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## Appeal Decision

Inquiry opened on 17 January 2017

Site visit made on 27 January 2017

**by Olivia Spencer BA BSc DipArch RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28 March 2017**

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### **Appeal Ref: APP/U2235/W/16/3148213**

#### **Fant Farm, Maidstone, Kent**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gleeson Developments Ltd against the decision of Maidstone Borough Council.
  - The application Ref 15/509962/OUT, dated 30 November 2015, was refused by notice dated 18 March 2016.
  - The development proposed is up to 225 dwellings (including affordable homes). Provision of public open space (including children's play area and landscaping), associated infrastructure and necessary demolition and earthworks. The formation of 1no. new vehicular access from Gatland Lane and secondary pedestrian and cycle access from Gatland Lane.
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#### **Decision**

1. The appeal is dismissed.

#### **Preliminary matters**

2. The application that led to this appeal was in outline with all matters except access reserved for later consideration.
3. The Inquiry was kept open to receive a response from Maidstone Borough Council (the Council)<sup>1</sup> on the letter from Kent County Council (KCC) to the Local Plan Inspector dated 20 January 2017<sup>2</sup>, and subsequent correspondence on the same. The Inquiry was closed in writing on 3 February 2017.
4. A request for further clarification on transport matters was sent by the Local Plan Inspector to KCC. This letter and the response from KCC were submitted following the close of the Inquiry. The appellant, the Council and Save Fant Farm (SFF) were given the opportunity to comment.
5. Section 106 planning agreements were submitted at the Inquiry<sup>3</sup>. These provide for open space provision and contributions, NHS healthcare contributions, the provision of affordable housing, contributions towards education, youth services and library provision, highway works, highways

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<sup>1</sup> Submitted documents (Doc)

<sup>2</sup> Doc 23

<sup>3</sup> Doc 37

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contribution and a travel plan. As result the Council withdrew reasons for refusal 2 and 3.

### **Main Issues**

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area
- the effect on highway safety and local transport infrastructure
- housing land supply and planning policy

### **Reasons**

#### *Character and appearance*

7. The appeal site is located on the upper slopes of the Medway valley outside the settlement boundary of Maidstone as defined on the Proposals Map of the Maidstone Borough Wide Local Plan (LP) 2000 and thus subject to LP Policy ENV28 which states that development in the countryside will be confined to a number of specified purposes. The proposed development would not accord with any of the specified purposes.
8. The site comprises two agricultural fields on the south-west edge of Maidstone. Residential properties in Cowdrey Close and Pitt Road adjoin the site to the north-east providing a direct connection between the appeal site and the urban edge of the town. Gatland Lane runs along its northern boundary and at its western end buildings on Terminus Road lie approximately 10m north of the site. Much of the eastern boundary and the entire southern boundary adjoin agricultural fields running down to the river. To the west the site is separated from Farleigh Lane by nursery and orchard land.
9. Gatland Lane has many of the characteristics of an urban road, it provides a link from the south-west residential areas of Maidstone to Farleigh Lane, it has street-lights, a telecom mast and accompanying boxes, and carries a significant amount of traffic. East of Public Right of Way (PRoW) KB17 its character and appearance reflects that of many English suburban residential streets with houses and gardens to each side. KB17 however marks a significant change. From west of the PRoW to Terminus Road long and wide views are available across the appeal site to the far side of the Medway valley.
10. The fields that make up the site have lost their orchards and some of their historic field boundaries. The arable fields are nevertheless agricultural in appearance with the hedgerow vegetation and trees visible in the middle distance. Vegetation along the northern boundary of the site where it adjoins Gatland Lane is relatively sparse and views into and across the fields are thus readily available to users of the road, particularly pedestrians. The appellant is right to state that when in this part of Gatland Lane the viewer is very aware of nearby housing, the intrinsically suburban nature of the recreation ground to the north and the urban fringe location. What is readily apparent at this point also however is the particular and dramatic relationship of the town to the wide sweep of the Medway valley.
11. The application is in outline but an illustrative layout and design strategy have been submitted. These indicate housing set back from Gatland Lane beyond trees and planting with a view available from Gatland Lane along the tree lined

access road, through the development to the opposite side of the river valley. The indicative block view<sup>4</sup> shows this as a relatively narrow sight-line between the trees and buildings lining the 'boulevard'. And whilst the countryside on the upper southern slopes of the valley is shown at a distance beyond housing in this view, the near vista is enclosed and dominated by the buildings of the proposed development. If built, the scene would also include vehicles. The block view provides a clear indication that even with sensitive landscaping and a carefully orientated access route, residential development of the scale proposed would fundamentally alter the character and appearance of Gatland Lane and the experience of those who walk and travel along it. The open and broad sweep of the valley would be obscured and the sense of a direct connection with the rural valley setting of the town significantly diminished.

12. The site is visible from a number of points identified by the appellant and the Council on the southern side of the valley. From Station Hill and other low points in East Farleigh little of the site can be seen. In the view from St Mary's church it appears as a wide though relatively shallow stretch of land at the top of the slope, above and beyond which is seen the edge of Maidstone. As such it makes some, but not a substantial, contribution to the rural landscape between East Farleigh and Maidstone in this view.
13. Viewpoints further east beyond the built up heart of the village provide a different aspect. From Forge Lane and PRoW KM335 which adjoins it, the two fields of the site and the hedgerows marking the route of KB17 are substantial features of the visible landscape. The built up area of Maidstone is seen on the valley side and up over the ridge in the east of the view, but its extent appears contained by the farmed slope of the valley. Whilst development can be seen extending across the top of the ridge beyond Gatland Lane, the appeal site extends to higher contours than that at which housing on Pitt Road and Cowdrey Close are built and as a result the land is seen to wrap around the town, and the valley open and broaden beyond the steeper slope running down to the river.
14. The same is true also of views between dwellings from Lower Road and to some extent Priory Close. Further east on the B2010 towards Tovil there are similar broad views through gaps in the road side vegetation although the highway has a footway only as far as the entrance to Priory Close and views beyond this point are essentially therefore only available to drivers.
15. As indicated in the Design and Access Statement (DAS) it is intended that the proposed housing would be located at the northern end of the site extending no lower down the valley side than the 44m AOD contour which approximately represents the level of the south-west tip of housing in Pitt Road where it abuts the site. Trees on the southern edge of the proposed housing which could be planted at an early stage in the development would, as they mature, soften its appearance in the landscape. They would not however disguise it completely. Buildings and rooftops would still be visible, particularly in the winter months when deciduous trees are bare. The land would no longer be open agricultural field but perceptibly subsumed within the built-up area of Maidstone which would be seen to extend across the upper slope of the northern valley side. As a result, in these views from the south side of the valley, little if any distinguishable separation from Barming would remain and the broad rural valley setting to the south west of Maidstone would appear significantly eroded.

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<sup>4</sup> Design and Access Statement Fig 4.15

Whilst the orchard planting proposed would go some way towards restoring historic and characteristic land use on the site, it would not therefore outweigh the harm arising from the housing development proposed and would not in my view, even when mature, amount to a positive benefit to the landscape as suggested by the appellant.

16. PRoW KB17 bi-sects the site from north to south. PRoW KB13 and KB12 run east west along the valley floor to the south of the site. From Gatland Lane walking south, the character of KB17 is initially defined by the residential properties that border it to the east. Quite quickly however, as the walker moves beyond the last house the character of the footpath becomes more rural and from a break in the hedgerow there are views to the south west over the arable land of the appeal site. Housing on Gatland Lane lies within the periphery of this view and a cluster of development is seen at the bottom of the valley at East Farleigh. These do not however detract from what is essentially a view of an open rolling landscape. In contrast the illustrative layout shows a 'green link' and small green open space between areas of housing at this point.
17. Further south the PRoW is largely enclosed by high hedges to each side, but field entrances allow views across the fields of the appeal site to a rural landscape that by this point feels spacious and quite remote from the urban edge of Maidstone albeit that it is visible in the distance. The illustrative layout indicates that the view east towards Fant Farm would essentially be retained from this point, but to the west the informal grassed area at the centre of the development would have housing on all sides containing any longer views and giving it an essentially suburban character and appearance.
18. Below the 45m contour broad views of the arable fields are presently available to each side. Housing to the east, if laid out as indicated, would be largely concealed by the hedgerow and proposed planting. To the north-west the suggested community orchard and tree planting would soften the impact of the housing but the sweep of the land up and over the higher flatter valley side, that is a feature of this view now, would be less evident and its open and rural character lost.
19. Approaching the site along KB12 from the east the development would be visible only as a distant view with relatively little impact until past Orchard Cottage. And from Little Fant Farm (Prospect Cottages) the topography and vegetation is such that little if anything of the development would be visible to users of KB12 and KB13 here. Between these points however, where path-side vegetation allows, the development would be seen to extend across a wide swathe of the valley slope. The effect experienced would be similar to that from the southern slope of the valley to the east of East Farleigh, although closer and therefore more pronounced, in that the upper slopes of the valley side between Maidstone and Barming would be urbanised and the broadening rural vista of the valley curtailed.
20. The site lies within the Greensand Orchards and Mixed Farmlands area defined in the *Maidstone Landscape Character Assessment 2012/2013*. The study identifies key characteristics of the area including orchards, conversion to arable in the east and the strong crisp boundary of Maidstone and views across the Medway Valley. The Fant Orchards area within which the appeal site lies is given a lower condition and sensitivity assessment, poor and moderate respectively, than those of the East Barming Orchards to the west of Farleigh

Lane which record good and high in these categories. The difference reflects amongst other things the loss of orchards in the eastern area. The assessment of Fant Orchards nevertheless notes the lack of built development and highways, and the intrinsic elements of the landscape.

21. Similarly, the *Maidstone Landscape Capacity Study: Site assessments (January 2015)* records that site HO-95, which forms the northern part of the appeal site, has a low Landscape Character Sensitivity noting that there has been some loss of historic field patterns and the 'hard interface' with the residential edge of Maidstone. These are characteristics I noted on site. However, under this heading it states also that the topography forms an integral part of the wider Medway Valley and it records a high Visual Sensitivity noting the extensive views to and from the opposite side of the valley, local footpaths and from the residential edge of Maidstone. This accords with my observations that the site makes a significant contribution to the rural setting of Maidstone and the relationship of the town to the broadening valley landscape.
22. It is not surprising therefore that the appeal site is included in the *Medway Valley, from south-west of Tovil to north lodge, Area of Local Landscape Importance (ALLI)* to which LP Policy ENV35 applies. The accompanying paragraphs to the Policy explain that these designated areas demarcate distinctive features which are unique to Maidstone's identity. Policy ENV35 states that in ALLIs particular attention will be given to the maintenance of open space and the character of the landscape.
23. Whilst the appeal site may amount to just some 1.8% of the ALLI this does not in itself indicate that it is less important than any other part of the designated area, nor does the fact that the site was not shown as part of the ALLI in an emerging version of the plan. On the contrary its inclusion in a later iteration could quite reasonably be taken to suggest that specific consideration was given to the site, and that its inclusion in the adopted version was a considered decision and not just a matter of broad brush boundary drawing.
24. For the reasons given I conclude that the proposed development would have a substantial detrimental effect on the semi-rural character and appearance of Gatland Lane, on the rural setting of Maidstone and on the open rural landscape character and appearance of the Medway Valley. It would therefore be contrary to LP Policies ENV28 and ENV35.

#### *Highway safety and local transport infrastructure*

25. Vehicle access to the site is proposed via a new junction on Gatland Lane. At present views of vehicles approaching from the east are restricted at this point by the boundary fence and vegetation as it follows the curve of the highway. However the land on which this fence sits, lies within the site boundary and visibility splays of 2.4m x 59m in both directions could therefore be achieved as proposed and their retention ensured by a planning condition.
26. The vehicle trips that would be generated by the proposed development have been estimated using rates derived from the TRICS database with no reduction made for trips that may be diverted to non-car modes as a result of the proposed local transport improvements or the Travel Plan. The scope, traffic generation, distribution and assignment assumptions for the traffic impact assessment were agreed with the Highway Authority. The projected increase in traffic to the east of the site access in the morning peak of 35 vehicles and west along Gatland Lane of 76 vehicles is therefore soundly based.

27. The appellant's Transport Assessment (TA) compared recorded traffic flows in Gatland Lane against urban road capacities set out in TA 79/99 of *Design Manual for Roads and Bridges* comparing it initially against UAP3, *variable standard road carrying mixed traffic with frontage access, side roads, bus stops and at-grade pedestrian crossings*, which has an indicative one-way hourly flow of 900. Gatland Lane broadly matches the characteristics of UAP3 and this is not in my view an inappropriate comparator. The TA established that with the addition of trips arising from the development, the expected one-way maximum flow would be approximately 532 vehicles and thus significantly below the theoretical capacity of the road.
28. The appellant's Transport Assessment at application stage did not however take into account parking and traffic associated with the Jubilee Free School which opened after the July 2014 traffic surveys were undertaken. A further expansion of the school is now proposed and the Transport Statement<sup>5</sup> submitted with that application provides more up-to-date survey information for Gatland Lane including traffic flows and parking survey results. At the date of the report the school was attended by 85 children but it has extant permission for an intake of 210. Taken together with the traffic projections for the appeal scheme, the Transport Statement results indicate that with the school operating at permitted capacity the total morning peak flows in 2018 on Gatland Lane west of the site access would be some 683 and east of the site access 642. This would still be significantly below the 900 theoretical capacity of a UAP3 road, and indeed below the 750 busiest directional flow capacity of a UAP4 road described as a *busy high street carrying predominantly local traffic with frontage activity including loading and unloading*.
29. The resulting effect on the Gatland Lane/Farleigh Lane/Glebe Lane junction, which has been shown to operate currently with spare capacity, and on the Gatland Lane/Fant Lane junction would be modest with the junctions continuing to operate satisfactorily.
30. If expansion of the school to a 430 pupil intake was granted, there is shown to be a potential for traffic flows in Gatland Lane, including trips arising from the proposed development, of 756/815 in 2018 and 797/856 in 2025. Whilst this would exceed the UAP4 theoretical capacity of Gatland Lane, it would remain below the UAP3 capacity. Further, there is no certainty that permission will be granted and the assumptions in respect of school catchment would not necessarily hold true over this time period. It is reasonable for example to assume that some children from the proposed development would attend the enlarged school. If that was the case, they could reasonably be expected to walk to school resulting in fewer than anticipated vehicle movements.
31. The parking beat surveys indicate that during the morning and afternoon school drop off/pick up periods parking is focused to the east of the proposed site entrance. Whilst this does not preclude parking elsewhere it provides a good indication of parking patterns and it is not surprising that those dropping off children at the school would seek to stop near it. When cars are parked near the school there is some disruption to traffic flow with drivers at times needing to give way to traffic from the opposite direction or to allow cars to pull out. Cars mounting the pavement have also been observed. However, this is for a very limited period and the afternoon pick up time does not coincide with the evening peak travel period. This short duration impact would be the case

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<sup>5</sup> Doc 1 Appendix MCG16: extracts from Robert West Transport Statement

- also in respect of weekend parking in association with activities on the recreation ground when traffic numbers are in any case typically lower.
32. The proposed site entrance would result in the loss of some parking spaces on Gatland Lane. However the parking surveys indicate that there is available parking capacity in the surrounding roads and additional spaces could be available on the site access road and within the development. The loss of parking spaces would not therefore result in any significant adverse impact on safety or the flow of traffic in the area.
  33. Whilst I acknowledge that incidents have occurred on roads to the east of the appeal site, Personal Injury Accident records over a 5 year period provided by the Highway Authority do not indicate any particular or significant highway safety issue on roads in the immediate vicinity. Given the relatively small percentage increase in vehicle movements projected, there is no reason to conclude that this would change significantly.
  34. I conclude that safe access and egress from the site could be achieved and that there would be no significant harm to the safety of road users in Gatland Lane and surrounding streets as a result of the proposed development.
  35. I turn now to consider the effect on the wider transport network. Farleigh Lane gives access to East Farleigh across Farleigh Bridge to the south and to the A26 Tonbridge Road /B2246 Fountain Lane crossroads to the north. The Highway Feasibility Study 2012 commissioned by East Farleigh Parish Council<sup>6</sup> notes that the width of Farleigh Bridge restricts vehicles movements to shuttling one-way traffic with poor safety conditions at this point for pedestrians and cyclists. Nevertheless the report also records peak-hour vehicle movements across the bridge of 779 in the morning and 683 in the evening. In this context the projected 8 – 10 vehicle movements which the development would add would not amount to a significant increase.
  36. To the north of Gatland Lane and the A26 Fountain Lane crossroads the route continues along Hermitage Lane to junction 5 of the M20. The A26 is a main route into the town centre from the west and local residents indicate that Fountain Road/ Hermitage Lane is a well-used route giving access to and from the motorway for residents of south and south-west Maidstone avoiding the town centre.
  37. Traffic surveys conducted for the appellant at morning and evening peak hour periods in school term time reflect this local experience in relation to the Fountain Lane/A26 junction. The results indicate that the junction operates close to its design capacity with traffic queues forming on all approaches in the peak period. In assessing the impact on this junction of vehicles movements arising from the development, the TA included cumulative traffic growth from committed developments at Bridge Nursery, land east and west of Hermitage Lane, land at Oakapple Lane, south of Oakapple Lane, Preston Hall, Marigold Way and Bell Farm.
  38. Planned improvements to the junction in connection with the development sites around Hermitage Lane include the introduction of MOVA technology and Puffin crossing software to better manage traffic flows through the junction. The junction is currently configured to provide right turning off Farleigh Lane behind a vehicle turning right from the opposite direction. This 'hooking' manoeuvre is

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<sup>6</sup> SFF Proof of Evidence

recommended in the Highway Code as it provides a clear view of approaching traffic when completing your turn. However where the junction, as in this case, is controlled by traffic lights safe right turns can be completed turning in front of the opposite turning traffic and congestion significantly reduced as a result. The agreed improvement measures include such a reconfiguration of the junction.

39. The TA Addendum proposed further improvements, providing increased storage on the approaches to the junction, a pedestrian refuge and linking of the new puffin crossing on Tonbridge Road with this junction and the Fountain Lane/Heath Road/St Andrew's Road junction. KCC as the Highway Authority has agreed that these measures, together with a contribution towards improvements to the A20/Hermitage Lane junction, enhanced pedestrian facilities and the implementation of a Travel Plan would provide sufficient mitigation for the cumulative impact of committed development and the appeal proposal on the highway network.
40. There is no evidence that KCC routinely fails to object to planning applications on highway impact grounds. Indeed my attention was drawn to applications in Staplehurst to which it objected on this basis. Having had regard to all of the evidence before me on this matter I find no reason to disagree with the conclusions of KCC in this instance.
41. I conclude therefore, having regard to paragraph 32 of the National Planning Policy Framework (the Framework), that the proposed development would provide safe and suitable access to the site for all, would have no significant adverse effect on the safety of highway users and that the residual cumulative impacts of development would not be severe.

#### *Housing land supply and planning policy*

42. The emerging Maidstone Borough Local Plan (eLP) is currently undergoing examination. On 22 December 2016 the Local Plan Inspector issued Interim Findings covering a number of main matters including Objectively Assessed Housing Need and Housing Supply. His conclusions that the 5% uplift in housing requirement due to market signals should be removed and that the existing backlog would best be recovered over a 10 year period rather than 5 years is disputed by the appellant. Nevertheless, whilst this has the effect of reducing the previously indicated 5 year housing requirement, the appellant maintains their position that the Council cannot demonstrate a 5 year supply of deliverable housing sites, stating that even on this basis the supply is 3.58 years.
43. The Local Plan Inspector at paragraph 98 of his Interim Findings states that *'The recommended smoothing of the trajectory should strengthen the 5 year supply position as at 1 April 2016. That many additional planning permissions have been granted since that date indicates that the 5 year supply should also be strong at 1 April 2017 and in subsequent years.'* This gives a clear indication of his view that the Council can currently demonstrate a 5 year supply of deliverable housing sites.
44. The appellant has provided their view on the deliverability of a number of schemes included in the Council's 5 year schedule of sites. The loss of supply from smaller sites where planning permission has expired would not exceed the 5% allowance made by the Council for non-implementation. With regard to the larger schemes, the development permitted at Kent House by the prior



- notification procedure was not completed as required by 30 May 2016. There is nothing to suggest however that the permission could not be renewed, and the letting sign observed at the site does not provide firm evidence that the response given to the Council when it enquired about progress in 2016 was inaccurate.
45. Land off Farleigh Hill, Tovil Road has extant permission and a reserved matters application has been submitted. There is no developer on board and the site has contamination issues. A letter from the agent to the Local Plan Inspector however states that the land owner has undertaken remediation works to a point where the site is now 95% remediated and that it will be offered for sale in the near future. The Council has projected no delivery until 2019/20, the appellant assumes none within the 5 year period.
  46. Springfield Park has extant permission for dwellings but a long history of inactivity. Nevertheless pre-application discussions have taken place for a scheme on half the site and whilst the situation appears complicated the difference between the appellant and the Council, as in the case of Land off Farleigh Hill and on a lesser scale the 'amber sites' identified by the appellant, essentially concerns judgements about projected rate of delivery.
  47. Housing supply was a matter considered by the Local Plan Inspector in hearings to which a number of objectors had the opportunity to make representations in respect of delivery. The Inspector was therefore able to consider a wider range of views through the Local Plan Examination process than those before me. The sites referred to above were not discounted by him from the 5 year supply and I give his conclusions in this regard significant weight.
  48. Allocated sites have been considered through the Local Plan Examination with the Interim Findings indicating that two sites should be removed from the Plan and the delivery on others adjusted. Clearly, the allocated sites have been examined in some detail and objections considered. I nevertheless acknowledge the continuing strong objection of KCC to a number of allocations, particularly to sites in south-east Maidstone on transport impact grounds. One of these sites, Bicknor Farm, now has planning permission but the rate of delivery on this site in the face of KCC's objections is uncertain.
  49. The eLP still has some way to go on its route to adoption and the final outcome of the process cannot be predicted at this stage. The Local Plan Inspector's findings were, as he stated, interim. Nevertheless, having regard to the conclusions reached in those findings, and given the scope and breadth of the examination process, I consider the Council can at least demonstrate substantially more than the 3.58 years supply of deliverable housing sites suggested by the appellant.
  50. LP Policy ENV28 gives effect to the development boundary around Maidstone on the LP Proposal Map strictly limiting development beyond it. The supporting text refers to the need to protect the countryside for its own sake. Further the allocation of sites outside this boundary in the eLP provide clear evidence that if the Borough is to meet its housing need development will need to go beyond the settlement boundary. In these respects I consider LP Policy ENV28 is inconsistent with the Framework and out of date.
  51. The site is designated as part of an ALLI by LP Policy ENV35. The Framework gives nationally designated landscape areas the highest status of protection.

Policy ENV35 makes no such hierarchical distinction. Nevertheless, the area is identified in the proposed version of SP17<sup>7</sup> of the eLP as having a distinctive landscape character and being of local value. And whilst the Policy may be subject to objection and change before adoption of the plan, the representations before me indicate that the landscape of which the appeal site forms a part is valued by local people.

52. The Framework states that the planning system should contribute to and enhance the local environment by protecting and enhancing valued landscapes and take account of the different roles and character of different areas. Whilst I consider both Policies to be out of date, insofar as they reflect these objectives I give them some weight.

#### *The planning balance*

53. Paragraph 14 of the Framework states that where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
54. The proposal would provide some economic benefits during and beyond the construction phase, and I give significant weight to the contribution it would make towards meeting the need for market and affordable homes. Improvements to the Fountain junction would not only mitigate for additional traffic arising from the development but also provide benefits for existing road users and I attribute this moderate weight. The planting of orchards and other landscaping, improvements to the footpaths and environmental and biodiversity works would, taken in isolation provide some limited benefit to which I give modest weight. The lack of harm in respect of highway safety and the effect on highway infrastructure weighs neither for nor against the proposal.
55. On the other hand the harmful effect on the character and appearance of the area, and in particular on the distinctive character of the Medway valley and its relationship to Maidstone, would be substantial. This would be a significant environmental harm contrary to the objectives of the Framework. Even if the Council was able to demonstrate only 3.58 years of supply of deliverable housing sites as suggested by the appellant, I conclude this would amount to an adverse impact that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole.

#### **Conclusion**

56. For the reasons given and having had regard to all matters raised I conclude therefore that the appeal should be dismissed.

*Olivia Spencer*

INSPECTOR

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<sup>7</sup> Doc 6: proposed modifications to Policy SP17.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mark Beard	Of Counsel, instructed by mid-Kent Legal Services on behalf of Maidstone Borough Council
He called	
Rupert Lovell BSc MA CMLI	Jacobs UK Ltd
Stuart Watson	Planning Officer Maidstone Borough Council
Tony Ryan MRTPI BA(Hons)	Principal Planning Officer Maidstone Borough Council

### FOR THE APPELLANT:

John Litton	QC, instructed by Barton Willmore LLP
He called	
Matthew Chard BA (Hons) Dip(Hons) MAUD CMLI	Barton Willmore LLP
Mark Gimingham BA(Hons) BTP CMILT MCIHT	i-Transport LLP
Andrew Wilford BA(Hons) MA MRTPI	Barton Willmore LLP

### FOR SAVE FANT FARM:

Gareth Owen	Chairman Save Fant Farm
He called	
Jan Wilson	Local resident
Cllr Paul Harper	Maidstone Borough Councillor
Cllr Rob Bird	Kent County Councillor
Cllr John Wilson	Chair East Farleigh Parish Council
Cllr Dan Daley	Kent County Councillor
John Sweetman	Local resident
Gary Thomas	CPRE
Stephen Rees	Local resident

### INTERESTED PERSONS:

Dot Baker	Local resident
Kevin Fitzgerald	Local resident
Sonya Daniels	Local resident
Fran Smith	Local resident
Job Mayatt	Local resident
Stephanie Pryce	Local resident
Cllr Keith Adkinson	Ward Councillor Maidstone Borough Council
Denise Wallis	Local resident
Pam Berry	Local resident
Brian Skinner	Local resident
Barbara Skinner	Local resident
Anthony McKensie	Local resident

#### DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Rebuttal Transport Proof of Evidence and appendices submitted by the appellant
- 2 Letter from Helen Grant MP submitted by SFF
- 3 Extract from Guidelines for Landscape and Visual Impact Assessment
- 4 Extract from Guidelines for Landscape and Visual Impact Assessment
- 5 Up-date to Housing Land supply submitted by the Council
- 6 Draft Policy SP17
- 7 Statement from Jan Wilson
- 8 Extract from Manual for Streets
- 9 Summary - Paul Harper
- 10 Summary - Rob Bird
- 11 Summary - Dan Daley
- 12 Summary - John Sweetman
- 13 Summary - Stephen Rees
- 14 Summary - Gary Thomas CPRE
- 15 Agreed suggested conditions
- 16 Extracts from Design Manual for Roads and Bridges (DMFRB) and from Manual for Streets
- 17 Bundle of documents from KCC submitted by SFF
- 18 Letter from Helen Grant MP to Ms Sweetman submitted by SFF
- 19 Photographs of the site 2010 submitted by SFF
- 20 Extract DMFRB submitted by SFF
- 21 SFF summary response to the Statement of Common Ground
- 22 Appeal decision APP/D3125/W/15/3139687 submitted by the appellant
- 23 Letter from KCC to the LP Inspector dated 20 January 2017
- 24 Email re definitions in the s106 agreement dated 25 January 2017
- 25 S106 agreement summary
- 26 Email from local resident submitted by SFF
- 27 Bicknor Farm Planning Decision and s106 agreement
- 28 Statement - Sonya Daniels
- 29 Statement - Paul Harper
- 30 Statement - Fran Smith
- 31 Statement - Job Mayatt
- 32 Statement - Stephanie Pryce
- 33 Statement - Keith Adkinson
- 34 Statement - Pam Berry
- 35 Statement - Brian Skinner
- 36 Statement - Barbara Skinner
- 37 Certified copies of 2no. s106 agreements

#### DOCUMENTS SUBMITTED FOLLOWING THE SITE VISIT

- 38 Letter from the Council to the LP Inspector dated 27 January 2017
- 39 Letter from the Council to the LP Inspector dated 30 January 2017
- 40 Appellant's comments on letters from the Council dated 27 and 30 January 2017

#### DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

- 41 Letter from the LP Inspector to KCC dated 3 February 2017

- submitted by the Council
- 42 Letter from KCC to the LP Inspector dated 16 February 2017
- 43 Comments on the above correspondence from SFF dated 2 March 2017.

Richborough Estates