



17th September 2024

B.Yond Homes Ltd
Luxford Place, Lower Road
Forest Row, East Sussex
RH18 5HE

01342 827688
www.byondhomes.co.uk

Dear Resident

Land East of Albion Road and North of Copper Lane, Marden, Tonbridge TN12 9EG
Appeal by B.Yond Homes Ltd

B.Yond Homes submitted an outline planning 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. This application (Ref. 23/504068/OUT) was refused by Maidstone Borough Council on 22 December 2023. An appeal against the refusal of the application was submitted by B.Yond Homes on 21 June 2024.

The appeal (Ref. APP/U2235/W/24/3346817) procedure will be through Public Inquiry taking place on 12 November 2024, currently scheduled for 6 sitting days.

In reference to the paragraph 3.1.2 of the Planning Inspectorate's procedural guide to appeals (see link [Planning appeals: procedural guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/planning-appeals-procedural-guide)), an appellant "*..should be confident at the time they make their appeal that they are able to make their full case.*"

It has been acknowledged by the Inspectorate that with reference to the Inquiry Rules, the appellant has the right to proffer revisions or additional information, and to undertake consultation in advance of the Public Inquiry. In addition, the Inspector will encourage discussion between the Council and appellant in the run-up to the inquiry with a view to seeking to resolve any areas of dispute that relate to the refusal reasons. In light of this, B.Yond Homes have been liaising with Kent County Council (KCC) Highways to address Refusal Reasons 3 and 4, which state respectively:

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.

As a result of the additional work associated with this refusal reason, the proposed changes now offer a solution for the creation of a simple priority junction site access from the east of Albion Road, with a new footway on the east side of Albion Road, which will provide a connection to the north, to the existing footway at the Albion Road / Seymour Drive junction. In addition, the improvements now made to the width of the access road carriageway ensure safe turning and access for the occasional larger vehicles and sufficient visibility splays have been achieved. These changes have been the subject of our discussions with KCC Highways, with a view to seeking KCC to remove their two objections cited above.

On the basis that the proposed changes are now a formal part of the current appeal process, as the appellant, we are undertaking a public consultation on these specific changes only. As part of this consultation process, a dedicated website has been created to enable the residents to view the proposed changes. The link to the website is <https://byondhomes.co.uk/consultations>.

The residents can then submit their comments on the proposed changes directly to the Planning Inspector via either:

- Online on <https://acp.planninginspectorate.gov.uk/> (please note that you will need to insert the appeal reference number 3346817 on the webpage, which will take you to the subject appeal and you then need to click on the “Make representation” button to submit your comments); or
- By post (Tim Salter, 3J, Temple Quay House, 2 The Square, Bristol, BS1 6PN).

Any representations should be submitted to the Planning Inspector within 21 days from the date of this letter. Members of the Public will be also able to make verbal representation on the appropriate day(s) of the Inquiry.

Thank you.

B.Yond Homes Ltd