

Wateringbury
East & West Peckham
Mereworth & Wateringbury

24 JUNE 2026

TM/25/01412/FL

Location: Land North of Drayhorse Meadow, Fields Lane, Wateringbury

Proposal: Erection of 66 new homes (including affordable homes), together with associated open space, landscaping, access and parking.

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1. Description of Proposal:

- 1.1 This application seeks planning permission for the development of the site to provide 66 dwellings (including 50% affordable) together with associated access, parking, open space and landscaping. The development would deliver a mix of new homes (limited to two storey) comprising of 6 x 1 bed, 24 x 2 bed, 24 x 3 bed, and 11 x 4 bedroom homes.
- 1.2 A new vehicular access is proposed on Tonbridge Road, along with a secondary emergency access also located on Tonbridge Road further to the east.

2. Reason for reporting to Committee:

- 2.1 This application was 'called' to Area 2 committee on 18 February 2026 by Councillor M Boughton, so that Members could take a view on the impact of the development on the nearby Air Quality Management Area (AQMA), Medway Valley Landscape, and the Green Belt. The original committee report can be found at **Annex 1**.
- 2.2 Due regard was given to the determining issues detailed in the committee report, as well as points raised by the speakers. Members expressed concerns regarding the proximity of the development to the existing AQMA, the loss of Best and Most Versatile land, and the harmful impact of the development on the landscape character, specifically the views to and from the Medway Valley. Furthermore, Members considered the proposal to be an inappropriate development in the Green Belt.
- 2.3 Following these concerns, it was proposed by Councillor R Betts and seconded by Councillor S Hudson, that the application be refused, contrary to Officer's recommendation, for the following reasons:
 - (1) The proposal by virtue of the proximity of the development to the existing Air Quality Management Area (AQMA) would lead to the worsening of the AQMA contrary to paragraph 199 of the National Policy Planning Framework and policy

SQ4 of the Managing Development and the Environment Development Plan Document;

- (2) The proposal by virtue of the layout, loss of Best and Most Versatile land and loss of important views into and out of the Medway Valley would result in irreversible landscape harm to the detriment of this countryside location, contrary to paragraph 187 of the National Planning Policy Framework, policy CP14 of the Core Strategy and Maidstone Borough Council Landscape Character Assessment (Medway Valley); and
- (3) The proposal would constitute inappropriate development in the Green Belt contrary to paragraph 154 of the National Planning Policy Framework for which no very special circumstances have been demonstrated.

2.4 Following a formal vote, which was supported by the majority of the Committee, Members were advised that not all of the suggested reasons for refusal were considered reasons that could be substantiated at an appeal. It was resolved that the consideration of the planning application be deferred for a report from the Director of Central Services and Monitoring Officer on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in Council and Committee Procedure Rule 15.24, Part 4 (Rules) of the Constitution).

3. Determining Issues:

- 3.1 As stated above, following the formal vote Members were advised that not all of the suggested reasons for refusal were considered to be reasons that could be substantiated on appeal. The Director of Central Services and Monitoring Officer has prepared a cost report which can be found within Part 2 of the committee agenda.
- 3.2 In relation to reason for refusal 1, (AQMA) the legal advice considers that *“there is no evidence to suggest that the development would result in the AQMA being worsened. This is explicitly dealt with in the Officer’s Report (at paragraphs 6.142 to 6.153). It is of note that the Council’s Environmental Health Team raised no objection in relation to Air Quality. I am not aware of any evidence to suggest that the current levels fall outside the acceptable range”*. Concluding *“I am not of the Opinion that this reason, as it currently stands, and in light of the current evidence is properly defensible”*.
- 3.3 Moreover, since the application was deferred, the Council’s Environmental Health Officer has reiterated that according to current air quality data, the AQMA has not worsened and is within the acceptable range.
- 3.4 In relation to reason for refusal 2, legal advice was sought on whether it is acceptable to reference Maidstone Borough Council’s Landscape Character Assessment (Medway Valley) within the reason for refusal.

- 3.5 The Legal advice has considered this as a two pronged approach, confirming that it is not considered that the first aspect of the current draft reason for refuse (as set out below) would put the Council at risk of a costs application.

The proposal by virtue of the layout, loss of Best and Most Versatile land and loss of important views into and out of the Medway Valley would result in irreversible landscape harm to the detriment of this countryside location, contrary to paragraph 187 of the National Planning Policy Framework, and policy CP14 of the Core Strategy.

- 3.6 However, in relation to the use of the Maidstone Borough Council Landscape Character Assessment DPD, the legal advice is as follows:

“The proposed draft reason does not refer only to local planning policy. Rather, it specifically refers to the Maidstone Borough Council Landscape Character Assessment DPD. The site does not fall within the Maidstone Borough Council boundary, nor does the responsible planning authority for that area (Maidstone Borough Council) object upon consultation. Accordingly, I do not consider that this is a defensible reason for refusal. I also consider that this Council had the opportunity to include this area of land within an additional layer of protection for the landscape – and choose not to do so”.

- 3.7 Moreover, it is also material to note that nowhere in the Planning Practice Guidance does it advise that a Council’s Development Plan can be applied to a site that does not fall within its boundary.

- 3.8 In relation to reason for refusal 3, the legal report notes that no evidence has been put forward as to why the site would not compromise of Grey Belt land and moreover that the suggestion that the land is anything other than Grey Belt land is contrary to the Council’s evidence base for the emerging local plan, which suggests that the site is in Grey Belt land. Concluding “*Accordingly, I consider that this draft reason for refusal may place the Council at risk of a costs application*”.

Other Matters

- 3.9 As Members are aware the representations made by South East Water in response to the emerging Local Plan in regard to capacity, are now a material consideration. South East Water’s consultation response to the draft Local Plan is that there is sufficient capacity for up to 2566 dwellings for from 2025 to 2029.
- 3.10 The proposal is to create 66 dwellings which would increase the demand for potable water. Policy SQ5 of the Managing Development and the Environment Development Plan Document and Policy CP25 of the Tonbridge and Malling Core Strategy, which collectively require new development to demonstrate that adequate infrastructure is available to meet its demand, or that additional capacity can be provided in time to do so.

- 3.11 Following Counsel advice any residual risk in respect of potable water supply could be mitigated through a Grampian-style condition requiring the submission and approval of a strategy detailing the provision of potable water and an implementation timetable prior to the commencement of development.
- 3.12 The Planning Practice Guidance advises that local planning authorities should not refuse planning permission on grounds that can be adequately addressed through the imposition of planning conditions, where it is concluded that such conditions would enable the development to proceed, as is the case here.
- 3.13 For the reasons set out above, and subject to the imposition of the recommended condition, the proposal is considered capable of complying with Policy CP25 of the TMBCS and Policy SQ5 of the MDEDPD. As such, the additional demand for potable water arising from the development would not constitute a sufficient reason for refusal subject to the Grampian condition.
- 4. Recommendation: The officer recommendation remains the same as previously set out - Approval subject to the heads and terms for the S106 and conditions as set out in the original committee report together with the imposition of the Grampian condition as set below.**

Condition 20

No development shall take place until a strategy detailing the proposed delivery of potable water for the residential apartments hereby permitted and an implementation timetable, has been submitted to and approved in writing by the local planning authority in consultation with SE Water. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure that the adequate infrastructure is provided to meet the needs arising from the development hereby permitted.

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