

Planning decisions July August 2023

Application Number	Address	Application Content
23/503008/FULL	St Mary's Church Old Ashford Road Lenham Kent ME17 2PX	Additional Comments – See Appendix A
23/503371/FULL	Runham Farm Runham Lane Harrietsham Kent ME17 1NH	– See Appendix B
22/505561/FULL	Warren Lands Lenham Heath Road Sandway	Appeal statement see Appendix D
23/503404/SUB	Runham Farm Runham Lane Harrietsham Kent ME17 1NH	No comment
22/505409/OUT	Land West of Northdown Business Park, Lenham, ME17 2DL	Appeal statement see Appendix E
23/503362/FULL	Yew Tree Cottage 36 High Street Lenham Maidstone Kent ME17 2QD	Draft Comments – see Appendix C
23/503640/FULL	17 Hay Meadow Lenham Kent ME17 2FG	<p>LPC objects to this application which it considers to be excessive.</p> <p>It appears that a conversion of the garage on the corner plot will result in two of the four car parking spaces being displaced from what is after all a 5-bedroom house. There is no 'on street' parking possible as the adjacent neighbours drive would be obstructed.</p> <p>We cannot simply allow for the parking provision to be halved If every unit did this it would be carnage. The estate road needs to allow for fire appliances etc which if all roads had on street parking would not be possible.</p> <p>We would point out that it is MBC policy that</p>

		<p>states a minimum of 3 spaces for a 5 bed house. If the applicant tries to argue that they 'never use the garage' – this is not sufficient to permit the parking to be reduced by 50%. Subsequent owners might live differently and then what would happen.</p> <p>Two spaces for a house of this size and no “on street” parking is not enough.</p>
23/503502/FULL	Dean Cottage Warren Street Road Charing Ashford Kent TN27 0HJ	No comment
23/503829/TPOA	10 The Paddocks Lenham Kent ME17 2FD	No comment subject to the report of the tree officer
23/503627/FULL	Land Adjacent To 10 Maidstone Road Lenham Maidstone Kent ME17 2QH	No comment but we would ask the planning officer to apply a condition that the external fabric of the building facing the Maidstone Road is specified to be in accordance with the Lenham Conservation Area Plan and approved by the Conservation Officer. Kent Peg hanging tiles would be an example of a satisfactory façade in the Conservation Zone.

Appendix A

Draft response for additional PC comment to MBC

Lenham Parish Council in the light of further Parishioners comments would wish to add the following to their initial response.

The proposed site plan makes no suggestion about any additional paths around/through the cemetery from the fire door to a place of safety (the path to the lynch gate)

This is addressed as a 'hard paving threshold' which is barely sufficient depth to accommodate the swing of the door. If this is a push for improving wheelchair egress then surely there needs to be a hard surface path from the door to the main church path? Otherwise, wheelchairs using this exit in an emergency will get stuck in the grass just outside the door. The proposal makes little sense without additional landscaping.

There are 2 issues which we are sure will arise from a greater use of larger groups.

1. There remains only two toilets – one accessible and one standard. This is deemed sufficient for typical service attendees and those who attend cream teas, coffee mornings or other small functions. However regular large group usage is likely to strain the limited facilities.
2. As per our original comments, the increased use of the kitchen is likely to strain the current trench arch drain provision from the kitchen to the point that it will need replacing with a proper solution (treatment plant or drain connection). We would have thought that the scheme should include for a new drain arrangement – even if this were to be a local pump arrangement to connect to main drainage. The solution currently proposed is expeditious as well as financially beneficial, but does not really account for the increased use and load on the existing trench arch drain. The increased usage is the main point for doing the works and altering the space. Therefore, now is the time to do the work and not wait for the drain to fail due to excessive use. While it may be sufficient for a few wash hand basins and kitchen sink occasionally, the increased use proposed is likely to have an effect. Any significant increase in users/user groups will also impact on the frequency of use of the toilets which are currently at a minimum provision. This does not appear to be addressed in the proposal.

It is worth noting on the portal documents that Historic England have submitted a comment noting that they are not offering advice but suggesting that MBC contact specialist conservation and archaeological advisers. We would support this and also add ecclesiastical advisers.

Mid-Kent Environmental have commented noting the acoustic issues of the ASHP's (air source heat pumps) for the adjacent neighbours who will be subject to a constant low-level hum.

The proposal only appears to visually mask the ASHP (air source heat pump) units with hedging (hopefully 1.5m high at planting) which is obviously not going to ameliorate any noise. Perhaps placing the unit behind the toilet block (on the Eastern elevation) would have been a better proposal both from the viewpoint of noise and visual appearance. Otherwise acoustic boarding will probably be necessary given the proximity of the near neighbours.

The proposal also highlights the need for external lighting (the emergency exit and the path should have lights). These should only need to be in operation when the emergency door is opened.

Appendix B

Lenham Parish Council objects to this “Minor” Amendment

The initial proposal for four detached properties was set out to ‘mimic’ the rural/farm buildings that were to be replaced.

Adding the attached two car garages (open or otherwise) significantly increases each of the house facades and reduces the distance between the properties. The resulting street scene is approaching urban rather than rural and is out of place in this context. The overall distance between units is reduced to less than a third of what was previously presented – which we believe is detrimental to the development.



Were the houses to be moved from the proposed footprint to facilitate the additional garages retention of the distributed nature of the development in the site might have been possible. This is not the case. LPC maintain objection to the development and to the addition of these units. It is the LPC position that this proposal constitutes over development and is not aligned with rural/agricultural development design ideals for this area.

LPC consider that the amendments are **not minor** as they have a significant impact on the proposed development.

Lenham Parish Council strongly objected to this application originally and below we reiterate those objections.

1) It is in an unsustainable area located in Runham Lane far from shops and alternative transport. Use of motor vehicles is the only viable option to living here. Runham Lane itself is a single track Road which in places is in need of much repair and certainly not capable of more traffic especially from the lorries needed for the site delivery of building product.

Since the original 2018 application the Parish Council has created its Neighbourhood Plan which was since adopted. The Parish Council now adopts a much stronger line to be taken in respect of developments such as this.

1.0 Lenham Neighbourhood Plan

1.1 Lenham Parish Council is not opposed to residential development in principle, provided it is in the correct location – as defined within the adopted plan.

1.2 The Plan, as endorsed by Examination, contains the following Policy to address Countryside

Protection:

“6.8.3 One of the distinctive characteristics of the countryside beyond Lenham village is the existence of small hamlets and settlements such as Sandway, Platts Heath, Lenham Forstal, Lenham Heath, West Street, Warren Street and Woodside Green, which are set within the wider landscape setting of the Parish which includes the Kent Downs AONB. At various points across the Parish there are important views of the AONB and the open countryside. This locally distinctive context provides a strong sense of identity and character to the countryside in the Plan area.

Countryside Protection: Policy CP1

The Lenham Local Policies Map defines the settlement boundary for Lenham village which is extended to include the Strategic Housing Delivery Sites. All proposals for new development in the countryside beyond the settlement boundary for Lenham will be assessed in terms of:

- 1) the potential visual impact of the development;*
- 2) the effects upon the landscape character and heritage assets of the site and its surroundings;*
- 3) the potential impact upon the biodiversity of the area;*
- 4) the capacity of infrastructure and services available to support the proposed development; and,*
- 5) the relationship of the proposed development to the setting and character of the rural hamlets and settlements within the countryside beyond Lenham village.*

Development proposals should seek to protect the rural environment of the Parish, such that there are no adverse impacts upon the character of the countryside. Proposals which fail to demonstrate that any such impacts can be mitigated will not be supported.”

2. Effects on Landscape Character of the Site and its Surroundings

The fundamental character of this part of Lenham is that of isolated farms and detached dwellings near to the Village of Harrietsham and the Hamlet of Platts Heath. The development is out of character with this background.

3. Impact on Biodiversity

The introduction of an essentially suburban development on the site will reduce the potential of the site to support varied wildlife. There have been similar comments made by neighbours.

4. Infrastructure and Services

4.1 The dwellings proposed to be located on the site would essentially form an isolated car-based unit within a rural area. There are no local services within easy walking distance of this unit and the net result of the development would be to significantly increase the use of motor vehicles on entirely unsuitable, narrow and dangerous rural lanes. If the occupants chose to walk to the nearest facilities, it would necessitate use of these narrow dangerous country lanes which do not have footways. Therefore it can easily be seen that there would be a significant increase in the use of Runham Lane as a direct result of this application – when it is clear that Runham Lane is not capable of absorbing any increase in traffic.

4.2 The site lies a considerable distance from the Platts Heath, Harrietsham, and Lenham Primary Schools as well as the Lenham School. Access to those schools would be extremely hazardous especially if family groups are expected to navigate the lanes using pushchairs and buggies. Similar considerations apply to reaching Lenham or Harrietsham Health Centres, the Lenham Community Centre and local shops, none of which are within easy walking distance of the site.

5. Impact on Settlement Pattern

5.1 Lenham Parish Council is concerned lest this planning application should become a precedent for other equally unsuitable dwellings scattered across the rural hamlets of the Parish.

5.2 There is no possible justification for the provision of dwellings at this site which is evidently unsustainable and not capable of being integrated into the surrounding rural area.

5.3 Lenham Parish Council notes that Maidstone Borough Council has been consistent in refusing applications for housing in isolated locations, such as at Lenham Sandpits for example. The Parish Council would support the Borough Council in the consistent application of the rural protections policies which are contained in the NPPF, the Borough Local Plan and Lenham Neighbourhood Plan.

The LPC stress that we are happy to engage with all residents in advance of any application in a proactive manner.

Appendix D Warren Lands Appeal statement

1.0 The Site, its Surroundings and the appeal proposal.

1.1 The appeal site lies to the north of Lenham Heath Road and to the east of Headcorn Road approximately 1 km to the south of the village of Lenham. The hamlet of Sandway lies to the west and south of the appeal site.

1.2 The appeal site is attractive undeveloped countryside which forms part of an important strategic division between the hamlet of Sandway and the village of Lenham itself. The appeal site is predominantly undeveloped open agricultural land.

1.3 The appeal site lies outside of any defined boundary of any settlement. There are no community facilities within the settlement of Sandway. There are virtually no footways on the surrounding roads. In order to reach community facilities within the village of Lenham it would therefore be necessary to walk along narrow country lanes with no footway provision.

1.4 The appeal site is located adjacent to the Sandway Conservation Area.

1.5 There is a complex planning history which applies to the appeal site. The most significant consideration is that the site is subject to an enforcement notice requiring to cease the use of the land as a caravan site and for the purposes of stationing a mobile home for residential purposes and to remove the mobile home and the caravans from the land.

1.6 The proposal is the demolition of the existing structure on the land and the 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 the existing access. Access to the site is proposed to be both from Lenham Heath Road and the Headcorn Road.

1.7 The application includes a block diagram at a scale of 1 to 500. On the block diagram a dwelling is shown to be located very close to the Lenham Heath Road frontage. Such a location is not out of character with the location of existing dwellings within the hamlet of Sandway, which are frequently located close to the road frontage. The bungalow The dwelling shown on the block diagram scales at approximately 5 m x 5 m. The application also includes a drawing entitled New Dwelling which is said to scale 1:100 at A3. That drawing also includes a Scale Bar. The new dwelling is shown as comprising a kitchen, a lounge, a utility room and a wet room as well as one bedroom. On that drawing the bar scale is not 1:100 when the drawing is printed at A3 size. When the bungalow is sales according to the bar scale it is approximately 10 m by 10 m. Because of the rudimentary style of the drawing of the showing the new dwelling the Parish Council finds it very hard to understand what the proposed dwelling would actually look like when it was constructed. The Parish Council is also concerned as to the apparent discrepancies between the size of the dwelling shown on the Block Plan and the size of the dwelling shown on the drawing entitled New Dwelling. The Parish Council believes that the block diagram significantly misrepresents the size of the proposed dwelling such that it is impossible to understand exactly what is proposed within the planning application.

1.8 Parish Council considers it is particularly important that the planning application should describe the proposal in sufficient detail for it to be understood because the application/appeal site lies immediately adjacent to the Sandway Conservation Area.

2.0 Planning Policy Considerations.

(a) National Planning Policy Framework. (NPPF).

2.1 Paragraph 110 of the Framework 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 bus service. The appeal site is not a sustainable location and the appeal site proposal does not constitute sustainable development. The appeal proposal is therefore contrary to the provisions of the Framework at paragraph 7 and 11.

2.2 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 proposal is therefore contrary to the provisions of paragraph 105 of the Framework.

2.3 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, leisure, education and other services. In this regard the appeal proposal is contrary to the provisions of paragraph 112(a) of the Framework which seeks for development to create places which are safe secure attractive and which minimise the scope for conflicts between pedestrians cyclists and vehicles. The additional use of the private motor vehicle in an unsuitable rural location, governed by the National speed limit, simply adds to the potential for conflicts between pedestrians cyclists and vehicles. Any attempt by the occupants of the appeal proposal to engage in walking, cycling or equestrian activities on the local rural lanes would not create a safe and secure environment.

2.4 Paragraph 174 (b) of the Framework 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.

2.5 Paragraph 194 of the Framework requires that in determining planning applications an applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 195 of the Framework 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 proposed. The Parish Council supports Reason 5 in the Planning Decision Notice dated 10th of March 2023 because the submitted application does not allow any assessment as to whether the proposal is acceptable in terms of potential harm to the Sandway Conservation Area.

(b) Maidstone Borough Local Plan, Adopted October 2017.

2.6 Policy SS1 of the Maidstone Borough Local Plan sets out the Borough Council's strategy and states that an expanded Maidstone urban area will be the principal focus for development. The rural service centres and larger villages identified within Policy SS1 will be the secondary focus for housing development. In other areas, such as the appeal site, protection will be given to the rural character of the area.

2.7 The appeal site does not lie within any of the areas identified within the local plan for additional housing development, for the purposes of the Development Plan the site therefore lies within the countryside. Policy SP17 of the local plan states that development within the countryside will not be permitted unless it accords with other policies within the local plan.

2.8 The local plan does not support the development of the appeal site which lies within an unsustainable countryside location resulting in the occupiers of the appeal proposal being heavily reliant on the private car to access services and facilities.

(c) Lenham Neighbourhood Plan made 14 July 2021.

2.9 Lenham Neighbourhood Plan (LNP) was made on 14th of July 2021. LNP therefore forms part of the Development Plan so far as the current appeal proposal is concerned.

2.10 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. The appeal proposal promotes visually intrusive and poorly designed development in an area of attractive open agricultural countryside. LNP also contains Countryside Protection Policy CP 1, which seeks to protect the rural environment of the Parish such that there are no adverse impacts on the character of the countryside.

2.11 The Parish Council believes the appeal proposal is clearly contrary to the fundamental provisions of Lenham Neighbourhood Plan when taken as a whole.

2.12 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 close to and well served by the existing railway station, bus routes and the village centre. Provision is also made for bus services to be extended to serve the new development sites. Some of the LNP sites are currently under construction, some have grant of planning permission and some are subject to resolution to grant with a section 106 agreement currently under discussion and at an advanced stage. Construction of additional dwellings is currently underway at a number of sites within Lenham village.

2.13 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 a requirement for any additional dwellings to be provided at this time in order to meet any unmet housing demand.

3.0 Chilston Quarry, Sandway, Appeal Decision dated 25th of June 2021. (APP/U2235/W/20/ 3254230)

3.1 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 appeal site was dismissed on 25th of June 2021.

3.2 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.”

3.3 The Inspector commented further at paragraph 15:

“There are no sustainable transport modes available within reasonable and safe walking and cycling distance of the appeal site. Thus it is highly probable that the private car would be required for every journey into and out of the site to access such services as shopping, education, medical services, employment, recreation and entertainment”.

3.4 Lenham Parish Council believes that the conclusions reached in this recent appeal decision at a location very close to the current appeal proposal are directly relevant to this current appeal. The Parish Council accepts that no two appeal proposal is can ever be directly comparable but the council believes that the current appeal site is a countryside location distant from the full range of services and as such is a highly unsustainable proposition. As with the quarry appeal decision the appeal site is , in principle, an inappropriate location at which to seek to accommodate additional residential development.

4.0 Wyndrush, Platts Heath Appeal Decision dated 23rd June 2023. (APP/U2235/W/23/3314651).

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

4.2 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, short distance away, but this would be too far along unlit and narrow country roads without foot piles to be accessible on foot or by bicycle to most a potential future occupants of the proposal.”

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

4.4 The Parish Council believes that similar considerations apply to the current appeal proposal as applied in the Wyndrush case. There is clear conflict with the development plan strategy and no other considerations apply which indicate that planning permission should be granted.

5.0 Material Planning Considerations.

(a) Inappropriate, unsustainable location contrary to the provisions of the Development Plan and the Framework.

5.1 In summary the Parish Council believes the appeal proposal is unsustainable for the following reasons:

5.1.1 Sandway is a rural hamlet in the countryside and contains no local facilities whatsoever.

5.1.2 There are no public transport facilities available serving the appeal site.

5.1.3 As a consequence the occupiers of the appeal proposal would use the private motor vehicle to gain access to facilities either at Lenham or further afield.

5.1.4 The appeal proposal would be in clear conflict with policies SS1 and SP17 of the local plan which seek, amongst other things, to direct development to locations within the borough that have greater access to facilities, and which maximize opportunities for permeability and linkages to the surrounding area and local services.

5.1.5 The appeal proposal is also directly contrary to Countryside Protection Policy CP 1 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.

5.1.6 The appeal proposal is contrary to the Development Plan for the reasons set out above. The appeal proposal is also contrary to the Framework when taken as a whole, and especially paragraph 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.

5.1.7 The Parish Council agrees with reason for refusal number two in the planning decision notice dated 10th of March 2023. The appeal site is clearly an unsustainable location where future occupants would be heavily reliant on the private motor vehicle to travel for their day-to-day needs contrary to the provisions of the local plan, the neighbourhood plan and the Framework.

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

5.2.1. The appeal site is an open attractive area of countryside comprising agricultural land which adds to the open setting at the edge of the hamlet of Sandway and its conservation area.

5.2.2 The appeal proposal would change the character of the area by eroding its current sense of openness. The development of the site would be to the detriment of the character and appearance of the countryside by adding a scatter of sporadic infill development at a sensitive location which forms part of the strategic gap between Sandway and Lenham.

5.2.3 Parish Council supports reason for refusal number one in the planning decision notice dated 10th of March 2023 in that the appeal proposal 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 and its intrinsic value.

(c) Nutrient Neutrality.

5.3.1 The Parish Council is aware of the complex legal situation which arises as a result of the need to protect Stodmarsh Marshes and provide nutrient neutrality.

5.3.2 The Parish Council fully supports the position of Maidstone Borough Council in this regard. The Parish Council notes the potential difficulty which might arise in terms of maintenance should a plethora of different package sewage treatment works be provided across the parish in an attempt to find a loophole within the implementation of proper the environmental safeguarding requirements of Natural England.

5.3.3 The Parish Council is therefore fully supportive of the reason for refusal number three in the planning decision notice dated 10th of March 2023.

6.0 Conclusion.

6.1 The Parish Council fully supports the position of Maidstone Borough Council at this appeal and agrees fully with each and every point made by the Borough Council.

6.2 The Parish Council believes the application is deficient and incomplete in several important regards. The Parish Council notes the absence of a proper ecological survey and a heritage statement and accordingly supports reasons for refusal for and five given in planning decision notice dated 10th of March 2023.

6.3 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 this appeal. The Parish Council therefore respectfully requests that this appeal be dismissed and that planning permission be not granted to the development proposed.

Paul McCreery FRTPI 22nd August 2023.

Appendix E

Additional comments for the appeal in respect of Land West of Northdown Business Park Ashford Road Lenham Kent ME17 2DL ref. 22/505409/OUT (PINS reference 3323246)

Lenham Parish Council wish to maintain their objections to this application as detailed in their submission to MBC Planning.

Since our original submission there has been a fatal accident in the vicinity of the entrance to the Industrial Estate and we feel that any additional traffic entering or leaving the site can only add to the danger on the A20. Please note that this accident on the A20 is within the 50mph zone implemented by KCC at the behest of the Parish Council, prior to this there were a greater frequency of accidents.

In addition, we would now like to supply the flooding photographs mentioned in the above submission showing floodwater running southwards into the catchment of the River Stour.

This demonstrating the basic errors in the drainage report as submitted by the applicant.



Bourne stream running down Eastern Field boundary of Tanyard Farm North development from A 20



Pond created in the South Eastern corner of the neighbouring Tanyard North development Photograph taken from the Bungalow prior to the stream exiting on to the Ashford Road.



Pumping from the Bungalow Garden situated to the South of the proposed Industrial development into the Bourne stream now running down the Tanyard North field on the other side of hedge.

Note the water rising from the grass on the lawn.



Because of the road camber the Bourne could not cross to Burnside cottages on the South side of the Old Ashford Road and from there join the run-off from the middle pond feeding the Stour.

It instead ran westerly along the North side of Ashford Road towards the Village duck pond which is the given headwater of the Stour – note tarmac surface destroyed out to white line in the middle of the road.