

Appeal Ref - APP/U2235/W/20/3259300

Hearing – 5 October 2022

Hearing location – Maidstone Town Hall, High Street, Maidstone ME14 1TF

Appeal by – Monk Lakes Limited

The proposal is described as a part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping **at** Monk Lakes, Staplehurst Road, Maidstone, Kent TN12 9BU

1. Introduction and opening statement

2. Preliminary matters

- Confirmation of proposed drawings and scheme, including post-decision amendments, as set out in the Statement of Common Ground;
- Planning and enforcement history, in so far as relevant to the determination of the appeal; and,
- Status of the emerging Local Plan.

3. Main issues

Listed building

The effect of the development on the special architectural and historic significance of the grade II Listed barn to the east of the Old Hertsfield Farmhouse, with regard to its setting.

Living conditions

The effect of the development on the living conditions of the occupiers of Hertsfield Barn and 3 to 6 Hertsfield Farm Cottages, with regard to overlooking and loss of privacy.

4. Other matters

- Overall planning balance, including considering the public benefits of the scheme with regard to paragraph 202 of the National Planning Policy Framework;
- The effects of the requirements of the Enforcement Notice, dated 12 September 2008 as amended by appeal decision Ref APP/U2235/C/08/2087987, dated 18 May 2015;
- Whether or not there are exceptional circumstances to justify the grant of retrospective planning permission for Environmental Impact Assessment

development, including considerations regarding waste hierarchy and minerals safeguarding;

- Groundwater flooding;
- Landscape and visual effects;
- The River Beult Site of Special Scientific Interest; and,
- Any other matters not already listed above.

5. Conditions (without prejudice to the outcome of the appeal)

Using the conditions set out in the Statement of Common Ground as an agenda.

6. Planning obligation (without prejudice to the outcome of the appeal)

The s106 planning agreement, dated 7 April 2021, secures a number of items. Of particular importance to discuss:

- The payment to the Council for costs related to the creation of the agreement;
- The required works; and,
- The step-in rights.

7. Cost applications (if any)

8. Arrangements for site visit

9. Close