

planning  
transport  
design  
environment  
infrastructure

Planning Statement for Redevelopment of Barns at Four Oaks Farm

May 2020 MG/14140



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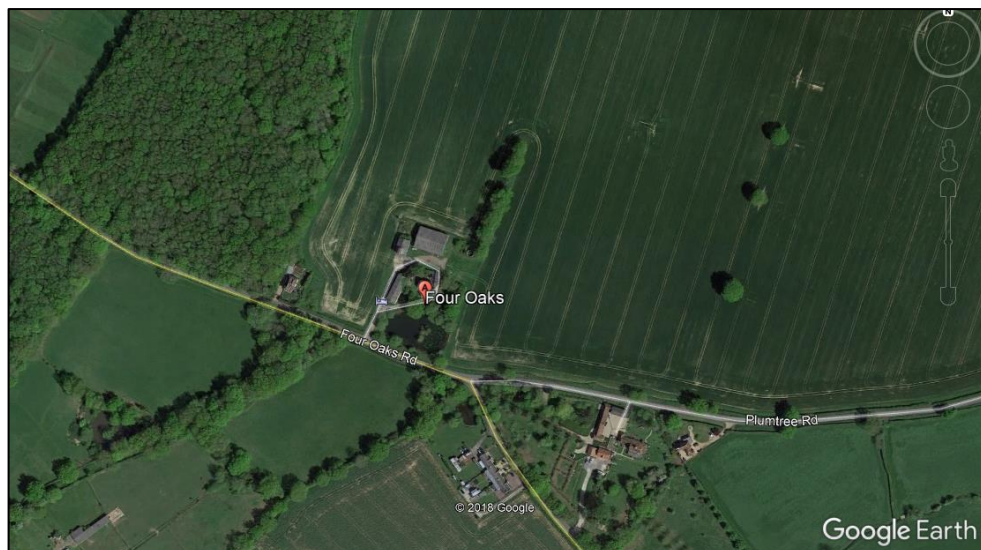
# 1 Introduction

## 1.1 Purpose of this Statement

- 1.1.1 This report has been prepared by DHA Planning in support of a detailed application for full planning permission, submitted on behalf of our clients, Mr Hawkes and Ms Alexander.
- 1.1.2 This application seeks planning permission for the demolition of a number of existing barns and the erection of five modest dwellings, with associated landscaping and parking on land at Four Oaks Farm.
- 1.1.3 This statement provides an overview of the site, its context any relevant planning history. This report will review all applicable development plan policies and the merits of the proposed development are then discussed having regard to this context and policy framework.

## 1.2 Site and Surroundings

- 1.2.1 The application site is located to the north of Four Oaks Road, approximately 1.4 miles to the north west of the rural service centre of Headcorn.
- 1.2.2 The application site is set some distance back from Four Oaks Road along a private track that leads to the barns. The site comprises agricultural fields to the north, west and east of the building. There is a residential dwelling (known as 'Four Oaks') adjacent to the barns, which is outside of the application site boundary for this proposal.
- 1.2.3 The application buildings are used for storage of agricultural equipment.



**Figure 1:** Site Location (Courtesy of Google)

- 1.2.4 The existing barns are steel framed buildings with vertical cladding and blockwork plinths. The roofs are shallow pitch and are clad in corrugated iron sheeting.



**Above:** Front and Back Elevations of Storage Building



**Above:** Front and side elevations of Hanger Building



**Above:** Existing grain store



**Left:** Remains of the original Oast



- 1.2.5 The site is relatively sustainably located within the area and is in close proximity to a number of services. These include, but are not limited to, the following;

Service	Distance
Headcorn Train Station	1.8 miles
Staplehurst Train Station	3.2 miles
Headcorn Shops	1.5 miles
Staplehurst Shops	2.9 miles
Headcorn Doctors Surgery	2.2 miles
Staplehurst Doctors Surgery	2.9 miles
Headcorn Primary School	1.4 miles
Staplehurst Primary School	3.1 miles

### 1.3 Planning History

- 1.3.1 A search of the Council's online planning history search has revealed the following planning history for Four Oaks.

Reference	Description	Decision
63/0326/MK2	Details of garage and access	Permitted
68/0223/MK2	Vehicular access with farm gate	Permitted
70/0246/MK2	The conversion of oast to dwelling	Refused
74/0126/MK2	Conversion of oasthouse to dwelling.	Permitted
78/0018	Demolition of sheds and erection of double garage as amended by letter and drawing of 26/01/78	Permitted
80/1636	Conversion to dwelling	Withdrawn
82/0873	Agricultural building for storing fodder and implements	Permitted
85/0162	Creation of new access	Withdrawn
85/1162	Vehicular access	Permitted
86/0724	Single and two storey extension and demolition of existing single storey side extension	Permitted
86/1011	Demolition of existing single storey extension and erection of two storey side extension	Permitted
19/502851/LBC	Prior Notification for proposed change of use of 2no. agricultural buildings to 5no. residential dwellings and associated operational development. For its prior approval to: - Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design	Permitted

	and external appearance impacts on the building.	
<b>19/502852/LBC</b>	Listed Building Consent for internal changes including removal of ground floor partition and opening up of inglenook fireplace and installation of new oak bressumer beam within reception rooms, removal of door and frame and infill with studwork between study and reception room, reforming of door opening between extension hall and reception room with new door lining and door, relocation of kitchen into extension, creation of ensuite to bedroom in the extension, relocation of stairs from first floor into the attic room and creation of a shower room in the former stairwell (works completed).	Permitted
<b>19/503691/PNQCLA</b>	Prior Notification for proposed change of use of 2no. agricultural buildings to 5no. residential dwellings and associated operational development. For its prior approval to: - Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building.	Permitted

#### **1.4 Relevant Planning Permission**

- 1.4.1 It is noted that there are a number of historic applications on the site. Of significance is an application in 1974 to convert the oast to a dwelling. However, in considering this application, there is one previous application on the site which is pertinent to the Council's consideration of the proposals.
- 1.4.2 In July 2019, a prior approval application was submitted to the Council (LPA Ref: 19/503691/PNQCLA) for the change of use of two agricultural buildings to 5 no. residential dwellings under Class Q of the GPDO. Approval of this application was granted on 13th September 2019.

## 2 Development Proposal

### 2.1 Pre-Application Advice

- 2.1.1 Pre-application advice was sought from Maidstone Borough Council. A meeting was held with the Case Officer, Graham Parkinson, on the 16 January 2020 and a written letter was received on the same date (**Appendix 1**).
- 2.1.2 As outlined by the letter, the Council acknowledges the fall-back position that exists in terms of the conversion of the existing buildings to provide 5no. dwellings. Given the fact that the prior approval consent may not be the optimum design solution for new dwellings in the countryside, the proposal to demolish these and to replace with dwellings of a more appropriate scale, character and detailing could be considered appropriate. This is especially the case given the setting of the adjacent listed building. A query was raised regarding the proposed rebuilding of the oast that is present on the site. The Council had initially set out that this would fail under Policy DM31 as it would not represent the conversion of a building with historic merit, given the extent of the oast that remains on site.
- 2.1.3 However, it was clarified that the proposals intended to rebuild the oast and that this would also fall under the consideration of the fall-back position. The Council updated their advice accordingly and this can be found at **Appendix 2**.

### 2.2 Description of the Proposal

- 2.2.1 The proposal is for:

*'Demolition of existing barns and erection of five dwellings, with associated parking, amenity space and landscaping'*

- 2.2.2 As previously noted, 2no. of the existing barns at the centre of this application have permission for conversion to provide 5no. dwellings on the site.
- 2.2.3 The proposals are for the demolition of these barns and an additional redundant barn and the erection of five dwellings. The dwellings have been designed so as to appear as typical Kentish rural buildings, with a layout designed to provide a farmyard style layout and a nod to the agricultural past of the site. The construction of the buildings will utilise timber weatherboarding, brick plinths and clay tile roofs, typical of many rural properties within Kent.
- 2.2.4 The proposed dwellings are a mix of detached and semi-detached properties. The properties have been designed to appear as a farmyard cluster, providing a nod to the former farmhouse of Four Oaks and providing a sympathetic development on the site, which will sit comfortably within the setting of the listed farmhouse and countryside in general. Access to the dwellings will utilise the existing access from Four Oaks Road.
- 2.2.5 The units have been positioned to ensure that the buildings, which have prior approval consent, cannot be retained alongside the proposed development.
- 2.2.6 The proposed dwellings will provide a mix of 3no. and 4no. bedrooms (all with master and ensuite) and a family bathroom on the first floor. To the ground floor, the dwellings will provide a lounge, kitchen and dining area, and cloakroom. All

properties excluding the 3-bed dwellings will also be provided with a separate study and utility room. It is considered that the proposals would provide modest sized family dwellings that are sought after in the local area.

- 2.2.7 In terms of footprints and volumes when compared against the existing approved conversions, the proposals will result in the following:

	<b>Approved</b>	<b>Proposed</b>
<b>Footprint</b>	635sqm	625sqm (excluding car barns)
<b>Volume</b>	3,916 cubic metres	3,694 cubic metres (excluding car barns)

- 2.2.8 In addition to the above, there is also a further agricultural building to be removed from the site as part of the proposals. The total footprint of this building to be removed is 121sqm and 809 cubic metres.
- 2.2.9 Therefore, in the round, the proposal would lead to the removal of 4,725 cubic metres of buildings and 772sqm. It is case that the proposals would lead to a significant reduction of built form on the site.
- 2.2.10 It is considered that the appropriate method for judging the impact of the development in relation to the approved scheme is via the footprint and volume of the existing versus proposed. These two figures give the overall built-envelope impact of development on a locality and it is considered that it is appropriate for these two baselines to be used as direct comparisons.



## 3 Planning Policy Context

### 3.1 Development Plan

- 3.1.1 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.
- 3.1.2 The Development Plan comprises the adopted **Local Plan (2017)**.
- 3.1.3 The **National Planning Policy Framework** represents a material consideration in the determining of the application along with guidance set out in the **National Planning Policy Guidance (NPPG)**.

### 3.2 Maidstone Local Plan 2017

- 3.2.1 Policy SS1 outlines the Council's spatial vision for the Borough throughout the plan period. It is noted that the policy outlines the Council's strategic development locations and outlines where development should be guided to in the first instance.
- 3.2.2 Policy SP17 states that the countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map.
  - (1) Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
  - (2) Agricultural proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the appearance and character of the landscape can be appropriately mitigated.
  - (3) Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty.
  - (4) Proposals should not have a significant adverse impact on the settings of the Kent Downs Area of Outstanding Natural Beauty or the High Weald Area of Outstanding Natural Beauty.
  - (5) The Metropolitan Green Belt is shown on the policies map and development there will be managed in accordance with national policy for the Green Belt.
  - (6) The distinctive landscape character of the Greensand Ridge, the Medway Valley, the Len Valley, the Loose Valley, and the Low Weald, as defined on the policies map, will be conserved and enhanced as landscapes of local value.
  - (7) Development in the countryside will retain the separation of individual settlements.

- 3.2.3 Account should be taken of the Kent Downs Area of Outstanding Natural Beauty Management Plan and the Maidstone Borough Landscape Character Guidelines Supplementary Planning Document.
- 3.2.4 Policy DM1 seeks high quality designed proposals. In accordance with this, the proposed scheme has been carefully designed to contribute to its context. The indicative scale, height, materials, detailing, mass, bulk and site coverage are considered to relate well to the site's context.
- 3.2.5 Policy DM4 outlines that:
- (1) Applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.
  - (2) Where appropriate, development proposals will be expected to respond to the value of the historic environment by the means of a proportionate Heritage Assessment which assesses and takes full account of:
    - (i) Any heritage assets, and their settings, which could reasonably be impacted by the proposals;
    - (ii) The significance of the assets; and
    - (iii) The scale of the impact of development on the identified significance.
  - (3) Where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation.
  - (4) The council will apply the relevant tests and assessment factors specified in the National Planning Policy Framework when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.
  - (5) In the circumstances where the loss of a heritage asset is robustly justified, developers must make the information about the asset and its significance available for incorporation into the Historic Environment Record.
- 3.2.6 Policy DM21 outlines that trip impacts generated to and from development are accommodated, remedied or mitigated to prevent severe residual impacts
- 3.2.7 Policy DM23 outlines that for residential development parking should take into account the type, size and mix of dwellings and need for visitor parking. Parking should be provided in an efficient and attractive layout.
- 3.2.8 Policy DM30 states that outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted:

- (i) The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
  - (ii) Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances;
  - (iii) Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges;
  - (iv) Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area; and
  - (v) Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.
- 3.2.9 Account should be taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD.
- 3.2.10 Policy DM32 outlines that outside of the settlement boundaries as defined on the policies map, proposals for the replacement of a dwelling in the countryside which meet the following criteria will be permitted:
- (i) The present dwelling has a lawful residential use;
  - (ii) The present dwelling is not the result of a temporary planning permission;
  - (iii) The building is not listed;
  - (iv) The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling;
  - (v) The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside; and
  - (vi) The replacement dwelling is sited to preclude retention of the dwelling it is intended to replace, or there is a condition or a planning

obligation to ensure the demolition of the latter on completion of the new dwelling.

### **3.3 National Planning Policy Framework (2019)**

- 3.3.1 The replacement NPPF was published on 24th July 2018 and further consolidated in February 2019. Paragraph 2 of the NPPF states that it is a material consideration in planning decisions and Appendix 1 states that the policies in the Framework should be taken into account in dealing with applications from the day of its publication. It is recognised that plans may also need to be revised to reflect policy changes which the replacement Framework has made and that this should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.
- 3.3.2 The NPPF sets out at Paragraph 11 that 'plans and decisions should apply a presumption in favour of sustainable development' whereby development proposals that accord with an up-to-date development plan should be approved without delay. It notes that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.3.3 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three overarching objectives are as follows:
- (1) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - (2) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - (3) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 3.3.4 Paragraph 77 of the NPPF highlights that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

- 3.3.5 Furthermore, paragraph 78 of the NPPF states that housing in rural areas should be located where it will maintain or enhance the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 3.3.6 Finally, paragraph 79 outlines that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- (1) There is an essential need for a rural worker, to live permanently at or near their place of work in the countryside;
  - (2) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  - (3) The development would re-use redundant or disused buildings and enhance its immediate setting;
  - (4) The development would involve the subdivision of an existing residential dwelling; or
  - (5) The design is of exceptional quality.
- 3.3.7 Paragraph 103 of the NPPF outlines that the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 3.3.8 The NPPF attaches great weight to the creation of high-quality buildings and places. Paragraph 127 outlines how planning policies and decisions should ensure that developments:
- (1) 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;
  - (2) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - (3) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - (4) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- (5) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (6) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.3.9 Paragraph 128 sets out how design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.

#### ***Case Law***

- 3.3.10 Recent case law provided by *Mansell v Tonbridge And Malling Borough Council*, Court of Appeal - Civil Division, September 08, 2017, [2017] EWCA Civ 1314 revolved around the granting of planning permission by Tonbridge and Malling Borough Council, for the demolition of an existing barn and dwelling and the erection of 4no. dwellings.
- 3.3.11 The site was located within the countryside and was in the main, not compliant with adopted local policy (albeit, the replacement of the existing dwelling was in accordance with adopted policy). The main argument surrounding the case was the planning argument of the 'fall-back' position. It was noted by the Council that the applicant could, subject to prior approval, potentially secure a further 3no. dwellings on the site (in addition to the existing property) through the conversion of the existing agricultural barn on the site.
- 3.3.12 This argument was accepted by the appeal Inspector and then by various judges through the High Court and Court of Appeal.



## 4 Heritage

### 4.1 Introduction

4.1.1 The residential dwelling (known as 'Four Oaks') adjacent to the existing barns, which is outside of the application site, is a Grade II Listed Building.

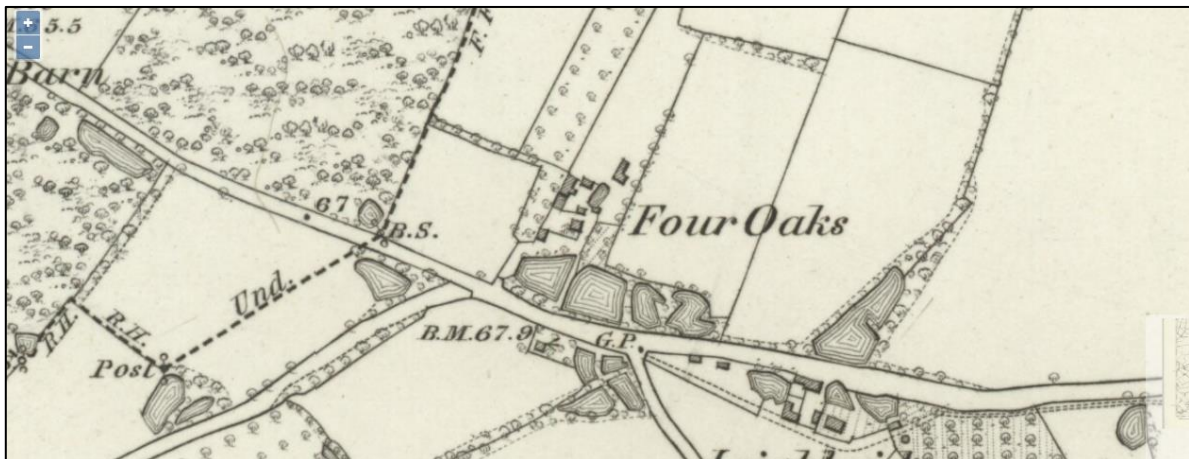
4.1.2 The List Description for the building states:

*'Farmhouse. C15, with C16 or C17 alterations and C19 facade. Timber framed. Ground floor painted brick, first floor weatherboarded. Right gable end C16 or C17 red brick in English bond on low brick plinth. Plain tile roof. 2 storeys and attic. Roof hipped to left. Slender projecting brick stack to left and brick ridge stack to right end. Hipped dormer. Irregular fenestration of two 3-light casements. Boarded door to right end. Interior not inspected. Photograph in National Monuments Record shows moulded crown post.'*

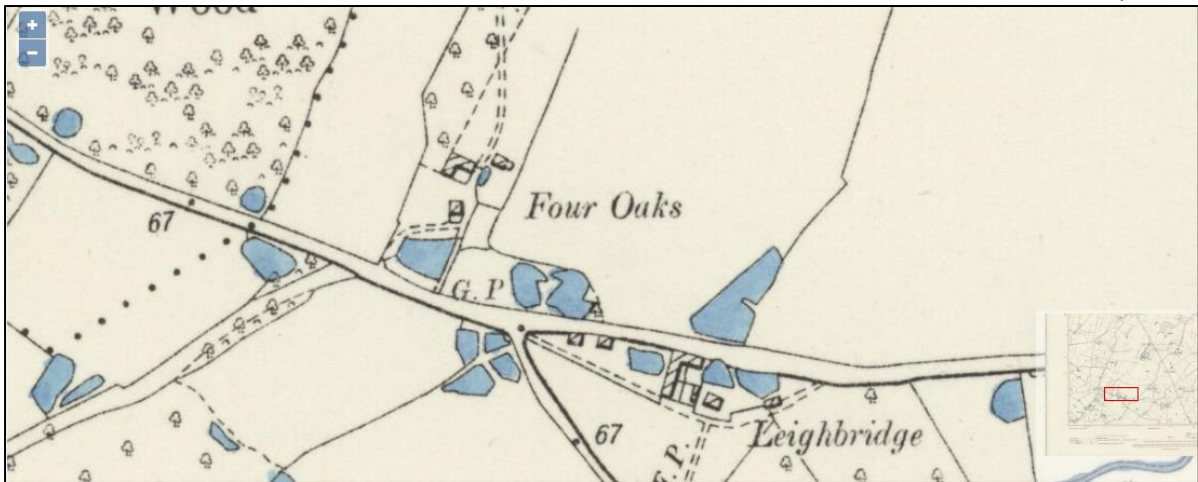
4.1.3 The historic setting of the listed Farmhouse has changed over the years. The Farmstead has always comprised a loose courtyard of detached buildings. In the 19<sup>th</sup> century a group of traditional farm buildings were sited to the north of the Listed Building. Over the years these buildings have been replaced with pre-fabricated buildings, which have been sited closer to the listed Farmhouse in the late 20<sup>th</sup> century.

4.1.4 The historic maps on the following pages, together with Google Earth extracts, demonstrate how the Farmstead has evolved from 1866 until today.

#### Evolution of the Four Oaks Farmstead



1866: maps.nls.uk



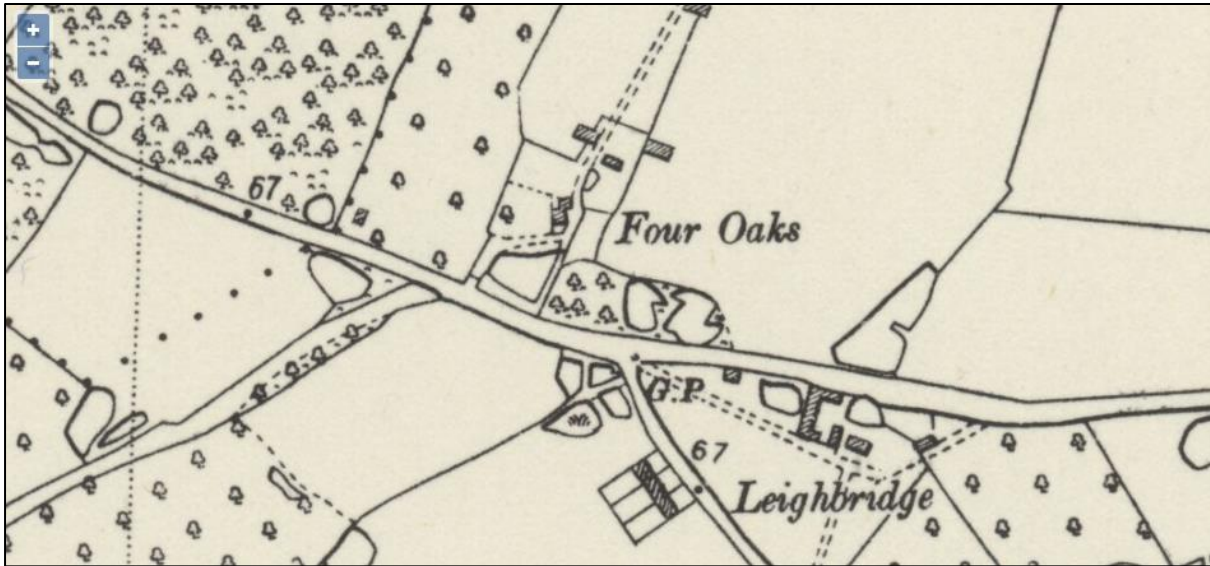
1896: maps.nls.uk



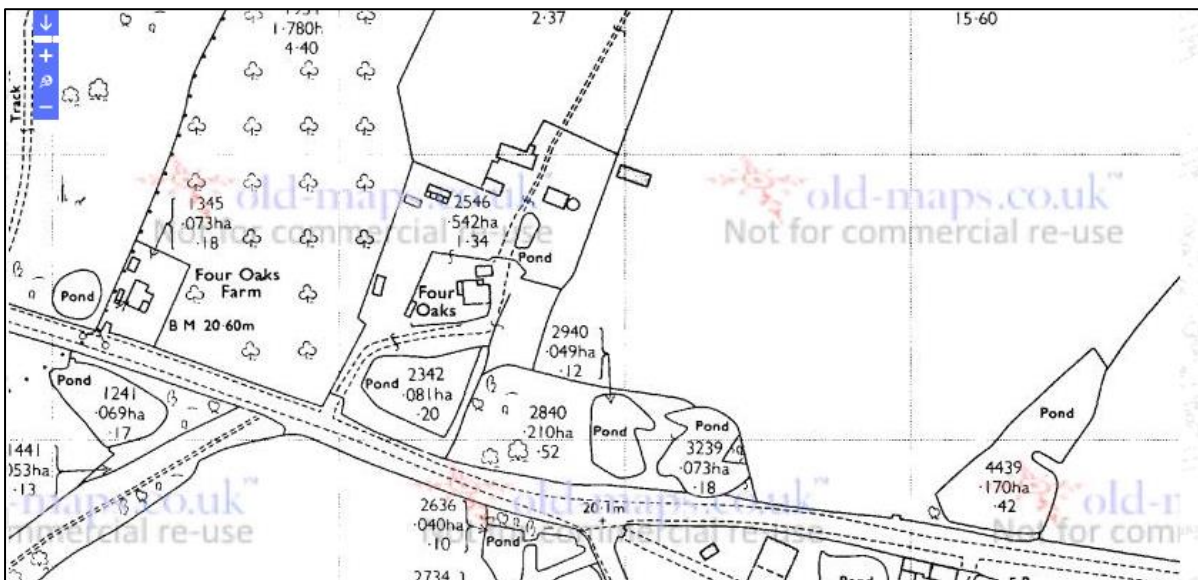
1909: maps.nls.uk



1939: old-maps.co.uk



1950: maps.nls.uk



1970-1971: old-maps.co.uk

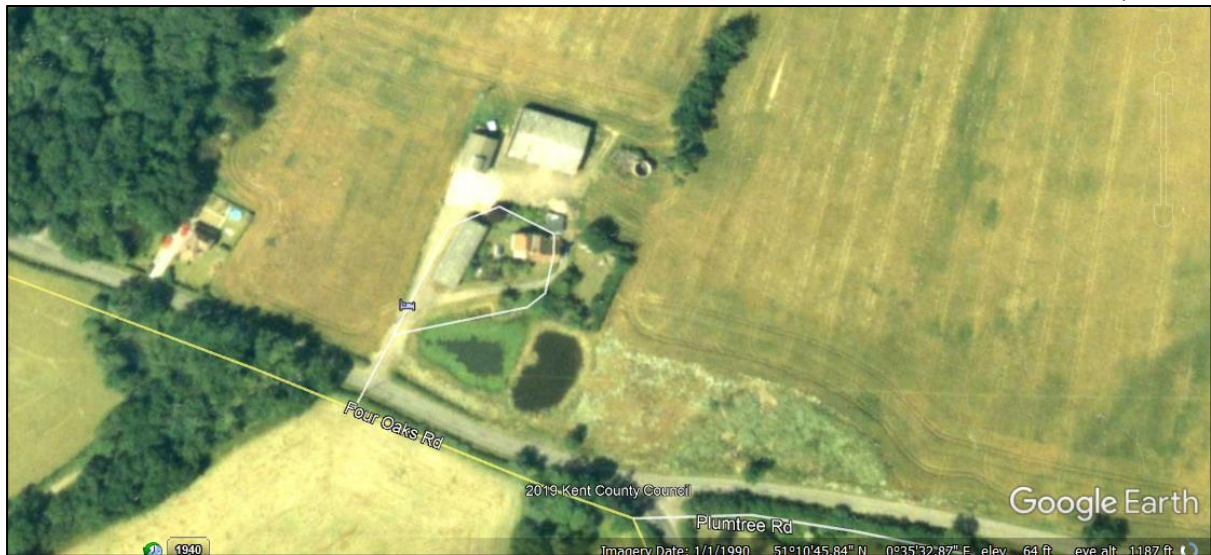




**1940:** Google Earth



**1960:** Google Earth

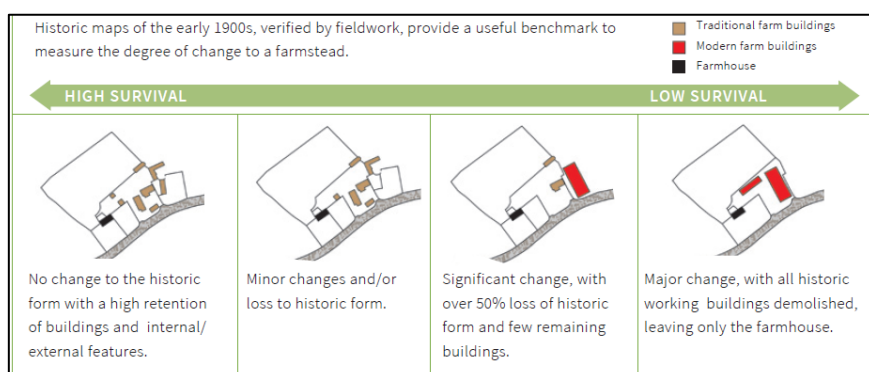


1990: Google Earth



2018: Google Earth

- 4.1.5 According to Historic England's *'Farmstead Assessment Framework: Informing sustainable development and the conservation of traditional farmsteads'*, the greater the survival of the historic form of the group and the detail of individual buildings, the greater will be its significance as a traditional farmstead.





- 4.1.6 Paragraph 189 of the NPPF makes it clear that in determining applications, it is relevant to consider the significance of any heritage assets affected, including any contribution made by their setting. The NPPF defines the “setting of a heritage asset” as:

*‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’*

- 4.1.7 In judging the setting of the listed building, and in assessing the impact (if any) of the new development on that setting, it is important to take full account of the contemporary context, and of the way in which the setting of the listed building has changed over time.
- 4.1.8 It is the case, that the current setting of the farmhouse is dominated by more ‘modern’ agricultural buildings on the wider Four Oaks farm site. This has somewhat diminished the setting of the listed building and its previous agricultural setting.
- 4.1.9 In this case, it has clearly been demonstrated that the setting of the Listed Farmhouse has changed over the years and is now dominated by the large scale prefabricated agricultural buildings. Replacing these unsightly buildings with traditionally designed dwellings to create a ‘Farmstead Courtyard’ development, would significantly improve the setting of the Farmhouse, which is considered acceptable from a heritage perspective and in accordance with Local Plan Policy DM4.



## **5 Consideration of the Planning Issues**

### **5.1 Introduction**

5.1.1 The following planning considerations are assessed in this section in relation to the proposal:

- (1) Principle of Development
  - (a) Fall Back Position
- (2) The character and appearance of the countryside
- (3) Heritage Impact
- (4) Residential Amenity
- (5) Landscaping
- (6) Other Matters
  - (a) Transport
  - (b) Ecology
  - (c) Contamination

### **5.2 Principle of Development**

- 5.2.1 The starting point for considering the proposals is the adopted Local Plan. It is acknowledged that the creation of new dwellings in the countryside is generally restricted by both local and national planning policy. It is noted that Policy SS1 outlines the general localities where the Council will encourage new residential development. This policy alongside SP17, seeks to guide development to established settlements in the first instance, however, the policies do not prohibit development within the countryside where this is in accordance with other policies or material considerations indicate otherwise. In this particular case, it is considered that there are material considerations that would overcome any policy objection to development in the countryside. It is also noted that Policy DM30 sets out a number of design principles for development in the countryside, demonstrating that new development in the countryside can be acceptable in certain circumstances.
- 5.2.2 Alongside this is the Government's policy on Prior Approval. This is considered highly material to this case.
- 5.2.3 Given the above, and other material considerations in this case, when taken in the round, the circumstances should lead to the conclusion that the development is appropriate.
- 5.2.4 It is important to note that the principle of residential development in this location has already been established under prior approval (ref: 19/503691/PNQCLA). Given this, it is considered that the proposal has been considered carefully and it

is the case that a more sympathetic development could be provided to serve the same purpose, whilst providing a better relationship with the neighbouring buildings and benefit to character of the countryside.

***Fall Back Position***

- 5.2.5 It is the case, given the extant scheme, that the principle of the new residential development is considered appropriate. The proposals, when considered against the extant permission would lead to a reduction in footprint and volume of development on the site. Furthermore, should the applicant decide to implement the extant permissions, the buildings and land would then constitute brownfield land. As noted by national policy, the Government encourages the redevelopment of previously developed land.
- 5.2.6 The existing buildings are to be converted to provide five residential dwellings and therefore, as the proposal would seek to replace the existing buildings with a more sympathetic layout and design, in exactly the same manner, that this is a significant fall-back position, which should be afforded great weight.
- 5.2.7 As previously highlighted the existing buildings to be converted would lead to approximately 635sqm of agricultural buildings changing use to residential. The volume of the prior approval consent is approximately 3,916m<sup>3</sup>. The proposals would see the reduction in the amount of footprint on the site, with the proposed units having a combined footprint of 625sqm (excluding car barns) and volume of 3,694m<sup>3</sup>. Therefore, overall, the scheme would see a reduction of footprint and volume. It should also be borne in mind that the proposals also include the demolition of an adjacent agricultural buildings, which will lead to further reductions in the amount of built form on the site. It is considered that the removal of this large amount of built form will be beneficial to the countryside in this locality.
- 5.2.8 To ensure that the existing buildings cannot be retained alongside the new dwellings, the scheme would entail the siting of the new dwellings over the existing barns. In any event, it is considered that a condition could be included on any planning permission stating that the existing barns must be demolished prior to construction of the new dwellings.
- 5.2.9 In addition to the above, it is considered that case law provided by the *Mansell v Tonbridge And Malling Borough Council*, Court of Appeal - Civil Division, September 08, 2017, [2017] EWCA Civ 1314 is particularly pertinent to the proposals.
- 5.2.10 This revolved around the granting of planning permission by Tonbridge and Malling Borough Council, for the demolition of an existing barn and dwelling and the erection of 4no. dwellings.
- 5.2.11 The site was located within the countryside and was in the main, not compliant with adopted local policy (albeit, the replacement of the existing dwelling was in accordance with adopted policy). The main argument surrounding the case was the planning argument of the 'fall-back' position. It was noted by the Council that the applicant could, subject to prior approval, potentially secure a further 3no. dwellings on the site (in addition to the existing property) through the conversion of the existing agricultural barn on the site.

- 5.2.12 This argument was accepted by the appeal Inspector and then by various judges through the High Court and Court of Appeal. This is highly material to this case as it turns on the 'fall-back' position that is available to the applicant. In this particular case the fall-back position would lead to a development of greater volume and floorspace than the proposals.

### **5.3 The Character and Appearance of the Countryside**

- 5.3.1 Policy DM1 seeks to secure high-quality design and DM30 states that development should respond to the scale, height, materials and should respect the character of the site and surrounding area.
- 5.3.2 It is noted that the proposed dwellings would be slightly taller than the existing buildings on the site, however, this should be considered in the round of the site coverage of existing buildings on the site. This element of the proposal has been carefully considered following pre-application discussions with the Council. It is considered that given the reduction in floorspace and volume of the proposed buildings, coupled with the overall reduction in built form, this slight difference between the existing and proposed building heights will not be harmful from public vantage points, especially as the proposal would lead to a much improved layout and design approach. It should be borne in mind, in any event, that the proposed development would lead to a reduction in the visual impact when compared to the extant schemes.
- 5.3.3 The proposal would seek to use materials which are typical of rural buildings within Kent. As such it is considered that the proposals are appropriate to the locality and accord with Policy DM1 and DM30.

### **5.4 Heritage Impact**

- 5.4.1 The proposal for the demolition of the existing agricultural buildings and the erection of 5no. purpose-built dwellings set out in a farm court style development will not have a detrimental impact on the listed building. The proposed amendments and alterations will, as a result, improve the immediate setting of the listed building.
- 5.4.2 The proposed replacement dwellings will provide a more sympathetic and aesthetically pleasing development, which provides a nod to the agricultural past of the farm.
- 5.4.3 On this basis, the proposed development will help to preserve and enhance the setting of the listed building by producing a development which is more sympathetic to the character of the listed building and less intrusive visually, thereby ensuring the building continues to make a positive contribution to local character and distinctiveness – factors of which are supported by the National Planning Policy Framework (paragraph 131).

## 5.5 Other Matters

### ***Transport Impacts***

- 5.5.1 It is noted that Policy DM23 states that all new development should provide adequate parking to serve the development. It is considered that ample space is provided for parking of vehicles on the site.
- 5.5.2 It is the case that the buildings are currently accessed via Four Oaks Road and this will remain the case, should planning permission be granted.
- 5.5.3 Furthermore, given that permission exists for the conversion of the existing buildings to provide 5 no. dwellings, the proposals will not have a materially greater impact on the local highway network than has already been accepted and approved and therefore accords with Policy DM21.

### ***Ecology***

- 5.5.4 An Ecological Scoping Survey was undertaken by Corylus in April 2020.
- 5.5.5 The report outlines that the site comprises habitats which could have ecological interest. The areas of interest include areas of vegetation and spoil piles in the north-east corner of buildings to the northern boundary of the site.

### ***Reptiles***

- 5.5.6 Some areas of grassland and vegetation could provide suitable habitat for reptiles. As such a presence/likely absence survey will be required to determine if reptiles are present on the site and to inform any mitigation strategy required.

### ***Great Crested Newt***

- 5.5.8 Some of the vegetation on site could provide terrestrial habitat for great crested newts (GCN). It is also noted that there is a pond adjacent to the site that could also support GCN. As such further surveys will be required to determine presence/absence and any mitigation required.

### ***Bats - Buildings***

- 5.5.10 The metal and corrugated asbestos agricultural barns do not have potential to support bats and no further surveys of these buildings are required.
- 5.5.11 The remains of the former oast on the site was found to have potential to support roosting bats within the cracks in the brick work. Further surveys of this building for bats will be required to determine if bats are using the building.

### ***Birds***

- 5.5.13 The buildings and mature vegetation within the site are suitable for birds during the nesting season. No further surveys for birds are required but it is recommended that the removal of the buildings and vegetation is undertaken outside the breeding bird season, which is March - August.

***Contamination***

- 5.5.14 A Groundsure contamination report has been undertaken on the site in support of the prior approval application. Given the historic use of the site for agricultural purposes the presence of made ground cannot be ruled out. It is considered that any further site investigations could be secured via condition.

***Public Rights of Way***

- 5.5.15 It is acknowledged that Public Footpath KH513 currently runs through the application site. As demonstrated on the submitted plans, the alignment of the footpath will be affected by development and as a result a diversion of this route is proposed in the short term to accommodate the Public Footpath. The proposed diversion is considered the most reasonable alternative to allow the development to take place. A separate application has been made to Maidstone Borough Council, as the planning authority, to progress the necessary consultations and Orders.

## **6 Conclusions**

### **6.1 Summary and Conclusion**

- 6.1.1 In summary, the application seeks the demolition of existing agricultural buildings and the erection of 5no. dwellings with associated landscaping and parking at Four Oaks Farm.
- 6.1.2 It has been demonstrated that there are significant material considerations in the form of the fall-back position, which should be given considerable weight in the decision-making process.
- 6.1.3 The proposals have been designed to ensure that the character of the countryside is maintained and enhanced. The proposals would lead to a reduction in footprint and volume on site, which are significant benefits to the locality.
- 6.1.4 The site has good access to Headcorn, which provides a number of shops, services and transport links.
- 6.1.5 It is concluded that the proposals are appropriate and as such that the development is acceptable in principle. Furthermore, the development would lead to an enhancement of the visual impact of the site and locality. It is, therefore, respectfully requested that permission be granted.



# APPENDIX

1





Laura Jackson  
DHA  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

16 January 2020

Dear Ms Jackson

**APPLICATION REF:** 19/506211/PAMEET

**PROPOSAL:** Demolition of three existing agricultural buildings and the construction of four new dwellings, together with reconstruction of an existing oast building on site, landscaping and parking.

**ADDRESS:** Four Oaks Four Oaks Road Headcorn Ashford Kent

I refer to the details submitted in connection with the above and my meeting with your colleague Matthew Garvey on the 16<sup>th</sup> January 2020. I respond as follows:

**Planning Policy:**

The site lies within open countryside forming part of the Low Weald Landscape of Local Value.

The NPPF 2019 seeks, amongst other things, to secure sustainably sited development to minimise car use in favour of more sustainable transport options.

The site lies outside any settlement in the countryside. The proposal is therefore principally subject policies SP17 and DM30 of the local plan.

Policy SP17 states, amongst other things, that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted and that the Low Weald will be enhanced as a landscape of local value.

Policy DM3 relates to the natural environment.

Policy DM4 relates to development affecting designated heritage assets.

Policy DM30, requires, amongst other things, that the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features; that impacts on the appearance and character of the landscape will be appropriately mitigated and that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.

Policy DM31 refers to the conversion of rural building to other uses. The key provisions relating to the conversion of the oast to residential use are as follows:

- The building is of a form, bulk, scale and design which takes account of and reinforces landscape character;
- The building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction
- Any alterations proposed as part of the conversion are in keeping with the landscape and building character in terms of materials used, design and form;

And where residential conversion is concerned that:

- Every reasonable attempt has been made to secure a suitable business re-use for the building;
- Residential conversion is the only means of providing a suitable-use for a listed building, an unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed building(s), or other buildings which contribute to landscape character or which exemplify the historical development of the Kentish landscape.

Policy DM32 relates to the rebuilding of dwellings within the countryside and amongst other things requires that the mass and volume of the replacement dwelling is no more visually harmful than the original dwelling and the replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside;

The full text of the local plan policies referred to above can be viewed online.

## **Appraisal**

### *Principle:*

Policies SP17 and DM30 seek to protect the character and setting of the countryside as a resource in its own right. As the Council can demonstrate a 5 year housing supply policies SP17 and DM30 can be given full weight in assessing development proposals.

Nevertheless, taking into account the extant prior approval granted under ref:19/503691 to convert two agricultural buildings to 5 no: dwellings commits the Council to residential use of the land the subject of this pre-application inquiry (all the while this consent remains extant or is implemented).

As such erection of the proposed dwellings essentially acts as a replacement for the dwellings granted prior approval and therefore needs to be assessed against the key provisions of policy DM32.

The rebuild and conversion of the oast is a separate matter requiring assessment under the provisions of policy DM31.

#### *Siting Sustainability:*

The proposal will result in unsustainably sited housing in the countryside. However the prior approval commitment to residential use of the land means this issue cannot be revisited as part of the consideration of this proposal.

#### *Layout and design:*

It is acknowledged that the Prior Approval granted under ref: 19/503691 may not be the optimum design solution for new dwellings in the countryside. As such their demolition and replacement with purpose built dwellings having a scale, character and detailing appropriate to a countryside setting could deliver a design uplift while enhancing the character and setting of the nearby Listed Building.

I note the submission includes historic information showing Four Oaks originally forming part of what appears to be complex of agricultural buildings (1866 plan). Though later maps show the farmyard complex further north, the proposed inward looking courtyard layout (shown on drawing no: DHA/14140/SK02) looks to represent a return to the 'memory' of the original farmyard layout and in my opinion is an appropriate layout concept. However to complete the 'illusion', the proposed dwellings need to appear as converted agricultural buildings. The dwelling shown on plot 4 appears to satisfy this test appearing as a converted Kentish barn. The remaining dwellings, in my opinion, are suburban in appearance and their design needs to move more in the direction of that shown on plot 4.

Turning to the rebuild and residential conversion of the oast, the historic information shows the outline of a storage building up until 1971. All that remains now is the outline of the roundel appearing as a low brick wall. It is therefore not of a permanent, substantial or sound construction capable of conversion without major or complete reconstruction and as such failing one of the key tests of policy DM31. Furthermore given its current condition it is difficult to see how it now possesses sufficient heritage merit justifying its conversion let alone substantial rebuild and use as a dwelling. I therefore consider there are insufficient grounds for giving a positive response to this part of the proposal.

#### *Heritage Considerations:*

The need to safeguard the character and setting of the Listed Building will be a key consideration. However subject to resolution of the design concerns raised above I do not anticipate objection to the proposal on heritage grounds.

### *Wildlife and Landscaping:*

The expectation is that any submission package will include additional landscaping and assessment of existing trees and hedgerows along with wildlife mitigation and enhancement identified as part of an ecological assessment of the site.

### *Highways:*

Given the Prior Approval consent already bring a commitment to traffic movements for 5 dwelling I do not anticipate highway objections. Nevertheless I suggest you contact Kent Highways to see if it agrees with this assessment and to establish any requirements it may have - contact [terry.drury@kent.gov.uk](mailto:terry.drury@kent.gov.uk) phone 03000 412398.

### *Other matters:*

In the interests of sustainability and to reduce carbon emissions the expectation is that renewables will form a key part of the development strategy and be integrated within a design code. This should also include measures to minimise water consumption with the reuse of 'grey water' and details of a SUDS to attenuate surface water runoff.

### *Conclusions:*

Given the commitment to residential use of the site, subject to resolution of the design concerns identified above, 4 new dwellings in a courtyard layout concept appears an appropriate way to unlock the redevelopment potential of this sensitive site.

However I do not consider there is sufficient justification to warrant granting planning permission to rebuild and extend the oast remnants and its conversion to a dwelling.

### *Procedures:*

in addition to the normal application validation requirements (which can be viewed on line) the following will also be required.

- Arboricultural assessment and a phase 1 habitat survey required given the amount of vegetation and that the site appears to provide habitats used by protected species.
- Cross section/s to demonstrate that the height/profile of any proposed dwelling does not materially exceed that of existing development.
- Heritage Statement
- Landscaping proposals.
- Site contamination survey given the likelihood of contamination due to the past agricultural use of the site.

### *Caveat:*

The above advice does not indicate a formal decision by the Local Planning Authority. Any views or opinions are given in good faith and without prejudice to the formal consideration of any planning application.

Any pre-application advice provided will be carefully considered in reaching a decision or recommendation on any subsequent application; subject to the proviso that circumstances and information may change or come to light that could alter that position. It should be noted that the weight given to pre-application advice notes may decline over time.

The final decision on any subsequent application that you may make can only be taken after the Local Planning Authority has consulted local people, statutory consultees and any other interested parties.

#### *Community Infrastructure Levy(CIL):*

CIL is applied to secure contributions for offsite infrastructure /community contributions. The charging regime can be viewed online at.

<http://www.maidstone.gov.uk/home/primary-services/planning-and-building/primary-areas/local-plan-information/tier-3-primary-areas/community-infrastructure-levy>

#### **Planning Performances Agreements:**

The attached link provides access to information on the Council's service, fees and how to apply - [PPA information](#)

A PPA can set out a clear pre-application programme to identify key issues at an early stage, engage with Members for their initial feedback and agree the project timetable for determination of the planning application itself.

The scale of this development is **Small** (under 50 units, 2500 sqm commercial or other minor application) which would attract a fee of £3,500 and include up to 2 pre-application meetings.

If you consider this process is appropriate to this project please complete and return the attached template. The relevant sections are on Pages 1-7 (specifically the requested period of time for determination of the planning application by MBC), the Pre-application Phase Programme table for setting meetings and intended submission date on Page 8 of the template. Once this has been received you will be advised whether the suggested timescales can be met or discuss further if necessary. Once the timeframe has been agreed the PPA agreement will be finalised and signed.

You will then be directed to our website, to complete a short PPA form and then pay for the PPA via our website: [Apply for a PPA](#)

I would also advise that a separate PPA procedure applies to the discharge of conditions.

I hope the above is of assistance. If you wish to discuss any of the matters raised above then please contact me on the direct line number set out below or via e-mail.

Yours sincerely





Graham Parkinson  
01622 602068

# APPENDIX

2



## Matthew Garvey

---

**From:** Graham Parkinson <GrahamParkinson@maidstone.gov.uk>  
**Sent:** 17 January 2020 11:02  
**To:** Matthew Garvey; Laura Jackson  
**Cc:** Emma Hawkes  
**Subject:** RE: 19/506211 Four Oaks

**Categories:** Filed by Newforma

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Matthew

Following our recent telephone conversation where you provided further clarification of the project I would respond as follows:

Given the commitment to residential of the site on the back of the Prior Approval that has been granted it is appropriate to consider the project under the provisions of policy DM32. The key provisions are that the mass and volume (of in this case) the replacement dwellings should be no more visually harmful than the original dwellings i.e. those granted Prior Approval and that the replacement dwellings would result in development which is individually and cumulatively acceptable within the countryside.

As such, as long as the replacement oast building when aggregated with the mass and volume of the other 4 houses is no more visually harmful than the original dwellings then I can see a heritage argument in favour of it forming part of the proposal.

I hope the above is of assistance in clarifying the matter and should be taken as an addendum to my letter to you dated the 16<sup>th</sup> January 2020.

Regards

### Graham Parkinson Dip tp MRTPI

Senior Planning Officer

Maidstone Borough Council, King Street, Maidstone, Kent ME15 6JQ

t 01622 602068 w [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

(Working days Wed-Fri)



### Planning Performance Agreements (PPA)

Project Management & Member Engagement from Pre-application to a Decision

Information and fees can be found [here](#)

For further details please contact :

[RobJarman@Maidstone.gov.uk](mailto:RobJarman@Maidstone.gov.uk) T:01622-602214

[DeborahJones@Maidstone.gov.uk](mailto:DeborahJones@Maidstone.gov.uk) T:01622-602072

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**From:** Matthew Garvey [mailto:[matthew.garvey@dhaplanning.co.uk](mailto:matthew.garvey@dhaplanning.co.uk)]

**Sent:** 16 January 2020 16:18

**To:** Graham Parkinson; Laura Jackson

**Cc:** Emma Hawkes

**Subject:** RE: 19/506211 Four Oaks

Hi Graham,

I have now had a chance to review the attached and am a little confused by the response on the reconstruction of the oast.

From our discussions today, I took away the sense that you considered the reconstruction of this historic building as a positive factor, which would reinforce the historic setting of the listed building.

We aren't seeking to place any reliance on Policy DM31 and we are certainly not saying that the rebuild of the oast amounts to a conversion. As you will be aware from the submission, the proposal relies on the 'fallback' position of what could be achieved under the Class Q consent.

Given that the Council is comfortable with the new build development on the site, I am struggling to understand the logic behind the Council's objection to the rebuild of the oast, which would certainly help with the 'agricultural' design approach that the Council is seeking?

Perhaps this could be re-examined and further advice given? Indeed, from my reading of the advice, it would appear acceptable to demolish the remnants of the oast and rebuild oast in its place? Given we are trying to save historic fabric which remains on site, the suggested approach must be considered acceptable?

Happy to chat this through with you.

Kind regards,

**Matt Garvey**

**Associate**

Office: 01622 776226

Email: [matthew.garvey@dhaplanning.co.uk](mailto:matthew.garvey@dhaplanning.co.uk)



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**From:** Matthew Garvey

**Sent:** 16 January 2020 15:18

**To:** Graham Parkinson <GrahamParkinson@maidstone.gov.uk>; Laura Jackson <laura.jackson@dhaplanning.co.uk>

**Cc:** Emma Hawkes <Emma.Hawkes@dhaplanning.co.uk>

**Subject:** RE: 19/506211 Four Oaks

Blimey Graham! Many thanks for getting this response back to us so quickly.

Kind regards,

**Matt Garvey**

**Associate**

Office: 01622 776226

Email: [matthew.garvey@dhaplanning.co.uk](mailto:matthew.garvey@dhaplanning.co.uk)



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**From:** Graham Parkinson <[GrahamParkinson@maidstone.gov.uk](mailto:GrahamParkinson@maidstone.gov.uk)>

**Sent:** 16 January 2020 15:04

**To:** Matthew Garvey <[matthew.garvey@dhaplanning.co.uk](mailto:matthew.garvey@dhaplanning.co.uk)>; Laura Jackson <[laura.jackson@dhaplanning.co.uk](mailto:laura.jackson@dhaplanning.co.uk)>

**Subject:** 19/506211 Four Oaks

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Matthew/Laura

Please find attached my response to this pre-application inquiry which I hope you find of assistance.

**Regards**

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