

The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/U2235/W/24/3346817

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name c/o Agent Peter Rainier DMH Stallard LLP

Company/Group Name B.Yond Homes Ltd

Address
Luxford Place
Lower Road
Forest Row
East Sussex
RH18 5HE

Preferred contact method

Email ☒ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes ☒ No ☐

Name Mr Peter Rainier

Company/Group Name DMH Stallard

Address
DMH Stallard, Griffin House
135 High Street
CRAWLEY
West Sussex
RH10 1DQ

Phone number 01293 605160

Fax number 01293 663520

Email peter.rainier@dmhstallard.com

Your reference B.Yond Homes Ltd - Marden

Preferred contact method

Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Maidstone Borough Council
LPA reference number	23/504068/OUT
Date of the application	05/09/2023
Did the LPA validate and register your application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Did the LPA issue a decision?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Date of LPA's decision	22/12/2023

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Address	Land East of Albion Road and North of Copper Lane Marden TONBRIDGE Kent TN12 9EG
Is the appeal site within a Green Belt?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please enter details of the proposed development. This should normally be taken from the planning application form.	
Outline application with some matters reserved (access only sought) for the removal of 2 former agricultural sheds and erection of up to 117no. dwellings and associated infrastructure including partial footways on Albion Road.	
Area (in hectares) of the whole appeal site [e.g. 1234.56]	5.97 hectare(s)
Does the proposal include demolition of non-listed buildings within a conservation area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

- | | |
|---|-------------------------------------|
| 1. Refused planning permission for the development. | <input checked="" type="checkbox"/> |
| 2. Refused permission to vary or remove a condition(s). | <input type="checkbox"/> |
| 3. Refused prior approval of permitted development rights. | <input type="checkbox"/> |
| 4. Granted planning permission for the development subject to conditions to which you object. | <input type="checkbox"/> |
| 5. Refused approval of the matters reserved under an outline planning permission. | <input type="checkbox"/> |

6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above). ☐
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation. ☐

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☐
2. Hearing ☐
3. Inquiry ☒

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

☒ the box below

Having regard to the Procedural Guidance for Planning Appeals dated January 2024, the Appellant considers that the Inquiry procedure is the most appropriate for the appeal scheme. An Inquiry procedure would allow the formal testing of the Council's expert witnesses in relation to the matters raised within the decision notice, given the reasons for refusal it is considered that there is a need for evidence to be presented and tested at Inquiry on the following:

The extent to which the appeal scheme complies with the relevant planning policies and the planning balance in this case;

The extent of landscape impacts and impact on the character of the area of the appeal scheme;

Technical evidence to demonstrate the safety of the proposed site vehicular access arrangement, and cycle and pedestrian access and routes;

Technical evidence to demonstrate the impact the appeal proposal will have on protected species;

The acceptability, quantum and usability of the proposed open space; and,

Analysis of the amount and type of infrastructure contributions, and examination of the method to secure the infrastructure contributions required.

The reasons for refusal will need to be tested and challenged through questioning by an advocate, and the Council's stance will need to be fully understood and challenged through evidence and cross examination. It is considered that it would not be possible for the Inspector to give appropriate consideration to such technical details during a Hearing.

In addition, the Application also received significant public interest, including objections from the Parish Council who will want to provide their case in front of the Inspector, therefore making the Appeal unsuitable to be considered by way of a Hearing.

(a) How many witnesses do you intend to call?

6

(b) How long do they need to give their evidence?

4 days

(c) How long do you estimate the inquiry will last?

4 day(s)

H. FULL STATEMENT OF CASE

☒ see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes ☐ No ☒

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes ☐ No ☒

(b) Have you made a costs application with this appeal? Yes ☐ No ☒

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates; ☐

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below: ☐

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below. ☒

Certificate C or D

☒ see 'Appeal Documents' section

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding. ☐

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant. ☐

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below. ☒

Tenant's Name: Jane Corke
Address at which notice was served: 10 The Avenue Liphook GU30 7QD
Date the notice was served: 20/06/2024

Tenant's Name: Suzanne Patricia Sutton and Elizabeth Sutton
Address at which notice was served: 9 Sutton Forge Marden Tonbridge TN12 9DY
Date the notice was served: 20/06/2024

Tenant's Name: Tim Snashell and Mrs Snashell
Address at which notice was served: The Howlands Albion Road Marden Tonbridge TN12 9EG
Date the notice was served: 20/06/2024

Tenant's Name: John Adams and Sheila Ann Adams
Address at which notice was served: Beech Oast House Sheephurst Lane Marden Tonbridge TN12 9NU
Date the notice was served: 20/06/2024

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA. ☒

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA ☐

at application stage (if these did not form part of the LPA's planning application form).

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.



04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.



05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.



05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.



05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.



06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.



06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.



07. A copy of the design and access statement sent to the LPA (if required).



08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.



09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.



09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.



10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.



11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application;



(b) all plans sent at outline application stage;



(c) the original outline planning permission.



12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.



13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).



14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.



K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☐ No



L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature

Mr Peter Rainier

Date

21/06/2024 16:41:00

Name

Mr Peter Rainier

On behalf of

c/o Agent Peter Rainier DMH Stallard LLP

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	Statement of Common Ground DRAFT.docx
File name:	DOC Heads of Terms DRAFT (51627203.1) EP (003).pdf
File name:	Statment of Case PDF.pdf
Relates to Section:	SITE OWNERSHIP CERTIFICATES
Document Description:	Certificate C or D.
File name:	Certificate C.pdf
File name:	Sept 21 Kent Messenger notice page 30.pdf
File name:	Close up of Notice in Kent Messenger.pdf
File name:	Notice 2 - 23.08.08 - for Cert C.pdf
File name:	Requiste Notice of Appeal.pdf
File name:	Annexe 3 .pdf
File name:	Kent Messenger Article 27.04.2024.png
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	Application Form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	23_504068_OUT-Refused-6082090.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	Site_Location_Plan-5977145.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	Site_Location_Plan-5977145.pdf
File name:	Existing_Block_Plan-5988096.pdf
File name:	Existing_Building_Floor_Plan_and_Elevations-5988098.pdf
File name:	Coloured_Site_Layout-5977141.pdf
File name:	Building_Heights_Layout-5977142.pdf
File name:	Policy_Area_Calculations-5977146.pdf
File name:	Proposed_Pedestrian_Cycle_Emergency_Access-5977172.pdf
File name:	Proposed_Site_Access_Arrangements-5977173.pdf

File name:	Site_Survey-3.pdf
File name:	Site_Survey-6.pdf
File name:	Site_Survey-7.pdf
File name:	Site_Survey-4.pdf
File name:	Site_Survey-5.pdf
File name:	Site_Survey-2.pdf
File name:	Site_Survey-9.pdf
File name:	Site_Survey-1.pdf
File name:	Site_Survey-10.pdf
File name:	Site_Survey-8.pdf
File name:	Tree_Retention_Removal_Plan-5977143.pdf
File name:	Arboricultural_Implications_Assessment-5977169.pdf
File name:	Noise_Impact_Assessment-5977164.pdf
File name:	Affordable Housing Statement.pdf
File name:	Biodiversity_Net_Gain_Assessment-5977166.pdf
File name:	Design_and_Access_Statement_2_of_5-5977187.pdf
File name:	Design_and_Access_Statement_4_of_5-5977184.pdf
File name:	Design_and_Access_Statement_1_of_5-5977186.pdf
File name:	Design_and_Access_Statement_3_of_5-5977183.pdf
File name:	Design_and_Access_Statement_5_of_5-5977185.pdf
File name:	Energy_and_Sustainability_Statement-5977165.pdf
File name:	Flood_Risk_Assessment_2_of_2-5977195.pdf
File name:	Flood_Risk_Assessment_1_of_2-5977194.pdf
File name:	Heritage Statement.pdf
File name:	Planning_Statement-5977160.pdf
File name:	Landscape_and_Visual_Impact_Assessment-5977170.pdf
File name:	LVIA_Figure_3_-_The_Site__Landscape_Features_and_Immediate_Landscape_Character__
File name:	LVIA_Figure_1_-_The_Site_and_Topography-5977192.pdf
File name:	LVIA_Figure_5_-_Zone_of_Visual_Influence_and_Viewpoint_Locations-5977456.pdf
File name:	LVIA_Figure_6.7-7_-_Viewpoint_Photographs_and_Indicative_Site_Layout-5977191.pdf
File name:	LVIA_Figure_2_-_Landscape-related_Designations_and_Public_Rights_of_Way-5977459.p
File name:	LVIA_Figure_4_-_Photographs_of_the_Site_and_Immediate_Context-5977458.pdf
File name:	LVIA_Figure_6.1-6.5_-_Viewpoint_Photographs-5977190.pdf
File name:	Mineral_Resource_Assessment-5977159.pdf
File name:	Outline_Landscape_and_Ecological_Management_Plan-5977171.pdf
File name:	Transport Assesment.pdf
File name:	Transport_Assessment_Appendices_3_of_3-5977179.pdf
File name:	Transport_Assessment_Appendices_2_of_3-5977178.pdf
File name:	Transport_Assessment_Appendices_1_of_3-5977182.pdf
File name:	Framework_Travel_Plan-5977175.pdf
File name:	Ecological_Assessment-6031210.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	List of documents submitted with application.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
File name:	List of plans and documents in decision notice.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	09.a. Copies of additional plans, drawings or documents relating to the application not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
File name:	0715-02.RPT.M23 Marden Affordable Housing Statement June 2024 v2.pdf
Completed by	MR PETER RAINIER

Date

21/06/2024 16:41:00