

## April Planning decisions

<p>PINS no: APP/U2235/W/24/3340366</p>	<p>Warren Lands Caravan Site Lenham Heath Road Sandway Maidstone Kent ME17 2PD</p>	<p>See Appendix A</p>
<p>24/501092/FULL</p>	<p>The Gables Warren Street Lenham Maidstone Kent ME17 2ED</p>	<p>In line with our comments on 23/503110 we would wish to see this application approved. We would point out that in this general area there are at least three similar applications approved by MBC planning namely: 22/501384 – West Star Farm 21/505360 – The Cow shed 22/501384 – Blue House Farm – this latter application is just across the Lane and has been approved for multiple dwellings</p>
<p>24/501242/LAWPRO</p>	<p>The Grange Ashford Road Lenham Kent ME17 2DA</p>	<p>LPC objects to this application for the same reasons given for its objection to 24/500382 which we repeat below: <i>LPC objects in principle to this application this is a sizable extension with a significant impact on the existing building especially if taken in addition to 24/500394/LAWPRO.</i> <i>We consider that it would be totally out of context with other properties in this rural not sustainable area.</i> It is somewhat strange that this application and the sister application 24/501270 does not cross reference the previous submissions – under ‘related cases’ (property history). That is 500394 (withdrawn on 19th March) and 500382 (which was refused on 13th March).</p>
<p>24/501270/PNEXT</p>	<p>The Grange Ashford Road Lenham Kent ME17 2DA</p>	<p>No Comment</p>

24/501328/NMAMD	73 Robins Close Lenham Kent ME17 2LE	No Comment
24/501305/SUB	Runham Farm Runham Lane Harrietsham Kent ME17 1NH	No Comment
24/500686/FULL	17 Lenham Road Platts Heath Kent ME17 2NX	<p>LPC objects to this application which it considers as out of context for this rural area. It would perhaps be more acceptable had the application been for a single storey garage perhaps with a barn hip/half hip to bring the effective ridge line down and still giving some usable space over the garage. Certainly the 2 storey proposal within 6.2 m of the roadway is excessive.</p> <p>The application form seems to be somewhat at odds with the drawings e.g.</p> <p>We note that in the tree pruning section of the application it does say that some pruning will be required however looking at the at the existing and proposed – there is clearly complete removal needed.</p> <p>Also the form says the roof is clay tiles but the drawings clearly show a blue (slate?) roof.</p>

## Appendix A

WARREN LANDS, SANDWAY, PLANNING HEARING 8th/9th MAY 2024

APPEAL STATEMENT SUBMITTED ON BEHALF OF LENHAM PARISH COUNCIL

Location : Warren Lands, Lenham Heath Road, Sandway, Maidstone , Kent

Date of enquiry : Eighth of May 2024 and ninth of May 2024.

Planning Inspector : A Owen MA BA ( Hons) MRTPI

Local authority application reference: 22/505561/FULL

Demolition of existing dwelling and erection of a one bedroom bungalow.

Refurbishment of existing hardstanding to enable standing of one static caravan and storage of two touring caravans to be ancillary to the dwelling. Refurbishment of existing access.

PINS Reference : APP/U2235/W/23/3319745

Local authority application reference: 23/504134/FULL

Change of use of land to a caravan site for use by an extended Gypsy/Traveller family, including demolition of existing dwelling, siting of three number static caravans and three number touring caravans, correction of family dayroom, installation of packet treatment plant, and ancillary works.

PINS Reference:APP/U 2235/W/24/3340366

1.0 The Appeal Site and its Surroundings.

1.1 The appeal site comprises approximately 0.78 ha of predominantly agricultural land lying immediately to the north and east of the Sandway Conservation Area within the parish of Lenham. The appeal site comprises attractive undeveloped countryside which forms part of an important strategic gap and visual break between the hamlet of Sandway and the village of Lenham itself which is approximately one mile to the north. The appeal site lies outside of any defined boundary of any settlement. There are no community facilities within the settlement of Sandway.

1.2 The hamlet of Sandway is compact and contains mainly older properties. The hamlet comprises approximately 27 dwellings.

1.3 Access to the village of Lenham would be made along the Headcorn Road. There are no footways between the application site and the village of Lenham. The Headcorn Road is a busy rural road with traffic passing along it at the national speed limit (60mph). The Headcorn Road serves to link the A20 to the north with the A274 to the south.

1.4 The High Speed Rail link, HS1, acts as a boundary to the north of the site and the site is closely bounded by private dwellings along the boundary to both the west and the south. There are trees and an open paddock to the east.

1.5 There are no bus services serving the application site, apart from the school bus. The nearest bus service is found within the village of Lenham approximately 1 mile walking distance from the site along the busy and dangerous Headcorn Road which has no footways.

1.6 The appeal site comprises mainly open pastureland. There is a locked gate on the Lenham Road frontage which provides a good view across the open undeveloped northern part of the appeal site. The appeal site is also visible from the hamlet of Sandway with its Conservation Area. The Conservation Area is directly contiguous with the appeal site.

1.7 The appeal site serves to form an important "green lung", highly visible from the surrounding area and adding to the attractive open rural nature of the hamlet of Sandway. The appeal site forms an important open setting for the Conservation Area.

1.8 A dilapidated and inhabitable structure, previously a mobile home, but now degraded, lies in the southern section of the appeal site very close to the Lenham Heath Road. A mobile home has also been stationed more recently on this part of the appeal site.

1.9 The entrance to the appeal site is currently taken from the Lenham Heath Road. A substantial pair of wooden gates have been erected across this entrance. The area of land immediately adjacent to the entrance is used for the siting of the mobile home and also for the parking of commercial vehicles.

## 2.0 Planning History.

2.1 A planning application, reference 91/0560, for the continued use of land for the stationing of a mobile home was refused planning permission on 25th of July 1991.

2.2 A subsequent appeal ( T/C 91/APP/ U 2235/614819/P6) against an enforcement notice in relation to the use of the land for the purposes of a caravan site was dismissed on 11 June 1992. The Inspector concluded, at paragraph 12, of the decision letter that:

“ the very fact of the presence of the mobile home and the touring caravan detracts, in my judgement, from the open appearance of the field and effectively extends the built-up area of Sandway along the Lenham Heath Road. In my opinion this constitutes demonstrable harm to an interest of acknowledged importance, namely the protection of the countryside from inappropriate development”

Lenham Parish Council considers that very similar circumstances apply to the current appeals as applied to the above enforcement appeal when it was determined in 1992. The development proposed would detract from the open appearance of the site causing significant harm to the amenities of the open countryside.

2.3 After the 1991 appeal was dismissed it was subsequently decided that it was not expedient to progress further enforcement action against the then occupier of the appeal site, Mrs Sally Town. It is believed this decision was made because Mrs Town had lifelong connections with the hamlet of Sandway. It is further understood that Mrs Town was forced to vacate the mobile home on the site in 2016 because of her ill-health and that at that time the property fell vacant.

2.4 A further application, reference 22/504647, for a certificate of lawful use or development for the proposed use of the existing dwelling as a dwelling was sought on the appeal site on 25 September 2022. This application was refused on 10th of October 2022. A subsequent appeal ( APP/ U 2235/X/22/3308797) against this refusal was dismissed on 23 January 2023. In dismissing that the appeal the Inspector, at paragraph 21, stated that:

“ The effect of the extant enforcement notice means that any residential use of the mobile home would be in breach of the notice. It follows therefore that any proposed residential use of the mobile home would be unlawful by virtue of s191(2) ( b) of the 1990 Act”.

The Inspector therefore concluded that the Borough Council's refusal to grant a certificate of lawful use or development was well-founded and that the appeal should fail.

2.5 The appeal application, reference 22/505561, for the residential development of the appeal site was refused planning permission on 10th of March 2023.

2.6 The second appeal application ,reference 23/504134, for the use of land as a caravan site for use by an extended Gypsy/Traveller family was refused planning permission on 20 December 2023.

3.0 The appeal proposals.

Residential Application.

3.1 The residential application proposes the removal of the existing structure on the land and the erection of a one-bedroom bungalow together with refurbishment of a hardstanding to enable one static caravan and the storage of two touring caravans ancillary to the proposed dwelling. The application also proposes the refurbishment of the existing access. Access to the site is proposed to be both from Headcorn Road and Lenham Heath Road.

3.2 The residential application is supported by a location plan which shows a red line enclosing the entire application site. There is also a more detailed block diagram which shows the site of the proposed dwelling the site of the hardstanding for the storage of the caravans and the two points of access into the site. The application is also supported by an access/exit plan which shows ,with photographs, the two proposed points of access into the appeal site.

3.3 From the bar scale on the block diagram it appears that the proposed dwelling is located some 1 to 2 m distant from Lenham Heath Road, occupying the bulk of the site of the existing dilapidated structure.

3.4 The application is also supported by a plan and elevation drawing. From the bar scale on that drawing it would appear that the proposed dwelling is approximately 10 m x 10 m.

3.5 The plan and elevation drawing depicts the proposed bungalow in a very simple style. From the level of detail shown on this drawing it is quite difficult to understand what the bungalow would look like without the submission of more drawings showing the detail of the construction proposed. In view of the proximity of the appeal site to the Conservation Area the Parish Council is concerned as to the apparent discrepancies and lack of detail contained within the appeal application.

3.6 In order to provide safe access into the site the Parish Council would expect a condition to be imposed on any planning permission which may be granted requiring vision splays at the proposed means of access to be kept clear in both directions in order to provide for a safe means of access onto the public highway. The Parish Council is concerned that the land shown within the application site is not sufficient to allow the provision of a safe and satisfactory means of access incorporating reasonable and safe vision splays.

The caravan site application.

3.7 The caravan site application comprises the same area of land as the residential application.

3.8 The same two means of access are also proposed onto the Headcorn Road and the Lenham Heath Road. The Parish Council shares the same concerns regarding these proposed means of access as with the residential application insofar it is not clear that the application site comprises a sufficiently large area of land to allow the proper provision of safe visibility splays to either access.

3.9 The block diagram showing the proposal indicates the siting of the family dayroom in very similar location to the bungalow as shown on the residential application. The proposed dayroom and the proposed bungalow are very similar in form, style and content except that the dayroom shows a “living area” in replacement of the “bedroom” which is shown on the residential application. From the bar scale on both drawings it would appear that they are both approximately 10 m x 10 m. Again because of the simple style of the drawing it is not possible to ascertain exactly what the proposed building would look like without the submission of a considerable amount of further detail. The Parish Council considers this to be a highly relevant material planning consideration in the context of the proximity to the Conservation Area.

3.10. The planning application is not supported by a detailed landscape proposal, but a drawing is included which shows the provision of some new hedges within the application site together with the location of existing hedges. The Parish Council considers that the applications are both considerably deficient in terms of provision for landscaping and biodiversity. The block diagram shows the

provision of a “package treatment plant” to the south-west of the proposed family dayroom close to the Lenham Heath Road access point.

3.11. The planning application is for the change of use of land to a caravan site for use by an extended Gypsy/Traveller family. The application site comprises the entire 0.7 ha of land enclosed within the red line. It seems to the Parish Council therefore that the principle of this planning application is whether that entire area of land is suitable for the proposed use as a caravan site. It should be noted that the application site is approximately equivalent in size to the entire hamlet of Sandway, incorporating the Conservation Area. The Parish Council is concerned that the size of the site is disproportionate and that if granted planning permission the proposal would serve to dominate and overwhelm the existing hamlet of Sandway. From the experience of the Parish Council there is the possibility that if planning permission is granted at appeal initially for a limited number of mobile homes there may be pressure for subsequent intensification of the mobile home use and the provision of additional mobile homes or caravans.

3.12 From a visual inspection of the application site the land would appear to be predominantly agricultural or grazing land and its previous history as allotments would only appear to support this agricultural use. The Parish Council finds it hard to understand the claim that this land is brownfield land when from visual inspection and an understanding of its recent history it would appear to be primarily agricultural grazing land in its use.

3.13. The Parish Council would also wish to be provided with further and better particulars as to the background of the appellant and the extended family and the nature of the family history as an extended Gypsy/Traveller family.

3.14. The appeal site has a confusing land ownership situation. The Parish Council would also wish to be provided with further and better particulars as to whether the current applicant and appellant is the owner of the land and whether the appellant has the ability to permanently implement any planning application which may be granted at appeal. The previous owner of the site was Mrs Sally Town and the Parish Council understands that the site is either currently owned by her descendants or is held in trust for them as the legal owners of the site.



#### 4.0 National Planning Policy Framework (the Framework).

4.1 The Parish Council believes the relevant NPPF for the determination of these appeals is the Framework which was published on 19 December 2023. Paragraph 224 of the December Framework ,together with paragraph 230 ,would appear to support this position.

4.2 Paragraph 114 of the December 2023 framework ( previously paragraph 110) states that in considering development proposals appropriate opportunities to promote sustainable transport modes should be taken up. It is not possible to provide sustainable transport modes to serve the appeal site because there is no general public bus service. The appeal site is not a sustainable location and neither appeal proposal constitutes sustainable development. The appeal proposals are therefore contrary to the provisions of the Framework .

4.3 Because of its isolated location away from any defined settlement the appeal site does not and cannot offer a genuine choice of transport modes. The appeal proposals are therefore contrary to the provisions of paragraph 109 ( previously 105 ) of the Framework. There is a small primary school at Platts Heath some 1 km to the south of the appeal site. There is also a substantial pub/restaurant/hotel which is located some 500 m to the east of the appeal site. Apart from those two facilities most of the day-to-day needs of the occupants of the appeals proposals would not be able to be met without substantial travel which would inevitably have to be by way of private motor vehicle.

4.4 Because of its isolated location it would be necessary for the occupants of the appeal site to seek to use the private motor vehicle to gain access to employment, shopping education and other services. In this regard the appeal proposal is contrary to the provisions of paragraph 116( c) of the Framework ,previously 112( c) ,which seeks for development to create places which are safe ,secure and attractive and which minimise the scope for conflicts between pedestrians cyclists and vehicles. Any attempt by the occupants of the appeal proposals would engage in walking, cycling or equestrian activities on the local rural lanes which would not create a safe and secure environment.

4.5 Paragraph 180 (b) of the Framework ,previously 174 (b) ,states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside.

4.6 Paragraph 200 of the Framework ( previously 194) requires ,in relation to the determination of planning applications, that an applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 201 of the Framework (previously 195) requires that the impact of a proposal on a heritage asset should be taken into account to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal. The Parish Council is concerned that the appeal application proposals have not and do not allow for any assessment as to whether the appeal proposals are acceptable in terms of potential harm to the Conservation Area . There are a limited number of Listed Buildings in the vicinity of the appeal site.

4.7 In summary it is clear that both appeal proposals are contrary to the provisions of the Framework in respect of three highly significant material planning considerations as follows:

(i) the need to promote sustainable development and avoid the proliferation of development at locations which are clearly neither sustainable nor capable of being made sustainable;

(ii) the need to protect the natural environment and the countryside by recognising its intrinsic character and beauty;

(iii) the need to protect important heritage assets , in this case the Conservation Area and nearby Listed Buildings ,from development which is clearly intrusive and inappropriate and which would cause demonstrable harm. The Conservation Area is directly contiguous with the appeal site and there is a significant degree of intervisibility between the two.

5.1 Planning Policy for Traveller Sites, August 2015.

5.1 The DCLG document entitled “Planning Policy for Traveller Sites is dated August 2015 and contains current government policy for determining planning applications in relation to traveller sites.

5.2 Lenham Parish Council is fully aware of the planning circumstances which led to the need for the government to produce a specific and separate planning policy dealing with the need for Traveller sites. The Parish Council supports the efforts made by central and local government to provide a range of well developed, humane and well located sites to meet the needs of the traveller population. The Parish Council does not believe, however, that the current appeal site is well located ,suitable or genuinely available to meet any such need.

5.3 The appeal site lies in open countryside adjacent to the hamlet of Sandway but remote from Lenham village. The application site is in agricultural use and is not allocated for any development plan. There is no record of any planning permission ever having been granted on the appeal site for the construction of a dwelling or for the occupation of the site by a mobile home.

5.4 Paragraph 25 of the Planning Policy for Traveller Sites reads as follows:

“Local planning authorities should very strictly limit new traveller site development in the open countryside away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community and avoid placing undue pressure on the local infrastructure”

5.5 Lenham Parish Council believes the appeal proposal is contrary to the provisions of paragraph 25 for the following reasons:

(i) the site is in open undeveloped countryside in a remote location distant from essential services and facilities;

(ii) the site is not allocated for development in any development plan;

(iii) the site is of equivalent scale and size to the hamlet of Sandway and would not respect the scale of the hamlet but would tend to dominate and overwhelm the nearest settled community.

5.6 Because of the unsafe nature of the local highway network it would not be possible to access schools , shops or employment without recourse to the private motor vehicle. This situation would be contrary to the presumption in favour of sustainable development. The application proposal is therefore contrary to paragraph 23 of the Planning Policy for Traveller Sites which requires that planning applications should be assessed and determined in accordance with the presumption in favour of sustainable development.

6.1 Maidstone Borough Local Plan, Adopted October 2017.

6.1 The appeal applications were determined in accordance with the policies of the Maidstone Borough Local Plan which was adopted in October 2017. This plan has now been superseded by the adoption of the Maidstone Borough Local Plan Review on 20th of March, 2024.

6.2 MBLP contains policies SS1 and SP17 which seek to protect the countryside from inappropriate development.

6.3 MBLP also contains policy DM 15 which provides a set of criteria which were applied to applications for Gypsy, Traveller and Travelling Show people accommodation. Those criteria specified that the application site should have reasonable access to local services and should not result in significant harm to the landscape and rural character of the area.

6.4 Although the MBLP policies are now superseded Lenham Parish Council believes that both appeal proposals were contrary to the policy provisions of that plan.

7.1 Maidstone Borough Local Plan Review, adopted March 2024.

7.1 Maidstone Borough Local Plan Review ( MBLPR) was adopted in March 2024 and is now part of the development plan. Copies of MBLPR are available to view on the Maidstone Borough website under the tab planning policy. MBLPR contains policy LPRSP9 which aims to protect the countryside from inappropriate development. The appeal site falls in the countryside so far as MBLPR policy LPRSP9 is concerned.

7.2 Policy LPRSP9(2) states that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and the proposal would not result in significant harm to the rural character and appearance of the area.

7.3 Policy LPRSP9(8) requires that development in the countryside should retain the separation of individual settlements.

7.4 Lenham Parish Council believes both appeal proposals are contrary to these important provisions of the very up-to-date development plan . The proposals would clearly result in significant harm to the rural character and appearance of the area and would serve to erode the separation between Sandway and the village of Lenham. The appeal proposals do not accord with any other policy contained within MBLPR.

7.5 Paragraphs 5.19 to 5.22 ( page 29) ,paragraphs 7.8 to 7.9 ( page 137) and paragraphs 7.28 to 7.32 ( page 144) of MBLPR make it clear that full and appropriate provision for sites suitable for Gypsy, Traveller and Travelling Show people will be made through both that plan and through the emerging DPD. It is proposed that the emerging DPD will ultimately supersede the indicative figures for provision contained within the Local Plan Review. This situation is confirmed in policy LPRSS1(9) which confirms that the accommodation needs will be met in full. The finalised further details will be set out in the Gypsy, Traveller and Travelling Show people DPD when it is approved.

7.6 Policy LPRHOU8 contains a set of criteria to be applied to the determination of planning applications for Gypsy and Traveller and Travelling Show people accommodation. This policy supersedes but contains similar provisions to policy DM 15 in MBLP, 2017.

7.7 Criterion LPRHOU8 (b) requires that local services in particular school, health and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport.

7.8 Criterion LPRHOU8 (c) requires that the development would not result in significant harm to the landscape and rural character of the area.

7.9 Criterion LPRHOU8 (f) requires that the ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.

7.10 For the reasons given above Lenham Parish Council believes that the proposed Gypsy and Traveller accommodation does not comply with any of the above three criteria contained within policy LPRHOU8. It is clear that the appeal is contrary to important provisions for protecting the environment which are contained within the development plan.

Lenham Neighbourhood Plan, made 14 July 2021.

8.1 Lenham Neighbourhood Plan ( LNP) was made on 14 July 2021 following a successful referendum held in the parish of Lenham.LNP therefore forms part of the development plan so far as the current appeals are concerned. For the avoidance of doubt if there is any difference between LNP and MBLPR the latter should prevail because it is the more recently adopted development document.

8.2 LNP contains a number of policies which are aimed at securing good design throughout the Parish. Policy D1 promotes design quality. Policy AT1 promotes active travel. Both appeal proposals constitute visually intrusive and poorly designed development in an area of attractive open agricultural countryside.LNP also contains Countryside Protection Policy CP1 which seeks to protect the environment of the Parish such that there are no adverse impacts on the character of the countryside.

8.3 Lenham Parish Council firmly believes that both appeal proposals are clearly contrary to the precise wording of the above policies as well as to the provisions of Lenham Neighbourhood Plan when taken as a whole.

8.4 LNP provides for an additional 1000 dwellings to be built at Lenham in the years to 2031. These additional dwellings are to be provided on a total of seven sites at sustainable development locations within the village all of which are close to and well served by the existing railway station, bus routes and shops and facilities located within the village centre. Provision is also made within the plan for bus services to be extended to run through and serve the new development sites.

8.5 In contrast to the current appeal proposals the Parish Council therefore believes that LNP promotes and provides for sustainable development at sustainable and acceptable locations.

8.6 The Parish Council believes that the sites provided within LNP more than meet any existing demand for market, self build or affordable housing within the Parish as a whole, including the hamlet of Sandway. The Parish Council does not therefore believe there is need for any additional dwellings to be provided at this time in order to meet any unmet demand or planning requirement .

9.0 Chilston Quarry, Sandway, Appeal Decision dated 21 June 2021

PINS Reference APP/U2235/W/20/3254230.

9.1 An appeal against the refusal of an outline planning application for 15 dwellings at Chilston Quarry, Sandway, some 500 m to the west of the current appeals site was dismissed on 25th of June 2021.

9.2 At paragraph 14 the Inspector commented as follows:

“Sandway as a hamlet offers no services and occupiers would need to travel to Lenham to access such services, or indeed further afield. There are no public transport services close to the appeal site and although there is a footpath in the vicinity it does not connect the site to Lenham and requires walkers and cyclists to navigate an unlit and narrow road. I attempted to walk part of the route to Lenham and found that steep banks prohibit walkers from finding refuge along some parts of the road which is also fraught with dangers from passing traffic travelling at speed. I would not expect any person with children, disability or laden with shopping to attempt to navigate either Old Ham Lane or Sandway Road to reach Lenham.”

9.3 Lenham Parish Council believes that the conclusions reached in this recent appeal decision at a location very close to the current appeal site are directly relevant. The Parish Council recognises that no two proposals can ever be exactly the same but believes that the

current appeals site is a countryside location distant from a full range of services and as such is a highly unsuitable, unsafe and unsustainable proposition. As with the quarry appeal decision the current appeal site is in principle an inappropriate location at which to seek to accommodate additional residential or caravan site development.

10.0 Wyndrush , Platts Heath, Appeal Decision dated 23rd of June 2023.

PINS Reference APP/U2235/W/23/3314651.

10.1 An appeal against the refusal of a planning application ( 22/504669) for the replacement of a single bungalow with the development of seven houses was dismissed on 23rd of June 2023. The appeal site bungalow in that case was called Wyndrush and is located at 6 Headcorn Road , Platts Heath. The Wyndrush appeal site is located approximately 1 km to the south of the current appeal site.

10.2 In dismissing the Wyndrush appeal the Inspector, at paragraph 7, commented as follows:

“It was confirmed during the hearing that aside from a primary school, there are no other employment key services or facilities in Platts Heath. A range of services and facilities can be found in the rural service centre of Lenham, a short distance away, but this would be too far along unlit and narrow country roads without footpaths to be accessible on foot or by bicycle to most of the potential future occupants of the proposal”.

10.3 The Inspector, at paragraph 44, concluded that the Wyndrush proposal would conflict with the development plan and that no other considerations existed in that case which would indicate that planning permission should be granted.

10.4 The Parish Council believes that similar planning considerations apply to the current appeal proposals as applied in the case of Wyndrush. There is clear conflict with the development plan strategy and no other considerations apply which indicate that planning permission should be granted. Although the development plan has changed in relation to the adoption of MBLPR in 2024 the policies are consistent between the two plans in terms of seeking to protect the countryside from inappropriate development. These policies are also consistent with the policies contained within the NPPF and the Gypsy and Traveller version of the NPPF. Lenham Neighbourhood Plan contains similar policies to secure the protection of the countryside from inappropriate development and has not changed between the determination of Wyndrush in 2023 and the current appeals.

## 11.0 Material Planning Considerations.

(a) Inappropriate, unsustainable location contrary to the provisions of the development plan and National planning policy.

11.1 In summary the Parish Council believes the appeal proposals are unacceptable, inappropriate and unsustainable for the following reasons:

(i) Sandway is a rural hamlet in the countryside which provides no facilities whatsoever;

(ii) There are no public transport facilities available serving the appeal site;

(iii) As a consequence the occupiers of the appeal proposals would have to use the private motor vehicle to gain access to facilities either at Lenham or further afield;

(iv) The appeal proposals would be in clear conflict with the policies of MBLPR which seek amongst other things to direct development to locations within the borough that have greater access to facilities and which maximise opportunities for linkages to the surrounding area and local services;

(v) The appeal proposal is directly contrary to Countryside Protection Policy CP1 in Lenham Neighbourhood Plan which seeks to protect the rural environment of the Parish such that there are no adverse impacts on the character of the countryside;

(vi) The appeal proposals are contrary to the development plan for the reasons set out above. Both appeal proposals are also contrary to the provisions of government policy especially paragraph 109 of the Framework (previously 105) which seeks to steer development to locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.

(b) Harmful impact on the character and appearance of the area.

11.2 The appeal site is an open attractive area of countryside comprising agricultural land which is clearly visible and which adds to the open setting at the edge of the hamlet of Sandway and its Conservation Area.



11.3 The appeal proposal would change the character of the area by eroding its current sense of openness. The development of the site would be detrimental to the character and appearance of the countryside by adding a scatter of sporadic development at a sensitive location which forms part of the visual break or gap in development between Sandway and Lenham.

11.4 The Parish Council believes the appeal proposals would have a detrimental urbanising impact on the existing rural character of the area and would fail to positively contribute to the conservation of the landscape nor add to the intrinsic value of the countryside.

11.5 So far as the appeal applications can be understood they fail to demonstrate that the appeal proposals would not have a seriously harmful detrimental impact on the amenities of the Conservation Area which immediately abuts the appeals site.

(c) Nutrient Neutrality.

11.6 The Parish Council is fully aware of the complex legal situation which arises from the need to protect Stodmarsh Marsh and provide for nutrient neutrality.

11.7 The Parish Council fully supports the position of Maidstone Borough Council in relation to the issue of nutrient neutrality. The Parish Council notes the potential difficulty which might arise in terms of maintenance should a plethora of small package (or packet) sewage treatment works be provided across the Parish in an attempt to find a loophole within the implementation of the proper environmental safeguarding requirements of Natural England.

(d) Need for Gypsy and Traveller Sites.

11.8 The Parish Council fully accepts the need for central and local government to work together in order to provide an acceptable and well located network of sites to accommodate the needs of the Gypsy and Traveller community in a humane manner.

11.9 The Parish Council believes there should be more clarity in relation to the family background of the current appellant, and his extended family, in order to understand more fully what the needs of the extended family are in terms of Gypsy and Traveller heritage.

11.10 The Parish Council is pleased to note that the current review of the Maidstone Borough local plan is being updated and will make full provision for all the needs of the Gypsy and Traveller community through the emerging specialist Development Plan Document. The

Parish Council is therefore firmly of the view that the current appeal site is not suitable for the proposed use as a Gypsy/Traveller site and that more appropriate provision for that use will be made within the Borough in the very near future.

## 12.0 Conclusion

12.1 The Parish Council is fully supportive of each and every aspect of the Borough Council's position at this hearing .The Parish Council is also fully supportive of the Borough Council's actions in seeking to protect the appeal site from unlawful, intrusive and unacceptable sprawl and urbanisation.

12.2 The Parish Council is not aware of any material planning reason why the provisions of the development plan and the Framework should be set aside in relation to these appeals. The Parish Council would request the Inspectorate to have due regard to previous appeal decisions in the vicinity and respectfully requests that these appeals also be dismissed and that planning permission not be granted to the developments proposed.

Paul McCreery FRTPI 11th of April 2024.