

Garden development in Maidstone Borough 100806

On 9th June 2010, a new PPS3: Housing was published that contained two significant changes from the previous version:

- Reclassification of private garden land as 'excluded' from the definition of previously developed land (PDL)
- Removal of the national minimum density target for housing developments of 30 dwellings per hectare

CURRENTLY, what this means for Maidstone Borough is:

- Essentially the same process for determining garden development proposals applies
- Private garden land no longer being PDL does not apply a blanket restriction to this kind of development proposal
- There is no emphasis that garden development proposals should be refused, just as there was previously no presumption that all proposals should be accepted
- Each application will continue to be judged on its individual merits
- Consideration will still be given to the impact of development on the amenities of adjoining occupiers e.g. from overlooking, and noise and disturbance from vehicular movement etc.
- Particular consideration will need to be given to the characteristics of the local area in assessing whether the proposed development would give rise to harm to its character
- Proposals will not need to conform to a minimum density, therefore strengthening the council's ability to apply judgement based on local characteristics e.g. if the surrounding area is less densely developed

IN THE FUTURE, Maidstone Borough Council will use this approach in conjunction with the Core Strategy by:

- Demonstrating that the borough has enough housing land to be able to reject what it considers inappropriate garden development proposals
- Drafting and adopting through consultation a Core Strategy policy that takes into account these factors –
 - Consideration of local character and distinctiveness
 - Considering and complementing the historic, architectural and landscape context
 - Judging on principles of scale, density, massing, height, layout and access in relation to neighbouring buildings and local area generally
 - Ensuring proposals do not adversely affect the character of an area in relation to the above principles
 - Demonstration of how proposals usefully take account of further design guidance whether it be borough-wide or specific to that area, e.g. character area assessment SPD, or village design statements (VDS)

FURTHER to the last bullet point, the council will look to prepare and adopt more character area assessment SPD as appropriate and subject to resources, as well as encouraging rural areas to continue to prepare VDS and parish plans.

Over the period 2003/04 to 2007/08 approximately:

- 1/3 of garden development applications were refused

- And of those subsequently appealed;
- Only 1/3 were successful

- Only 8% of all housing permissions (by unit) in the borough (either by application or appeal, although not necessarily completed) were as a result of garden development proposals