

Mr J. Alderman

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29<sup>th</sup> June 2022  
22/502502/PAMEET

Dear Mr Alderman

LOCATION: Elmscroft Farm, Charlton Lane, West Farleigh, ME15 0NY  
PROPOSAL: Demolition of commercial buildings and erection of 4 dwellings

I refer to your request for pre-application advice regarding the above location and our site meeting on 24<sup>th</sup> June 2022. Your proposal has been considered and I have the following advice.

**SUMMARY OF CONCLUSIONS:**

Local Plan policy SP17 has two parts and it states: 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.

Relevant to this proposal, it should not therefore result in any harm to the character and appearance of the countryside, as well as needing to meet the criteria set out in Local Plan policy DM5 (Development of brownfield land). In my view, the proposal would result in visual harm to the countryside and it would not meet the tests of Local Plan policy DM5.

**RELEVANT PLANNING HISTORY:**

Elmscroft Farmyard

14/503157 - COU from farm contractors storage to vehicle workshop/repairs - Approved

MA/08/2157 - COU from farm contractor's storage to vehicle workshop/repairs - Approved

MA/94/0372 - Renewal of MA/92/0054 - Approved

MA/92/0054 - COU of buildings to agriculture & agricultural contractors storage - Approved

MA/84/0268 - Outline application for residential development - Refused

63/0375/MK3 - Erection of farm building for use as piggeries and storage - Approved

Farm buildings to north-west of new dwellings

22/500613 - Prior notification for change of use of buildings to 2 dwellings - Refused

21/505751 - Prior notification for change of use of buildings to 2 dwellings - Refused

MA/00/1126 - Conversion of barn to dwelling - Refused

Elmscroft Garden

MA/86/1033 - Outline for demolition of buildings and erection of 6 houses - Refused

Elmscroft Farm Cottages - There appears to be no relevant planning history

The annotated plan below shows the general outlines for some of the planning history:



**CONSTRAINTS:**

- For the purposes of the Local Plan the site is within the designated countryside
- Elmscroft House to the north of the site is Grade II listed
- The site is within an Area of Archaeological Potential
- The proposal site exceeds 0.5ha in area
- Site is in Flood Zone 1
- Site is within a KCC Minerals Safeguarding Area

I would add here that the application site, as outlined in red on the submitted plans, includes land that I do not consider to be previously developed land, as defined in the NPPF. Furthermore, it is evident that the proposed scheme eats into garden land for Elmscroft Garden. Please note there is no policy support for such development, as Local Plan policies DM5 and DM11 (residential garden land), both specifically exclude residential garden land within the designated countryside.

Based on the limited evidence I have at this stage, I would suggest that the land hatched below would be the potential area to be redeveloped in accordance with Local Plan policies.



It is for the applicant to demonstrate what land is previously developed land (NPPF definition) and also not garden land, and I have set out my views based on the limited information available to me at this time.

## RELEVANT POLICIES/GUIDANCE:

### Maidstone Local Plan (2017)

The most relevant policies from the Local Plan are: SS1 (Spatial strategy); SP17 (Countryside); SP18 (Historic Environment); SP19 (Housing mix); SP23 (Sustainable transport); DM1 (Principles of good design); DM2 (Sustainable design); DM3 (Natural environment); DM4 (Development affecting heritage assets); DM5 (Development on brownfield land); DM6 (Air quality); DM8 (External lighting); DM12 (Density); DM21 (Assessing transport impacts of development); DM23 (Parking Standards); and DM30 (Design principles in countryside).

Local Plan policies will not permit new development in the countryside unless (inter alia) it accords with other policies in the Local Plan; it is of a high quality design; it will not result in harm to the character and appearance of the area, but instead maintain, or where possible, enhance the local distinctiveness of an area; it will respect the amenities of occupiers of neighbouring properties; it will protect and enhance any on-site biodiversity features, where appropriate, or provide sufficient mitigation measures; and it will be acceptable in highway safety, flood risk and heritage terms.

Notwithstanding this, Local Plan policy DM5 recognises (subject to certain criteria) that in exceptional circumstances, residential development on brownfield sites in the countryside may be supported, provided the scheme would result in significant environmental improvement and site is, or can reasonably be made, accessible by sustainable modes to the urban area, a rural service centre or larger village. This will be discussed further on in my response.

The current adopted Local Plan can be viewed at: [Adopted local plan and Associated Documents - MBC Local Plan \(maidstone.gov.uk\)](https://www.maidstone.gov.uk/adopted-local-plan-and-associated-documents)

### NPPF

The revised NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed, with section 12 of the NPPF referring to 'achieving well-designed places'. Section 16 sets out what should be considered in terms of conserving and enhancing the historic environment.

### Maidstone Landscape Character Assessment

The Maidstone Landscape Character Assessment identifies the application site as falling within the Farleigh Greensand Fruit Belt (Farleigh Green Greensand Dip Slope) Landscape Character Area (area 27-3). The landscape guidelines for this area are to 'CONSERVE'. Within the Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015), the overall landscape sensitivity of the Farleigh Greensand Fruit Belt Landscape Character Area is 'HIGH', indicating that the area is 'sensitive to change'.

The Council's Landscape Character Assessment and Landscape Character Guidelines can be viewed via the following link: [Landscape | Maidstone Borough Council](https://www.maidstone.gov.uk/landscape)

### Regulation 22 Local Plan

The Council's Regulation 22 Local Plan was submitted to the Planning Inspectorate on 31<sup>st</sup> March 2022 and whilst this document is a material planning consideration.

### Housing land supply

The Council is in a position where it can demonstrate a 5.6yrs worth of housing land supply (April 1<sup>st</sup> 2021), and whilst windfall sites for residential development are welcomed these sites must be appropriate and be in accordance with adopted Local Plan policies.

## ASSESSMENT:

The main planning considerations are thought to be as follows:

- Location;
- Local Plan policy DM5;
- Residential amenity;
- Arboricultural matters;
- Heritage implications;
- Highway safety;
- Biodiversity implications;
- Affordable housing provision; and
- Other considerations.

### Location

The proposal site is removed from any larger village or rural service centre (as defined by the Local Plan) and access to basic services/amenities would, for the most part, be along unlit, narrow roads with no pavements. Given the condition of the roads and the distances required to travel, in my view the local road network would be an unattractive route for walking, particularly for families, the elderly and those with mobility issues, and in the winter and at night. As such, it is my view that future occupants of any new dwellings here would be deterred from regularly walking and cycling to surrounding villages; and instead there would be a heavy reliance on the use of the private car for their day to day living, contrary to Local Plan policies SS1, DM1 and DM5. I would add that whilst the site appears to be relatively close to bus stops, these are not considered to be for frequent bus services in and out of Maidstone.

Notwithstanding this, regard needs to be had to other material considerations and these will be discussed later on in this response.

### Local Plan policy DM5 (Development on brownfield land)

Exceptionally, proposals for residential development on brownfield sites in rural areas will be considered subject to certain criteria. For reference, policy DM5 states:

1. Proposals on PDL in Maidstone urban area, RSCs and larger villages that make effective and efficient use of land and which meet following criteria will be permitted:
  - i. The site is not of high environmental value; and
  - ii. Density of housing proposals reflects character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for change in density.
2. Exceptionally, residential redevelopment of brownfield sites in countryside...and which meet above criteria will be permitted provided it will also result in significant environmental improvement and site is, or can reasonably be made, accessible by sustainable modes to urban area, a RSC or larger village.

### Assessment

It is accepted that the site is not of high environmental value. However, for me the starting point for any redevelopment here should be the extent of existing development on the site and its layout. Furthermore, any proposal must be considered in terms of its impact upon the character and appearance of the surrounding area; and an assessment needs to be made whether or not the proposal would result in a significant environmental improvement.

As set out above, Local Plan policy only supports the redevelopment of previously developed land (excluding garden land) subject to certain criteria, and for me the potential site area suitable for redevelopment is more constrained than that shown on the submitted plans. On this basis, I believe there to be a fundamental policy objection to the proposal and I can see no overriding planning reason to depart from the relevant Local Plan policies, particularly with the harm I believe the proposal would cause to the character and appearance of the countryside. Indeed, for me the bungalow would appear to be shoehorned on to the site and there appears to be a disconnect between this property and the proposed terrace in terms of siting, design and appearance; and in my view the proposed bungalow fails to positively pick up on the positive elements of existing surrounding development. I also consider it poor design to see car parking and the end flank of a building as you enter the site. Clearly, with a more constrained site area, the objections I have raised would be exacerbated. For me, the bungalow should be removed from any future residential scheme on the site.

Notwithstanding this, taken in isolation I consider the proposed terrace to be of a traditional design that would fit in with the surrounding character and vernacular of the area; it would appear to make use of high quality external materials; and I accept that it would be of a similar scale and height to the commercial buildings it would replace. This said, I have concerns that the terrace and associated gardens, as submitted, would appear cramped on the smaller parcel of land I have identified above. It may be that a smaller development would fit better, so that the dominant view could be of the building frontages when entering the site, as opposed to parking areas and uninteresting flanks; and so that additional (native) planting could strengthen the site boundaries.

In addition, I would expect any future application to provide meaningful (native) landscaping within the site, with hardstanding kept to a minimum; necessary hardsurfacing should be of high quality (i.e. block paving not tarmac); and appropriate boundary treatments for countryside development should be used (including the retention of the attractive ragstone wall to part of the northern boundary of the site). I also accept that the replacement of the commercial activities on site with a residential use should improve the living environment of neighbours when trying to enjoy their own property, subject to its appropriate scale and design.

In accordance with Local Plan policy DM5, it is important that any scheme brought forward on this site clearly demonstrates that there is a significant environmental uplift from the current situation. I believe this test to be a 'high-bar' and at this time I am of the view that the proposal would not achieve this. In summary, any redevelopment on the site should be contained to brownfield land and non-garden land; and it should better respect its surrounding rural context, recognising the intrinsic character and beauty of the countryside hereabouts.

The last part of policy DM5 also states new residential development on PDL should be, or can reasonably be made to be, accessible by sustainable modes to the urban area, a rural service centre or larger village. As set out above, I consider the proposal site to be in an unsustainable location. This said, it would be a material consideration if any future application could demonstrate that the proposal would not generate a materially different level of trips by car than the current uses on site, so that there is considered to be no demonstrable harm to sustainability in respect of accessibility of services and facilities. Furthermore, the provision of other sustainable travel modes, such as covered and secure bicycle storage and operational electric vehicle charging points for each new property would also help towards achieving an acceptable scheme in terms of policy DM5.

## CONTINUED ASSESSMENT:

I will now go on to comment on other planning issues I consider to be important.

### Residential amenity

Notwithstanding my objections to the submitted proposal, I am satisfied that it would not result in adverse harm to the living conditions of both future occupants of the site and existing surrounding neighbours when trying to enjoy their own properties.

An amended scheme would need to carefully consider residential amenity, especially for those occupying the cottages to the front of the site and the existing bungalow to the north (both internally and externally).

### Arboricultural matters

There are a number of trees in and around the site and for me their potential loss could have an adverse impact upon the character and appearance of the countryside hereabouts. I would want to see the boundary planting retained and any future application should be accompanied by a Tree Survey and Arboricultural Implications Assessment to demonstrate the quality of these trees, and what impact any proposal would have on their health/longevity (including their root protection areas – RPAs). The potential close relationship with existing trees and the proposal could also result in future pressure for the removal of these trees by future occupants of the site and I would expect to see this issue addressed if an application were to be submitted.

It is noted that you did not request specialist Landscape Officer advice with this pre-app application. If you would like this specialist advice prior to the submission of any planning application, then please follow the formal channels via the Council's website: [Pre-application Advice | Maidstone Borough Council](#)

### Heritage implications

Elmscroft House to the north of the site is grade II listed and available planning history shows that listed building consents have been submitted for Elmscroft Garden, suggesting this property is curtilage listed. If this property is curtilage listed, then the proposal will need to be considered against paragraphs 197 and 199 of the NPPF that state:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

If Elmscroft Garden is curtilage listed, this further strengthens the argument that the proposed bungalow should be removed from the scheme, as it not only represent overdevelopment of the site, but is also likely to cause unjustified harm to the significance and setting of this property, particularly as it appears to remove some of this building's curtilage.

I am not in a position to confirm if this property is curtilage listed or not, or is in fact considered to be a non-designated heritage asset (refer to paragraph 203 of NPPF). For me, this could be a potential issue and I would expect this to be addressed by way of a proportionate Heritage Statement to be submitted with any planning application, in accordance with paragraph 194 of the NPPF. The views of the Council's Conservation Officer have not been sought on the proposal. If you wish to seek the Conservation Officer's views separately to this advice, then please follow the formal channels via the Council's website: [Pre-application Advice | Maidstone Borough Council](#)

#### Highway safety

In accordance with Local Plan policy DM23, parking standards for this rural location are minimum standards with the need for 1.5 spaces per 2-bed house; and 0.2 visitor spaces per dwelling. Any proposal should adhere to these standards.

Any future application should also demonstrate that the highway/existing access could safely accommodate the vehicle movements associated to the new dwellings; and any submission should demonstrate that vehicles could turn within the site and leave in a forward gear, including larger vehicles such as delivery vans/lorries etc. It is not clear from the submission how domestic refuse will be stored and collected and this should be set out in any future application. In the interests of sustainable development, any submission should show the provision of operational electric vehicle charging points for low-emission plug-in vehicles and covered and secured bicycle storage for each unit.

Please note that the views of the KCC Highways Authority have not been sought on the proposal. I would advise for the applicant to separately seek the view of the Highways Authority, and then for this advice to be submitted with any future application.

#### Biodiversity implications

In my view the proposal site may have ecological interest, and so I would recommend the submission of a preliminary ecological appraisal (and any other further required surveys) with any planning application. Furthermore, one of the principles of the revised NPPF (para 180) is that: Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. So, aside from any potential landscape enhancements on the site, if an application were to be submitted it should also incorporate ecological enhancements into the fabric of the buildings, for example swift bricks; bat tiles/tubes; and bee bricks.

#### Affordable housing provision

If a future submission on the site was submitted and the site area exceeded 0.5ha (regardless of the number of residential units), this would trigger the requirement for affordable housing. In terms of affordable housing, please refer to paragraph 65 of the NPPF; Local Plan policy SP20; and the Council's Affordable and Local Needs Housing Supplementary Planning Document: [Affordable and Local Needs Housing Supplementary Planning Document \(SPD\) - MBC Local Plan \(maidstone.gov.uk\)](#)

For reference, in accordance with Local Plan policy SP20, the provision of affordable housing should be provided on-site, with off-site provision only considered in exceptional circumstances and where proven to be necessary. For this site, Local Plan policy requires 40% on-site AH provision. On this matter, any submission would have to provide an

Affordable Housing Statement that clearly setting out how the application meets the affordable housing requirements.

Please note that policy SP20 is clear that only in exceptional circumstances, and where proven to be necessary, off-site provision will be sought in the following order of preference:

- i. An identified off-site scheme;
- ii. The purchase of dwellings off-site; or
- iii. A financial contribution towards off-site affordable housing.

Such evidence would have to be presented through a Viability Assessment. As set out in the Local Plan: Developers will be required to pay for viability assessments and any cost of independent assessment. The council will only consider reducing planning obligations if fully justified through a financial appraisal model or other appropriate evidence.

#### Other considerations

The site is within an area of archaeological potential and Local Plan policy DM4 states that applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The site is within a within a KCC Minerals Safeguarding Area and due regard needs to be given to the Kent Minerals and Waste Local Plan (2013-30) as amended by Early Partial Review (2020): [Adopted local plan and Associated Documents - MBC Local Plan \(maidstone.gov.uk\)](#)

The proposal would see the loss of employment land in the countryside that may have a harmful impact upon the rural economy. Any planning application should address this issue.

Notwithstanding Building Regulation Standards, any future planning application should show the use of renewable energies incorporated into the scheme.

Given the sensitivity of the site, I would advise for there to be a separate consultation with the Parish Council and local Ward Members prior to the submission of any planning application:

[Your Councillors - Maidstone Borough Council](#)

[Contact your Parish Council - Maidstone Borough Council](#)

#### DOCUMENTS REQUIRED TO BE SUBMITTED:

If a planning application is to be submitted, there are national and local requirements to make the application valid. The validation checklist of what is needed can be found online (under 'supporting documents') at: [Validation Checklist - Maidstone Borough Council](#)

If you wish to submit an application you can do so online at:

[Apply for planning permission - Maidstone Borough Council](#)



The advice given above does not indicate any formal decision by the Council as Local Planning Authority. Any views or opinions are given in good faith and to the best of ability, without prejudice to the formal consideration of any planning application. The final decision on any application that you may make can only be taken after the Council has consulted local people, statutory consultees and any other interested parties. The final decision on an application will then be made by senior officers or by the Council's Planning Committee and will be based on all of the information available at that time. The advice in his letter will be carefully considered in reaching a decision or recommendation on any resulting planning application. The assessment of the application will also take into account any change in circumstances or new information that could alter the advice that has been provided. It should be noted that the weight given to pre-application advice will decline over time.

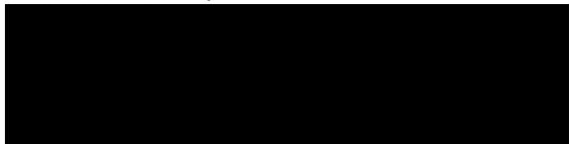
The Council implemented a CIL Charging Schedule in October 2018. Further details of the charging schedule are available on the Council's website at the following link:

[Community Infrastructure Levy - Maidstone Borough Council](#)

If you are interested in undertaking a Planning Performance Agreement, further advice can be found via the following link: [Performance Agreements - Maidstone Borough Council](#)

The proposed works may also require separate approval under the Building Acts and you are advised to contact the Council's Building Control Section at [building@maidstone.gov.uk](mailto:building@maidstone.gov.uk) or 01622 602701. Further information is available at the following link to the relevant page on the Council's website: [Building Control | Maidstone Borough Council](#)

Yours sincerely



For Head of Planning & Development

**Case Officer:** Kathryn Altieri

