



Ms Jayne Laming And Mr Carl Lass  
C/O DHA Planning Ltd  
FAO: Mr Mark Bewsey  
FreedomWorks  
Astral Towers  
Betts Way  
Crawley  
RH10 9XA

27 September 2024

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Ms Jayne Laming And Mr Carl Lass</b>
<b>DEVELOPMENT TYPE:</b>	<b>Minor Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>24/501092/FULL</b>
<b>PROPOSAL:</b>	<b>Demolition of existing outbuildings and the erection of a detached dwelling and garage of outstanding architectural quality and innovative design, together with associated access, landscaping and parking. Creation of new driveway serving The Gables (Resubmission 23/503110/FULL).</b>
<b>ADDRESS:</b>	<b>The Gables Warren Street Lenham Maidstone Kent</b>

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

- (1) The proposal due to its countryside location and involving domestication of the application site and the consolidation of existing sporadic development along Warren Street would have a significantly harmful impact on the rural character of this area. The proposal would fail to preserve the intrinsic character and appearance of the countryside and the Kent Downs National Landscape which the council has a statutory duty to conserve and enhance. The development is contrary to Local Plan Review policies, LPRSS1, LPRSP9, LPRSP14, LPRSP15, LPRQD4, of the Maidstone Borough Local Plan Review (2024), Landscape Character Assessment (2013), the AONB management plan and the NPPF (2023) which states that National Landscapes have the highest status of landscape protection.
- (2) The proposal would result in the creation of an unsustainable form of housing development with future occupants far removed from local services and facilities reliant on private vehicle use to gain access to the goods, services and facilities necessary to

MKPS – Working in Partnership with: Maidstone Borough Council

Please Note: All planning related correspondence for MBC should be sent to:

Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ

Email: [planningsupport@midkent.gov.uk](mailto:planningsupport@midkent.gov.uk)

Access planning services online at: [www.maidstone.gov.uk](http://www.maidstone.gov.uk); or submit an application via [www.planningportal.co.uk](http://www.planningportal.co.uk)

meet day to day needs This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policy LPRSS1 of the Maidstone Local Plan Review (2024), and in the aims of the National Planning Policy Framework (2023).

- (3) The proposal fails to meet the exception tests set out in paragraph 84 of the NPPF, in that the application site is not isolated, the design does not meet the high threshold of 'exceptional quality', the design is not 'truly outstanding' and the design would not 'significantly enhance its immediate setting'. The proposal fails to meet the exception tests set out in paragraph 139(b) of the NPPF which requires 'outstanding or innovative' design 'which promote high levels of sustainability' that help to raise design standard and fit with 'form and layout' of the surroundings.

Informative(s):

- (1) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council
- (2) The following plans were submitted in support of the application:

Application for planning permission  
1097-1001-2024 AIA REV C Arboricultural Impact Assessment  
ATC Map and Photo  
1002\_Rev C Existing Block Plan  
1003\_Rev C Existing Site Plan  
1004\_Rev D Existing Outbuildings Elevations 1 of 2  
1005\_Rev A Existing Outbuildings Elevations 2 of 2  
1006\_Rev C Demolitions Plan  
2001\_Rev C Proposed Block Plan  
2002\_Rev D Proposed Site Plan  
2003\_Rev D Proposed Site Plan  
2004\_Rev B Proposed Lower Ground Floor Plan  
2005\_Rev C Proposed Ground Floor Plan  
2006\_Rev B Proposed Roof Plan  
2007\_Rev C Proposed Garage Ground Floor Plan  
2008\_Rev C Proposed Garage Roof Plan  
2009\_Rev B Site Section  
2010\_Rev B Building Section  
2011\_Rev A Proposed House East Elevation  
2012\_Rev A Proposed House North Elevation  
2012\_Rev A Proposed House West Elevation  
2013\_Rev A Proposed House South Elevation  
2015\_Rev A Proposed Garage Elevations  
2016\_Rev B Existing and Proposed Access To The Gabl  
DNH-EDL-XX-ZZ-DR-L-0100-P2 Landscape Masterplan  
H-01 Rev P1 Proposed Visibility Splays - Northern Driveway

Building Regulations - Part L BREL Compliance Report  
DPLC\_369\_VV Verified Visualisation  
TGA-ETL-XX-00-RP-L-0700\_P2 Landscape Strategy Part 1  
TGA-ETL-XX-00-RP-L-0700\_P2 Landscape Strategy Part 2  
609\_DO\_PN\_01\_Rev\_D Part 1  
609\_DO\_PN\_01\_Rev\_D Part 2A  
609\_DO\_PN\_01\_Rev\_D Part 2B  
609\_DO\_PN\_01\_Rev\_D Part 3  
609\_DO\_PN\_01\_Rev\_D Part 4A  
609\_DO\_PN\_01\_Rev\_D Part 4B  
609\_DO\_PN\_01\_Rev\_D Part 5  
ATC -Traffic Surveys  
Bat Survey Report  
Mitigation Method Statement  
Preliminary Ecological Appraisal and Preliminary Roost Assessment  
1001\_Rev D Site Location Plan  
H-01 Rev P2 Proposed Visibility Splays  
H-02 Rev P1 Visibility Splays - Southern Driveway  
Landscape Visual Impact Assessment Part 1  
Landscape Visual Impact Assessment Part 2  
Landscape Visual Impact Assessment Part 3  
Landscape Visual Impact Assessment Part 4  
Kent Design Feedback

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. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

*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 LPA's 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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