjustifiably consolidate built development which taken individually and cumulatively, would result in visual harm to the intrinsic character and beauty of the wider countryside. The development taken with associated domestic paraphernalia would be harmful to the landscape character of the area. The proposed development results in significant harm to the character and appearance of this part of the countryside designated as Area of Outstanding Natural Beauty AONB.
- 6.25 Overall, the proposal is contrary to the aims of policy DM30 of the Adopted Maidstone Borough Local Plan (2017), and paragraph 176 of the NPPF (2023). These jointly require development to protect, conserve and where possible enhance landscape character, and to be complimentary to the locality, including the scenic beauty of the AONB.



Internal site photograph at eastern end.

Previously developed land and local plan policy DM5.

- 6.26 Policy DM5 of the Local Plan deals with development on previously developed land (brownfield land). The application site was previously a builder's yard and would be classed as previously developed land. It is highlighted that the NPPF definition also states that "...it should not be assumed that the whole of the curtilage should be developed".
- 6.27 Policy DM 5 of the local plan states "*Exceptionally, the residential redevelopment of brownfield sites in the countryside...*" will be permitted where they meet the following criteria:
- a) The site is not of high environmental value.
 - b) The 'redevelopment' will result in a significant environmental improvement.
 - c) The density reflects the character and appearance of the area (DM12).
 - d) the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.
- 6.28 Taking the points set out in policy DM5 in turn, an assessment is provided below.

- a) The site is not of high environmental value.
- 6.29 Whilst a former builder's yard, the environmental value of the application site comes from its location in the nationally significant Kent Downs AONB. The landscape protection is provided by policy SP17 and paragraph 176 of the NPPF (2023) states that great weight to conserving and enhancing the landscape.
- b) The 'redevelopment' will result in a significant environmental improvement.
c) The density reflects the character and appearance of the area (DM12).
- 6.30 Local Plan policy DM12 advises "*All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated*". Whilst seeking the efficient use of land, the NPPF advises that decisions should consider the desirability of maintaining an area's prevailing character and setting, and securing well-designed, attractive places (NPPF para 124).
- 6.31 The proposal will increase the bulk, scale, massing, extent, and coverage of built development on the application site. The development is of an urban appearance and layout that results in the loss the existing open site character. The proposal will not result in an environmental improvement.
- 6.32 As set out earlier in this report developing this currently vacant plot for three two-story four bedroom houses would expand the built-up extent of Bredhurst village. It would unjustifiably consolidate built development at the site which taken cumulatively, would result in visual harm to the intrinsic character and beauty of the wider countryside.
- 6.33 The proposed development results in significant harm to the character and appearance of this part of the countryside designated as Area of Outstanding Natural Beauty AONB, and there are no Local Plan policies that support the application.
- d) the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.
- 6.34 Policy SS1 of the 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.
- 6.35 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.
- 6.36 The settlement boundary is drawn up to define the area most suitable for growth and development to provide a balanced approach to protection of the environment. This has been established through the local plan process. This balanced approach to development should not be undermined unless there are good reasons to do so.
- 6.37 The application site is not well related to any of the areas specifically identified as sustainable in the Adopted Local Plan. Whilst Bredhurst village provides a limited number of key services and facilities, including a primary school. The nearest facilities are to be found in larger settlements to the north across the M2, access requires a long walk along an unlit and fast-trafficked road with no pedestrian path

which is not convenient or pleasant. Owing to this, reliance on travel by private vehicle to access services and facilities would be inevitable.

- 6.38 Given these factors, the application site is not in a sustainable location and not a location where the Local Plan directs new development. Accordingly, the development would be unacceptable in terms of its location relative to availability of local services and the ability of future occupants of the new houses to utilise more sustainable forms of private transport. On this basis, the proposal would conflict with the locational strategy of the development plan policy SS1 and DM5.
- 6.39 NPPF paragraph 69 states that '*...great weight... should be given "...to the benefits of using suitable sites within existing settlements for homes"*'. Bredhurst does not have a defined boundary in the Local Plan, Bredhurst is not a settlement and Bredhurst does not feature on the hierarchy. As set out in the adopted Local Plan, Bredhurst is not a location where new development should be directed.

Residential amenity

- 6.40 Policy DM1 states that proposals will be permitted where they "*...respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties"*.
- 6.41 Local residents are concerned the house on plot 3 in particular, the south facing first floor full height windows would cause overlooking/loss of privacy to the occupiers of existing houses on the adjacent plot. The distance between house of plot 3 and the neighbouring houses in question would be between 20 and 30 metres which is sufficient to avoid any unneighbourly effects.
- 6.42 The distance from the rear elevation of the property on plot 2 and 3 and the dwelling to the east of the site Conder House (rear to rear) would be approximately 46 metres which is acceptable. Consequently, this proposal would maintain acceptable separation distances with neighbouring properties on adjacent plots which would avoid any adverse effect in terms of overshadowing or overlooking.
- 6.43 The principal doors and windows on all three houses would look out onto the front and rear gardens and given the separation distances involved no unacceptable overlooking or loss of privacy would occur. The proposals would not be harmful to the living conditions of occupiers of any neighbouring properties through overlooking or loss of privacy.
- 6.44 The sizes of habitable rooms in all three houses would comply with space standard set out in the emerging draft Maidstone Local Plan. These standards require habitable rooms to be a sufficient size for daily activities of future occupiers and served by a window to allow for natural light. Given the nature of the site, an appropriate boundary treatment between the proposed houses would assist in protecting the amenity of future occupiers.
- 6.45 Policy LPRQ&D7 of the emerging draft Local Plan sets out external amenity space standards. These standards require outdoor amenity space sufficient for an outdoor seating area, small shed, clothes drying area, area of play and planting space (for trees and shrubs). This can be accommodated in a garden with a 10-metre depth and the width of the dwelling. The outdoor amenity space provided at the rear of the houses on plots 2 and 3 would meet these standards. Whilst the outdoor amenity area provided for plot one would not strictly comply this requirement, it would still be sufficient for outdoor amenity activities of future occupier given its

depth. Moreover, as the weight attached to the emerging draft Local Plan is limited at this stage, no overriding planning objection can be raised in this instance.

- 6.46 The application site is located close to the M2 motorway, and as a result, occupiers of the proposed dwellings are likely to be exposed to significant levels of noise and disturbance from passing traffic and the resulting detrimental effect on their living conditions. The application is not supported by a Noise Assessment Report to demonstrate the acoustic environment indoors and outdoors would be within acceptable tolerances. Considering the location of the development and owing to the absence of suitable acoustic assessment demonstrating acceptable attenuation can be achieved, occupiers of the dwellings would likely be subjected to unacceptable levels of noise and disturbance.
- 6.47 Given the above factors, whilst the scheme would provide an adequate outdoor amenity space and levels of privacy for occupiers of the proposed houses, the application has failed to demonstrate that the acoustic environment internally and externally would be within acceptable tolerances. As a result, the proposal would fail to comply with policy DM1 of the Maidstone Borough Local Plan requiring development to secure high quality design and a good standard of amenity for future occupants of buildings.

Highways

- 6.48 The submission indicates the existing drive from Forge Lane would be utilised for the development. Whilst this access would measure just over 4 metres wide and would not be wide enough for two-way passing of vehicles, the presence of passing vehicles along the drive would occur relatively infrequently. Moreover, the limited length and width of this drive would serve to restrict vehicle speeds along it to a significant degree. The extent of visibility along the entrance to drive would be good and this would not present a significant hazard to the safety of those using the drive or drivers and pedestrian entering or leaving the site.
- 6.49 Furthermore, vehicles would normally approach the entrance of at slower speed, therefore if a vehicle had to wait for a short period for another vehicle to enter or leave the application site, this would not create an undue obstruction or have significant implications for the safety of vehicles and pedestrian using Forge Lane. For this reason, the access is acceptable in relation to the free and safe movement of vehicles and pedestrians along Forge Lane. Moreover, owing to the small scale of the development, the intensification of use of the access track would not result in increased risk of danger to drivers and pedestrian using the road.
- 6.50 In terms of trip generation, paragraph 111 of the NPPF (2023) states that development should only be refused on transport grounds if there would an unacceptable impact on highway safety, or the residual cumulative impact of the development would be severe. Owing to the small scale of the development, any increase in car journeys resulting from the proposed scheme would not be significant enough to pose any additional highway safety challenges.
- 6.51 Turning to parking provision and demand, Policy DM23 (Appendix B) of the Maidstone Borough Local Plan sets out the parking standards for the Borough. The policy adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car. It also seeks to encourage innovative designs that can sufficiently demonstrate that a provision lower than the minimum standard is feasible and would not have an unacceptable adverse impact on the surrounding locality.
- 6.52 The application includes provision of six car parking spaces in total which amounts to 2 spaces for each property. This level of parking provision is consistent with the

standard in policy DM23 for locations such as this. On this basis, the development would not result in a significant material increase in on street parking demand around the local area or exacerbate any existing parking or highway safety challenges in the local area.

- 6.53 For the above reasons, the scheme would not increase the risk of danger to drivers using local roads. It would comply with policy DM23 of the Maidstone Borough Local Plan and paragraph 111 and 112 (c) of the NPPF (2023) and their requirements that development should create places that are safe, secure, and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Landscaping and ecology

- 6.54 Policy DM3 of the Maidstone Borough Local Plan and paragraph 174 of the NPPF (2023) directs the planning system to contribute to and enhance the natural and local environment. Whilst the application is not supported by a landscaping plan, this can be requested by a planning condition in the event of planning permission being approved. The trees within the site and along its boundaries constitute valuable elements in terms of biodiversity of the site, as well as contributing towards the natural appearance of the site and surrounding area.
- 6.55 The application site is a former builder's yard and the ground on which the new buildings would be positioned is unlikely to have any biodiversity interest. The Preliminary Ecological Appraisal supporting the application indicates that trees within the site boundary and adjacent to site could support nesting birds. The appraisal recommends the installation of a minimum of two bird boxes on mature trees around the site boundaries or on new buildings to provide additional nesting habitat for birds.
- 6.56 The Arboricultural Method Statement supporting the application concludes that the loss of trees associated with the proposal relates solely to C Category trees with a limited life expectancy, and as such, the resultant impact upon local amenity is negligible. The proposed scheme includes a reptile mitigation and relocation zone on the adjacent plot to the north of the site. The submission also indicates the strip of land adjacent to the northern site boundary will be dedicated to biodiversity enhancement which can include provision of a habitat log.
- 6.57 On this basis, the proposal accords with Policies DM1 and DM3 of the Maidstone Local Plan (2016), and paragraph 174 of the NPPF (2023). These policies jointly direct the planning system to contribute to and enhance the natural and local environment.

Other matters

- 6.58 A local resident has commented stating that the plans submitted are materially inaccurate, and that plot 3 would be built on land not in the ownership of the applicant. Land ownership issues are not material considerations that can be assessed in determining this application. The confirmation received from the agent indicates the land upon which the house on plot 3 is proposed sits wholly within land owned and controlled by applicant. It is noted that the correct notices have been served on the owner of the access track.

PUBLIC SECTOR EQUALITY DUTY

- 6.59 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.

CIL

- 6.60 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. CONCLUSION

- 7.01 In summary, the proposal represents unsustainable residential development where future occupants would be reliant on the use of private cars to access services and facilities and in the absence of any overriding justification for three new dwellings at this location, the development is contrary to policies SS1, SP17 and DM5 of the Maidstone Borough Local Plan (Adopted October 2017).
- 7.02 In the absence of an LVIA to demonstrate otherwise, the development would be contrary to the objectives of safeguarding the open, rural character of the countryside and scenic beauty of the AONB advocated in policy SP17 of the Maidstone Borough Local Plan (2017) and policy LPRSP9 of the Emerging Maidstone Draft Local Plan, and the NPPF (2023).
- 7.03 Notwithstanding comments from neighbours, the development would not diminish the standard of living conditions enjoyed by occupiers of existing neighbouring properties and future occupiers of the proposed houses. The proposals does not raise any overriding parking and highway safety challenges. In the absence of a Noise Assessment Report to demonstrate otherwise, the development having regard to its location close to the M2 motorway has failed to establish the acoustic environment both internally and externally would be within acceptable tolerances.
- 7.04 The development provides the benefit of contributing three family sized dwellings to the Borough Council's housing supply, along with the limited economic benefits that would be accrued from the construction process. Taken together, the harm identified is not outweighed by the limited benefits the proposals would entail when assessed against policies of the Adopted Maidstone Borough Local Plan and the NPPF (2023) taken as a whole. Accordingly, the proposal would not represent a sustainable form of development for the purposes of the Adopted Maidstone Local Plan and the NPPF (2023) and there are no material considerations present that justify approval contrary to the local plan.

8. RECOMMENDATION REFUSE PLANNING PERMISSION subject to the following reasons

1. The 3 large detached 4 bedroom houses by reason of their design. height, bulk, and layout in this currently open backland location in the countryside and outside any designated settlement, would both individually and cumulatively result in harm to the character and appearance of the local area. The proposal would have a detrimental urbanising impact on the existing character and scenic beauty of the nationally significant landscape AONB with a failure to contribute positively to the conservation and enhancement of this protected landscape. With this identified harm increased by the additional domestic paraphernalia associated with this additional 4 households in this rural location. The proposal is contrary to policies SP17, DM1, DM5 and DM30 of the Local Plan (2017), the Kent Downs AONB Management Plan 2023-2026, and the National Planning Policy Framework (2023).
2. The proposal located outside of any outside any designated settlement, represents unsustainable residential development where future occupants would be reliant on

the use of private cars to access services and facilities and in the absence of any overriding justification for three new dwellings at this location, the development is contrary to policies SS1, SP17 and DM5 of the Maidstone Borough Local Plan (Adopted October 2017) and guidance in the NPPF (2023) relating to sustainable development.

3. The application fails to demonstrate that the proposal will provide an adequate standard of living accommodation for future residents. In this location close to the M2 motorway, and with the absence of a Noise Assessment Report the application fails to demonstrate that the acoustic environment both internally and externally would be within acceptable tolerances. The proposal would fail to comply with policy DM1 of the Maidstone Borough Local Plan requiring development to secure high quality design and a good standard of amenity for future occupants of buildings. The proposal is contrary to policy DM1 of the Maidstone Borough Local Plan (Adopted October 2017) and guidance in the NPPF (2023).

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