



SUPPORTING PLANNING STATEMENT

Land adjacent to 1 Lilly Hoo House, Whetsted Road, TN12 6PZ

April 2022

SUPPORTING PLANNING STATEMENT

In support of an application for the

The change of use of land to a Scaffolder's Storage and Distribution Yard (within use class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended))

at

Land adjacent to 1 Lilly Hoo House

Whetsted Road

Five Oak Green

Tonbridge

TN12 6PZ

On behalf of

Mr Sean Allkins

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Planning Statement	DP	22.04.22

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1. Introduction

- 1.1. This statement has been prepared on behalf of Mr Sean Allkins in support of a full planning application for the change of use of land to a storage and distribution (B8) site at land adjacent to No. 1 Lilly Hoo House, Whetsted Road, TN12 6PZ.
- 1.2. This statement considers the proposal in relation to the context of the site, relevant local and national planning policies and requirements and all other materials planning considerations.

Supporting documents

- 1.3. This statement should be read in conjunction with the following supporting plans and documents submitted as part of this application:
 - P.2788.020A.Existing Block Plan
 - Site Location Plan

2. Site Context

- 2.1. The application site is within the wider ownership holding of the Hop Farm, being a 400 acre country park, which also includes the applicant's house, No. 1 Lilly Hoo House, which is just to the north west of the application site. Both the applicant's house and the land subject to this application, therefore, is owned by the Hop Farm and leased to the applicant.
- 2.2. The site is located to the north of Paddock Wood and south of East Peckham and forms part of the open countryside. The site is accessed from a private road which connects to the main highway of Whetsted Road as indicated in Figure 1 below.



Figure 1 – Google Earth image showing the location of the storage area and site access

- 2.3. A public footpath runs west along the private road past the site.
- 2.4. The application site is within Flood Zone 3. The site is not subjected to any other designations.

3. Relevant Planning History

- 3.1. In March 1985 permission was granted for the *“permanent retention of an improved access, restricted to agricultural use and access to Lilly Hoo House and Lilly Hoo Cottages only.”*
- 3.2. In October 1982 planning permission was granted under reference 82/1030 for the installation of a *“directional sign”*.
- 3.3. In March 1985 an application was withdrawn under reference 84/1122 for the *“permanent retention of an existing direction sign.”*
- 3.4. In September 2004 an application was withdrawn under reference 04/0395 for the *“demolition of 1 and 2 Lilly Hoo Cottages and erection of 1 no. pair of 3 bedroom semi detached cottages and erection of detached singe garages.”*

Other relevant applications

- 3.5. Other planning permissions within the local vicinity of the application site have established the industrial and commercial character of the local area. This is affirmed by a number of decisions including;
- 3.6. Planning application reference 02/1047/C01 granted permission for the *“change of use of farm building to 2 no. B1/B2/B8 units”* at Lilly Hoo Farm, being approximately 200 metres to the north west of the application site.
- 3.7. Planning permission under reference 90/00899/FUL which granted permission for the *“change of use of farm buildings to B1 light industrial units”* at Lindow Lea on Whetsted Road.
- 3.8. A Lawful Development Certificate was granted under reference 05/03315/CEU for the *“use of land and buildings for storage and retail of building and garden materials”* at Clearway Whetsted Road.
- 3.9. Planning permission was granted under reference 86/01093 for the *“use of land for storage of damaged vehicles and trailers”*.

- 3.10. As a result, there are numerous commercial operations within the immediate vicinity of the site including Alexander security, the ATV quad bike experience and an existing storage facility. Therefore, the proposed use of the site is in keeping with the existing commercial character of the immediate surrounding land.



Figure 2 – Google Earth image of the immediate area around the site.

4. Proposal

- 4.1. This application seeks to change the use of the land adjacent to No.1 Lilly Hoo House to a use falling within Class B8, being storage and distribution. This will ensure a rural based business can benefit from the secure storage of hired equipment and an accessible distribution area.

Use

- 4.2. The site's existing use is as a scaffolder's storage and distribution yard, used by the applicant in conjunction with his business, Henry Scaffolding.
- 4.3. This retrospective application seeks permission for this change of use, from agricultural land, to ensure the applicant's scaffolding business has a space for the safe storage of equipment to support this rural operated business.
- 4.4. The nature of B8 storage and distribution facilities are to be located in an easily accessible location, to enable the transport of materials to sites as quickly and efficiently as possible. Mr Allkins requires a space which is close to his home and able to transport the necessary scaffolding materials to his relevant building sites.

Scale and Amount

- 4.5. The site extends to less than 0.1 hectares in size and comprises an open-air storage area.

Design and Layout

- 4.6. The site comprises a rectangular shape totaling 870 m² and is enclosed by wooden close board fencing to protect local amenity. The site is located on a private road close to the access to the highway at Whetsted Road, allowing for the swift transportation of materials.
- 4.7. Internally, the site comprises a MOT Type 1 compacted road planings hard surface, over which various temporary scaffolding bays have been erected to store various fixings, clamps, brackets, boards, etc.,. Additionally, other scaffolding items are also stored on the hardstanding in the open air. Photographs provided at Figure 3 show how the various scaffolding items are stored within the site.



Figure 3 – Photographs of the storage site.

- 4.8. No. 1 Lilly Hoo House is to the immediate west to the application site. Beyond the applicant's house is No. 2 Lilly Hoo House, being the nearest and only other residential dwelling on the private road or within the immediate vicinity of the site. It is submitted that the use of this area as a scaffolders yard does not detract from the quiet enjoyment of the occupiers of No. 2 Lilly Hoo House, given the minimal visual and acoustic intrusion.
- 4.9. Figure 4 below shows an extract of the site plan.



Figure 4 – Extract from site location plan

Landscaping

- 4.10. The proposal will retain all existing trees to the north of the site.
- 4.11. There are no further landscape plantings proposed.

Access

- 4.12. The site benefits from an existing access via a private road that runs from the main highway at Whetsted road to the site.
- 4.13. An access gate is located to the south east of the site.

5. Planning Policy

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “a *determination must be made in accordance with the plan unless material considerations indicate otherwise*”.
- 5.2. For the purpose of this planning application, the Development Plan comprises the Maidstone Borough Council Local Plan 2011-2031, which was formally adopted on the 25th October 2017.
- 5.3. In addition to the development plan, the National Planning Policy Framework (NPPF) was updated in 2021. The NPPF sets out the Government’s requirements and policies for planning in England and must be taken into account as a material planning consideration. Of particular importance is Annex 1 of the NPPF, which sets out the weight to be afforded to existing development plan policies. Paragraph 219 states that “*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”.
- 5.1. This section of the statement highlights the relevant parts of the NPPF and Council’s development plan in respect of this application, along with the weight that should be afforded to the existing adopted policies.

National Planning Policy Framework

- 5.2. The National Planning Policy Framework (the ‘NPPF’) sets out the Government’s requirements and policies for planning in England and must be taken into account as a material planning consideration in the determination of any planning application, as detailed within paragraph 2.
- 5.3. The core national objective for the planning system is to achieve sustainable development, with the foundation of the NPPF being the presumption that sustainable development should go ahead without delay.

- 5.4. In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations, that can contribute towards housing supply, along with maintaining and enhancing the vitality of existing communities. The key objective of sustainable development is expressed within paragraph 7 to be “...*meeting the needs of the present without compromising the ability of future generations to meet their own needs*”.
- 5.5. Paragraph 8 refers to the three overarching objectives to sustainable development; as being economic, social and environment, which give rise to the need for the planning system to perform a number of roles:
- **an economic objective** - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places;
 - **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and
 - **an environmental objective** – to protect and enhance our natural, built and historic environment, including making effective use of land.
- 5.6. Paragraph 10 advises that “*at the heart of the Framework is a presumption in favour of sustainable development*”, with Paragraph 11(b) reiterating that for plan-making this means that “*strategic policies should, as a minimum, provide for objectively assessed needs for housing and other land uses, as well as any needs that cannot be met within neighbouring areas*”, and with Paragraph 11 (c) and (d) stating that for decision-taking this means:
- c) *Approving development proposals that accord with the development plan without delay; or*
 - d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole.*

- 5.7. The Maidstone Borough Council Local Plan was adopted in 2017, and therefore the policies within the plan are considered to be up to date. As set out in the analysis in section 5, the policies in the plan are considered relevant to the proposal and it is submitted the development complies with these policies and overall does not result in significant adverse impacts. As such, it is respectfully submitted planning permission should be granted without delay.
- 5.8. The NPPF requires Local Planning Authority's to approach decision-taking in a positive way, encouraging decision-takers to approve applications for sustainable development where possible (paragraph 38).
- 5.9. Section 15 of the NPPF requires that the natural environment is conserved and enhanced. This proposal seeks to conserve the local natural environment through the installation of a timber fence which is a natural material considered to be sympathetic to the local of the area. It is considered the fence sufficiently screens the site to protecting local amenity and the open-air nature of the yard respects the openness of the rural character.
- 5.10. The NPPF identifies that good design is a key aspect to sustainable development (paragraph 126), with Paragraph 130 detailing that planning policies and decisions should ensure developments:
- a) *Will function well and add to the overall quality of the area;*
 - b) *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *Are sympathetic to local character and history, including the surrounding built environment and landscape setting;*
 - d) *Establish or maintain a strong sense of place;*
 - e) *Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and*

f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future.

- 5.11. The design of the yard ensures the site is readily integrated into the area. The boundary fence screens the materials stored on the site and the nature of an open storage area instead of a fully developed building ensures the site is more temporary in nature and does not impede on local character, protecting the openness of the countryside.
- 5.12. Overall, it is submitted that the proposal constitutes sustainable development, having regard to the policies within the NPPF when taken as a whole.

The Development Plan

- 5.13. With regards to this application the policies of the Maidstone Borough Local Plan 2017 are applicable and form part of the policy considerations for the site and the proposal.
- 5.14. The Maidstone Local Plan aims to deliver sustainable growth while also protecting and enhancing the boroughs historical and natural assets.
- 5.15. Policy SS1 identifies the importance of retaining the quality and character of the countryside outside of settlements, whilst at the same time allowing for opportunities for sustainable development and small-scale employment opportunities. The individual character of settlements should not be compromised by development that results in unacceptable coalescence.
- 5.16. Strategic policy SP17 supports development within the countryside, acknowledging that certain development is needed to support amongst farming, communities and other aspects of the countryside. The policy restrict development that does not accord with local plan policies and only permits development that will not harm the character of the area.
- 5.17. Policy DM1 of the Local Plan is the general design criteria that all development proposals should adhere to and respond to in a positive manner. It seeks to create designs and layouts that are accessible to all and enhance the local, natural or historic character of the area. This policy also seeks to respect the amenities of occupiers of neighbouring properties and uses, providing adequate residential amenities for future occupiers while also ensuring that vehicular and pedestrian movement generated by the proposal is able to be adequately accommodated.

- 5.18. Policy DM3 seeks the protection and enhancement of the natural environment. This includes seeking to protected landscape character and enhance biodiversity
- 5.19. Policy DM30 seeks to achieve a high quality design in all development in the countryside. It emphasises the need for type, siting, materials and design to maintain or enhance local distinctiveness, including landscape features. Policy DM30 also requires that the impact of development on the appearance and character of the landscape is appropriately mitigated.
- 5.20. Policy DM37 supports the sustainable growth and expansion of rural businesses in the rural areas if the development is appropriate and integrates into the local landscape and does not result in unacceptable levels of traffic or loss in amenity of the area.

6. Analysis

- 6.1. As already detailed, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“a determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

Principle of the development

- 6.2. Policy SS1 of the local plans supports sustainable development recognising that *“It is important that the quality and character of the countryside outside of settlements in the hierarchy is protected and enhanced whilst at the same time allowing for opportunities for sustainable development that supports traditional land based activities and other aspects of the countryside economy.”*
- 6.3. The scaffolder’s storage yard is considered to make an overall positive contribution to the wider countryside. The site measures less than 0.1 hectares in scale and is used as an open storage area and as such it is considered the small size of the site and the limited built development of the site has an insignificant impact on the wider character of the area. The use of a timber fence as a boundary to the site also effectively screens the yard from public view and the distinct lack of permanent development ensures the sites impact on mature trees located to the northern boundary is lessened.
- 6.4. The nature of the site as an open storage and distribution area is considered to be temporary in nature and as such as it is considered this overall reduces the developments impact on local amenity and ensures the character of the countryside is protected.
- 6.5. Part 9) of Policy SS1 goes on to state *“Small scale employment opportunities will be permitted at appropriate locations to support the rural economy.”*
- 6.6. It is considered that the site is sustainably located. The village of Whetsted and Five Oak Green are located close to the south west of the site, offering an easily accessible service and potential jobs opportunities in a sustainable area of the countryside. The client’s scaffolding business has been running for six years and expanded to support four full time workers and seven workers part time contracts which currently provides employment opportunities to local people with the potential to expand this opportunity in the future.

- 6.7. Furthermore, the erection of the storage site involved employing and supporting local businesses, including Corker Outdoor Living; a business located on Whetsted Road which supplied the hardstanding base at the site. It is therefore submitted the development had already supported the rural economy through providing local employment opportunities and now provides a valuable service to local rural villages and businesses. Overall, it is submitted the development complies with Policy SS1.
- 6.8. Strategic policy SP17 which supports development within the countryside and acknowledges that *“there is a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming and other aspects of the countryside and mixed communities.”* At a local level Policy SP17 is the strategic policy relevant to the development in the countryside and states (amongst others) that;
- 1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character of the area;..*
- 7. Development in the countryside will retain the separation of individual settlements.*
- 6.9. To this end, the proposal is an open storage site which will not increase the number of habitable homes in the area and therefore it is not considered to impact on the separation of individual settlements. As previously discussed, the development constitutes an extension of the client’s scaffolding business which supports communities in the countryside by providing a valuable service and future employment opportunities. The developments small scale and use as a storage yard is not considered to harm the character of the area.
- 6.10. Policy DM1 of the Local Plan is the general design criteria that all development proposals should adhere to and respond to in a positive manner. This policy seeks to create designs and layouts that are accessible to all and enhance the local, natural or historic character of the area as well as protecting the amenities of future and neighbouring occupiers of the development.

- 6.11. In terms of the layout and design of the development, the modest size and the open nature of the site is not considered to adversely impact on the local character of the area. It is further considered the local area itself has an industrial and commercial character as demonstrated by the permissions outlined in section 2 and evidenced by the industrial / storage site located to the west of the access road for the application site, known as Alexandra Security Limited. It is therefore submitted that an additional storage and distribution facility is not out of keeping for the area.
- 6.12. The timber fencing which establishes the boundary of the site is considered to reinforce the natural character of the rural area while sufficiently screening the site from public areas and protected the amenity of neighbouring and future occupiers.



Figure 5 – Photo showing the outside of the yard.

- 6.13. The close board fencing could be put up without planning and therefore from eye level the development is completely screened from public view, protecting visual amenity.
- 6.14. Policy DM3 seeks the protection and enhancement of the natural environment. This includes seeking to protected landscape character and enhance biodiversity
- 6.15. As detailed, the erection of a modest open storage yard is not considered to have a detrimental impact on the natural environment, particular as the development will not include the addition of a building, which would have a far greater impact on the landscape character and natural environment. The lack built development to the north east elevation of the site also ensure the tree protection area for mature trees is not impeded upon.

- 6.16. Policy DM30 seeks to achieve a high quality design in all new development in the countryside, while also ensuring that the local distinctiveness of the area will be maintained.
- 6.17. The site is temporary in nature through the lack of built, solid development with only a timber fence being visible to the public. It is submitted the natural non-permanency of such as development protects the local area and the natural lack of visual intrusion of further maintains local distinctiveness.
- 6.18. As the development falls within a rural area and represents a rural business, Policy DM37 is applicable and permits the sustainable growth and expansion of rural business given some considerations.
- 6.19. Part 1) i) of Policy DM37 permits development where *“New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape.”* As already detailed, the development represents less than 0.1 hectares of land. Other industrial and commercial sites along Whetsted Road are of a far larger scale. The only openly viewable addition to the landscape is a timber fence which as discussed, is a natural boundary feature of the rural environment. It is therefore submitted the development integrates into the local landscape.
- 6.20. Part 1) ii) of Policy DM37 permits development where *“The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access;”* Whetsted Road is the main highway which already sees large amount of traffic from lorries delivering goods to nearby industrial and commercial sites detailed in section 3. The private access to the application site is already utilised by lorries to access the industrial site of Alexandra Security Limited. Therefore, it is considered that the addition of a small scale storage facility for a local scaffolding business would not result in any material increase in traffic, particular as many materials are delivered to the off-site building area being worked on rather than to the storage facility itself, which is used for the storage surplus equipment only.

- 6.21. Part 1) iii) of Policy DM37 permits development where *“The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance.”*
- 6.22. This is further expanded in Part 1) iv) of the policy *“No open storage of materials will be permitted unless adequately screened from public view throughout the year.”*
- 6.23. As discussed, the amenity of the area is not considered to be adversely impacted by a small-scale open storage area. The open storage of materials is screened from public view throughout the year by a timber fence which surrounds the boundary of the site. Overall, it is submitted the development complies with Policy DM37.
- 6.24. Having given due consideration to these policies, it is submitted that the development complies with the local plan policies.

Sustainable Development

- 6.25. Paragraph 8 of the NPPF defines sustainable development as having three core objectives, being economic, social and environmental;

a) An economic objective – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

b) A social objective – *to support strong, vibrant and healthy communities, by [...] fostering a well-designed, beautiful and safe places with accessible services and open space that reflect current and future needs and support communities health, social and cultural well-being; and*

c) An environmental objective – *to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resource prudently, minimizing waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 6.26. The development primarily will assist in the operations of a rural business which provides a scaffolding service to rural communities and other settlements, helping provide for the needs of current and future populace.
- 6.27. The development will assist in expanding the operations of the applicant's rural business and will provide employment opportunities to local residents. It is further submitted that the development has already provided employment opportunities for local trades people through the need for local supplies of hardstanding and fencing, stimulating the local economy.
- 6.28. As previously stated, the erection of the development does not include a permanent building and instead just temporary storage units and a hard standing base; it is, therefore, considered that the environmental impact of the development is minimal.
- 6.29. It is therefore considered that the proposal meets the three objectives of sustainable development.

7. Other material considerations

7.1. It is presented that the proposal fully accords with all provisions of the NPPF and local planning policy and guidance, in relation to other materials considerations for this application, as detailed below:

- Amenity;
- Highways safety and parking;
- Flood Risk;
- Noise and;
- Contamination;

Amenity

7.2. The development site will be located some 12 metres away from the closest neighbouring property of No. 1 Lilly Hoo House which is located to the west of the development site. The design, layout and nature of the site as a non-permanent development which does not protrude beyond the boundary fencing ensures there will not be a loss of amenity in terms of loss of daylight/sunlight or overbearing issues on neighbouring residents.

7.3. To ensure the privacy of the neighbouring residents the boundary incorporates a fence. Taking into account the use of the site's topography, the proposed boundary screening and the separation distance, it is submitted that the proposals will not result in a detrimental impact on neighbouring residential amenity.

Highways safety and parking

7.4. Paragraph 111 of the NPPF advises that development will not be permitted where the localised residual impacts from the development on its own, or in combination with other planned developments, will result in severe impact on road traffic, road safety or excessive pressure for on-street parking.

- 7.5. The development acts as a storage and distribution site for a small rural business. As a result, it is not considered that the proposal would result in any material increase in vehicle movements. Furthermore, the client primarily uses the site as a storage area, the nature of a scaffold business which constantly has new clients and sites makes it far more economically viable to deliver any materials to site, limiting the requirement for outside deliveries to be made straight to the site subject to this application.
- 7.6. The site current provides good access, with clear visibility splays coming off the main highway of Whetsted Road and adequate space ensuring it is safe to maneuver, enter and exit the site at all times.
- 7.7. The site is typically occupied for an hour at the end of the working day, at about 3:30pm, where the scaffolding lorries are loaded for the next day. The scaffolders will then vacate the site no later than 4:30pm. The scaffolders then return to the yard at about 7:00 am the following day and drive the pre-loaded lorries to their relevant construction sites, before returning again at 3:30pm.
- 7.8. There are, thus, very limited, if any, vehicular movements to or from the site between the hours of 7:00 am and 3:30 am during the weekdays. The business very rarely operates on a Saturday, and never on Sundays or bank holidays.
- 7.9. Therefore, the proposal is not considered to have any adverse impact on highway safety, in accordance Paragraph 111 of the NPPF.

Flood risk

- 7.10. The Environment Agency's Flood Map for Planning shows the application site is within Flood Zone 3 and as a result has a high probability of flooding. However, as can be seen in Figure 6 the site benefits from established flood defenses.

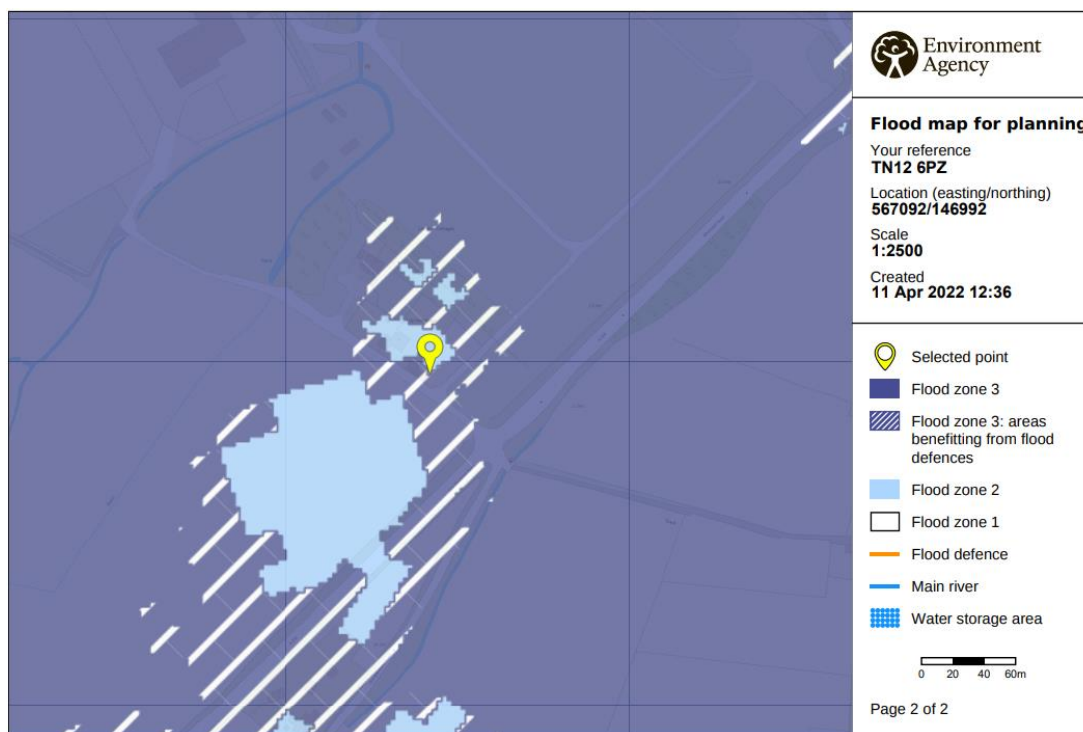


Figure 6 - Extract from the Environment Agency's Flood Risk map for the application site

- 7.11. The land is considered to be a 'storage and distribution' site and is classified as 'less vulnerable'. Therefore, according to the Government's Flood risk vulnerability classification, the development is appropriate within Flood Zone 3 and will not require a flood risk assessment.

Noise

- 7.12. In this case, it is considered that the use of the site as a storage area would not have any significant adverse noise impacts upon any current or future neighbours.
- 7.13. Any deliveries or movement of vehicles to and from the site only occur during sociable hours. Furthermore, the majority of scaffolding materials are delivered direct to the relevant off-site construction site which requires the scaffolding, by a third party. This effectively means that there are minimal movements to and from the site during the day.
- 7.14. If the council were to consider noise as a materials issue, operations could be limited to daytime hours by way of condition.

Contamination

- 7.15. Paragraph 183 of the NPPF advises that planning policies and decisions should ensure that *“a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities...”*.
- 7.16. Paragraph 184 of the NPPF is clear that where a site is affected by contamination issues that the responsibility for securing a safe development rests with the developer and/or landowner. There are no known contamination issues at the site.

8. Conclusion

- 8.1. As this statement has outlined, it is considered the development is in accordance with the National Planning Policy Framework and relevant policies of the Maidstone Borough Local Plan.
- 8.2. Given the developments small scale, sustainable location and overall insignificant impact on the local area it is considered that the development would constitute sustainable development.
- 8.3. It is therefore respectfully submitted that the Local Planning Authority approves this application.