
Appeal Decision

Site visit made on 19 September 2016

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2016

Appeal Ref: APP/U2235/W/16/3151992

Land adjacent Highlands Boarding Kennels, Chartway Street, Sutton Valence, Kent ME17 3JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Metland against the decision of Maidstone Borough Council.
 - The application Ref 15/507675/OUT, dated 15 September 2015, was refused by notice dated 24 November 2015.
 - The development proposed is the demolition of existing buildings, the removal of hardsurfacing and for the erection of five detached houses and associated new access, garaging and parking. A SUDS lake is also proposed along with an ecologically enhanced area.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application was submitted in outline with all matters reserved for later determination except access. I have dealt with the appeal on this basis, treating the proposed block plan layout as illustrative only.

Main Issue

3. The main issue is whether the proposal would result in a sustainable form of development having regard to development plan policy and the prevailing character of the area.

Reasons

4. The appeal site comprises a small undeveloped field on the southern side of Chartway Street some distance to the east of the Warmlake crossroads on the A274 and north east of the nearest village, Sutton Valence. Immediately to the south west, and within the same ownership, lie Highlands, a detached bungalow, and five single storey buildings. Three of these are modern, purpose-built boarding kennels, one is a stable block used as private kennels and the final building is a cattery, currently unused. On the northern side of the road opposite the site there is a row of mainly detached houses set back in large plots, and there are also two properties (one being rebuilt) on either side of the access track to Highlands.
5. The proposal is for the field to be developed with five detached houses and garaging arranged around a cul-de-sac off Chartway Street. This would be

- accompanied by the demolition of the five single storey buildings and removal of the associated hardstanding, to be replaced by a SUDS lake and an ecologically enhanced area.
6. Although there is a scatter of residential development in the vicinity, the site lies well outside the development boundary of Sutton Valence as defined in the Maidstone Borough-Wide Local Plan 2000 (the MBWLP). Consequently the site is defined as countryside and Policy 28 of the MBWLP applies, which seeks to protect its character and appearance and restricts housing development to certain limited categories, none of which are relevant in this case.
 7. A new Maidstone Borough Local Plan is under preparation and the Council claim that with the allocations proposed in the plan it can demonstrate a five year supply of deliverable housing sites against its objectively assessed need. The examination of the plan has not yet been completed to confirm this claim but the point is not actively disputed by the appellant. Therefore, for the purposes of this appeal, Policy 28 of the MBWLP can be afforded full weight.
 8. The appeal site lies about 800 m as the crow flies from Sutton Valence where there are a good range of services and facilities including schools, shops, doctor's surgeries and various community facilities. However, the distance by road is about 1.7 km and the route using footpaths across the fields would also be longer. In the other direction Kingswood, another village, is about 1.5 km away. A limited frequency bus service to Maidstone can be hailed outside the site but other bus services are from Warmlake crossroads about 800 m to the west. In addition, there are no footways or street lighting along the road making walking or cycling to and from the site potentially hazardous and unpleasant, particularly at night and in winter.
 9. Whilst there are already a number of dwellings along the road, so the site is not isolated in that sense, these practical difficulties for access by walking, cycling and public transport mean the site would rely to a large extent on use of the private car, contrary to one of the aims of sustainable development.
 10. The appeal site is at present an undeveloped field which forms part of the wider countryside, albeit with some residential development nearby. The site is also well screened by a mature frontage hedge. The proposal would introduce a new cul-de-sac of five houses into the area, opening up views of a new residential estate which, although low density, would significantly change the character of the area. A new hedgerow would be planted behind the visibility splays, but this would take some time to become established and would not in any case fully screen the housing scheme which would be seen as an intrusive encroachment into the countryside.
 11. The physical impact of the development would be offset to some extent by the demolition of the five buildings to the south and the removal of the associated hardstanding. This represents previously developed land which would be cleared and reinstated. However, these buildings are only single storey and are relatively unobtrusive being timber clad and set well back from the road. As such, their removal would not fully compensate for the impact of five two storey detached houses in a cul-de-sac easily seen from the road. Given their large plots, the five houses would no doubt be substantial properties with integral or detached garages, and the hardstanding to be removed would also be more than replaced by the area of the new access drive.

12. The proposal would reduce the amount of traffic generated by the site, replacing vehicle movements to and from the commercial dog kennels with a lower number to and from five houses. The transport statement submitted with the application estimates the current number of two-way trips on a weekday could be between 72 and 144. This would reduce to about 25 two-way movements each day, giving a reduction of between 47 and 119. The SUDS lake and ecologically enhanced area would also be benefits compared to the existing situation, although the ecology of the site could be improved without an associated housing scheme.
13. The proposal would therefore have some advantages, including the provision of five much needed houses with important social and economic benefits for the area. The houses would also be built to high standards of energy and water efficiency. However, these advantages, even taken together, would not fully outweigh the significant environmental impact of the proposal in this location given the number of houses proposed and the cul-de-sac form of development which would be out of place amongst the road frontage housing nearby. Consequently, the scheme does not represent a fully sustainable development and the presumption in favour of such development does not apply.
14. For these reasons, notwithstanding the advantages that have been identified, the proposal would not result in a fully sustainable form of development having regard to development plan policy and the prevailing character of the area. It would conflict with Policy 28 of the MBWLP which seeks to avoid development which would harm the character and appearance of the countryside and for this reason restricts development outside village development boundaries.
15. The appellant has drawn attention to a number of recent planning approvals for housing in the area. However, these are mostly located around the Warmlake crossroads to the west, where there is a greater concentration of residential development, better public transport links and a footway along the road to Sutton Valence. Approval has recently been given on appeal¹ for six dwellings on Chartway Street, but the site concerned is much closer to the crossroads. The appellant also refers to one site on Chartway Street to the east² but details were not supplied to judge whether the circumstances of this case are fully comparable. It is appreciated that the scheme received the support of several local residents but there were also some reservations. Finally, the Council provided some reasonably encouraging pre-application advice, but this was of a general nature and did not relate to the specific scheme submitted.

Conclusion

16. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

¹ APP/U2235/W/15/3137036

² LPA ref. 12/1544