

## Planning Statement

Proposed Erection of One Detached  
Dwelling with Car Parking  
Provision and Other Associated Works

At

Land at The Gables and Rossman Court  
Maidstone Road  
Warmlake  
Sutton Valence  
Maidstone  
Kent ME17 3LS

**Consilium**  
Town Planning Services Limited

**September 2016**

Our Ref: 16-038

## **Contents Page**

- 1 Introduction**
- 2 Site and Surrounding Area**
- 3 Proposal**
- 4 Planning Policy**
- 7 Planning Appraisal**
- 8 Summary**

## **Appendices**

## 1 Introduction

This Planning Statement has been prepared by Consilium Town Planning Services on behalf of the applicant (Mr and Mrs White) in support of a detailed application for the erection of one detached infill dwelling with associated access and landscaping works on land at The Gables that fronts onto Maidstone Road and the adjoining property known as 'Rossman Court' that fronts onto Leeds Road.

This statement provides an overview of the site, its context and the relevant planning history; and a review of all applicable development plan and emerging policies as well as the NPPF and other relevant guidance. The merits of the proposed development are then discussed having regard to this context and policy framework.

## 2 Site and Surrounding Area

The application site is located to the north of Sutton Valence, on the eastern side of A274 Maidstone Road which provides direct access between Maidstone and Sutton Valence on the corner (or junction) with Leeds Road. The site is located outside of the settlement boundary of Sutton Valence and therefore considered 'open countryside or rural area' in planning terms. The site has no other statutory designations and is an area of normal planning control.

Although the site is located outside of the village confines of Sutton Valence, it is surrounded by residential development to the south and east whilst to the north beyond the junction with Maidstone Road and Langley Road is a continuation of ribbon development. Development along Maidstone Road (leading south of the site) runs parallel to the road in the form of linear development leading into Sutton Valence and consists of mainly detached residential properties. **The site is therefore suitable for an infill proposal.**

According to Maidstone's emerging draft Local Plan, Sutton Valence forms a 'large village' within the Borough. The emerging Local Plan states that whilst Sutton Valence has fewer services than the rural service centres, it can still provide for the day-to-day needs of local communities and the wider hinterland.

The application site is also within a short distance of the village of Langley Heath. The planning application site is close to a bus stop located on Maidstone Road. The No. 12 Arriva bus service runs daily between Maidstone town centre, Langley, Langley Heath and Sutton Valence connecting the site to local facilities

In addition to this, the site is connected to the surrounding areas by pedestrian footpaths which provide direct access to surrounding facilities and services. The site is well connected to the surrounding settlements and within proximity of a number of local services and amenities which can be accessed either on foot or via public transport.

## **Proposal**

Details of the design and appearance of the proposal are set out in in the Design and Access Statement and accompanying drawings submitted as part of this application.

The proposal will be a four bedroom detached dwelling on the application site, set behind the existing boundary fence that runs along the A274 Maidstone Road. The dwelling will provide an open plan kitchen and dining area at ground floor level with separate utility room and lounge. At first floor each unit will provide 4 bedrooms, the master with en-suite facilities and separate bathroom and W.C facilities serving the remaining bedrooms. The total floorspace will be 175 sq metres as shown on the drawings.

The property will have the first floor built into the roofspace. The front of the property will have two gable ends fronting or overlooking Maidstone Road.

The access road proposed leading to the site will be from the Leeds Road utilising the existing access that serves Rossman Court to serve the existing property and the proposed dwelling plus provide adequate parking and turning facilities. The existing fence and vegetation along the western boundary of the site facing Maidstone Road will be retained. This will ensure that the character and appearance of Maidstone Road is maintained.

As part of the application a tree report is attached prepared by PJC Consultancy. This shows trees that will be removed as part of the proposal. As part of the proposal as a condition of planning a landscaping scheme will be prepared at a later date replacing any trees lost as a result of this proposal.

## Planning Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This section sets out the relevant policies of the statutory development plan and refers to any *other material considerations* that should be taken into account in determining this application. The development plan for this application is comprised of the saved policies of the Maidstone Borough Local Plan (Saved Policies) 2000.

The Council are in the process of producing their Local Plan document but until such times as this is formally adopted the saved policies of the Local Plan remain in force for development control purposes.

### *Maidstone Borough Wide Local Plan Saved Policies (2000):*

- Policy ENV6 requires landscaping schemes to be submitted in appropriate circumstances. Such schemes should incorporate the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area. A scheme of planting of trees, hedgerows or shrubs will also be required where appropriate, using native or near native species;
- In Policy ENV28, the countryside is defined as all those parts of the Local Plan area that fall outside the development boundaries of settlements as detailed in the Local Plan Proposals Map. The application site falls within such a “countryside” area;
- Policy T13 requires all new development to comply with the adopted vehicle parking standards.

### *Other Material Considerations*

The National Planning Policy Framework came into effect in March 2012 and as such superseded previous national guidance.

The overarching principle of the NPPF is a clear presumption **in favour of sustainable development**. In terms of determining applications this means approving development proposals that accord with the development plan without delay and granting permission in cases where the development plan is absent or out of date providing the development is in accordance with the policies contained within the NPPF (Para 14).

Paragraph 7 sets out the three roles of the planning system; an economic role, an environmental role and a social role. Under the social role the NPPF states that the new framework sets to support ‘strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.’

In terms of residential development, the NPPF provides the following guidance.

Section 6 of the NPPF sets out the Government's overarching aspirations for housing design and supply. As stated by Paragraph 49 '*housing applications should be considered in the context of the presumption in favour of sustainable development*'.

The aim of the NPPF is to accelerate housing delivery in a sustainable way providing a wider choice of high quality homes located within a sustainable, inclusive and mixed community with an increased opportunity for home ownership.

The NPPF attaches great weight to the importance of high quality design in all development proposals, particularly housing. Paragraph 58 outlines the development aims expected from local plans. Local authorities are to ensure that developments;

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- • establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- • optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks
- • respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- • create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; an
- • are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF warns that while Local Authorities should consider using design codes, design policies should '*avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*' (Paragraph 59).

Development that incorporates the character and quality of the area will be looked on favourably.

The NPPF places pressure on Local Authorities to 'significantly boost' the supply of housing by adhering to the requirements cited under Paragraph 47. In order to increase housing supply, Local Authorities are to;

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic

prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and

- set out their own approach to housing density to reflect local circumstances.

Paragraph 49 states that relevant local policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. It also goes on to state that housing applications should be considered in the context of the presumption in favour of sustainable development.

## Planning Appraisal

It is necessary to consider whether the application proposal accords with the statutory Development Plan and, if not, whether any material considerations indicate that planning permission should be granted. In considering whether the proposal accords with the development plan, it is necessary to consider the following issues:

- the principle of the development;
- Housing need;
- Impact on the character and appearance of the countryside;
- Sustainability;and
- Highways parking and access.

According to the Council's Proposals Map in the MBWLP (2000), the application site falls within the open countryside. Policy ENV28 is a district wide policy which seeks to restrict housing development outside of settlement boundaries and thus is relevant to the support of housing. According to paragraph 49 of the NPPF '*relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'.

At present, Maidstone Borough Council does not have a five year supply of land. This situation will remain the case until such time as the draft local plan is formally adopted.

### *Housing Need.*

The Government is committed to boosting significantly the supply of housing. That is to be done by identifying specific deliverable sites sufficient to provide a 5 year supply of housing against the local planning authority's existing housing requirements. Therefore the Council is required by policy to provide and identify a 5-year supply of housing land.

The National Planning Policy Framework (NPPF) at paragraph 47 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to meet the local need for housing over a period of five years. An additional buffer of 5% should be provided to ensure choice and competition in the market for land. This buffer should be increased to 20% where there is a record of persistent under delivery to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

Maidstone Borough Council has undertaken a Strategic Housing Market Assessment (SHMA) in January 2014 and found an objectively assessed need for some 19,600 additional new homes over this period as agreed by the Council's cabinet. Following the publication of updated population projections by the Office of National Statistics in May 2014, the Council commissioned an addendum to the SHMA which was issued in August 2014. A refined objectively assessed need figure of 18,600 dwellings and agreed by Cabinet in 2014.



At the meeting of the Strategic Planning, Sustainability and Transport Committee in June 2015, Councillors agreed a new objectively assessed need figure of 18,560 dwellings (reduction of 40 dwellings).

It remains the case that the most recently calculated supply of housing for Maidstone Borough Council, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the objectively assessed need of 18,560 dwellings. Furthermore, MBC are understood to have undertaken a desk-based review of housing supply in January 2016 to support the Regulation 19 Local Plan housing trajectory which the Council state shows that there remains a clear and significant shortfall of supply against the five year requirements.

Following the submission of the draft Local Plan to the Secretary of State in May 2016, the Council now claims that it has a 5.12 year supply of deliverable sites. This information comes from a Local Plan Housing Topic Paper (2016) which shows that the Council have seen 2,860 completions over the past five years (572 per annum) – at a time of significant economic activity within the housing sector. This has been a significant under delivery over this period, and therefore results in the Council needing to demonstrate a housing land supply for some 6,741 dwellings over the next five years (1,348 per annum). This is clearly a significant uplift. In order to achieve this, the Council has included within its 5 year supply calculations sites which are proposed to be allocated within the draft local plan, but which do not yet benefit from a planning permission. Indeed, in some cases no planning application has even been submitted.

The draft Local Plan has not yet been assessed by the Inspector, and no interested parties have been able to debate the robustness of the policies or housing trajectory assumptions of the document. For this reason, we consider the inclusion of these draft allocations within the 5 year supply as premature at this stage.

It is our view that there **is no** five year supply of land in Maidstone. We note that the local planning authority are now stating that they have a marginal 5.1 year supply of land.

At a recent appeal, relating to land at Ham Lane, Lenham, by Jones Homes, (Appeal ref: APP/U2235W/15/3131945) the local planning authority requested that the Inspector take this new assessment into account post inquiry. In the decision letter dated 24 June 2016 the Inspector included the following statement:

*'Notwithstanding the Council's assertion post-Inquiry that it is now able to demonstrate a five -year housing land supply, as the authority's up-to date full objectively assessed housing needs have yet to be formally demonstrated, tested and endorsed through the thoroughness and robustness of the local plan process, **I cannot be satisfied that a five -year housing land supply exists. Accordingly, I consider that paragraphs 49 and 14 are engaged** (emphasis added).'*

(Inspector's Decision Letter, paragraph 57).

It is agreed that the Inspector was referring to paragraphs 49 and 14 of the National Planning Policy Framework when making the above statement. The Inspector then added that:

*'In accordance with the judgment of the Court of Appeal in Suffolk Coastal District Council and Hopkins Homes Limited and the Secretary of State for Communities and Local Government, and Richborough Estate Partnership LLP and Cheshire East Borough Council 2016 (ECWA Civ 168), I find that Policy ENV28, Policy ENV33 and Policy ENV34 of the saved Local Plan, Policy SP17 of the emerging Local Plan, and the accompanying settlement boundaries, and the Strategy Plan and associated policies of the Neighbourhood Plan all, to varying degrees, create or constrain housing land supply and, accordingly, are to be considered out of date.*

(Inspector's Decision Letter, paragraph 58).

The relevant extract of the Inspector's Decision Letter is attached as Appendix 1. We also attach in the appendices a copy of a recent planning appeal in the Maidstone area APP/U2235/W/15/3139288 at Pine Cottage Ashford Road Hollingbourne in the local planning authority's area. This decision is dated 22 May 2016. The Inspector clearly states that until the local plan is examined by the Secretary of State and having regard to paragraph 219 of the NPPF the document carries *little weight*

In the Decision Letter regarding land adjacent to Highfield House, Marden, (APP/U2235/W/15/3140679), dated 20 July 2016 the Inspector took the view that the local planning authority still did not have a five year supply of housing land. The Inspector states, in paragraph 21 of the decision letter:

*'Although I have found the development acceptable anyway, the Council's lack of a five year housing supply further reinforces my view that the development should be permitted.'* The extract from that decision is attached as Appendix 5.

The final appeal decision which is relevant in this context is that regarding a site known as Appleacres, Maidstone Road, Sutton Valence, Maidstone, Kent. ME17 3LR (APP/U2235/W/16/3146765). It comprised a proposal for six dwellings on a greenfield site. The submission of the appeal on the grounds of non-determination was made in March 2016, at a time when the Council acknowledged that it did not have a five year supply of housing land. Nevertheless, this Inspector's decision is dated 4 August 2016, after the local planning authority produced its Housing Topic Paper.

It is clear from his decision letter that this Inspector took account of the fact that the local planning authority's stance on housing land supply had changed from that when it made its decision to refuse permission, as can be seen from the following extract from his decision letter (paragraph 12):

*'The Council acknowledges that it cannot demonstrate a five year housing land supply as required by the National Planning Policy Framework (the Framework) and the parties agree that the supply stands at 3.3 years. In this circumstance, paragraph 49 of the Framework states that policies for the supply of housing should not be considered up-to-date. The Council states that its draft Local Plan is about to be submitted for examination and that this would make provision for the objectively assessed housing need. **However, the draft Local Plan carries little weight at this stage. Although the Council may have identified a supply in its draft submission this does not mean that the sites identified are available for development.'***

It should be noted that some of the proposed allocations in the draft plan count towards the alleged five year supply and therefore the Inspector's conclusion that this does not mean that they are available for development is most important. The appeal decision is attached as Appendix 1.

In Maidstone's case, 2,540 of the units it is claiming as part of its deliverable 5-year supply do not yet benefit from planning permission and are included solely on the basis that they are draft allocations.

The Council currently claims a 5-year supply of 6,896 units, against a claimed 5-year requirement for 6,741 units, i.e. it is providing just 155 more units than it claims it is required to within the next five years. Yet, there is clearly uncertainty over the delivery of 2,540 units of the claimed 5-year supply, by virtue of the fact that these units do not have planning permission to date.

Whilst the National Planning Practice Guidance states that planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply, it is very clear that in order to include such sites, local planning authorities must provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. The Council has not done this.

The same NPPG paragraph goes on to state that authorities must demonstrate that there are no significant constraints to overcome, e.g. infrastructure, if such sites are to be included in the 5 year supply. There are significant objections to the housing allocations set out in the Local Plan which have not yet been tested. The Council cannot reasonably claim that there is robust, up to date evidence that all 2,540 (or indeed even 2,385 of the units required to reach a 5.0 year supply) of these uncommitted draft allocated units will come forward within 5 years.

**Notwithstanding the Council's recent claims, the Council therefore remains in the position of being unable to demonstrate a 5 year housing land supply and therefore paragraphs 14 and 49 of the NPPF are engaged. Therefore, there is a need for further releases of land in order to comply with national guidance that the Council must have such a supply of housing. That view has been consistently reinforced by Inspectors and the Secretary of State since the publication of the Framework.**

The scheme will provide one new residential dwelling on an infill residential site, making a modest contribution towards meeting the Council's objectively assessed needs in accordance with the NPPF. In addition to this, the site is sustainably located with good access to services and amenities and constitutes sustainable development.

In light of the above, Maidstone Borough Wide Local Plan policy ENV28 should be considered out-of-date and the application considered against paragraph 14 of the NPPF. The application should be granted unless the proposal would cause harm which significantly and demonstrably outweigh the benefits.

*Impact on the character and appearance of the countryside*

Detailed consideration of the design of the proposal is set out in the Design and Access Statement submitted as part of this application. We acknowledge that the

scheme involves the removal of some existing trees on the site. These trees have been assessed and there is no intrinsic value in their retention. Replacement tree planting can be provided on the site.

The design of the dwelling undertaken is appropriate in this setting using vernacular architecture and being of a similar scale to its neighbouring properties. From Maidstone Road, the impact would be minimised by existing fencing and landscaping proposals along the roadside boundary as shown on the proposal plans. The proposal incorporates low profile dwellings with a low ridge height to ensure that they are not an obtrusive design in the landscape. The siting of the dwelling also has no impact on neighbouring properties.

### *Sustainability*

Paragraph 14 of the NPPF sets out the Government's presumption in favour of sustainable development, which should be seen as the 'golden thread' for plan-making and decision-taking. Furthermore, this requires Local Planning Authorities to grant permission unless: "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework"

In this respect, the key passage in paragraph 14 of the NPPF is the proposition that sustainable development means granting planning permission unless the adverse consequences of doing so significantly and demonstrably outweigh the benefits. Consequently, it would be wrong in such cases to approach the Framework by applying a simple balancing exercise between positive and negative factors. Until the plan is up-to date, it is only proposals that have adverse effects markedly ("significantly") outweighing the benefits overall that would constitute development that was unsustainable and that should not be granted.

In considering the role of sustainable development, the development would provide 3 new dwellings which would make a modest but nonetheless welcome contribution towards meeting housing needs in the Borough.

In terms of access, the site is approximately 0.8 metres from the settlement of Sutton Valence and 0.7 metres from the settlement of Langley Heath. In terms of access to services, Sutton Valence is referred to in the emerging Local Plan as one of the 'larger villages' providing basic services such as; a café and Post Office at Haven Farm, village hall, primary school and care home among others. 5

The application site benefits from being located in close proximity to bus stops (opposite the Plough). These provide regular daily services via the No. 12 between Maidstone Town Centre and Tenterden, connecting the settlement of Langley, Langley Heath, Sutton Valence and beyond. According to the timetable the No. 12 bus service stops at the bus stop every 20 minutes.

Although the footpaths either side of Maidstone Road lack street lighting, the existing development either side of Maidstone Road will provide some natural street lighting. In respect of the recent appeal decision at The Oaks, the Planning Inspector states:

*'The settlement of Sutton Valence is approximately 1km. This is not so far that most people would not be able to walk, and while the route is not lit, I see no reason why it should be particularly dangerous given it would be along*

*pavement. Therefore, between the services on offer in Sutton Valence and Warmlake itself, future residents would be able to access a reasonable range of services on foot.'*

In addition to this, in another appeal decision on the land adjacent to Four Wents Orchard, the Planning Inspector acknowledges that there is no dedicated footpath leading from the application site yet still confirms that the proposal for six new dwellings would constitute sustainable development.

The application site is approximately 480 metres north of The Oaks and approximately 950 metres north of Four Wents Orchard, which is in our view, is within walking distance. The site is served by the same footpaths referred to in the appeal decision at The Oaks and should therefore be considered on the same basis. In light of the above, whilst there will be some reliance on the private car, there are a mix of alternative travel options within easy access of the site.

A number of residential appeals within 1 mile of the application site have been allowed in the last 15 months on similar grounds, including; The Oaks, Maidstone Road (10 dwellings) and Four Wents Orchard, Chartway Street (6 dwellings), Appleacres, Maidstone Road (6 dwellings). In light of this, we submit that whilst the site is located outside of a defined settlement thus conflicting with Local Plan policy ENV28, this policy cannot be considered up-to-date and other material considerations outweigh the conflict with the development plan. On this basis, the principle of the development should be accepted.

### **Highways Parking and Access**

The proposed access as shown on the proposed site layout provides for adequate visibility to Maidstone Road and a turning area for services vehicles is also proposed at the end of the access road as requested by KCC Highways.

The site access will utilise the existing access used by Rossman Court. Servicing to the dwellings will be provided by the access road and provision has been made for a service vehicle turning area. Refuse bins and cycles will be able to be stored within the dwelling curtilages as necessary.

In terms of transport based planning policy there are no conflicts envisaged. In the context of the rural location of the site, the site it is located on bus route and immediately outside of the site are local bus stops.

The proposed development provides 3 off-street parking spaces per unit. This parking provision is in accordance with minimum parking standards set out by Kent County Council.

### **Summary**

Although the proposed development conflicts with the provisions of adopted development plan (Policy ENV28 of the Maidstone Local Plan 2000), in that it is for housing development on land designated as being within the countryside, there are other material considerations, including guidance in the National Planning Policy Framework, that indicate that little weight should be afforded to this policy and that planning permission should be granted for the scheme.

The proposal being a high quality housing development on an infill site, will not harm the character and appearance of the immediate surroundings or the wider area. Furthermore, the site is in a sustainable location.

The proposal will contribute to Maidstone Borough Council's 5 year housing supply assisting it to meet with the objectively assessed need. At present the Council cannot demonstrate a five year supply of land

Despite its rural location, the site is easily accessible, being within a mile of the settlements of Langley, Langley Heath and Sutton Valence and connected by regular bus services which operate from directly east of the site off Maidstone Road. The site is also connected by safe public footpaths either side of Maidstone Road which add to the range of travel options available, connecting the site to surrounding services and amenities.

In addition to this, the recent appeal decisions at The Oaks (April 2015), Appleacres (Aug 2016) and Four Wents Orchard (April 2016) should be of a significant weight when considering this application. These sites are within walking distance of one another and the Planning Inspector has confirmed on two separate occasions that the sites are sustainably located and would provide acceptable development within the countryside.

The design of the dwelling undertaken by a reputable firm of local Kent architects, is appropriate in this setting using vernacular architecture and being of a similar scale to its neighbouring properties. From Maidstone Road, the impact would be minimised by the landscaping proposals along the roadside boundary as shown on the proposal plans. The proposal incorporates a low profile dwelling with a low ridge height to ensure that they are not an obtrusive design in the landscape.

Subject to the conditions, the proposed new access is considered to be acceptable and would not result in any highways safety concerns.

Consequently, for the reasons given above, it is respectfully requested that the proposal should be allowed.

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