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## **Planning Statement**

**Dalbury, The Priory, East Farleigh, Maidstone,  
ME15 0EX**

CLIENT: MR AND MRS JAMES LYON

OCTOBER 2023  
JAC/PD/32176



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# 1 INTRODUCTION

## 1.1 OVERVIEW

- 1.1.1 This planning statement has been prepared by DHA on behalf of Mr and Mrs James Lyon ('the Applicants') for the demolition of the single-storey rear extension, porch and side conservatory and the erection of a two-storey rear extension, single-storey side extension link between the house and the garage as well as a replacement porch at Dalbury, The Priory, East Farleigh, Maidstone, ME15 OEX.
- 1.1.2 This statement provides an overview of the site, its context and the relevant planning history, as well as a review of the applicable Development Plan policies, the National Planning Policy Framework and other relevant guidance.
- 1.1.3 It should be noted that the Applicants are submitting three further applications in relation to the site, which are as follows:
- 1x Prior Approval for an 8m rear extension to Dalbury;
  - 1x Lawful Development Certificate for Proposed Use or Development for a two-storey 3m rear extension and 6.3m single-storey side extension; and
  - 1x Prior Approval for the demolition of the Summer Lounge, Boot Room and Conservatory.
- 1.1.4 The Applicants are undecided on which option to implement but are aware that they can only implement one application under permitted development, which would need to be built out before any subsequent development was commenced.

## 1.2 SUPPORTING DOCUMENTATION

- 1.2.1 This statement should be read in conjunction with the following suite of documents:

REFERENCE	DOCUMENT
PD/32176	Planning Statement (this document)
	Application Form
	CIL Form 1 and 9
BDS-DB-P03	Site Location Plan
BDS-DB-P01	Existing Plans, Elevations Block Plan and Location Plan
BDS-DB-P100A	Existing Block Plan, Original and Existing Floor Plans
BDS-DB-P02B	Proposed Plans, Elevations Block Plan and Location Plan
BDS-DB-P101A	Proposed Block Plan and Floor Plan

## 2 SITE CONTEXT

### 2.1 SITE OVERVIEW

- 2.1.1 The application site is approximately 0.45ha, outside the urban boundary, located along Lower Road, centred between other large residential properties. To the north and east there are other residential properties, and to the west and south there is an orchard and farmland.



FIGURE 1: SITE LOCATION (COURTESY OF GOOGLE EARTH)

- 2.1.2 There are two bus stops located along Lower Road, less than 100m from the sites entrance. These stops provide public services to Maidstone, West Farleigh, Laddingford and Goudhurst, where more options of amenities and services are located.
- 2.1.3 East Farleigh has a Train Station approximately 0.6miles northwest from the site which provides Southeastern services to Strood and Paddock Wood where connecting trains provide routes to London and beyond.
- 2.1.4 The site is located within Flood Zone 1 (least probability of flooding) and not within an Area of Outstanding Natural Beauty nor the Metropolitan Green Belt.
- 2.1.5 The site is within the Medway Valley, which is a Landscape of Local Value. The site and the wider area are also subject to multiple Tree Preservation Orders (TPOs). These TPOs are mainly situated along the boundary lines of the properties and away from the houses. It is considered that the TPO trees within the Applicants land ownership will not be impacted by the development proposed.

2.1.6 There are no heritage assets on the site or conservation areas within proximity to the site, that would be negatively impacted by the proposal. The closest heritage asset is the Grade II Listed Half Yoke House, located roughly 380m north on the other side of the River Medway.



FIGURE 2.2 HERITAGE ASSET MAP (COURTESY OF HISTORIC ENGLAND)

## 2.2 PLANNING HISTORY

2.2.1 According to Maidstone Borough Council’s planning history website, the site has been the subject of the following planning history:

REFERENCE	DESCRIPTION	DECISION AND DATE
18/506231/TPOA	TPO application to fell 1no. Horse Chestnut & grind stump.	Permitted 25/01/2019
92/0063	Installation of white UPVC double glazing Victorian conservatory.	Permitted 27/02/1992
91/0799	White UPVC Sun Lounge to front of property. .	Permitted 08/08/1991
86/0490	Erection of single storey rear extension as validated on 17/4/86	Permitted 25/04/1986
75/0096	First floor extension,	Permitted 04//04/1975
74/0106/MK3	Formation in roof space of two playrooms and bathroom/WC.	Not on Website

TABLE 2.1: RELEVANT PLANNING HISTORY (COURTESY OF MAIDSTONE BOROUGH COUNCIL’S WEBSITE)

- 2.2.2 The Applicant requested pre-application advice back in May 2023 under reference 23/502327/PAMEET for a 'proposed two-storey rear extension with part loft conversion. Demolition of conservatory and erection of single storey link' at Dalbury.
- 2.2.3 The original pre-application advice found that the extensions would not be considered acceptable due to the scale, proportion and volume which was considered to overwhelm the character and form of the host dwelling, and harm the countryside and views within the Landscape of Local Value.
- 2.2.4 However, potential development options were discussed at the meeting on site, and it was agreed that consideration would need to be given to scaling down the two-storey rear extension to overcome constraints, which we consider the Applicant has addressed within this planning application.
- 2.2.5 Following the original pre-application advice, the Applicant then requested further advice under reference 23/503332/PAPL on the revised drawings for comments following comments made on pre-application reference 23/502327/PAMEET.
- 2.2.6 The revised scheme was concluded to be an improvement to the first pre-application proposal as long as any submission of an application considered the overall bulk and scale of the proposed scheme, which this application clearly does.
- 2.2.7 In view of the above, we note that when the Council gave their initial advice at pre-application stage, there was an absence of important information. Firstly, the Council had no perception as to what the Applicant would be able to implement in terms of permitted development fall-back positions if planning permission was unsuccessful for the desired scheme within the pre-applications. Section 6 of this statement addresses the impacts of this application scheme in comparison to the fall-back positions that can be implemented by the Applicant under permitted development rights. Two different 'permitted development' schemes have been submitted to the Council.
- 2.2.8 Secondly, the Council did not have a visual assessment of the surrounding landscape from public vantage points, so whilst they commented that the impacts of the extensions would overwhelm the character and openness of the views across the countryside and within the Landscape of Local Value, they did not have the benefit of an assessment of the visibility of the site from public vantage points, nor a comparative analysis with the 'legitimate fall-back' position. Included in Section 6 of this statement is a Landscape and Visual Impact Assessment which has been undertaken to identify any public views into the site. This clearly shows that the only vantage point would be from the main road whilst driving past the entrance gates. Even this is only a 'glimpsed' view. We note that from all other directions, based on careful assessment, the works will not be 'publicly visible'. Additionally, the site is not within the Green Belt so therefore the openness is not a material consideration for an application on the site.

- 2.2.9 We therefore ask that this planning application is looked at as a fresh application on the site with consideration to the fall-back options that the client will be required to implement if this application is unsuccessful.

## 3 THE PROPOSED DEVELOPMENT

### 3.1 OVERVIEW

3.1.1 The Applicants seek to demolish the single-storey rear extension, porch and side conservatory extension and to then erect a two-storey rear extension and single-storey link between the house and the garage, as well as a replacement porch at Dalbury, The Priory, East Farleigh, Maidstone, ME15 OEX.

### 3.2 LAYOUT, HEIGHT AND SCALE

3.2.1 To the rear of the existing house, a two-storey 6.7m extension will be erected, which will comprise a larder and open plan kitchen/dining/family room on the ground floor.

3.2.2 The ground floor will also undergo interior reconfiguration to make the best out of the space. The existing kitchen, utility room and half of the dining room will become the formal dining room, and the other half of the existing dining room will become a study.

3.2.3 The hall will be reconfigured to allow through access to the new extension. The WC will be moved to under the stairs, and the existing lounge will remain as is.

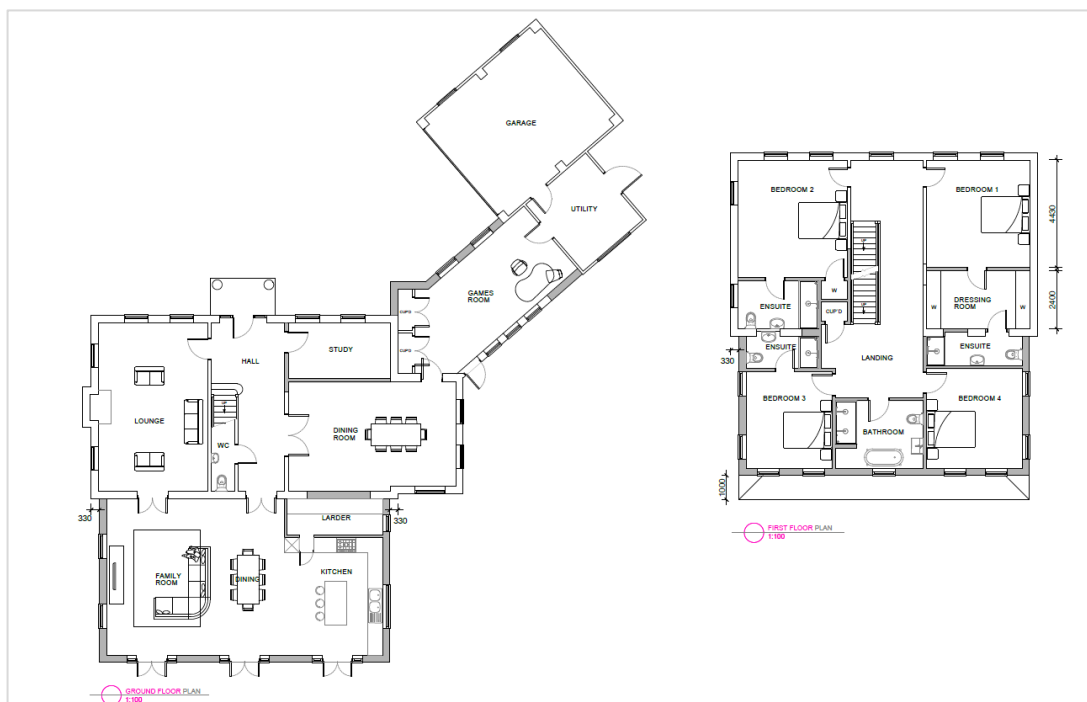




FIGURE 3.1: PROPOSED GROUND & FIRST FLOOR PLANS (DRAWING NO. BDS-DB-P02)

- 3.2.4 The first floor will also be reconfigured. The existing study and second bedroom will become one enlarged second bedroom with an ensuite, and the master bedroom will benefit from a new dressing room which will then be adjoined to an ensuite which will be within the rear extension.
- 3.2.5 The first floor will also have an enlarged landing, which will provide access to the new extension which will comprise a third bedroom with an ensuite, a fourth bedroom and a large family bathroom.
- 3.2.6 The second floor will be reconfigured to turn the existing fourth bedroom into a large bathroom which will be used for the proposed fifth bedroom.

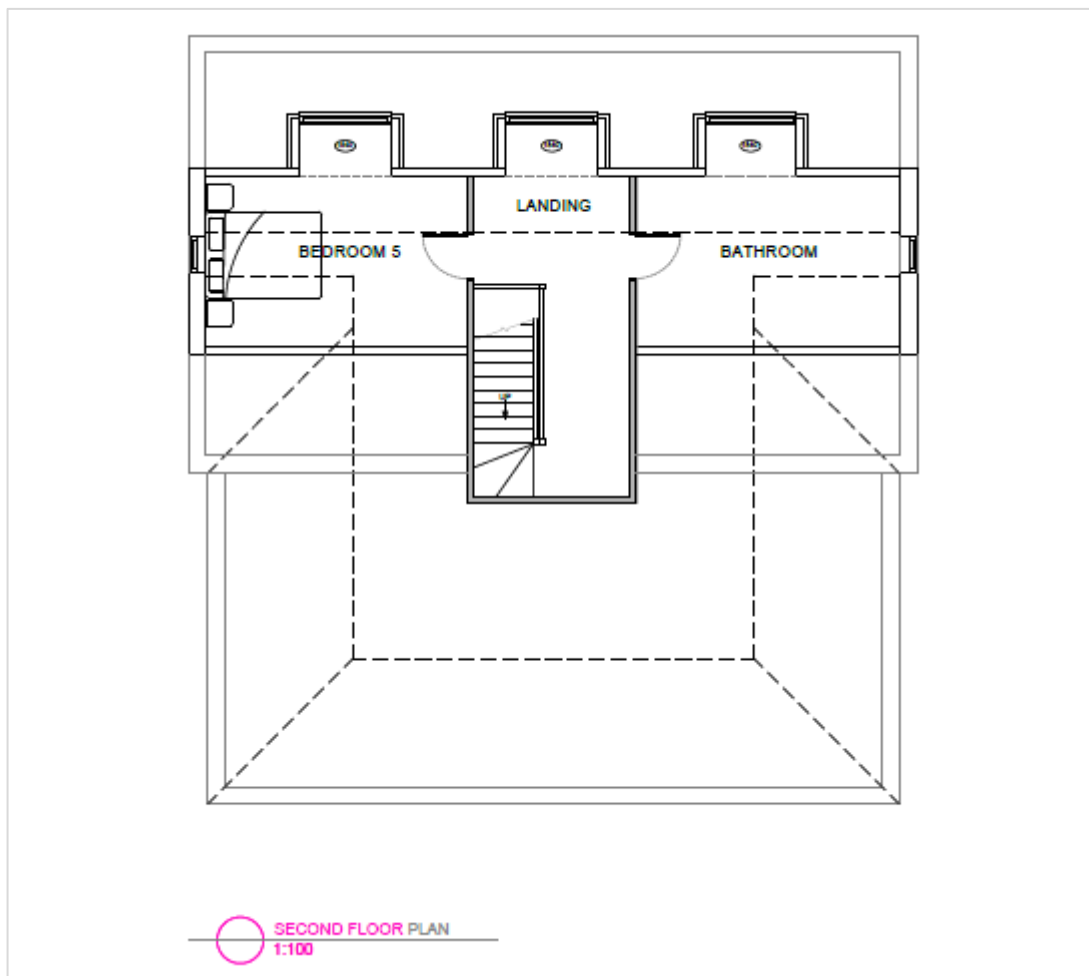


FIGURE 3.2: PROPOSED SECOND FLOOR PLAN (DRAWING NO. BDS-DB-P02)

- 3.2.7 To the front of the dwelling, the conservatory will be demolished to allow for a link extension to be erected. The link will be single-storey and will connect the garage/workshop with the main house. The workshop will become a utility room and the link will become a games room.

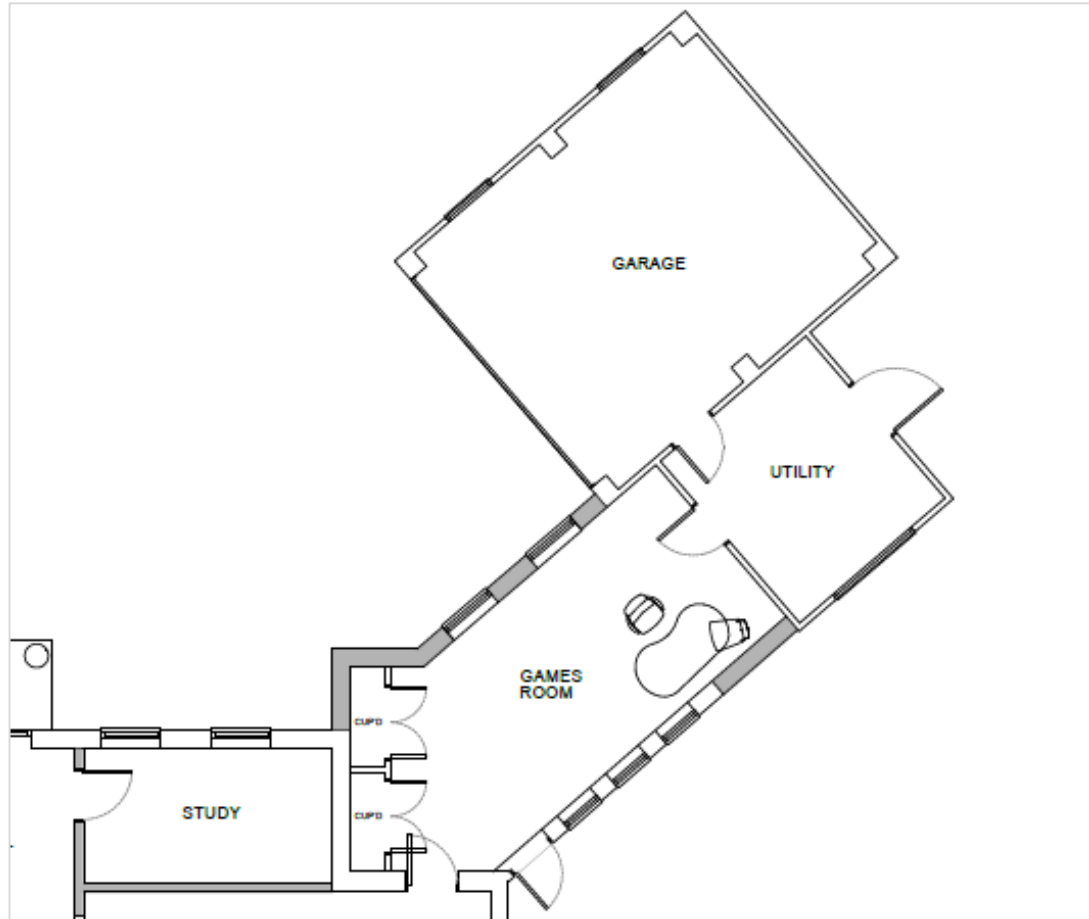


FIGURE 3.3: PROPOSED LINK EXTENSION (DRAWING NO. BDS-DB-P02)

- 3.2.8 The existing enclosed porch will be replaced by an open porch of slightly larger footprint.

### 3.3 APPEARANCE

- 3.3.1 The extensions will be built out of red brick and roof tiles to match the existing character of the house. White sliding sash windows and doors to match the existing property will be used to match the existing windows and doors.

### **3.4 ACCESS**

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- 3.4.1 The entrance off Lower Road will remain the same but the parking and turning areas are to be enhanced.

## 4 PLANNING POLICY CONTEXT

### 4.1 OVERVIEW

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- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S.70 of the Town and Country Plan Act 1990 requires planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 4.1.2 For the purposes of this planning application, the development plan comprises the following:
- Maidstone Borough Local Plan (2017)
  - Maidstone Borough Local Plan Review (2021)
- 4.1.3 In addition to the development plan, the Government's updated National Planning Policy Framework ('NPPF') revised in September 2023 will be considered. The NPPF sets out the Government's requirements and policies for planning in England and must be treated as a material consideration.
- 4.1.4 This chapter highlights the parts of the NPPF and development plan that are relevant to this application and the weight that can be given to the existing adopted policies as a precursor to a review of the development plan.

### 4.2 DEVELOPMENT PLAN

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- 4.2.1 It should be noted that within the Local Plan 2017 the site is within the countryside, but within the new Local Plan review 2021, East Farleigh has been newly designated as a Larger Village, therefore weight should be given to this as it is clear that with the new policy document the proposal lies within settlement confines.



FIGURE 4.1: LOCAL PLAN REVIEW POLICIES MAP (MAIDSTONE COUNCIL WEBSITE - LPRSUB 003)

## Maidstone Borough Local Plan (2017)

### 4.2.2 Policy SS1: Maidstone Borough Spatial Strategy

(5) 'Harrietsham, Headcorn, Lenham, Marden and Staplehurst rural service centres will be the secondary focus for housing development with the emphasis on maintaining and enhancing their role and the provision of services to meet the needs of the local community. Suitably scaled employment opportunities will also be permitted.

(8) Small scale employment opportunities will be permitted at appropriate locations to support the rural economy'.

### 4.2.3 Policy SP17: The Countryside

'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.*
- (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.*
- (2) *Development in the countryside will retain the separation of individual settlements’.*

*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’.*

#### 4.2.4 **Policy SP18: The Historic Environment**

*‘To ensure their continued contribution to the quality of life in Maidstone Borough, the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced.’*

#### 4.2.5 **Policy DM1: Principles of Good Design**

*‘Proposals which would create high quality design and meet the following criteria will be permitted:*

- (ii) *Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;*
- (iv) *Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties;*
- (v) *Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;*

- (vi) *Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;*
- (viii) *Protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures;*
- (ix) *Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;*

*Account should be taken of Conservation Area Appraisals and Management Plans, Character Area Assessments, the Maidstone Borough Landscape Character Guidelines SPD, the Kent Design Guide and the Kent Downs Area of Natural Beauty Management Plan'.*

#### 4.2.6 **Policy DM2: Sustainable Design**

- (2) *'Non-residential development, where technically feasible and viable, should meet BREEAM Very Good including addressing maximum water efficiencies under the mandatory water credits'.*

#### 4.2.7 **Policy DM3: Natural Environment**

- (1) *To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to:*
  - (i) *Protect positive landscape character, areas of Ancient Woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological or geological interest, and the existing public rights of way network from inappropriate development and avoid significant adverse impacts as a result of development;*
  - (v) *Provide for the long-term maintenance and management of all natural assets, including landscape character, associated with the development;*
- (2) *Where appropriate, development proposals will be expected to appraise the value of the borough's natural environment through the provision of the following:*
  - (i) *An ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species'.*

#### 4.2.8 **Policy DM23: Parking Standards**

- (1) *'Car parking standards for residential development will:*
- (i) *Take into account the type, size and mix of dwellings and the need for visitor parking; and*
  - (ii) *Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it'*

#### 4.2.9 **Policy DM30: Design Principles in the Countryside**

*'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;*

*Account should be taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD'.*

#### 4.2.10 **Policy DM32: Rebuilding and extending dwellings in the countryside.**

- (2) *'Proposals to extend dwellings in the countryside which meet the following criteria will be permitted:*
- (i) *The proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling;*
  - (ii) *The proposal would result in a development which individually or cumulatively is visually acceptable in the countryside;*
  - (iii) *The proposal would not create a separate dwelling or one of a scale or type of accommodation that is capable of being used as a separate dwelling; and*
  - (iv) *Proposals for the construction of new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to*



*the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.'*

### **Maidstone Local Plan Review (2021)**

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4.2.11 Maidstone Borough Council are currently in the process of preparing a new local plan. The Regulation 19 Local Plan was submitted for independent examination in March 2022. The National Planning Policy Framework (NPPF) states that policies in emerging plans should be given weight depending on how advanced the emerging plan is in being adopted. Given that the Local Plan Review is at an advanced stage significant weight should be given to its policies.

4.2.12 The following policies are most relevant to this proposal:

4.2.13 **Policy LPRSP7: Larger Villages**

(1) *'Focus new development within the settlements when it is:*

*(c) The redevelopment of previously developed land that is of a size appropriate to the role, character and scale of the village.'*

4.2.14 **Policy LPRSP7 (A): East Farleigh**

*'At the larger village of East Farleigh, key services will be retained and supported.'*

4.2.15 **Policy LPRSP14 (A): The Natural Environment**

*'To enable Maidstone Borough to retain a high quality of living, protect and enhance the environment, and to be able to respond to the effects of climate change, developers will ensure that new development incorporates measures listed in the policy'.*

4.2.16 **Policy LPRSP14 (B): The Historic Environment**

*'To ensure their continued contribution to the economy, culture and image of Maidstone Borough, the characteristics, distinctiveness, diversity and quality of heritage assets will be conserved and, where possible, enhanced.'*

4.2.17 **Policy LPRSP15: Principles of Good Design**

*'Proposals which would create high quality design and should meet the following criteria, as appropriate, to be permitted:*

(1) *Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services;*

- (2) *Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage*
- (5) *Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that proposals do not result in, or its occupants are exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking, or visual intrusion, or loss of light to occupiers;*
- (6) *Respect the topography and respond to the location of the site and sensitively incorporate natural features such as natural watercourses, trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;*
- (7) *Provide a high-quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;*
- (9) *Protect and enhance any on-site biodiversity and geodiversity features;*
- (10) *Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access.*

4.2.18 **Policy LPRHou 2: Residential extensions, conversions, annexes, and redevelopment within the built-up area**

- (1) 'On land outside of the countryside and undefined settlements proposals for the extension, conversion or redevelopment of a residential property which meet the following criteria will be permitted if:
  - (i) *The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;*
  - (ii) *The traditional boundary treatment of an area would be retained and, where feasible, reinforced;*
  - (iii) *Adjoining residents would avoid unacceptable loss of privacy, outlook or light and would avoid unacceptable intrusion from noise or odour; and*
  - (iv) *Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.'*

## 4.3 WIDER MATERIAL CONSIDERATIONS

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### The National Planning Policy Framework (NPPF) (2023)

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- 4.3.1 The NPPF was revised on 5 September 2023 and sets out the government's planning policies for England and how these are expected to be applied.

#### *Achieving Sustainable Development*

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- 4.3.2 **Paragraph 7** states:

*'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.'*

- 4.3.3 The overarching principle of the NPPF is a clear presumption in favour of sustainable development. **Paragraph 8** states the three dimensions which are interdependent and need to be pursued in mutually supportive ways:

- (a) '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;*
- (b) 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 well-designed, beautiful and safe built places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- (c) an environmental objective – to contribute to protecting and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

4.3.4 It is noted in **paragraph 9** that:

*'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

4.3.5 **Paragraph 10** states:

*'So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development.**'*

4.3.6 **Paragraph 11** states: (edited)

*'Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*(d) approving development proposals that accord with an up-to-date development plan without delay; or*

*(e) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*(i) 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*

*(ii) 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.'*

4.3.7 **Paragraph 14** states:

*'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*

*(a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*

*(b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*

*(c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*

*(d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.'*

#### ***Decision-making (Section 4)***

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4.3.8 **Paragraph 38** describes how Local Planning Authorities should approach decisions on proposed development in a positive and creative way:

*'They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

4.3.9 **Paragraph 47** states that:

*'Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'*

4.3.10 **Paragraph 55** outlines that Local Planning Authorities should consider:

*'Whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*

*'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'*

*Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.' (Paragraph 56).*

#### ***Promoting sustainable transport (Section 9)***

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4.3.11 **Paragraph 104** states:

*'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

*(a) the potential impacts of development on transport networks can be addressed;*

- (b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- (c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- (d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- (e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.'*

4.3.12 **Paragraph 111** states:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

#### ***Making effective use of land (Section 11)***

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4.3.13 **Paragraph 119** states:

*'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.'*

4.3.14 **Paragraph 124** states:

*'Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- (a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- (b) local market conditions and viability;*
- (c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

- (d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- (e) *the importance of securing well-designed, attractive and healthy places.'*

### ***Achieving well-designed places (Section 12)***

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#### **4.3.15 Paragraph 126** states:

*'The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*

#### **4.3.16 Paragraph 130** states:

*'Planning policies and decisions should ensure that developments:*

- (a) *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;*
- (b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- (c) *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);*
- (d) *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;*
- (e) *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*
- (f) *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.'*

4.3.17 **Paragraph 131** states:

*'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that... appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.'*

4.3.18 **Paragraph 134** states:

*'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- (b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*

4.3.19 **Paragraph 135** states:

*'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion.'*

**Conserving and enhancing the natural environment (Section 15)**

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4.3.20 **Paragraph 175** states:

*'Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.'*

**Maidstone Landscape Character Assessment (amended July 2013)**

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4.3.21 The site is within the Medway Valley Landscape. Within the Landscape Character Assessment, the site is seen to be within the Bydews Slopes (27-4) detailed character area. The key characteristics of this area are as follows:



- Arable fields
- Orchards
- Bydews ancient woodland
- River Medway upper valley sides
- Views across Medway Valley to opposite valley side.

4.3.22 The Landscape Character Assessment states that the Medway Valley – Maidstone to Waterinbury has the following key characteristics:

- Valley landscape containing the River Medway
- Frequent groups of willow trees and small native woodland blocks
- Grazed pasture
- Distinctive ragstone bridges
- Medway Valley Walk promoted Long Distance Path follows the river
- Recreational land use with picnic site at Teston, fishing and mooring facilities at East Farleigh and Wateringbury

4.3.23 Views from the footpath are intimate and channelled along the valley, with the river naturally drawing the eye. Ragstone bridges at Teston and East Farleigh provide clear landmark features along the valley.

4.3.24 The site is in close proximity to the Medway Valley Walk which is to the north of the site. The key characteristics of this area include:

- River Medway and valley sides
- Footpath running along river
- Native trees and shrubs
- Lawns extending to the river edge to the south
- Linear views along the river
- Influence from railway with gabion reinforcements and fencing

4.3.25 Any development should conserve the special landscape quality provided by the rural valley location and the River Medway and resist the introduction of further contrasting visual elements in association with the railway.

### **Community Infrastructure Levy**

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- 4.3.26 The Community Infrastructure Levy (CIL) is a non-negotiable financial levy that councils can charge on new floor space to help deliver infrastructure to support development in their area.
- 4.3.27 On 25 October 2017 Maidstone formally approved the Community Infrastructure Levy (CIL) Charging Schedule at full council. CIL is implemented on planning permissions permitted on and from Monday 1 October 2018.

## 5 PLANNING ASSESSMENT

### 5.1 INTRODUCTION

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1.1.2 The following matters need to be considered when determining this Planning Application:

- Principle of the Development;
- Design;
- Impact on Landscape and Heritage Assets; and
- Access, Parking and Traffic

### 5.2 PRINCIPLE OF DEVELOPMENT

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5.2.1 The application site is a large plot of land with the house sited centrally within it. The existing house is large in scale, which is similar to the surrounding built development, which is characterised by large detached houses within generous plots.

5.2.2 In principle, the Development plan, specifically policy DM32 of the Local Plan 2017 supports the extension of residential properties in the countryside as long as the extensions are sympathetic to the existing dwelling and do not create a separate dwelling through the design and layout of the extension.

5.2.3 In this case, the proposed extensions will not create an unsympathetic addition to the property as the proposed design reflects the scale and layout of the property. The rear extension will be two storeys in height but will be no higher than the original roofline of the existing house.

5.2.4 Additionally, the proposed link extension will not add any height to the front of the existing dwelling as the extension will align with the existing roofline of the garage/workshop building.

5.2.5 However, it should be noted that during the examination of the Local Plan, East Farleigh has been designated as a Larger Village, in which the application now sits inside the confines of. Therefore, weight should be given to the new local plan review (2021) policies due to the advanced stage the plan is at. We are not aware any proposed amendments to this designation.

5.2.6 The key policy in the New Local Plan, policy LPRHou2, builds upon the criteria of policy DM32. In principle extensions to residential properties are allowed as long as the extension fits unobtrusively with the existing house character and is

proportionate in scale. There should be no loss of privacy or light to neighbouring properties and sufficient parking should be provided.

- 5.2.7 It is considered that the proposal will reflect the character of the original house and will sit unobtrusively with it. The scale, design, and massing of the new additions will be in-keeping with the form and build of the existing dwelling and will overall retain the character of the property. Importantly the proposal will remain in keeping with the scale of the plot.
- 5.2.8 The extensions will not impact the neighbouring properties in terms of loss of privacy and light due to the central location of the dwelling in the plots and the significant distance between the house and the surrounding dwellings. The property benefits from more than adequate parking space, therefore the proposal will not need to provide any additional parking.
- 5.2.9 Given the above, it is considered that the proposed development is in compliance with key policy DM32 of the Local Plan and new Local Plan review policy LPRHou2.

### **5.3 DESIGN**

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- 5.3.1 The proposed extensions respond positively to the existing design of the property. The scale, height and massing of the rear extension, porch and the side extension link remains in keeping with the existing dwelling and scale of the plot.
- 5.3.2 The additions will be built out using red brick and roof tiling, with white sash fenestration which will ensure the extensions fit seamlessly with the dwelling and the surrounding built development.
- 5.3.3 The extension designs will provide high-quality additions to the property to provide adequate living space for the owners, whilst ensuring no negative impacts are created to the neighbouring properties in terms of loss of light and privacy.
- 5.3.4 The central siting of the original house ensures that the neighbouring properties will not be impacted and that the character of the local landscape value area will also not be impacted by the development.
- 5.3.5 We also note that the plot within which the dwelling sits has a rather “grand” frontage with the stone walls and entrance piers along with the parkland type trees and very high-quality landscape setting. In our opinion these features justify a dwelling of increased scale. In this respect it is clear that the proposal will sit very happily within the plot.
- 5.3.6 Given the above, the development proposed is in accordance with Local Plan policy DM1 and Local Plan review policy LPRSP15.

## 5.4 IMPACT ON LANDSCAPE AND HERITAGE ASSETS

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- 5.4.1 Both the adopted Local Plan and the New Local Plan that is under review give great weight to the protection and enhancement of the natural environment and heritage assets.
- 5.4.2 Policy SP17 requires all landscape value areas to be preserved and enhanced. The site is located within the Medway Valley Landscape Value area, which provides linear views along the river. Additionally, policy DM3 ensure that no significant or negative impacts will be caused to the public rights of way and these landscape values, to ensure they are preserved to be enjoyed in the future.
- 5.4.3 The extensions will not cause any adverse impacts to the linear views along the Medway, nor will there be any negative impacts to the surrounding landscape. It is acknowledged that there are multiple TPOs on the site however, none of these trees will be impacted by the proposed development. Therefore, it is considered that the proposal will not negatively impact on the natural environment and is in compliance with policies SP17 and DM3 of the adopted Local Plan and Local Plan review policy LPRSP14 (A) which requires the retention of high-quality environments.
- 5.4.4 Additionally, given that the closest heritage assets are located further than 150m from the site there will be no negative impacts to these assets due to the development on the property. These heritage assets will be protected, and the distinctive character of the local landscape will be preserved. It is therefore considered that the proposed development is in accordance with adopted Local Plan policy SP18. The reality is there will be no intervisibility between the heritage assets and proposed works.
- 5.4.5 It is considered that the proposed development is in compliance with Local Plan policies SP17, SP18 and DM3, and Local Plan review policy LPRSP14 (A).

## 5.5 ACCESS AND PARKING

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- 5.5.1 In terms of the parking arrangements, the development will incorporate the existing parking arrangements. No new parking spaces will be provided due to the size of the existing hardstanding area out the front of the building. To increase this parking area would mean a section of the private garden amenity would be lost, which would be unacceptable.
- 5.5.2 The access onto the site will be retained and it is considered that the proposal will not increase the number of trips into and out of the property as it will remain under one ownership.
- 5.5.3 The development is therefore in accordance with NPPF paragraph 111 which requires development to not impose unacceptable impacts on highways safety and

complies with Local Plan policy DM23 which requires attractive and efficient parking.

## 6 IMPACTS COMPARED TO THE FALL-BACK POSITION

- 6.1.1 The Applicants are submitting this full application following the submission of a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) to the Planning Portal on the 26 September 2023 and a Prior Approval application on the 02 October 2023.
- 6.1.2 The CLOPUD seeks the erection of a *'6.3m single storey side extension and 3 metre two storey rear extension at Dalbury'*.
- 6.1.3 The Prior Approval seeks the *'erection of a single storey 8m rear extension following the demolition of the existing rear summer lounge'*.
- 6.1.4 These two applications provide two fall-back positions for the Applicants, one of which will be implemented if planning is unsuccessful for this full planning application.
- 6.1.5 We have assessed the degree to which the works subject of this application or either of the fall-back positions would be visible and impactful from public vantage points and conclude that the works are very well screened in all cases. In short, this application has no more impact than either of the fall-back positions.
- 6.1.6 As a consequence, and in view of the fact that the main element of works, the two-storey rear extension, would not be visible from those public vantage points, we conclude that the works do not materially impact on the character or appearance of the locality.
- 6.1.7 In addition, in design terms we consider the two-storey rear extension to be more in character with the host dwelling than the 8m rear extension. The single storey rear extension would be somewhat at odds with the character and appearance of the existing dwelling. That having been said, neither would be materially visible from public vantage points.
- 6.1.8 In these circumstances the proposed development under this full planning application will not cause more impact to the local area than the development permitted under the CLOPUD or Prior Approval.



FIGURE 6.1: LANDSCAPE AND VISUAL IMPACT ASSESSMENT (COURTESY OF GOOGLE EARTH)

- 6.1.9 In order to demonstrate this conclusion, a Landscape and Visual Impact Assessment was carried out. Photographs were taken from different viewpoints looking towards the site to demonstrate how the site is seen from the surrounding landscape.
- 6.1.10 As can be seen from figure 6.1 above, the site is extremely well screened by virtue of built form, trees and topography, as well as hedgerows, and other residential properties. Looking towards the site from different public viewpoints there is no visual impact from the existing house on the local landscape due to it being hidden from view by landscaping, other properties, topography and boundary treatments.
- 6.1.11 The only clear view that looks into the site is the point where the sites entrance meets the main road. The house in its entirety is visible from this viewpoint, however passing cars will only get a glimpse of the property such that impacts will be very limited.
- 6.1.12 Objective assessment demonstrates that while the rear extension will be visible to some extent, the careful use of materials and comparison with the fall-back position will ensure the extension will not have a harmful impact. The angle of the works to the highway will also ensure that the difference in impact for this application compared to the two-storey fall-back or 8m single storey extension is negligible.



- 6.1.13 Impact to the neighbouring properties will be negligible given the dense vegetation, boundary treatment and the distance between the houses. Neither extensions will be taller than the existing house height and therefore it is considered that the impacts of the development will be limited.
- 6.1.14 It is considered that the erection of a two-storey rear extension and single-storey link between the house and the garage at Dalbury will not cause any negative impact to the surrounding properties or landscape. This is due to the proportionate extensions proposed and the given scale of development allowed under a CLOPUD (6.3m single storey side extension and 3m two-storey rear extension) and permitted development (single storey 8m rear extension).
- 6.1.15 Although the Prior Approval proposal will be single storey, the size of the addition will result in the large single storey element being at odds with the overall two storey character of the dwelling. Notwithstanding this issue, the Applicant will proceed with that option if forced to do so.
- 6.1.16 Whilst the CLOPUD will add a smaller 3m two-storey extension, the difference in visual impact between the CLOPUD scheme and this application is minimal. As to the landscape impacts, the lack of general visibility of the property means the overall difference in impacts is also negligible.
- 6.1.17 In these circumstances it can be concluded that this development of a two storey-rear extension and single-storey link will be no more impactful in landscape terms than the legitimate fall-back position. In any event, we conclude that the proposal will sit well with the existing size and character of the house and surrounding dwellings.
- 6.1.18 The rear extension will maintain the height of the dwelling and will provide enough floorspace to comfortably fit a large family, whilst utilising the existing built form to the side of the property to create additional space, linking the house with the garage.
- 6.1.19 The Applicants would ideally like to construct the extensions subject to this application in order to create their forever home and service the family's needs from an accommodation and entertaining aspect. However, if the Applicants are unsuccessful in receiving permission for this application, either the CLOPUD or Prior Approval application will be implemented.
- 6.1.20 As the Council are aware there is case law for 'the legitimate fall-back position' and this has been summarised below.

Mansell Vs Tonbridge and Malling Borough Council

- 6.1.21 The Court of Appeal decision specifically addresses whether the Council was entitled to accept there was a real prospect of the fall-back development being implemented, and ultimately concluded that there is a relatively low bar to demonstrate a real prospect of a fall-back.

6.1.22 The legal considerations in determining the materiality of a fall-back position as a planning judgement were:

- The basic principle is that for a prospect to be a “real prospect”, it does not have to be probable, or likely; a possibility will suffice;
- There is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgement in the particular circumstances of the case in hand.

6.1.23 Lord Justice Lindblom concluded that the clear desire of the landowner to develop the site was sufficient to demonstrate there was a real prospect to the GPDO fall-back position in this case.

*Relevance to the planning application at hand*

6.1.24 For a fall-back position to be given material weight in the decision-making process, it simply needs to be a possibility of occurring. It does not mean that the proposals have to be built, and rather it is the possibility that the works could happen.

6.1.25 In relation to the proposal to extend the existing dwelling, the Applicants have submitted a prior notification application, and a CLOPUD for extensions to the house. In the event that this application is unsuccessful, the Applicants intend to implement one of the two fall-back positions, as they require a larger property with additional facilities to meet family needs. The Applicants would ideally like to gain permission for this application, but if they are not successful with Maidstone Borough Council or at Appeal, they will implement the fall-back position.

6.1.26 To conclude, it is clear in Case Law that a fall-back position is a material consideration. The fall-back position can include decisions that have not been implemented, however there must be a genuine possibility of doing so.

## 7 CONCLUSION

### 7.1 SUMMARY

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- 7.1.1 This planning statement has been prepared by DHA on behalf of Mr and Mrs James Lyon in respect of a full planning application.
- 7.1.2 Planning permission is sought for the demolition of the single-storey rear extension, porch and conservatory and the erection of a two-storey rear extension and single-storey link between the house and the garage, as well as a replacement porch at Dalbury, The Priory, East Farleigh, Maidstone, ME15 OEX.

### 7.2 CONCLUSION

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- 7.2.1 Considering the above context, we acknowledge that there are sensitive matters, to be balanced. However, the proposal is well-informed, and we firmly consider that circumstances justify this high-quality, sensitive, and well-planned development proposal.
- 7.2.2 In conclusion, detailed objective assessment demonstrates that the proposed works are well contained in the landscape and that the property is only visible from the front. As a consequence, the proposed works will not be visible within the wider landscape, and therefore no negligible landscape impacts will arise.
- 7.2.3 In any event, in so far as any works are visible, the legitimate fall-back positions will have similar impacts, such that it can be concluded that this proposal has no more impact. Indeed, we conclude that the 8m single storey extension would have more impact in changing the overall character of the property and sitting less comfortably than that proposed with this application.
- 7.2.4 The design of this proposal matches that of the existing dwelling and is respectful of the landscape setting. The scale of the proposal remains fully in keeping with the scale of the plot and indeed with the landscape features that comprise the setting of the dwelling.
- 7.2.5 In all these circumstances we conclude that the proposal is fully policy compliant, and that planning permission should be granted for the proposal.