



Rydon Homes Limited  
Luxford Place  
Lower Road  
Forest Row  
East Sussex  
RH18 5HE

22 December 2023

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Rydon Homes Limited</b>
<b>DEVELOPMENT TYPE:</b>	<b>Large Maj Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>23/504068/OUT</b>
<b>PROPOSAL:</b>	<b>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.</b>
<b>ADDRESS:</b>	<b>Land East Of Albion Road And North Of Copper Lane Marden Kent TN12 9EG</b>

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The Council hereby **REFUSES** Planning Permission for the above for the following Reason(s):

- (1) The application site lies in the countryside and residential development of this scale does not accord with the adopted Maidstone Borough Local Plan's Spatial Strategy policy SS1 which directs residential development to defined built areas and site allocations. It would erode the sense of tranquillity, resulting in an urbanising and visually prominent form of development, out of character with the rural locality, visually harmful to the setting of Marden in its rural context on approach from the south and therefore significantly harmful to the character and appearance of the countryside being the two primary tests of "harm" in adopted policy SP17. The Council has in excess of 5 years housing land supply and positive housing delivery rates. There are no exceptional circumstances that would justify departing from this strategy with the resulting harm to the character and appearance of the countryside and the proposals are therefore contrary to Policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 and Marden Neighbourhood Plan policies BE1 and NE3.

- (2) The application site contributes to the landscape character of the Staplehurst Low Weald which is that of low lying gently undulating clay landscape of small fields with orchards, pasture, ponds and watercourses. The indicative sizes and number of dwellings (117 including some 2.5 storey dwellings) and associated hardstanding for access, parking and turning will result in a layout and siting of built development of a suburban form extending into the rural landscape, significantly harming its character. The indicative layout shows cramped overdevelopment along the access road entrance and in the NE corner and a proximity of dwellings to the southern and western boundaries that cannot be effectively screened by planting due in part to the intervening ponds and proposed attenuation basin. The harmful development would be particularly visually prominent due to site topography and the site being elevated above Thorn Road and Copper Lane with limited scope for adequate landscape buffers/screening at the boundaries and within the site. There is a significant loss of the orchard with only 2 very small areas being retained, contrary to conserving what is a defining land use important to the landscape character of the Staplehurst Low Weald. There will also be significant harm from external lighting and additional engineering to form the access onto Albion Road, a rural lane. The development would erode openness and cause unacceptable harm to the character and appearance of the countryside. The development is contrary to policies SS1, SP17, DM1, DM8 and DM30 of the Maidstone Borough Local Plan and Marden Neighbourhood Plan policies BE1 and NE3.
- (3) Due to the absence of safe pedestrian and cycle access on Albion Road to access the services within the village of Marden, the residents are likely to be reliant on the private motor vehicle to travel for access to day-to-day needs. This would be contrary to the aims of sustainable development as set out in Policies SS1, SP17, SP23 and DM1 of the Maidstone Borough Local Plan, policy In2 of the Marden Neighbourhood Plan, the National Planning Policy Framework and the objectives of Active Travel England to secure good walking, wheeling and cycling infrastructure.
- (4) The proposed access arrangement shows that refuse freighters are not able to safely access or egress from the site without overrunning adjacent traffic lanes. The Transport Assessment is deficient in that is no Road Safety Audit, there is inadequate raw data for traffic survey, visibility splays need recalculation and trip generation data needs sensitivity testing. The development is contrary to the NPPF which requires safe and suitable access to be achieved for all users and to policies DM1 and DM21 of the Maidstone Borough Local Plan 2017 and policy In3 of the Marden Neighbourhood Plan.
- (5) The ecology appraisal is deficient in terms of provision of habitat and/or mitigation for badgers, breeding birds, turtle doves, great crested newts and reptiles and in the assessment of the ecological value of the orchard in situ. The applicant has not taken account of local information provided by Kent Wildlife Trust and Marden Wildlife Group nor engaged with those groups. Therefore, it is not possible to confirm compliance with statutory species protection legislation, contrary to paragraph 180 of the NPPF, policy DM3 of the Maidstone Borough Local Plan 2017 and policy NE4 of the Marden Neighbourhood Plan.
- (6) There is an inadequate amount of natural and semi-natural open space both in quantum, and public useability because of the indicative configuration and siting relative to the housing, the attenuation basin has not been demonstrated to be a wet pond and ecological habitat/mitigation areas would not be publicly accessible. Therefore, the

proposal does not comply with policy DM19 of the Maidstone Borough Local Plan 2017 or policy A2 of the Marden Neighbourhood Plan.

- (7) The development will result in significant additional pressure on Kent County Council infrastructure including primary and secondary education that is unlikely to be fully mitigated in the absence of a s106 legal agreement providing supplementary financial contributions to the Local Education Authority. This is contrary to policy ID1 of the Maidstone Borough Local Plan 2017 and policy A3 of the Marden Neighbourhood Plan.

Informative(s):

- (1) This decision has been taken in accordance with the details and information provided in the following plans/documents:

Acoustic Report Noise Impact Assessment Received on 05 September 2023  
Affordable Housing Statement Received on 05 September 2023  
Ecological Assessment Received on 03 November 2023  
Arboricultural Report Arboricultural Implications Assessment Received on 05 September 2023  
Biodiversity Survey/Report Biodiversity Net Gain Assessment Received on 05 September 2023  
Design and Access Statement Design and Access Statement Received on 05 September 2023  
Energy Statement Energy and Sustainability Statement Received on 05 September 2023  
Flood Risk Assessment Flood Risk Assessment 1 of 2 Received on 05 September 2023  
Flood Risk Assessment Flood Risk Assessment 2 of 2 Received on 05 September 2023  
Heritage Statement Received on 05 September 2023  
22037 / SK26C Building Heights Layout Received on 05 September 2023  
22037 - SK25J Coloured Site Layout Received on 05 September 2023  
1035-0A-100 Existing Block Plan Received on 14 September 2023  
1035-0A-101 Existing Building Floor Plan and Elevations Received on 14 September 2023  
22037 - SK12F Policy Area Calculations Received on 05 September 2023  
ITB15098-GA-026 Rev C Proposed Pedestrian / Cycle / Emergency Access Received on 05 September 2023  
ITB15098-GA-053 Rev Proposed Site Access Arrangements Received on 05 September 2023  
22037 - S101C Site Location Plan Received on 14 September 2023  
CLM/2107/6 of 10 A Site Survey Received on 14 September 2023  
CLM/2107/7 of 10 A Site Survey Received on 14 September 2023  
CLM/2107/8 of 10 A Site Survey Received on 14 September 2023  
CLM/2107/9 of 10 A Site Survey Received on 14 September 2023  
CLM/2107/10 of 10 A Site Survey Received on 14 September 2023  
CLM/2107/1 of 10 A Site Survey Received on 14 September 2023  
CLM/2107/2 of 10 A Site Survey Received on 14 September 2023  
CLM/2107/3 of 10 A Site Survey Received on 14 September 2023  
CLM/2107/4 of 10 A Site Survey Received on 14 September 2023  
CLM/2107/5 of 10 A Site Survey Received on 14 September 2023  
22037 / SK30A Tree Retention/Removal Plan Received on 05 September 2023

Planning Statement Received on 05 September 2023  
Landscape and Visual Impact Assessment Received on 05 September 2023  
LVIA Figure 1 - The Site and Topography Received on 05 September 2023  
LVIA Figure 2 - Landscape-related Designations and Public Rights of Way Received on 05 September 2023  
LVIA Figure 3 - The Site, Landscape Features and Immediate Landscape Character A Received on 05 September 2023  
LVIA Figure 4 - Photographs of the Site and Immediate Context Received on 05 September 2023  
LVIA Figure 5 - Zone of Visual Influence and Viewpoint Locations Received on 05 September 2023  
LVIA Figure 6.1-6.5 - Viewpoint Photographs Received on 05 September 2023  
LVIA Figure 6.7-7 - Viewpoint Photographs and Indicative Site Layout Received on 05 September 2023  
Mineral Resource Assessment Received on 05 September 2023  
Outline Landscape and Ecological Management Plan Received on 05 September 2023  
Transport Assessment Received on 05 September 2023  
Transport Assessment Appendices 1 of 3 Received on 05 September 2023  
Transport Assessment Appendices 2 of 3 Received on 05 September 2023  
Transport Assessment Appendices 3 of 3 Received on 05 September 2023  
Travel Plan Received on 05 September 2023

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (2023), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

This application did not comply with the provisions of the Development Plan and NPPF as submitted, and the substantial changes that are necessary would require a new planning application.

The applicant is advised to seek pre-application advice on any resubmission.

*R. L. Jarman*

Rob Jarman  
Head of Development Management  
Maidstone Borough Council

**IMPORTANT: YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**

## NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPAs decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA’s decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA’s decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA’s decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority ( [planningappeals@midkent.gov.uk](mailto:planningappeals@midkent.gov.uk) ) and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without

the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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