

Application Report

Application Reference	25/02326/PIP	Date of Report	08.09.2025
Proposal	Erection of dwellings with a minimum of 1 or a maximum of 2 net dwellings with associated and ancillary works.	Case Officer	Stephanie Payne
Address	Land North West Of Maple Cottage, Maplescombe Lane, Farningham, Kent		

Description of Site

The site consists of a parcel of land located between properties Maple Cottage and Rusthall. The site does not appear to have a specified use but is instead a fenced off and overgrown plot of land. Extensive vegetation including shrubs, hedgerows and trees are currently on site. The site is located down Maplescombe Lane which is largely single track with passing places. An existing and overgrown vehicular access appears to be present.

The site lies within the Metropolitan Green Belt and Kent Downs National Landscape.

Description of Proposal

The application seeks permission in principle for a minimum of 1 or a maximum of 2 dwellings alongside associated and ancillary works to achieve this.

Relevant Planning History

No relevant planning history

Constraints

Metropolitan Green Belt
National Landscape – Kent Downs
Archaeological Notification Area
Risk of Surface Water Flooding – low, medium and high

Policies

National Planning Policy Framework (NPPF)

Paragraph 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Paragraph 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed (footnote 7); or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, National Landscapes, designated heritage assets and locations at risk of flooding.

Core Strategy (CS)

- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy
- SP1 Design of New Development and Conservation
- SP11 Biodiversity

Allocations and Development Management (ADMP)

- EN1 Design Principles

Other

- Development in the Green Belt Supplementary Planning Document (SPD)
- AONB Management Plan (Kent Downs AONB)

Consultation Response

Farningham Parish Council – No objection. Provides the following comments for stage 2 –

- Any new dwellings are designed to be in keeping with the character of Maplescombe, sympathetic to existing surrounding properties and careful consideration to the visual impact of the new dwelling/s.
- While the number of proposed may seem small, it represents a significant increase in the number of homes in Maplescombe when considered alongside the recent approval of 7 new dwellings at the farmyard. Additional dwellings would further impact the rural setting and increase traffic on a narrow lane used regularly by walkers, cyclists and horse riders.

KCC Highways – The proposal is for a minimum of one dwelling or a maximum of two net dwellings, the trips from which are not anticipated to have a notable impact on the local highway. No information has been supplied in relation to site access/layout and consequently I am unable to comment further. Details of the site access, visibility splays, site layout, car and cycle parking and materials can be dealt with through a technical detail(s) application. The applicant should be aware that access to the site must meet the vehicle and pedestrian visibility requirements as set out in Manual for Streets, with the entirety of the visibility splays falling within land the applicant has control over and/or highway land. The car parking and cycle parking provision for the site should follow the latest Kent Parking Standards. On behalf of the local highway authority, I confirm that I raise no objection to the principle of this application.

Environmental Health – No objection. Recommends the following:

- Contaminated Land - Due to the past/current agricultural use of the site, there is the potential for contamination from the use of herbicides and pesticides, stored chemical and fuels etc. A contaminated land assessment will be needed. The assessment should follow a phased risk based staged approach. Phase 1 should include a desk-based assessment with a risk assessment and conceptual site model. It is advised that the Phase 1 assessment is undertaken and submitted with any full application. The findings of this will determine whether a Phase 2 intrusive investigation, any remediation, a Remediation Strategy and Closure Report are required.
- Asbestos - There also appears to be an existing building on site and consideration should be given to an asbestos survey prior to demolition.
- External Lighting - Being quite rural, any external lighting must be designed to ensure that lighting overspill beyond the boundary of the site and upward/sky glow is minimised. External lighting should be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light".
- Drainage - Information regarding how foul drainage will be dealt with will be needed.

KCC Ecology – No comment received

Natural England – No comment received

KCC Archaeology – The site lies along a routeway following the base of the Downs which tended to be a focus for prehistoric travellers. Some Neolithic pottery was located during an archaeological watching brief on the construction of Maplescombe Cottages. Archaeology is an issue which needs to be considered as part of this proposed development. Recommends a watching brief condition.

South East Water – No comment received

Thames Water – No comment received

Local Lead Flood Authority – No comment, does not warrant involvement

Kent Wildlife Trust – No comment received

Representations

We have received one neutral comment raising concerns of overlooking, expectations of boundary treatments and screening and that one dwelling would be preferred.

Background to Permission in Principles (PIPs)

The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 as amended. The proposal seeks permission in principle for residential development.

This consent route has two stages. The first stage establishes whether a site is suitable in principle. The second stage, i.e. the technical details consent, is where the detailed development proposals are assessed.

The current proposal relates to the first stage and therefore only the principle of the proposal in respect of its location, land use and amount of development can be considered. Issues

relevant to these 'in principle' matters can be considered at this stage. Any other matters can only be considered at the technical details consent stage.

The Local Planning Authority can inform applicants what they expect to see at the technical details consent stage but cannot impose planning conditions as explained in paragraph 20 of the Permission in Principle chapter of the Planning Practice Guidance.

In light of the above, the main issues relevant to this proposal are:

- Location,
- Land use, and
- Amount of development

Location

The application site lies wholly within the Green Belt. The site is situated within one of the two linear pockets of residential properties along Maplescombe Lane. The properties generally vary in sizes and design however, in the immediate area of the proposal site detached dwellings are more prevalent.

Whether the location of the proposed development is acceptable in light of these constraints is considered below.

Impact on the Green Belt

As set out in paragraph 154 of the NPPF, development in the Green Belt is considered inappropriate development, unless one of the exceptions apply. Paragraph 153 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances. It also advises that local planning authorities should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

The proposal is for the development of a minimum of one dwelling and a maximum of two dwellings.

The NPPF was updated heavily in December 2024 and introduced the concept of Grey Belt which is defined as: *"For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development"*.

The submission has presented the case that the development would not be inappropriate in the Green Belt, under the terms of the NPPF.

The proposal site is bound by residential development on both sides. To the rear and front of the site lies open and agricultural landscape. The rear of the site and the rear of the adjacent properties are clearly demarcated from the open landscape beyond by boundary treatments. Whilst this pocket of dwellings is residential the predominant character of the area is rural in nature.

The recently updated Planning Practice Guidance for Green Belt (February 2025) explicitly states that purposes (a) and (b) is in relation to towns, of which Maplescombe is not and, as such, the site would not perform strongly in respect of these purposes, also taking into account the site's small size and relative containment. The site does not perform strongly in terms of purpose (d) as it is not adjacent to a historic town.

With reference to other policy restrictions ('footnote 7'), the site lies within National Landscape. The surrounding area of the site is rural in nature, as mentioned the site is bound by built form on both sides and the site and adjacent existing properties are clearly demarcated from the open landscape beyond by boundary treatments. The residential development would be characteristic of this area of this area of the National Landscape and has not been placed within the open countryside but within a clearly definable residential context. The development has the potential to conserve the appearance of the National Landscape and enhance it through placing this development within an existing residential area safeguarding more rural parcels of land within the National Landscape free from development.

Thus the development would not warrant a strong reason for refusal to a footnote 7 designation.

Considering the above, the site would be considered to meet the Grey Belt definition under the NPPF glossary.

Paragraph 155, states *"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.*
- b. There is a demonstrable unmet need for the type of development proposed 56.*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework".*

For the reasons outlined above the site would not perform strongly in terms of purposes (a), (b) or (d), and whilst paragraph 155 brings purposes (c) and (e) back into play, the development of this site is not considered to fundamentally undermine the purpose of the remaining Green Belt across the whole plan area (i.e. the district) given the very small scale of the site and its location.

Considering paragraph 155 b, there is a need for the housing as the district cannot meet its 5-year housing land supply targets and does not have an up-to-date local plan. The development would therefore accord with this part of paragraph 155.

As for 155c, in order for development to be considered appropriate when using Grey Belt locations the site should be in a sustainable location. The application site is located to along Maplescombe Lane. As set out in paragraph 110 of the NPPF, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. This is also supported by the Government's Planning Practice Guidance which states that whether locations are sustainable should be determined in light of local context and site or development-specific considerations. In this regard, the site is considered to be in relatively sustainable location. The site occupiers would be reliant on private vehicles to access services and facilities, which is an existing situation. However, those services and facilities may not, on a day-to-day basis, involve long journeys. The site is

within a 7 minute drive to Eynsford, a 5 minute drive to Farningham and a five minute drive to West Kingsdown. Noting that there is a train station in Eynsford. Additionally, cycling is prevalent along this stretch of road and whilst potentially more likely for pleasure than to access facilities, it could be considered an alternative method of sustainable transport for the site.

The proposed development is not significant in scale; it is for one to two dwellings and as such is not a significant development as per paragraph 110 of the NPPF.

The site is considered to accord with paragraph 155 of the NPPF and would therefore be considered appropriate in the Green Belt. Other locational issues are considered below.

Impact on the character of the area and National Landscape

Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.

Policy EN1 also states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

The application site is located in within a plot of land within a linear pattern of existing residential development and is an undeveloped parcel of land. The amount of proposed development in terms of numbers of dwellings would also preserve this character, as one or two dwellings could fit on the site and retain a good plot size similar to neighbouring properties. The proposal is for residential use which has the potential to preserve the character of the area through considered design at the technical details stage and notice should be taken to the design and materials of existing nearby properties.

In terms of the National Landscape, through the retention of soft boundary treatments and trees, the development has the potential to conserve the appearance of the National Landscape and enhance it through placing this development within an existing residential area safeguarding more rural parcels of land within the National Landscape free from development, such as the field north of the site. The residential development could be, subject to further details of design, layout and landscaping, contributing to the essential characteristics of this part of the National Landscape.

Provided the design of the proposed dwellings (within a latter technical details application) are in keeping with the design, materiality and characteristics of the area and the characteristic boundary treatments are retained then the proposed development will conserve and enhance the National Landscape and character of the area and accord with policy EN1 and EN5 of the ADMP.

Flood risk

The application site is not within Flood Zone 2 or 3 but would be in Flood Zone 1 and the site has areas of low risk of surface water flooding. A small portion of the front boundary of the site is also within medium and high risk.

Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 181 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 176 states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 63.

Footnote 63 advises that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

Under Annexe 3 of the NPPF, the application would constitute the introduction of a more vulnerable use as the existing site would become residential in nature with the construction of new dwellings.

I note that surface water flood risk does not impact the entire site but rather the existing access, the front boundary and an area on the south west corner of the site. It is considered possible to locate development out of the limited area of flood risk, and that a strategy for managing flood risk and drainage to reduce flood risks could be achievable. As such, the principle of development may remain acceptable subject to submission of flood risk assessment, including detailed drainage strategies and mitigation measures. As such, and subject to further review at technical detail stage, the principle of the location would be acceptable.

Access and highway safety

Policies T1 and EN1 of the Allocations and Development Management Plan require safe access for development. Meanwhile paragraph 116 of the NPPF outlines how development should only be refused on highway grounds where *“there would be an unacceptable impact on*

highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”.

The proposed development would be accessed off Maplescombe Lane. From historic photography, it would appear that there is an existing vehicular access to the site albeit overgrown. The planning statement submitted echoes this and states that the site itself was used as a vehicular access to the wider farm land and that the old access of Maplescombe Lane remains.

Maplescombe Lane is a rural lane that is predominantly single track with passing places. KCC Highways have stated that the trips likely to be generated from the construction of one or two dwellings is not anticipated to have a notable impact on the local highway.

No information has been supplied in relation to site access/layout however, these can be dealt with alongside the parking and splays information through a technical detail(s) application. It is highlighted by KCC Highways that the site must meet the vehicle and pedestrian visibility requirements as set out in Manual for Streets, with the entirety of the visibility splays falling within land the applicant has control over and/or highway land. The car parking and cycle parking provision for the site should follow the latest Kent Parking Standards.

KCC Highways have therefore not objected to the principle of this development. The development would be considered acceptable in this regard and a future technical details application will shed light on the specific entry point.

Residential amenity

Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development. While ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.

Amenity is not a matter that can be fully considered within a permission in principle application. Nevertheless, looking at the characteristic linear pattern of the site, it is likely that Maple Cottage would be most affected by any new dwellings, due to the large garden area of Rusthall. The dwellings could be sited and spaced in a way that would preserve light, privacy and outlook for neighbouring occupiers subject to more detailed site layouts at technical details stage. The retention of soft boundary treatments and careful window placements are advised to ensure a level of privacy for the adjacent neighbouring properties.

Land use

The proposed land use is for residential purposes which could be compatible with the existing residential development in the area. The site is a vacant parcel of land that does not appear to have any use at present. The site is surrounded by a linear pattern of residential development and to establish a residential use on this plot would not be out of character with the area.

Amount of Development

The application proposes residential development of a minimum of one house and a maximum of two dwellings. The existing site is undeveloped and devoid of any notable built form other than what looks like a small shed. However, the new properties would be located between existing detached properties and infill a gap between them. The proposal for one to two properties within this gap would continue the linear pattern of development and would not go against the character grain for residential area. Subject to detailed design it could conserve the appearance of the surrounding area and pattern of development.

Development of the site would make more efficient use of the land than the current vacant use, in accordance with the NPPF, and would have the potential to preserve the character of the area.

Other issues

Archaeology – The site lies within an Archaeological Notification Area. The area is highlighted for Palaeolithic potential. KCC Archaeology have highlighted that the site lies along a route way following the base of the Downs which tended to be a focus for prehistoric travellers and some Neolithic pottery was located during an archaeological watching brief on the construction of Maplescombe Cottages nearby. Whilst KCC Archaeology suggest a watching brief condition, conditions cannot be applied to Permission in Principle applications, instead it is recommended that archaeological information such as a desktop study and the watching brief are provided during the technical details stage.

Landscaping/Biodiversity – The site has many trees and hedgerows and is overgrown grassland and therefore, has the potential to host protected species. It is recommended that a PEA and any other relevant ecological surveys are provided at technical details stage. Furthermore, an arboricultural survey detailing all on site and off site trees that may be affected by the proposed development, a method statement and tree protection details will be required.

Environmental Health - With regard to the Environmental Health Officers request for a contaminated land assessment, in addition to conditions regarding a lighting plan and drainage details, these could be conditioned on a later technical details application as opposed to the current permission in principle application or provided with the technical details application for consideration. The legislation and planning practice guidance does not allow to the imposition of conditions at this first stage.

Public/Parish Comments - The concerns raised by external parties have been covered within the relevant sections above.

Community Infrastructure Levy (CIL)

The development would be CIL liable at a later application stage when the floorspace of any dwellings are confirmed.

Conclusion

The proposal in terms of the location, land use and amount of development is considered acceptable in principle.

Case Officer: Stephanie Payne

Date: 08.09.2025

Manager/Principal: Jim Sperry

Date: 17.9.25