

## REPORT SUMMARY

<b>REFERENCE NO:</b> 22/505834/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing stables and shed and erection of detached dwelling with associated parking (resubmission of 22/503191/FULL).		
<b>ADDRESS:</b> Land to west of Rose Cottage, Charlton Lane, West Farleigh, ME15 0NT		
<b>RECOMMENDATION:</b> REFUSE		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Councillor Parfitt-Reid has requested application is considered by Planning Committee if officers are minded to refuse application. This request is made for the reasons outlined in the consultation section below.		
<b>WARD:</b> Coxheath/Hunton	<b>PARISH:</b> West Farleigh	<b>APPLICANT:</b> Ms S. Cushing <b>AGENT:</b> SJM Planning Limited
<b>OFFICER:</b> Kate Altieri	<b>VALID DATE:</b> 13/12/22	<b>DECISION DATE:</b> 20/02/23
<b>ADVERTISED AS A DEPARTURE:</b> YES		

## RELEVANT PLANNING HISTORY

### Application site

22/503191 - Demolition of stables/shed and erection of dwelling – Refused (in summary):

- *Proposal, by virtue of its scale, design, layout and introduction of domestic paraphernalia, would consolidate sporadic urbanising development in area, causing harm to character and appearance of countryside hereabouts, failing to result in significant environmental improvement. There are no overriding planning reasons to allow proposal, that is of high overall landscape sensitivity and sensitive to change, and it would be contrary to LP policies SS1, SP17, DM1, DM5 & DM30; LCA; and NPPF.*
- *Application failed to demonstrate that proposal would not adversely harm longevity and amenity value of trees located on eastern boundary of site. Potential loss of these trees (either immediately or through long term decline in health as a result of proposal and associated works) would have adverse impact on character and appearance of area hereabouts; and by virtue of proposal's scale. Proposal would be contrary to LP policies SP17, DM1, DM3, DM5 and DM30; BS5837:2012'; and NPPF.*
- *Dwelling would be far removed from basic services/facilities, resulting in future occupants being reliant on private motor vehicle to travel for access to day to day needs. This reliance on private motor vehicle would be contrary to aims of sustainable development as set out in LP polices SS1, DM1 and DM5; and NPPF.*

22/500150 - Pre-app: 2 houses – Officers unlikely to support development

MA/93/0299 – Horse shelter/store and change of use of land for keeping horses – Approved

### Holly Barn View (adjacent site to north-west of application site)

18/500301 - Prior notification for change of B8 use building to dwelling (Class P) – Granted

### Land to south of Good Intent Pub

21/506706 - Erection of 2 bungalows (revision of 20/504300) - Approved

20/504300 - 2 bungalows with parking and provision of public amenity land - Approved

## 1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an irregular shaped parcel of land that is accessed by a narrow track on the western side of Charlton Lane that is some 270m to the north of the junction with Kettle Lane and Ewell Lane. The access is a dead-end and serves a number of other residential properties; to the east of the site are garages and a parking area; and the closest property to the north-east of the site (Holly Barn View), was converted to a dwelling under the prior notification process (18/500301). To the north of the site there are also Grade II listed properties, known as 1 and 2 The Hollow, Charlton Lane; and a public footpath (KM29) wraps around the northern and western boundaries of the application site, before heading off in a general westward direction.

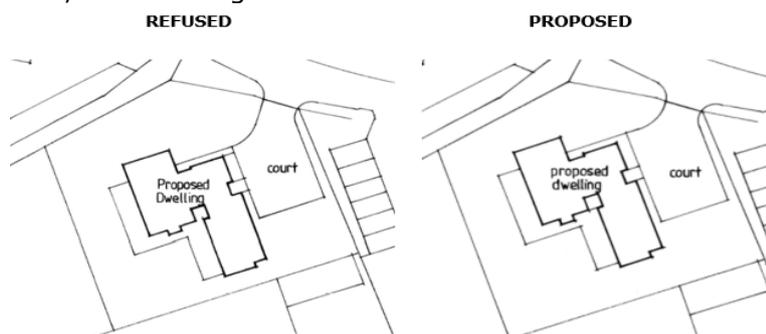
1.02 For the purposes of the Local Plan the proposal site is within the designated countryside. The site is also within Flood Zone 1 and a KCC Minerals Safeguarding Area.

## 2.0 PROPOSAL

2.01 The proposal is described as: *Demolition of existing stables and shed and erection of detached dwelling with associated parking (resubmission of 22/503191/FULL).*

2.02 The proposed dwelling is shown to be single storey; external finishing would be of timber cladding and painted render for the elevations; the roof would be of zinc; and the proposal would make use of the existing site access. The building has a varied roof scape, with flat roof elements of differing heights, and a mono-pitched roof for the western-most element of the building. At its tallest point, the dwelling would stand some 4.4m in height; and the land is shown to be split into garden land and then meadow.

2.03 The proposed dwelling is of the same scale and design as that refused under 22/503191. This said, the dwelling has been moved further towards the northern corner of the site (see below):



2.04 This current submission now includes two cross-sections of the proposal within the landscape.

## 3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, SP18, SP19, DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM23, DM30
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Landscape Character Assessment (2012 amended July 2013)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015)
- Kent Minerals & Waste Local Plan (2013-30) as amended (2020)
- Advice in BS5837:2012 'Trees in relation to construction - Recommendations'
- Regulation 22 Local Plan

### Local Plan

3.01 The application site is within the designated countryside. Local Plan policy SP17 states that new development will not be permitted unless it accords with other policies in this Plan and it will not result in harm to the character and appearance of the area. Furthermore, other policies in the Local Plan seek for new development in the countryside to: Respect the amenity of local residents; to be acceptable in highway safety, heritage and arboricultural terms; to protect and enhance any on-site biodiversity features where appropriate, or provides sufficient mitigation measures; and to be acceptable in flood risk terms.

3.02 In relation to the application site, permission was granted for buildings and a change of use of the land in relation to the keeping of horses (MA/93/0299); and the existing buildings on the site (and a small apron of hardstanding), would make part of the site previously developed land. With this considered, policy DM5 (Development on brownfield land) is relevant. This said, please note the NPPF definition of PDL that states (inter alia):

*Land which is or was occupied by a permanent structure, including curtilage of developed land (although it should not be assumed whole of curtilage should be developed) and any associated fixed surface infrastructure.*

### **Maidstone Landscape Character Assessment**

- 3.03 The Maidstone Landscape Character Assessment identifies the application site as falling within the Farleigh Greensand Fruit Belt (Farleigh Green Greensand Dip Slope) Landscape Character Area (area 27-3). The landscape guidelines for this area are to 'CONSERVE'. Within the Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015), the overall landscape sensitivity of the Farleigh Greensand Fruit Belt Landscape Character Area is 'HIGH', indicating that the area is 'sensitive to change'.

### **NPPF**

- 3.04 The NPPF is clear that good design is a key aspect of sustainable development; and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF is also clear that good design is a key aspect of sustainable development; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 174 of the NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside; and section 16 of the NPPF relates to heritage impacts.

### **Regulation 22 Local Plan**

- 3.05 This is a material consideration, but limited weight is attached to the document because of the stage it has reached, having not yet been the subject of full public examination. This said, here is a list of some of the emerging policies that are relevant to this proposal: LPRS9 (Development in countryside); LPRSP10 (Housing); LPRSP12 (Sustainable transport); LPRSP14 (Environment); LPRSP14(A) (Natural environment); LPRSP14(B) (Historic environment); LPRSP15 (Design); LPRSS1 (Spatial strategy); LPRHOU1 (Brownfield Land); LPRHOU9 (Custom/self-build housing); LPRTRA2 (Assessing transport impacts); LPRTRA4 (Parking); LPRENV1 (Historic environment); LPRQ&D1 (Sustainable design); LPRQ&D2 (External lighting); LPRQ&D4 (Design principles in countryside); LPRQ&D6 (Technical standards); LPRQ&D7 (Private amenity space standards).

### **5yr housing supply**

- 3.06 Despite the agent's submitted 5yr housing land supply stance, the Council's position is that it can demonstrate a supply of specific deliverable sites sufficient to provide 5.14 years of housing (April 2022). As such, the NPPF's tilted balance is not triggered.

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 3 representations have been received raising following concerns over: Highway safety; impact to access and road surface during construction process; and surface water drainage. 2 representations have been received in support of application.

## **5.0 CONSULTATIONS**

(Please note summaries of consultation responses are set out below with responses discussed in more detail in main report where considered necessary)

- 5.01 **Councillor Parfitt-Reid:** Wishes for application to be reported to Planning Committee if officers are minded to recommend refusal for the following (summarised) reasons:

*Site is in sustainable location and there is no visible harm or any other harm. It is a self-build dwelling on a brown field site. The development of field opposite Good Intent Pub was allowed despite not being brownfield but was considered sustainable.*

- 5.02 **Councillor Webb:** Wishes to see application approved for the following (summarised) reasons:

- Proposal is legitimate "self-build" dwelling and redevelopment of brownfield land.
- Sustainability credentials superior to Good Intent development and it does not contradict planning policy.
- Application is in accordance with NPPF para 134: be (b) "outstanding or innovative designs which promote high levels of sustainability, or help raise standard of design more generally in an area, so long as they fit in with overall form and layout of their surroundings"

- 5.03 **West Farleigh Parish Council:** Raise no objection to application but have raised following concerns (as summarised below):

*Councillors do have concerns regarding access to site during construction phase - unmade track to land is very narrow and there is a likelihood that access will be obstructed by works and delivery vehicles. Parish therefore request a condition requiring submission of a Construction Management Plan (detailing timings/scheduling of deliveries, areas of storage etc) to ensure shared track would not be blocked by any delivery or contractor vehicles for duration of works. This would limit inconvenience to neighbours.*

- 5.04 **MBC Landscape Officer:** Raise no arboricultural objection (see main report).
- 5.05 **Environmental Protection Team:** Raise no objection to proposal.
- 5.06 **KCC Biodiversity Officer:** Have reviewed ecological information and have advised sufficient ecological information has been provided to determine the application (see main report).
- 5.07 **KCC Public Rights of Way Officer:** Raises no objection to proposal.
- 5.08 **KCC Archaeology Officer:** No representations have been received and so it is assumed that they have no comments to make on the application and also require no further information.
- 5.09 **KCC Minerals Safeguarding:** Had no minerals or waste safeguarding objections or further comments to make under 22/503191 and this is still considered relevant for this application.

## 6.0 APPRAISAL

- 6.01 The key issues are:

- Location;
- Impact upon character and appearance of countryside;
- Other arboricultural implications;
- Residential amenity;
- Highway safety matters
- Biodiversity impacts; and
- Other planning considerations.

- 6.02 The details of the submission will now be considered.

### Location

- 6.03 Local Plan policy SS1 identifies the focus for new residential development in the settlement hierarchy as firstly the urban area, then rural service centres, and lastly the larger villages. The proposal site is in the countryside for the purposes of the Local Plan. In general terms, proposal sites beyond development boundaries are less sustainable, as access to basic amenities/services, public transport links, and employment/shopping opportunities etc. tends to be poor, resulting in heavy reliance on the use of the private car for their day to day living. This is consistent with government guidance in the NPPF that requires new housing to be considered in the context of the presumption in favour of sustainable development; and the NPPF further states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.04 Maidstone Council is satisfied that it is able to demonstrate a 5.14 year housing land supply and so countryside protection policies in the Local Plan are afforded full weight; and specific to this submission, West Farleigh is thought to have poor access to basic amenities/services etc, and the site is removed from any settlement (as defined by the Local Plan). For example, the centre of the larger village of Coxheath is approximately 2 miles away to the south-east of the site, and Yalding village centre is some 3 miles to the south-west of the site; the nearest Rural Service Centre is Marden, is more than 6 miles away; and Maidstone town centre is some 5 miles from the site. With this, access to most basic services/amenities would, for the most part, be along unlit and narrow roads with no pavements. Given the condition of the roads and the distances required to travel, it is considered that the local road network would be an unattractive route for walking, particularly for families, the elderly and those with mobility issues, and in the winter and

at night. As such, future occupants of any new dwelling here would be deterred from regularly walking and cycling to surrounding villages; and instead there would be a heavy reliance on the use of the private car for their day to day living, contrary to Local Plan policies SS1, DM1 and DM5. Whilst there are bus services along Charlton Lane (between Maidstone and Goudhurst: Nu-venture services 23 and 23A), these services are not considered to be particularly frequent; and it is argued that the proposed development would incur more vehicle movements when compared to the existing site use.

- 6.05 In short, it is considered that as the proposal is only for one dwelling, it is unlikely to materially enhance the vitality of the local rural community; the proposal would make an insignificant contribution to housing stock in the borough; the proposal would be contrary to the Council's Borough Spatial Strategy as set out in policy SS1 of the Local Plan; and contrary to policy DM5, the site cannot reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.
- 6.06 Reference has been made to the approval of two dwellings on land to the south of the Good Intent Pub in West Farleigh. The first permission was approved in December 2020; both permissions were incorrectly never advertised as a departure from the Local Plan; and these applications were balanced decisions considered on their own merits at the time. These permissions do not alter the above assessment.

### **Impact upon character and appearance of countryside**

- 6.07 The application site is currently in use for the keeping of horses and is largely undeveloped, except for a couple of modestly sized timber buildings and a small apron of hardstanding located in the eastern part of the site. The rest of the land is open except for timber post and rail fencing.
- 6.08 The proposal would introduce not just a new dwelling on the site, but the inevitable associated paraphernalia (for example outbuildings; hardstanding; lighting; hard boundary treatments; parked cars; and garden furniture) that would come with this. This spread of urbanising development across the site would harmfully erode the largely undeveloped character of the site, to the detriment of the surrounding countryside. Indeed, despite the creation of a meadow area and the new dwelling being single storey, the building and its garden area would cover more land than the existing development on the site; and the new dwelling would have a footprint of some 137m<sup>2</sup>, when the existing buildings on the site have a footprint of some 62m<sup>2</sup>. As can be seen, the new dwelling would have more than double the footprint of the existing buildings, highlighting the significant increase in built form on the site. Furthermore, the new dwelling would have a more complicated and domestic building form, with varying roof heights and the differing styles/sizes of the fenestration detail, when compared to the simple and traditionally designed buildings on the site that only stand some 3.2m and 2m in height respectively. The new dwelling would also be largely taller than the existing buildings on the site, and it would sit closer to the access road and public right of way than the existing stable buildings and the dwelling refused under 22/503191, appearing more prominent in the landscape.
- 6.09 Even with the submission now showing the retention of the Lime tree within the site, this consolidation of urbanising development and the identified landscape harm the proposal would cause would be exacerbated given the public views of the development and how the site noticeably rises up from the adjacent vehicle access road. Notwithstanding this, whether or not the development would be visually dominant from any public vantage point, Local Plan policy seeks new development to protect the rural character of the borough and the NPPF is clear that planning decisions should contribute to and enhance the natural and local environment by (inter alia), recognising the intrinsic character and beauty of the countryside. It is considered that this protection is principally independent of what public views there are of any development, and associated more to the protection of the nature of the land in itself. Furthermore, there is also no overriding policy reason to support the proposal in this instance; and whilst, for example, the quality of the external materials, boundary treatments and landscaping (including the meadow area) could be secured by way of appropriate conditions, it is considered that this would not be sufficient to overcome the identified harm as set out above.

- 6.10 On this basis, it is considered that the proposal would continue to not result in a significant environmental improvement; and it would cause harm to the character and appearance of the countryside hereabouts, contrary to Local Plan policies SP17, DM1, DM5 and DM30. There are also considered to be no overriding benefits that would outweigh this harm.

### **Other arboricultural implications**

- 6.11 Unlike 22/503191, an Arboricultural Planning Report and Tree Protection Plan has now been submitted; and as previously explained, the proposed dwelling would be moved further towards the northern corner of the site (away from the Lime tree), and all relevant trees are shown to be retained. The Council's Landscape Officer has reviewed this submission and has commented as follows (in summary):

*From an arb perspective, main arboricultural features on site are a line of 3 Sycamore trees (Grade C) growing over eastern boundary and a single Lime tree (Grade A) located to south of existing stables. These trees have been detailed in submitted arb report, which appears to give accurate account of their position, condition and impact on development within parameters of BS5837:2012. Overall protection and working methodology around trees is in accordance with BS5837:2012, although whilst new building is shown outside root protection area (RPA) of Lime tree, I still have some reservations over its close proximity to new dwelling and potential for post development pressure for future pruning or felling due to shade (given its southerly aspect to development) and future growth potential over property roof. In this case being a single tree, it is unlikely to be sufficient grounds alone to refuse application, so assuming there are no other material grounds of refusal, if you are minded to approve application I would suggest following condition:*

*In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use.*

- i) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural Planning Report (2022/037/APR) dated 29<sup>th</sup> November 2022, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.*
- ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.*
- iii) The installation of tree protection barriers, the methods of working shall be undertaken in accordance with the Arboricultural Planning Report (2022/037/APR) dated 29<sup>th</sup> November 2022*

*Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.*

- 6.12 With the specialist arboricultural advice considered, it is accepted that the proposed development could be implemented without adversely harming the longevity and amenity value of the referred to trees. On this basis, it is considered that the proposal has overcome the previous arboricultural reason for 22/503191. TO be clear, no arboricultural objections are now raised to the proposal subject to the recommended condition above and a condition to ensure tree protection details.

### **Residential amenity**

- 6.13 The proposal would be a significant enough distance away from any existing residential property, so as to not cause unacceptable harm to local residents living conditions when trying to enjoy their own property, in terms of privacy, outlook, light, and not being overbearing. Future occupants of the proposed dwelling would also benefit from acceptable living conditions, both internally and externally. On this basis, the proposal would be in accordance with the relevant policies of the Local Plan that seek new development to respect the amenity of existing and future residents.

### Highway safety matters

- 6.14 Paragraph 111 of the revised NPPF states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 6.15 The proposal would make use of the existing site access onto a relatively quiet no-through road, and its use by one dwelling is not considered objectionable in highway safety terms, when compared to the current situation. Furthermore, no objection is raised in terms of parking provision; and cars could turn and leave the site in a forward gear. With everything considered, the development would not have a severe impact on the road network and it would not have an unacceptable impact in highway safety terms.

### Biodiversity impacts

- 6.16 Paragraph 99 of the ODPM 06/2005 states: *It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*
- 6.17 A Preliminary Ecological Appraisal (PEA) has been submitted and reviewed as part of this application. The KCC Biodiversity Officer has reviewed the application and has advised that sufficient ecological information has been provided to determine the application. In summary, they have commented as follows:

*The PEA has detailed the following:*

- *Vegetation & compost heap to rear of site has some limited potential to be used by reptiles/hedgehogs*
- *Vegetation and buildings have potential to be used by breeding birds*
- *Site has potential to be used by foraging bats*
- *Buildings have negligible potential to be used by roosting bats*
- *Site may be utilised by badgers*

*Submission shows a meadow area will be created to rear of site and so we are satisfied that vegetation to support reptiles/hedgehogs can be retained or if to be cleared there is space for appropriate mitigation to be implemented. If permission is granted we recommend that details of precautionary mitigation detailed in PEA and details of reptile mitigation must be included in construction management plan. We acknowledge no precautionary mitigation has been provided for reptiles however it's our opinion that it is needed. We recommend precautionary mitigation includes phased clearance of vegetation by hand during active reptile season will be sufficient to minimize/avoid impacts on reptiles.*

#### *Ecological Enhancements*

*Under section 40 of NERC Act (2006) and NPPF para 174, biodiversity should be maintained and enhanced through planning system. If wildflower mix is used and managed appropriately it's our opinion that creation of meadow will be beneficial to biodiversity. However more can be done to benefit biodiversity through inclusion of ecological enhancement features (e.g. integrated bird/bat boxes, log piles & insect boxes).*

#### *Lighting*

*To mitigate against potential adverse effects on biodiversity and in accordance with NPPF, we advise lighting condition requires lighting design to following recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting.*

- 6.18 On the basis of this specialist advice, it is accepted that the submission has demonstrated that protected species would not be adversely impacted upon as a result of the proposed development, subject to the conditions recommended. Furthermore, one of the principles of the NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* With this considered, if the application were to be approved, suitable conditions could be imposed requesting details of biodiversity enhancements on the site (demonstrating biodiversity net gain and as guided by the submitted PEA), including the creation of the meadow, enhanced native landscaping and through integrated methods into the design and fabric of the building. On this basis, the proposal would be in accordance with Local Plan policies DM1 and DM3 in ecological terms and no objections are raised in this respect.

### **Other planning considerations**

- 6.19 No objection is raised to the proposal in terms of land contamination, air quality and noise; and as recommended by the Environmental Protection Team, if the application were to be approved a suitable land contamination condition would be added given the use of the site. If the application were to be approved and in accordance with Local Plan policy (in the interests of sustainability and air quality), a suitable condition would be imposed for the use of renewable technologies on the site. No further details are required in terms of refuse storage/collection.
- 6.20 The site is in Flood Zone 1 and surface water drainage would be via soakaway. This is not considered to be objectionable and no further details are required in terms of flood risk/surface water drainage. Foul sewage associated to the proposal will be disposed via the mains sewer, and again this is not objectionable.
- 6.21 Given the site's separation distance from any listed building, and the fact that there is existing development in between the application site and any listed property, it is accepted that the proposal would cause no harm to the setting or the significance of any heritage asset.
- 6.22 The KCC Minerals Safeguarding Team raises no objection on mineral or waste safeguarding concerns; and the KCC Public Rights of Way Officer has also raised no objection.
- 6.23 It is accepted that there is an undersupply of self-build/custom housing sites within the borough and it is noted that there is strong Government support for such housing. This is a material consideration in the assessment of any planning application. However, even though the Council has an undersupply of available sites for self-build housing, this does not change the statutory status of the Development Plan as the starting point for decision making (as established in the Gladman Court of Appeal decision versus Secretary of State, Corby Borough Council and Uttlesford District Council – case ref: C1/2020/0542/QBACF); and each application needs to be considered on its own merits at the time. In this instance, it is considered that the proposal would be contrary to Local Plan policies, and the benefits associated to the modest provision of one self-build dwelling would not outweigh the harm identified.
- 6.24 All representations received in relation to this application have been considered in this assessment. Please note that any potential disruption caused at construction phase of a development is not a material planning consideration. Due regard has been also had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010 and it is considered that the application would not undermine the objectives of this Duty.
- 6.25 The development is CIL liable. The Council adopted a Community Infrastructure Levy in October 2017 and began charging on all CIL liable applications approved on and from 1<sup>st</sup> 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 if planning permission is granted or shortly after. The submission is not EIA development.

### **7.0 CONCLUSION**

- 7.01 This report sets out how the proposal would represent unsustainable development in terms of its location; how it would not accord with Local Plan policy DM5; and how it would cause harm to the character and appearance of the area. Consequently, the proposal would be in conflict with Local Plan policy and any potential planning benefits associated to the provision of one house are not considered to outweigh this identified harm. The use of conditions would not overcome this harm. On this basis, the proposal is considered to be unacceptable and a recommendation of refusal is therefore made on this basis.

## **8.0 RECOMMENDATION**

8.01 **REFUSE** planning permission for the following reasons:

1. The proposal, that would be located on raised and publicly prominent land, would significantly increase the level of built form on the site and this together with the introduction of a more complicated and domestic designed building, along with its associated domestic paraphernalia, would erode the largely undeveloped nature of the site, causing harm to the character and appearance of the countryside hereabouts and failing to result in a significant environmental improvement. There are no overriding planning reasons to allow the proposal in this location, that is of a high overall landscape sensitivity and sensitive to change, and the proposed development would be contrary to policies SS1, SP17, DM1, DM5 and DM30 of Maidstone Local Plan (2017); the Landscape Character Assessment (2012 amended July 2013) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015); and the National Planning Policy Framework (2021).
2. The proposed dwelling would be far removed from basic services and facilities and this would result in future occupants of the site being reliant on the private motor vehicle to travel for access to day to day needs. This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policies SS1, DM1 and DM5 of the Maidstone Local Plan (2017) and the aims of the National Planning Policy Framework (2021).

Informative(s)

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