

**Session 14A – Wednesday 30 November 2016 – 10:00-13:00**  
**Alternative Sites**

Representation 19104 – Bearsted Golf Club

Land at Bearsted Golf Club, Thurnham Lane, Bearsted Kent ME14 4PQ

**Qn14.1 Does the site have any relevant planning history?  
(applications, permissions, appeals, previous allocations)**

The site is subject to a planning application for residential development 16/504256/FULL for detached 4 dwellings. This proposal has been appealed for non-determination.

No other previous planning history on this site.

**Qn14. 2 What is the site's policy status in the submitted Local Plan? (eg whether in defined settlement/countryside/AONB/conservation area/ Landscape of Local Value etc)**

The site is located within the countryside in the emerging local plan. The site is not situated within a Conservation Area an AONB or an Area of Local Landscape Value (ALLV).

**Qn14. 3 What is the site's policy status in any made or emerging neighbourhood plan?**

The site is not within a neighbourhood plan area.

**Qn14. 4 Is the site greenfield or previously developed (brownfield) land according to the definition in the glossary of the National Planning Policy Framework?**

The site is greenfield land under the definition set out in the National Planning Policy Framework. The land is not in active agricultural land use. The land is owned by Bearsted Golf Course and is on the periphery of the site. The land has been used for storing surplus materials and earth from the golf course.

**Qn14.5 What previous consideration by the Council has been given to the site's development (eg inclusion in a Strategic Housing and Economic Development Land availability Assessment (SHEDDLAA) and does the Representor have any comments on its conclusions.**

No previous consideration has been given to this site by the local planning authority as part of the local plan process

The site was submitted as an alternative site as part of the Regulation 19 consultation on 18 March 2016. No local plan submission had been made prior to that date.

**Qn14.6 What is the site area and is has a site plan been submitted which identifies the site?**

Site area is 0.4 hectares. Site plan attached showing the extent of the site.

**Qn14.7 What type, and amount of development could be expected and at what density?**

Due to its location on the edge of Bearsted we consider that a proposal for detached 6 dwellings is appropriate. Surrounding properties are detached family sized dwellings along Thurnham Lane. The proposal is a linear form of development set back behind an existing tree line on the western side of Thurnham Lane.

On the eastern side of Thurnham Lane there have been a number of planning permissions granted an appeal and by the local planning authority for detached properties. These are set out below (see Qn 14.10)

**Qn14.8 When could development be delivered and at what rate?**

Development can proceed within the first 5 years of the plan period (2016-2021)

**Qn14.9 What evidence is there of the viability of the proposed development?**

The site is a greenfield site. There are no remediation costs associated with this development. No significant highway or junction improvement works.

Kent County Council (Highways) has indicated no objection to a proposed access onto Thurnham Lane. Copy attached.

**Qn14.10 Has the site been the subject of sustainability appraisal and does the Representor have any comments on its conclusions?**

No sustainability appraisal undertaken as part of the local plan process.

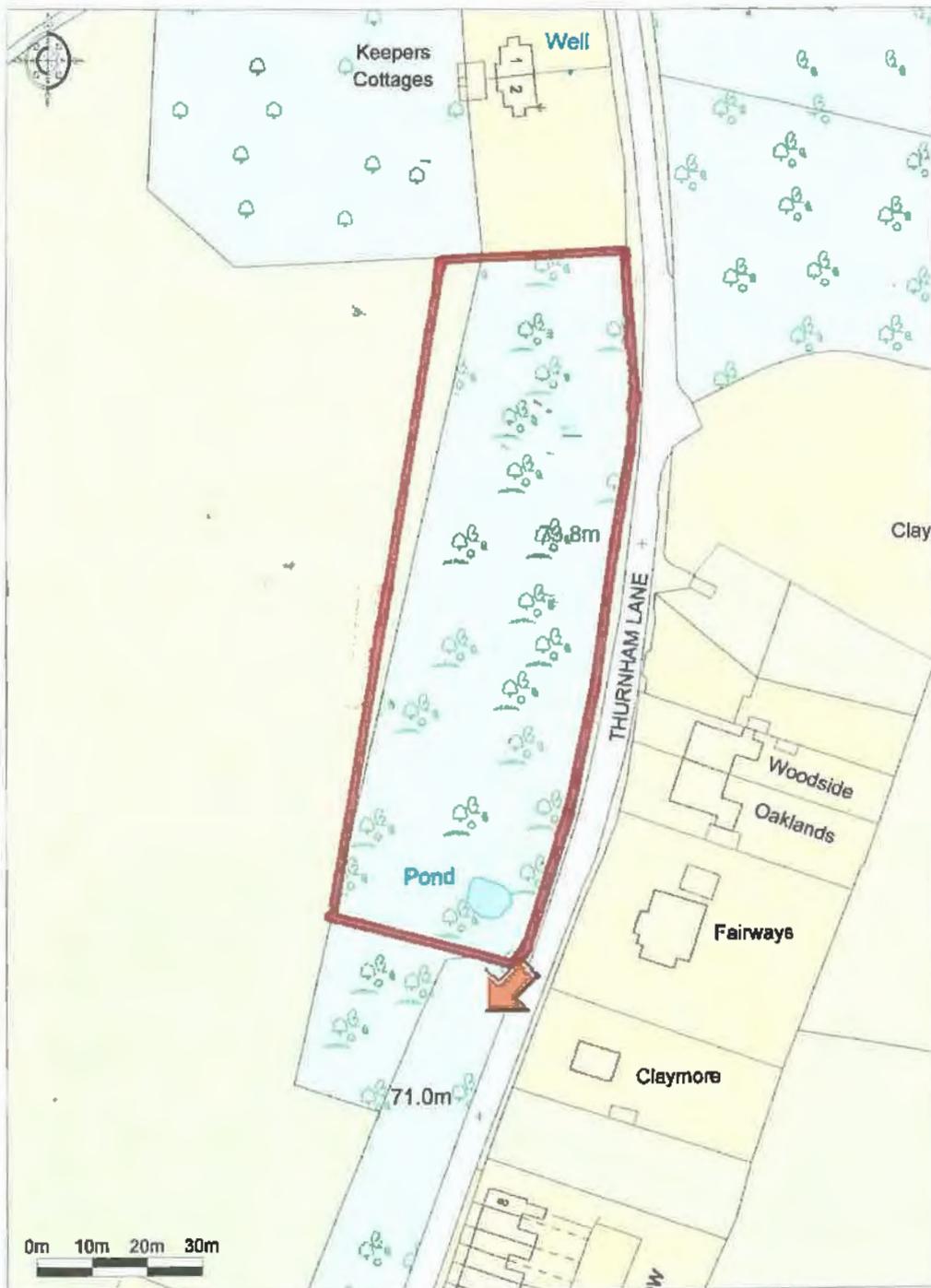
However, attached a various appeal cases in the local area confirming that the site is a sustainable location on the edge of Bearsted. Attached are the following cases relevant to this site:

- Fairways, Thurnham Lane (APP/U2235/A/2223129)  
- One Detached Dwelling
  
- North of Fancy Cottage Thurnham Lane (APP/U2235/W/14/3001076)  
- One Detached Dwelling
  
- 1 Fancy Cottage, Thurnham Lane (MA/15/509836/FULL)

- One Detached Dwelling

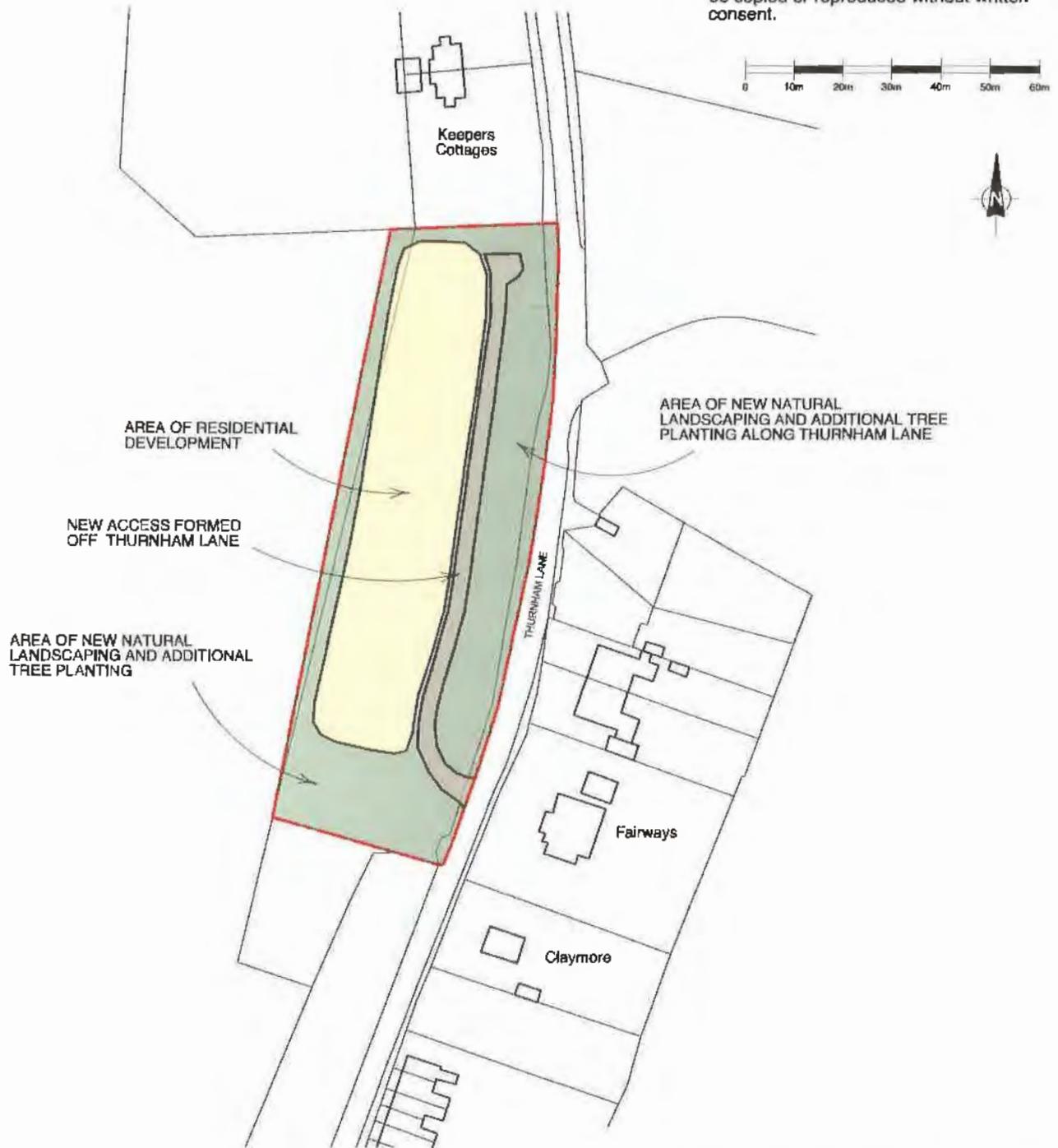
**Qn14.11 What constraints are there on the site's development and how could any adverse impacts be mitigated?**

The proposal will retain existing tree line alongside Thurnham Lane. There is generous scope for replanting of indigenous trees on the site. There are some ash coppice trees that are poor specimens that will need to be removed to accommodate the proposals.



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Project:		Proposed Residential Development Thurnham Lane	
Drg title:		Feasibility Proposal	
Date:	March 2016	Scale:	1:1250@A4
Drg no:	RWA16/020-101		Rev: -

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16 March 2016

Spatial Policy  
Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone ME15 6JQ

Our Ref: 14-013

Dear Sir/ Madam

**Maidstone Local Plan Regulation 19 Consultation  
Land at Bearsted Golf Club, Thurnham Lane Thurnham Bearsted Kent**

We are acting on behalf of Bearsted Golf Club in connection with this matter.

**We would like to make representations on the local plan set out below and we would also wish to participate in the forthcoming hearings or the Examination in Public into the local plan that will be scheduled in due course.** We wish to **OBJECT** to the local plan on the basis of its soundness. Generally, we have concerns about the spatial strategy with an under supply of allocated sites in Policy H1 with no contingency sites plus concern over the delivery of the 'broad locations' identified in Policy H2.

National planning policy promotes positive plan-making and in this context, Local Plans should be prepared and based on a strategy which seeks to meet the objectively assessed need (OAN). When the Council consulted on an earlier version of this document in March 2014, the objectively assessed need (OAN) was 19,600 for the plan period (2011-2031) and the housing requirement for the Borough was agreed on the basis of the OAN figure. The figure was revised to 18,560 following a later review based on 2012 data. Given further inward migration levels from London and a continued unmet need in the Greater London area the local planning authority must therefore include additional allowance as a result of increasing migration from London.

With regards to the allocated sites Policy H1, we still consider there to be an overall shortfall in number of allocated sites with no contingency if some of these sites do not come forward. In addition, it is proven that the indicative yields stipulated in the Regulation 19 are 'on the high side'. We will demonstrate this with some random examples from the site allocation list below.

For example, in the earlier Regulation 18 document indicates that Site H1 (1) *Bridge Nursery* had an indicative yield of 165. The actual planning permission granted by the local planning authority was for a lower figure (140 units). H1 (3) *West of Hermitage Lane* was originally to yield 330. In 2015 planning permission was granted on H1 (3) for 300 on this site and construction is underway. Likewise H1 (4)

*Oakapple, Barming* has a reduced number of units 187 compared to 240 stated previously in earlier documentation. H1 (43) *Glebe Gardens* is forecasted as providing 10 units the planning application submitted is for 8. H1 (52) *Hubbards Lane* is scheduled to yield 21. However, only 11 can be accommodated on the site. H1 (64) *West of Eyhome Street* was earmarked for 35 units. Construction is underway for 14 units

As you will note there is a downward trend between the forecast yield and the actual figures. The combined total of these sites in Policy H1 is 8,707 units representing a significant proportion of the total. However, from the evidence we have there is always an under provision based on these indicative numbers. **In our opinion the local planning authority needs to provide additional sites as a contingency by allocation additional sites.**

With regard to the windfall allowance of 1,026 it is unclear how this figure has been derived upon.

In addition to this we are doubtful about the broad locations for developable sites between 2026 -2031 referenced in Policy H2.

Policy H2 refers to Maidstone Town Centre accommodating 700 units over the plan period 2026-2031. Over the past 12-18 months alone since the introduction of permitted development rights and 'Prior Approval' procedure for conversion of office to residential (Part O) the town centre alone has already lost approximately 300,000 sq ft (32,000 sq metres) of floorspace with the conversion of large office blocks such as Concorde House, Kent House, Miller House and others. The figure of 700 units is not a long term aspiration and will already be included elsewhere in the figures as the works have planning permission and have been converted.

At Lenham there is a neighbourhood plan in preparation which does not include any major development either west or east of the village in the broad locations identified in the plan. Finally, with regards to Invicta Barracks (1,300 units) the disposal of this site by the Defence Estates Organisation (DEO) has been discussed for over 20 years. The DEO has disposed of other significant land at the Medway Council area also occupied by Royal Engineers whilst over the same period there has not been any intent to dispose of this land.

In light of this, the local planning authority should bring forward additional sites that were previously submitted as part of the call for sites and earlier stages in the plan making process

### *Land at Bearsted Golf Club, Thurnham Lane Thurnham Bearsted Kent*

The site is located on the western side of Thurnham Lane, which follows a north-south alignment and is approximately 500 metres from the centre of Bearsted Green. Thurnham Lane has a semi-rural character with linear development along the eastern side comprising a group of terraced dwellings and then numerous detached and semi-detached dwellings.

The site has an area of approximately 0.5 Hectares. It has a frontage on Thurnham Lane of approximately 150 metres and a depth of approximately 24 metres. The site is screened by a mature hedgerow along the eastern boundary. Along Thurnham Lane there is a low hedge line. **The site can accommodate a linear residential development of between 6-8 dwellings set back and screened by landscaping and new planting off Thurnham Lane.**

On the western side of Thurnham Lane, is the Old School House and the School Yard. The School site has planning permission for a new detached dwelling on the site and conversion and enlargement of the Old School House to a single dwelling.

The site can be considered to be an infill development in open countryside, outside the village confines of Bearsted. A site allocation at this location will make a contribution to the overall housing supply and objectively assessed need, albeit a small one. Site is surrounded on three sides by built development.

The NPPF seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain vitality of rural communities. Although outside the existing village confines the site is located within an existing stretch of ribbon development that is within easy walking distance to the railway station and Bearsted village. There are a number recent appeal decisions and planning permissions granted by Maidstone Borough Council allowing new detached dwellings on this section of Thurnham Lane. The most recent is a detached dwelling on Thurnham Lane at 1 Fancy Row on 17 March 2016. This area is deemed to be a sustainable location.

Bearsted station is 400 m to the south of the site. From this station trains run to Maidstone East, London Victoria, Ashford and East Kent. Trains run at a 30 minute frequency with some additional peak hour trains. Pedestrians can access the station from steps located at the railway bridge in Thurnham Lane. Vehicular access and the car park are on Ware Street.

Bus service 19 operated by Arriva runs from Cross Keys in Bearsted along Ware Street via The Landway and Tesco Grove Green to the centre of Maidstone. The service starts at 0750 and finishes at 1824 and has a frequency of around one hour. The closest bus stops to the proposed development are in the vicinity of the railway station and opposite the library, just over a 400 m walk.

The proposed houses will be within walking distance, 450 m, from the edge of the historic Bearsted Village Green which has sports pitches and on the periphery a restaurant, two public houses/restaurants, a library, The Bearsted and Thurnham Club, local shops including a newsagents and a delicatessen.

Roseacre Junior School and Bearsted and Thurnham Infant School, both in The Landway, are around 1.2 km from the site. The site abuts Bearsted Golf Club, with access to the clubhouse by car from Ware Street around 1 km from the site.

Planning permissions have been granted recently at Appeal, APP/U2235/A/14/2223129(November 2014) and APP/U2235/W/14/3001076 (April 2015), for two detached houses in Thurnham Lane, very close to the proposed development. In both instances the two Inspectors considered that the location was sustainable.

Planning permission was also granted in 2014 for a detached house on The Old School House site immediately to the north of the proposed development (Ref: MA/13/1265). There were no objections in respect of sustainability or highways. This property has been constructed.

Paragraph 55 in the Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. The proposal is located within an existing stretch of ribbon development that is within easy walking distance of Bearsted. The village of Bearsted has a variety of shops and services and also a railway station. Therefore, the site is in a location where day-to-day journeys would not have to be reliant on the use of motor vehicles. These issues were also considered by the Planning Inspector in relation to the appeal on land adjacent to 8 Fancy Row and were considered to be acceptable. Therefore, it is considered that the site is in accordance with paragraphs 55 of the NPPF.

**Clearly in any objective assessment this site is in a sustainable location which compares very favourably both with other allocated housing sites and indeed much of the existing housing in Bearsted.**

We trust this letter of response will be taken into consideration. We would wish to be notified in order to participate at the forthcoming hearings.

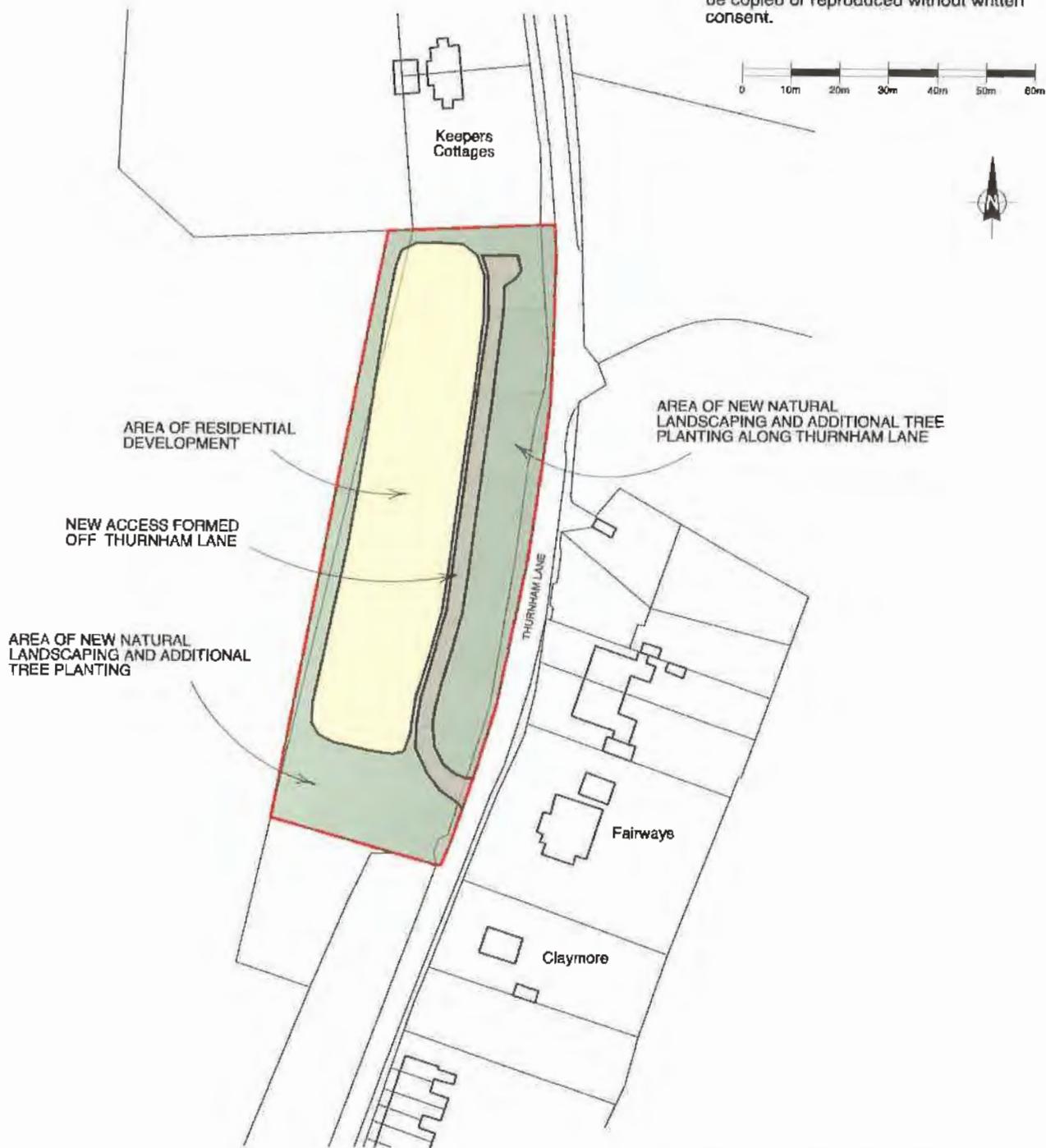
Yours faithfully



Andrew Street

Enc

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Drg title:	Feasibility Proposal		
Date:	March 2016	Scale:	1:1250@A4
Drg no:	<b>RWA16/020-101</b>		Rev: -

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**Maldstone Borough Council**  
Maidstone Planning Department  
King Street  
Maidstone  
Kent  
ME15 6JQ

**Highways and Transportation**  
Ashford Highway Depot  
4 Javelin Way  
Ashford  
TN24 8AD

**Tel:** 03000 418181  
**Date:** 3 June 2016

**Application - MBC/16/504256/FULL**  
**Location - Bearsted Golf Club Ware Street Bearsted Kent ME14 4PQ**  
**Proposal - Erection of four dwellings, garaging, new highway access and other associated works**

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

The visibility splays at the proposed access are to be 60 metres in both directions (subject to landscaping) at a distance set back 2.4 metres from the carriageway edge. The access is along a 30mph stretch of Thurnham Lane. This therefore meets our visibility requirements as set out in Manual for Streets (MfS).

Each property has sufficient parking provision and there is space within the site for vehicles to turn. There are existing parking restrictions along Thurnham Lane which aim to deter motorists parking for use of Bearsted Railway Station.

The traffic generation associated with 4 dwellings in this location will be minimal and likely fall within daily traffic variations of traffic flows.

It is unfortunate that there are no footways linking the development to the village green of Bearsted however I do not feel that this would pose a highway safety issue given that the application is for only 4 dwellings.

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority subject to:

- Provision and maintenance of visibility splays at the access with no obstructions over 0.9 metres above carriageway level within the splays, prior to use of the site commencing.
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

**INFORMATIVE:** It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

**Sam Yates**  
Graduate Development Planner

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## Appeal Decision

Site visit made on 7 October 2014

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 6 November 2014**

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**Appeal Ref: APP/U2235/A/14/2223129**

**Fairway, Thurnham Lane, Bearsted, Maidstone, Kent ME14 4PL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Mark Baldwin against the decision of Maidstone Borough Council.
  - The application Ref MA/14/0181, dated 31 January 2014, was refused by notice dated 10 April 2014.
  - The development proposed is new detached dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for a new detached dwelling at Fairway, Thurnham Lane, Bearsted, Maidstone, Kent ME14 4PL in accordance with the terms of the application, Ref MA/14/0181, dated 31 January 2014, subject to the conditions listed in Appendix A.

### Preliminary Matter

2. Two plans have been submitted. The first, dated November 2013 with the second July 2014. Clarity was sought at the site visit from the main parties, whom agreed that the difference between the drawings was that the latter showed an extended street scene. However, the first drawing, dated November 2013, is that on which the Council made its decision, and which interested parties would have considered. There is no evidence that further consultation was undertaken on the latter drawings. For the avoidance of doubt and in the interests of clarity this decision is therefore based upon the November 2013 Plans & Elevations drawing, as originally submitted.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The appeal site forms part of the garden area for the property Fairway, which is a large detached house. It is located along Thurnham Lane, which is characterised by clusters of ribbon development with varying gaps between the built form. Typically, the dwellings at this end of Thurnham Lane are large detached houses, with some isolated examples of terraced dwellings dating from around the late 1800s. The proposal would see the removal of a single storey conservatory on the flank wall of Fairway and the provision of a new

access off Thurnham Lane to the front of the site. The rear of the site is served by a very tall coniferous hedge forming the rear boundary, which prohibits views towards farmland and the M20 motorway to the east.

5. Paragraph 55 of the National Planning Policy Framework (the Framework), has been referred to by the main parties and this indicates that new isolated dwellings in the countryside should be avoided unless there are special circumstances. The main parties agree that the proposal is sustainable in location terms. Given that the appeal site would be located close to the small cluster of ribbon development dwellings along Thurnham Lane and in reasonable proximity to the village facilities, I see no reason to take a contrary view. I do not, therefore, consider that the proposal represents an 'isolated' dwelling in terms of Paragraph 55 of the Framework
6. Nevertheless, whilst the site lies along a ribbon development between two existing dwellings, Fairway and Claymore, it is defined as being within the open countryside under Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 (MWBLP). The Policy seeks to prevent development which would harm the character and appearance of the area or the amenities of surrounding occupiers, and confines development to certain listed exceptions. However, the Council has acknowledged it is currently unable to demonstrate a five year supply of housing.
7. As such, in accordance with Paragraph 49 of the National Planning Policy Framework (the Framework), Policy ENV28 is out of date. In such circumstances, the proposal falls to be considered under Paragraph 14 of the Framework which at its heart is a presumption in favour of sustainable development. Paragraph 7 of the Framework sets out the three dimensions to sustainable development; economic, social and environmental, and that these roles are mutually dependent.
8. In particular, the environmental dimension of sustainable development requires the planning system to perform the role of contributing to protecting and enhancing the natural, historic and built environment. In this case, the site is located within a Special Landscape Area (SLA) and is subject to MWBLP Policy ENV34. This Policy requires that in the SLAs, particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations. It also indicates that there are three SLAs; the North Downs, the High Weald and Greensand Ridge, with a fourth proposed called Low Weald. I consider that this approach is broadly consistent with Paragraph 113 of the Framework, in terms of being a locally designated site.
9. However, it is unclear which of the SLAs the appeal site lies within, or its key characteristics. Nevertheless, what was clear from my site visit is that the site is located between two existing dwellings and within a ribbon development. Views of the building would be possible from the public footpath KM81 and the M20; both located to the east. However, the views would be over distances of about 170 metres from the footpath and 0.5 km from the motorway. The site itself is screened from this direction by both hedging enclosing the agricultural land between the site and the public footpath, and the coniferous hedge along the rear boundary of the site. Moreover, given the height of the coniferous hedge being about 4 metres tall, views of the building are likely to be limited to the roof and upper floors.

10. I acknowledge the Council's case that there may be pressure from future occupiers to remove the coniferous hedge to give views over the nearby countryside and that its loss would increase the visual prominence of the property within the landscape. However, it was clear from my site visit that the coniferous planting was at odds with the prevalent plant forms, which are characterised by a mixture of deciduous trees, indigenous hedging and open farmland. It has been suggested that this could be secured by condition, and I consider that a condition requiring details of either retaining the coniferous hedge or replacing it with indigenous species could be reasonable in this case.
11. The Council considers that the building would be harmful to the countryside and SLA through the consolidation of the built form and its prominence from public vantage points. However this needs to be tempered by the fact that the proposed building would be read together with Fairway, Claymore and the other properties along Thurnham Lane. Whilst there would be a degree of prominence within the landscape and countryside, this would be mitigated by the fact that the house would sit in between existing buildings, but still retain gaps on either side and to the front and rear. It should also be noted that the site is part of the garden to the side of Fairway, rather than a separate or isolated development. Given the distances from public vantage points, the ability to use sympathetic landscaping within the site to lessen the visual prominence of the proposed dwelling and its location between two existing dwellings, I do not find that the proposal would be materially harmful to the scenic quality and distinctive character of the area.
12. The lack of harm in terms of the countryside and SLA, when added to the acceptable location of the dwelling in terms of access to services, means that the environmental dimension of sustainable development can be achieved in this case. In terms of the economic dimension, the proposed development would provide benefits by supporting local businesses, both during construction and in terms of the needs of occupiers. With regard to the social dimension, the proposal would provide benefits in the form of a new dwelling, which would contribute to local housing supply, albeit limited to one dwelling. I therefore find that the proposed development would constitute sustainable development as defined by the Framework. Moreover, the adverse impacts of the proposed development in terms of the impact on the countryside would not significantly or demonstrably outweigh the benefits from the proposal, when assessed against the Framework as a whole.
13. Accordingly, I therefore conclude that the proposed development would not have a materially harmful effect on the character and appearance of the area. It would also represent sustainable development, for which there is a presumption in favour of set out in the Framework. The proposed development therefore accords with Policy ENV34 of the MWBLP and the Framework, which amongst the aforesaid aims seeks to ensure that in the countryside planning permission will not be given for development which harms the character and appearance of the area.

### **Other Matters**

14. I acknowledge the references made to a scheme under application MA/13/1265 at the Old School House which is located on the other side of the Thurnham Lane and a short distance from the appeal site. The issues in that case, where a development was permitted to secure finance for repair works to a non-

designated heritage asset, appear very different to those before me. It is well established planning practice that each application is considered on its own merits, as I have done in this case. I therefore afford this example limited weight, which does not significantly add or detract from my assessment of the planning merits in this case.

15. I note the concerns raised relating to the potential loss of light and overlooking at Claymore which is located to the south of the appeal site. Whilst the proposed dwelling would project further back than the rear elevation of Claymore, by about 7.5 metres, it would also be located approximately 6.8 metres from the flank wall of Claymore. Obscured glazed openings are shown in the limited openings in the flank walls of the proposal and would reduce the potential for overlooking. Moreover, in terms of light, given that the proposed dwelling is located to the north of Claymore, I do not consider that the proposal would result in a materially harmful loss of sunlight or daylight, given the solar path. Having considered these matters, and all others raised by interested parties, I do not find that they weigh heavily against allowing the scheme.

### **Conditions**

16. In considering the suggested conditions, I have had regard to Paragraph 206 of the Framework and the Planning Practice Guidance, which relate to the use of planning conditions. A condition requiring the proposed development to be built in accordance with the submitted drawings is necessary and reasonable in the interests of proper planning and for the avoidance of doubt. A condition requiring the submission of material samples is reasonable in order to protect the character and appearance of the area. A condition relating to boundary treatments, including the existing coniferous hedge, is necessary to ensure that the impact on the wider landscape is mitigated. However, given the size of the site, a condition requiring a full landscaping scheme to be submitted and agreed is not necessary in this case.
17. A condition requiring a watching brief for archaeology is reasonable given the location of nearby archaeological features which may also be present on site, and the need to protect our historic environment. Lastly, a condition requiring the proposal to achieve Code for Sustainable Homes Level 4 has been suggested. However, there is no evidence as to the policy background for such a requirement in this case. In the absence of such evidence, I do not consider that it is reasonable to impose a condition requiring Code Level 4 to be achieved.

### **Conclusion**

18. For the reasons given above I conclude that the appeal should be allowed.

*Cullum J A Parker*

INSPECTOR

## **Appendix A – List of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority plans and/or details indicating the positions, design, materials and type of boundary treatment to be erected or retained; including full details of either the retention of the coniferous hedge to the rear of the site, or its replacement with an indigenous plant species. The agreed boundary treatments shall be completed and/or planted before the building is occupied.
- 4) No development shall take place until an archaeological watching brief has been submitted to and agreed in writing by the local planning authority. Thereafter the archaeological watching brief shall be implemented in accordance with the agreed written scheme of investigation.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan labelled 'Fairways' (showing red line) and Proposed Detached Dwelling – Plans and Elevations November 2013.



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## Appeal Decision

Site visit made on 16 March 2015

**by J L Cheesley BA(Hons) DIPTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 April 2015**

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**Appeal Ref: APP/U2235/W/14/3001076**

**Land Adjacent to Fancy Row Cottages and Claymore, Thurnham Lane, Thurnham, Maidstone, Kent ME14 4PL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Danisa Developments against the decision of Maidstone Borough Council.
  - The application Ref 14/500927/FULL dated 30 May 2014 was refused by notice dated 3 September 2014.
  - The development proposed is the development of a detached house on vacant plot.
- 

### Decision

1. The appeal is allowed and planning permission granted for the development of a detached house on vacant plot at land adjacent to Fancy Row Cottages and Claymore, Thurnham Lane, Thurnham, Maidstone, Kent ME14 4PL in accordance with the terms of the application, Ref 14/500927/FULL dated 30 May 2014 subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans on Drawing Nos: TP-01, TP-02, TP-03 and TP-04.
  - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) No development shall take place until full details of the finished levels of the dwelling hereby permitted and the existing site levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 5) No development shall take place until a scheme of landscaping, including boundary treatments, has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protections in the course of development. The

7. The proposed dwelling would be situated within a row of existing dwellings. In terms of its location so close to services and facilities in nearby Bearstead, the proposal would accord with the social role of sustainability and would help maintain the vitality of the rural community. In addition, in terms of the social role, the proposal would provide for a family home. However, this would make a very small contribution to a wider choice of homes.
8. Turning to the economic role, some very small benefit would accrue in relation to the construction of the dwelling. I now turn to the environmental role.
9. The appeal site lies within a Special Landscape Area. Saved Local Plan Policy ENV34 seeks to protect and conserve the scenic beauty and distinctive character of this area. I consider this policy broadly accords with the Framework where it recognises the need to continue to protect the countryside, setting out in its core planning principles its intrinsic character and beauty.
10. The appeal site lies within a row of dwellings between a terrace of cottages and a detached dwelling Claymore. As such, I consider that the appeal site relates to the built form and domestication of the frontage, rather than the rural character of the wider countryside. The proposed dwelling would be situated between two existing dwellings, whilst maintaining gaps either side. In addition, the proposed dwelling would be staggered back from the frontage, leaving an open frontage and extensive rear garden. From my observations, this would be in keeping with the form of development in the vicinity and would retain a sense of spaciousness that would not unacceptably consolidate built development.
11. Views of the proposed development would be possible to some extent from public footpaths to the rear. However, due to the distance and vegetation, I consider that the proposed dwelling would appear as part of the existing group of dwellings, rather than an incursion into the wider countryside landscape.
12. Whilst the proposal would introduce further built form into the countryside, from my observations, due to the design, siting, and scale of the proposal, it would be in keeping with the form and scale of the surrounding group of dwellings. In this regard, I consider that there would be only limited harm to the character and appearance of the surrounding countryside and Special Landscape Area. Thus, the proposal would accord with saved Local Plan Policy ENV34.
13. The proposal is for only one additional dwelling, which would have a very limited effect on the shortfall in housing land supply. I have found that the proposal would make a small contribution to the economic role of sustainable development. In addition, it would make some contribution to the social role and with regard to the environmental role; I have found that there would only be limited harm.
14. I am satisfied that the site is a sustainable one and considerable weight therefore arises in favour of the scheme. I have noted that there would be only limited harm to the countryside in terms of the character and appearance of the area. In accordance with paragraph 14 of the Framework, this does not significantly and demonstrably outweigh the benefits. Taking the three dimensions together, the balance of consideration therefore lies in allowing the appeal.

15. In reaching my conclusion, I have had regard to all matters raised upon which I have not specifically commented. In particular, I have considered the proximity of the proposed dwelling to Claymore. From my observations, due to the siting and scale of the proposed dwelling, I consider that it would not have an adverse effect on the living conditions of these neighbours. In particular, it would not significantly reduce the amount of daylight or sunlight to this property.

*Conditions*

16. Apart from a standard time condition and conditions regarding materials and plans, the Council has suggested five conditions. Due to the topography of the site, I consider it reasonable and necessary to impose a condition regarding levels. In the interest of visual amenity, I consider it reasonable and necessary to impose conditions regarding landscaping and boundary treatment. I do not see this as an exception site requiring the removal of permitted development rights.
17. The County Archaeological Officer has stated that the appeal site lies a few metres west of a set of linear cropmarks, which may represent prehistoric or later activity. Therefore, a condition has been suggested for a watching brief. In these circumstances, I consider such a condition to be reasonable and necessary.
18. The Council has commented that the appeal site may support protected species. There is no clear evidence to substantiate this. The Council has not expressed the view that the absence of an ecological survey warrants refusal of planning permission. Therefore, in this particular circumstance and on a site of this scale with the amount of development proposed, I consider ecological matters can be dealt with by way of a condition. Thus, I consider it reasonable and necessary to impose a condition requiring the submission of an ecological survey prior to commencement of development.
19. The conditions suggested by the Highway Authority can be covered under other legislation.
20. I have altered the suggested conditions where necessary in the interest of clarity and precision.

*J L Cheesley*

INSPECTOR



Mr R Bentley  
C/O Consilium Town Planning Services Ltd  
62 The Landway  
Bearsted  
Maidstone  
Kent  
ME14 4BG

24 March 2016

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Mr R Bentley</b>
<b>DEVELOPMENT TYPE:</b>	<b>Minor Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>15/509836/FULL</b>
<b>PROPOSAL:</b>	<b>Erection of one new dwelling.</b>
<b>ADDRESS:</b>	<b>Land Adjoining 1 Fancy Row Thurnham Lane Thurnham Kent</b>

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The Council hereby **GRANTS** planning permission subject to the following Condition(s):

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**MKPS – Working in Partnership with:** Maidstone Borough Council  
**Please Note:** All planning related correspondence for MBC should be sent to:  
Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ  
Tel: 01622 602736 email: [planningsupport@midkent.gov.uk](mailto:planningsupport@midkent.gov.uk)  
Access planning services online at: [www.maidstone.gov.uk](http://www.maidstone.gov.uk); or submit an application via  
[www.planningportal.gov.uk](http://www.planningportal.gov.uk)

- (2) Before the development hereby permitted is first occupied, the following window shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such:

The proposed first floor 'stairwell' window on the side (north) elevation of the approved dwelling.

Reason: To safeguard the privacy of existing and prospective occupiers.

- (3) Before the development hereby permitted is first occupied, the vehicle parking and turning facilities shall be implemented as shown on the approved plans and permanently retained thereafter.

Reason: In the interests of highway safety.

- (4) Before the development hereby permitted is first occupied, a bound surface shall be provided for the first 5 metres of the access from the edge of the highway.

Reason: In the interests of highway safety.

- (5) No building works above ground level shall commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- (6) The development hereby permitted shall be carried out in accordance with the following approved plans;

- Site Location Plan, received 4th December 2016.
- Drawing No. 25/45/01A: Floor Plans.
- Drawing No. 25/45/02A: Elevations.
- Site Layout Plan, received 25th November 2016.
- Preliminary Ecological Appraisal, received 25th November 2016.
- Tree Survey, dated January 2016.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

- (7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The details shall include all trees and hedgerows to be retained on the site and additional proposed planting.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

- (9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

- (10) The development shall be undertaken in accordance with the recommendations set out in the approved Preliminary Ecological Appraisal, received on 25th November 2015.

Reason: To ensure appropriate mitigation and protection of species.

- (11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of biodiversity enhancements for the site. The scheme shall be based on the recommendations of the Preliminary Ecological Appraisal, received on 25th November 2015.

Reason: No such details have been submitted and to ensure appropriate mitigation and protection of species.

- (12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement in accordance with BS5837:2012, which shall include details on the root protection areas of all retained trees and details on method of root protection.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

- (13) The development hereby approved shall not commence until details have been submitted for prior approval in writing by the Local Planning Authority of decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development. The approved details will be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

Informative(s):

- (1) As the development involves demolition and/or construction, the applicant should refer to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
- (2) Clearance and burning of rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.
- (3) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- (4) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (5) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (6) Provision shall be made for construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- (7) Provision shall be made for parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- (8) Provision shall be made of wheel washing facilities prior to the commencement of work on site and for the duration of the construction.

- (9) The following recommendations (from the Biodiversity Officer) should be considered (where applicable) when designing any lighting scheme:
- (a) Low pressure sodium lamps or high pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV infiltrations characteristics.
  - (b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
  - (c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
  - (d) Lamps of greater than 2000 lumens (150W) must not be used.
  - (e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
  - (f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
  - (g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
  - (h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.
- (10) As part of the preparation of the Arboricultural Method Statement required by condition 12, it is advised that a site meeting be arranged with the Arboriculturist, the site Manager and the Council's Landscape Officer to discuss the issues relating to the tree protection areas of the retained trees.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by offering pre-application advice, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant/agent was advised of minor changes required to the application and these were agreed, the applicant/agent was provided formal pre-application advice and the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

*R. L. Jarman*

**Rob Jarman  
Head of Planning Services  
Maldstone Borough Council**

**IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**

## **NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS**

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990.

**Please see "Development Type" on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so **within 28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so **within 28 days** of the date of service of the enforcement notice, or **within 6 months [12 weeks in the case of a householder or minor commercial application decision]** of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so **within 12 weeks** of the date of this notice.
- In all other cases, you will need to **submit your appeal against the LPA's decision, or any of the conditions imposed, within 6 months** of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.