

REPORT SUMMARY

REFERENCE NUMBER: 24/501092/FULL		
APPLICATION PROPOSAL: Demolition of existing outbuildings and the erection of a detached dwelling and garage of outstanding architectural quality and innovative design, together with associated access, landscaping, and parking. Creation of new driveway serving The Gables (Resubmission 23/503110/FULL).		
ADDRESS: The Gables Warren Street Lenham Maidstone ME17 2ED		
RECOMMENDATION: REFUSE PLANNING PERMISSION for the reasons set out below:		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<ul style="list-style-type: none"> • The proposal due to its countryside location and involving domestication of the application site and the consolidation of existing sporadic development along Warren Street would have a significantly harmful impact on the rural character of this area,. The proposal would fail to preserve the intrinsic character and appearance of the countryside and the Kent Downs National Landscape which the LPA has a statutory duty to conserve and enhance. • The proposal would result in the creation of an unsustainable form of housing development with future occupants far removed from local services and facilities reliant on private vehicle use to gain access to the goods, services and facilities necessary to meet day to day needs This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policy LPRSS1 of the Maidstone Local Plan Review (2024), and in the aims of the National Planning Policy Framework (2023). • The proposal fails to meet the exception tests set out in paragraph 84 of the NPPF, in that the application site is not isolated, the design does not meet the high threshold of 'exceptional quality', the design is not 'truly outstanding' and the design would not 'significantly enhance its immediate setting'. The proposal fails to meet the exception tests set out in paragraph 139(b) of the NPPF which requires 'outstanding or innovative' design 'that help to raise design standard and fit with 'form and layout' of the surroundings. 		
REASON FOR REFERRAL TO COMMITTEE: Call in by Lenham Parish Council if officers are minded to refuse permission.		
WARD: Harrietsham, Lenham and North Downs	PARISH COUNCIL: Lenham	APPLICANT: Ms Jayne Laming and Mr Carl Lass AGENT: DHA Planning Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 20/03/24	DECISION DUE DATE: 27/09/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant planning history

23/503110/FULL - Demolition of existing outbuildings and the erection of a detached dwelling and detached garage, together with associated access, landscaping and parking. Creation of new driveway and access serving The Gables. Refused 31.10.2023 for the following reasons:

- 1. The proposed detached dwelling, detached garage, removal of front boundary landscaping, new access, new driveway, and parking would have a detrimental urbanising impact on this location resulting in the consolidation of sporadic development along Warren Street, and with additional harm from associated domestic paraphernalia, the development would both fail to preserve and result in detrimental harm to the intrinsic character and appearance of this countryside location within the Kent Downs Area of Outstanding Natural Beauty. As such the development is contrary to policies SS1, SP17, DM1 and DM30, of the adopted Local Plan (October 2017), Landscape Character Assessment (2013), the AONB management plan and the NPPF (2023) which states that Areas of Outstanding Natural Beauty have the highest status of landscape protection.*
- 2. The proposal is an unsustainable form of housing development where future occupants would be reliant on private vehicle use to gain access to basic goods, services and facilities with the site outside of any settlement as defined in the Maidstone Borough Local Plan 2017. The proposal would be contrary to policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 and guidance within the National Planning Policy Framework 2023.*

20/500018/REF - Appeal against the refusal of planning application under reference 19/501326/FULL for detached dwelling and detached double garage with store. Appeal dismissed 24.07.2020 with summary conclusions of the appeal Inspector below:

- "The limited amount of built form at the site enables the site to sit comfortably within the rural landscape and contribute to the sense of spaciousness that is an important feature of the character of the area" (paragraph 10).*
- "The erection of an additional dwelling and a garage would cause a substantial intensification of built form at the site which would be visible from the open land to the rear of the site, from within neighbouring properties and from Warren Street, particularly through the gap at the vehicle entrance to the site. This would cause the erosion of the abovementioned spaciousness and undermine the rural character of the locality" (paragraph 11).*
- "The presence of other built form around the site does not prevent Warren Street having a rural character. Therefore, whilst the building would not be isolated and would have less of an effect on the countryside than if it were, the existence of buildings would not avoid the building causing a reduction of the spaciousness and rural character of the area" (paragraph 12).*
- "Similarly, whilst the built form would be of a scale and appearance that would reflect the existing buildings of the surrounding area and be set behind the existing boundary vegetation, these factors would not avoid the additional built form having a substantial effect on the locality" (paragraph 12).*
- "In this regard, even allowing for the existing vegetation to be retained and supplemented as shown on the submitted plans, the partial screening of the development from the public domain would not avoid the dwelling, the outbuilding and the use of the land harmfully eroding the rural character of the area and the AONB" (paragraph 12).*

19/501326/FULL Erection of detached dwelling and detached double garage with store. Refused 04.09.2019 for the following reasons:

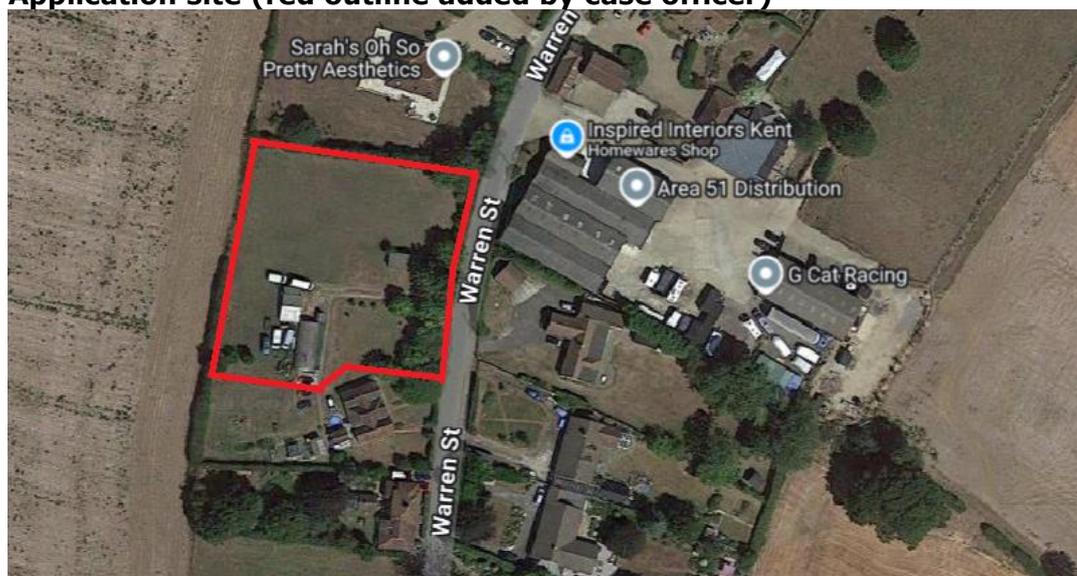
- 1. The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017. The proposal would result in the creation of an unsustainable form of housing development with future occupants reliant on private vehicle use to gain access to goods, services and facilities and, as such the proposal would be contrary to policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 and guidance within the National Planning Policy Framework 2019.*
- 2. The proposed infill development, due to its bulk, massing and location would have a harmful impact on the rural character of this area, involving the consolidation of existing sporadic development along Warren Street, and would fail to preserve the intrinsic character and appearance of the area and the Kent Downs Area of Outstanding Natural Beauty. As such the development is contrary to policies SS1, SP17, DM1, DM30, of the adopted Local Plan (October 2017), the AONB management plan and the NPPF which states that Areas of Outstanding Natural Beauty have the highest status of landscape protection.*

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 In policy terms the application site is located within the countryside and within the Kent Downs National Landscape (formerly Kent Downs Area of Outstanding Natural Beauty).
- 1.02 Warren Street consists of a collection of dwellings on large plots, a public house and a cluster of agricultural buildings at Blue House Farm. The loose grouping of the dwellings and the large plots on which they sit results in the area having a spacious and rural character that reflects the countryside location.
- 1.03 The National Landscapes (AONB) Management Plan identifies that the designated area comprises of diverse special characteristics including expansive open plateaux, narrow lanes and a modern agricultural landscape. All of these features can be seen in the area surrounding the application site.

Application site (red outline added by case officer)



- 1.04 The application site includes a collection of outbuildings, with a substantial area of grassed land. Hedging and trees are on the site boundaries. Whilst the site address is The Gables, the dwelling of that name is outside the application site on land immediately to the south of the application site.
- 1.05 The fields to the west of the site and the relatively low and intermittent nature of the hedgerows in the locality allows views of the site from a wide area. The limited amount of built form allows the site to sit comfortably in the rural landscape and contribute to the sense of spaciousness that is an important feature of the character of the area.

2. PROPOSAL

- 2.01 The application involves demolition of existing outbuildings and the construction of a new additional detached dwelling with the associated access, landscaping and parking. The dwelling footprint is 21m by 12.3m with a maximum height of 8.75m.
- 2.02 The dwelling is divided into three sections with gabled roof forms. The applicant describes this as a tripartite approach. The applicant sets out that this is used to break up the mass of the building and references the repeating gables which are found in the local vernacular.
- 2.03 Each of the three sections of the building uses a different material palette. The applicant sets out that the use of different materials in each section of the building enables the transition from an agricultural to residential material palette.
- 2.04 The northern section utilises flint, vertical timber cladding and standing seam metal. Similarly, the proposed garage comprises black horizontal weatherboarding with a corrugated metal roof.
- 2.05 The southern section is residential in character and warmer in tone when compared with the transitional and agricultural characters. The materials that will be used include handmade clay tiles, plain render, and red brick, all of which can be seen in the immediate locality. The third central block utilises grey standing seam metal to provide a transition between the two sections”.
- 2.06 The dwelling would be ‘sunk’ into the ground to present the most minimal of visual impact from the development. A triple bay garage is also proposed, this has a maximum height of 4.6m with a gabled roof and reflects the appearance of the main dwelling. The proposal includes a new replacement vehicle access driveway to nearby dwelling ‘The Gables’.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review 2024

LPRSS1 – Spatial Strategy
LPRSP9 - Development in the Countryside
LPRSP14 – Natural Environment
LPRSP15 – Principles of good design
LPRQD4 – Design principles in the countryside
LPRQ&D6 - Technical standards
LPRQD7 – Private open space standards
LPRTRA4 – Parking

Maidstone Landscape Character Assessment 2012 (Updated 2013)

The application site is located within the Wormshill to Otterden Downs and Dry Valleys Landscape Character Area. The Landscape Character Assessment notes “Wormshill to Otterden Downs and Dry Valleys is situated within the Kent Downs

AONB. The Kent Downs AONB is a nationally important designation which offers a high level of development constraint.”

Kent Downs AONB Management Plan 2021-2026 (Third Revision)

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Local residents:

4.01 2 representations received in support of the application for the following summarised reasons:

- Complies with national planning policies (NPPF para 139)
- Support the design of the development.
- Biodiversity enhancements proposed.

Councillor Janetta Sams (submitted as a neighbour consultation)

4.02 Supports the application on the following grounds:

- Applicant’s personal circumstances (not a material planning consideration).
- Outstanding innovative design.
- Adds to the existing mix of housing in this hamlet.
- Design protects and enhances the environment.
- Provides a species rich habitat.
- Development complies with national planning policies (NPPF para 139).

Lenham Parish Council

4.03 Support and would wish to see this application approved, highlighting.

- At least three similar applications approved by MBC planning namely: 22/501384 West Star Farm, 21/505360 The Cow Shed and 22/504146 Blue House Farm this latter application is just across the Lane and has been approved for multiple dwellings.
- Committee call in if officers are minded to refuse.

Officer Response:

4.04 Whilst the three permissions highlighted by the parish council are in the Kent Downs National Landscape, the permissions are not comparable to the current application as set out below.

22/501384/FULL West Star Farm:

4.05 In contrast to the proposed new build dwelling currently being considered, application 22/501384/FULL was for the renovation of extension of a retained agricultural building. As such 22/501384/FULL was not subject to the same policy restrictions that apply to a new dwelling in the countryside.

21/505360/FULL The Cow Shed:

4.06 In contrast to the proposed new build dwelling currently being considered, application 21/505360/FULL related to the conversion of an existing building to a holiday let. As such 22/501384/FULL had policy support and was not subject to the same policy restrictions that apply to a new dwelling in the countryside.

22/504146/FULL Blue House Farm:

4.07 Whilst this permission was for new dwellings, the site has a complex history. In 2019 permission was granted to convert ‘light industrial’ buildings into 8 dwellings (19/500455/FULL). This followed a number of Prior Approval decisions to convert the buildings into dwellings on this site, contrary to the current approach, these decisions were used as justification to allow the conversion under a full application.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

Kent Downs National Landscape Team

- 5.01 Highlight the changes introduced by the Levelling-Up and Regeneration Act 2023 which places a much stronger duty on local authorities, to ensure that their actions and decisions seek to conserve and enhance NLs/AONBs.

KCC Highways

- 5.02 No objection subject to conditions on:
- Provision and permanent retention of the vehicle parking spaces, garages and vehicle turning facilities.
 - Provision and maintenance of the visibility splays.
 - Cycle storage.
 - Bound surfaces.
 - Surface water drainage.

KCC Archaeology

- 5.03 No objection subject to conditions on:
- Archaeological works.

KCC Ecology

- 5.04 No objection subject to conditions on:
- External lighting.
 - Mitigation to on-site habitats (vegetation clearance in accordance with details).
 - External lighting.
 - Ecological enhancements.
 - Habitat creation and management plan.

6. APPRAISAL

- 6.01 The proposed new dwelling is in the countryside. A new dwelling in this countryside is contrary to the Local Plan Review spatial strategy that directs new development to existing designated settlements on the grounds of sustainability.

- 6.02 The starting point for assessment of applications in the countryside is policy LPRSP9. The policy states: "*Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in significant harm to the rural character and appearance of the area*". The following section of the report considers the impact on character and appearance and other adopted policies in respect of the key issues that have been identified.

- 6.03 The key issues are:
- Character and appearance
 - Neighbouring amenity
 - Residential amenity
 - Landscaping
 - Sustainability
 - Ecology and Biodiversity Net Gain

Character and appearance

- 6.04 Policy LPRSP15 states that development must "*Respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage*" Policy QD4 has similar aims and objectives.

- 6.05 The application site is in the Kent Downs National Landscape, policy LPRSP14(a) details the need to protect areas of positive landscape. Policy SP9 states that "*Great weight should be given to the conservation and enhancement of the Kent Downs National Landscape*".
- 6.06 The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to '*seek to further the purpose of conserving and enhancing the natural beauty of the area*' when discharging their functions in the National Landscapes.
- 6.07 The new duty replaces the previous requirement for relevant authorities to 'have regard' to the purpose of NLs. The new duty is intended as a more proactive and strengthened requirement. The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. This goes beyond mitigation and like for like measures and replacement.
- 6.08 The NPPF (2023) details how planning policies and decisions must recognise the intrinsic character and beauty of the countryside (paragraph 180). The NPPF advises "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues*" (paragraph 176). The scale and extent of development within all these designated areas should be limited.
- 6.09 Policy LLC1 of the Kent Downs AONB Management Plan states "*The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued*".
- 6.10 The application site is located within the Wormshill, Frinsted and Otterden Downs and Dry Valleys Landscape Character Area. The guidelines provide the following actions and notes:
- *Wormshill to Otterden Downs and Dry Valleys is situated within the Kent Downs AONB. The Kent Downs AONB is a nationally important designation which offers a high level of development constraint.*
 - *Conserve and reinforce the rural and remote setting of scattered historical settlements.*
- 6.11 The previous council decision to refuse permission for a dwelling and the subsequent dismissed appeal decision highlight the importance of safeguarding the intrinsic character and appearance of the Kent Downs National Landscape. Paragraphs 10-12 of this appeal decision are relevant and are included in the planning history section at the start of this report. Paragraph 11 of the appeal decision highlights how 'visible' the application site is in this countryside location.
- 6.12 The proposal due to its countryside location would have a significantly harmful impact on the rural character of this area, involving the consolidation of existing sporadic development along Warren Street. The proposal would fail to preserve the intrinsic character and appearance of the countryside and the Kent Downs National Landscape which the council has a statutory duty to conserve and enhance.
- 6.13 The application site is a disused agricultural site with associated buildings. The appeal Inspector concluded that the change in use to residential would cause harm to the rural character of the area. It is acknowledged that the current revised design has sought to reduce the impact of the building, however it is found that the resulting harm is sufficient to justify the refusal of planning permission. The appeal Inspector concluded that this intrinsic character would be harmed by the development regardless of any public views of the development.

6.14 A residential use on this site would involve the introduction of domestic paraphernalia such as washing lines, parked vehicles, outdoor furniture etc onto a site where this is not currently present. This domestication of the site which would increase the resulting harm to the intrinsic character and appearance of the countryside in this nationally important protected landscape.

6.15 The proposed development is contrary to Local Plan Review policies that seek to protect the character of the countryside. The proposed development does not meet any of the exceptional policy circumstances such as providing a functional need for a rural worker dwelling.

6.16 The applicant highlights advice in the NPPF in support of the application for a new house and this advice is considered below:

"Planning...decisions should avoid the development of isolated homes in the countryside unless...the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area" (paragraph 84).

6.17 The above NPPF advice relates to "...isolated homes in the countryside...". As can be seen by the site location plan at the start of this report (and as confirmed the appeal Inspector), the current application is not in an isolated countryside location.

6.18 If it was concluded that the site was isolated, there is still a high threshold for allowing development in the countryside. It is a requirement that the design is of exceptional quality, that it is truly outstanding and reflects the highest standards in architecture. The submitted development does not meet this high bar. Granting permission for this proposal will lower the design standard that should be sought as an exception to the normal constraint to countryside development.

"Development that is not well designed should be refused, ...Conversely, significant weight should be given to a) development which reflects local design policies...taking into account any local design guidance and/or b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. (paragraph 139).

6.19 The proposal would be in conflict with the council's landscape character guidelines which require development in this location to "*Conserve and reinforce the rural and remote setting of scattered historical settlements*". The design of the current application does not provide an outstanding or innovative design or meet the other criteria.

NPPF advises "...In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels"(paragraph 138).

6.20 The applicant commissioned the 'The Design Review Panel' at Design SouthEast to consider the application. The panel feedback is a material consideration under paragraph 138 of the NPPF. The feedback from the panel has been considered. Nevertheless, development allowed under paragraphs 84, 138 and 139 has to be an 'exceptional' circumstance. The paragraphs specifically refer to 'outstanding' and 'innovative' design and it is concluded that the current proposal does not meet this extremely high bar.

6.21 The proposal involves engineering works, to 'sink' the building into the ground and establish landscaping and biodiversity enhancements around the site, to screen the

dwelling. It is concluded that this is not outstanding or innovative, and a similar design approach could easily be replicated on other sites in the countryside.

- 6.22 The application site is in the Kent Downs National Landscape, with "*Great weight should be given to the conservation and enhancement of the Kent Downs National Landscape*" (Policy LPRSP9). The duty on the council in assessing proposals in the Kent Downs National Landscape is to "*...further the purpose of conserving and enhancing the natural beauty of the area*". It is concluded that the proposal fails to meet this requirement of conserving and enhancing the natural beauty of the Kent Downs National Landscape.

Neighbouring amenity

- 6.23 LPR Policy SP15 states proposals must "Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that proposals do not result in, or its occupants are exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking, or visual intrusion, or loss of light to occupiers".
- 6.24 The closest neighbouring property to the north is over 20m from the proposed dwelling, The Gables itself is over 35m to the south. Marks Tor is over 40m to the east. Due to the distances involved the proposed dwelling would not have a detrimental impact upon neighbouring properties in terms of overshadowing nor would there be loss of privacy.

Residential amenity

- 6.25 The proposed dwelling complies with minimum standards in terms of internal space standards and external amenity space that are set out in policies LPRQD6 and LPRQD7.

Locational sustainability

- 6.26 The application site is seeking residential development in the countryside contrary to the spatial planning strategy of directing development to sustainable locations in settlements.
- 6.27 Lenham, the closest settlement is approximately 2 miles away. The fastest route would involve walking along Hubbards Hill to the south of the application site, a single lane road with no street lighting or pavement. There are no bus routes present around the application site or any other public transport.
- 6.28 Future occupants would be reliant on a private vehicle to access local services to meet their day to day needs. With a good track record in housing delivery and a five year land supply in place there is no justifiable need found to allow a new dwelling in this unsustainable location.

Ecology and Biodiversity Net Gain

- 6.29 Unless in the list of specified exemptions, biodiversity net gain (BNG) is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).
- 6.30 Where exemptions don't apply, there is a 'statutory' requirement for 10% BNG and where residential use is proposed a 'policy' requirement for an additional 10% (total of 20%). The method of calculating BNG for small sites (small sites metric) was first published by DEFRA in February 2024 and updated in July 2024.

- 6.31 In applying a consistent approach, officers have been seeking BNG to meet both 'statutory' and 'policy' requirements from the commencement dates listed above. In this instance the application was validated prior to the adoption date above and as such does not need to demonstrate the 20% BNG.
- 6.32 If permission is forthcoming conditions could be imposed requiring the applicant to demonstrate biodiversity enhancements integrated within the dwelling and around the site. Considering the extent of the application site and the fact that this would be an entirely new build dwelling these could be quite substantial.

PUBLIC SECTOR EQUALITY DUTY

- 6.33 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.

Community Infrastructure Levy

- 6.34 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 The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 7.02 The proposed infill development, due to its siting within the countryside and domestication of the application site would have a significantly harmful impact on the rural character of this area, involving the consolidation of existing sporadic development along Warren Street, and would fail to preserve the intrinsic character and appearance of the area and the Kent Downs National Landscape which the council has a statutory duty to conserve and enhance. It is concluded that the development proposed is not outstanding or innovative which would outweigh the harm detailed above.
- 7.03 The site is outside of any settlement as defined in the Maidstone Borough Local Plan Review 2024. The proposal would result in the creation of an unsustainable form of housing development with future occupants reliant on private vehicle use to gain access to goods, services and facilities and, as such the proposal would be contrary to the Local Plan Review and the NPPF.

8. RECOMMENDATION: REFUSE PLANNING PERMISSION for the following reasons:

- 1) The proposal due to its countryside location and involving domestication of the application site and the consolidation of existing sporadic development along Warren Street would have a significantly harmful impact on the rural character of this area. The proposal would fail to preserve the intrinsic character and appearance of the countryside and the Kent Downs National Landscape which the council has a statutory duty to conserve and enhance. The development is contrary to Local Plan Review policies, LPRSS1, LPRSP9, LPRSP14, LPRSP15, LPRQD4, of the Maidstone Borough Local Plan Review (2024), Landscape Character Assessment (2013), the AONB management plan and the NPPF (2023) which states that National Landscapes have the highest status of landscape protection.

- 2) The proposal would result in the creation of an unsustainable form of housing development with future occupants far removed from local services and facilities reliant on private vehicle use to gain access to the goods, services and facilities necessary to meet day to day needs. This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policy LPRSS1 of the Maidstone Local Plan Review (2024), and in the aims of the National Planning Policy Framework (2023).
- 3) The proposal fails to meet the exception tests set out in paragraph 84 of the NPPF, in that the application site is not isolated, the design does not meet the high threshold of 'exceptional quality', the design is not 'truly outstanding' and the design would not 'significantly enhance its immediate setting'. The proposal fails to meet the exception tests set out in paragraph 139(b) of the NPPF which requires 'outstanding or innovative' design 'which promote high levels of sustainability' that help to raise design standard and fit with 'form and layout' of the surroundings.