
Appeal Decision

Site visit made on 6 December 2016

by Grahame Gould BA MPhil MRTPI

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

Decision date: 4th January 2017

Appeal Ref: APP/H2265/W/16/3155138

**Land adjacent to 45 King Hill and Orwell Spike, West Malling, Kent
ME19 4PL**

- 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 Anthony Hillier of Plaxtol Investments Limited against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/16/00865/OA, dated 11 March 2016, was refused by notice dated 31 May 2016.
 - The development proposed is described as 'Application for the erection of a detached house with garage and associated driveway. Submitted specifically to provide an opportunity for a local person to build a self-build home for their own occupation.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached house with garage and associated driveway at Land adjacent to 45 King Hill and Orwell Spike, West Malling, Kent ME19 4PL in accordance with the terms of the application, Ref TM/16/00865/OA, dated 11 March 2016, subject to the following conditions.
 - 1) Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Procedural Matters

2. The application seeks outline planning permission for the erection of a single house and matters of access, appearance, landscaping, layout and scale were all reserved for future consideration. No indicative drawings accompanied the application. Indicative drawings have been submitted with the appeal, however, as those drawings were not before the Council when it determined the application, I have attached limited weight to them in reaching my decision.
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3. The description of development used by the appellant refers to the proposed dwelling being for a self-builder's own occupation. However, no mechanism, such as a planning obligation made under Section 106 of the Act accompanied the application or has been submitted as part of the appeal. As it is uncertain how the house's construction and subsequent occupation as a self-build property could be secured I have considered the development simply as being for the construction of a house. I have therefore not included a reference to a self-build home for self-occupation in my formal decision above.

Main Issues

4. The main issues are:
- the effect of the development on the character and appearance of the area; and
 - whether the location would be a suitable one for a house, with particular regard to the accessibility to everyday local facilities by a range of modes of transport.

Reasons

Character and Appearance

5. The house would occupy a corner plot between 45 King Hill (No 45) and King Hill's junction with Orwell Spike, Orwell Spike being a cul-de-sac of five dwellings set within substantial plots. The house would therefore in effect amount to minor scale infilling in a small residential enclave within the countryside. I therefore cannot accept that this is a location where a '... new dwelling would not be expected ...' and I consider that this development would not be uncharacteristic of its surroundings.
6. While the appearance, layout and scale of house are not for consideration at this time, I see no reason why a house of an appropriate size and appearance could not be designed for this site. In this respect the trees that adjoin the site's boundaries with King Hill and Orwell Spike contribute positively to the streetscene and the house would need to be sited and scaled so as to take account of the presence of the aforementioned trees.
7. I conclude that the development would not be harmful to the character and appearance of the area. I therefore find that there would be no conflict with Policies CP1 and CP24 of the Tonbridge and Malling Borough Council Local Development Framework Core Strategy of 2007 (the Core Strategy) and Policy SQ1 of the Council's Managing Development and the Environment Development Plan Document¹ of 2010 because the development could be designed to be respectful of the area's character.

Whether a suitable location for a house

8. For the purposes of the Councils' adopted development plan, most particularly Policy CP14 of the Core Strategy, the appeal site is situated within the countryside where development is discouraged unless it comes within one of the exceptions set out in Policy CP14. Paragraph 55 of the National Planning Policy Framework (the Framework) specifically addresses housing in rural areas and states that isolated homes in the countryside should be avoided.

¹ Which forms part of the Local Development Framework for Tonbridge and Malling

9. The house would be sited between the properties in Orwell Spike and the five dwellings to the north and west on King Hill and I therefore consider that this home would not be in a physically isolated location. The site lies between West Malling and the substantial mixed use settlement at Kings Hill and the occupiers of the house would have accessibility to both of those settlements via the frequent bus services that use the stops in close proximity to the site. I am also of the opinion that the house would be within a reasonable walking distance of the employment area and neighbourhood centre at Kings Hill. The occupiers of the house would therefore be capable of making a modest contribution to maintaining the vitality of the rural communities in the area. Given the potential to use public transport to access West Malling and Kings Hill and Kings Hill's accessibility by foot, I consider that there would not be an undue reliance upon private vehicle usage and that in transportation terms this would be a sustainable location for a house.
10. Having regard to the abovementioned factors I find that the development would not amount to a new isolated home in the countryside for the purposes of paragraph 55 of the Framework. Although there would be conflict with Policy CP14 of the Core Strategy in that the development would not come within one of this policy's identified exceptions, I consider that conflict needs to be weighed against my findings that there would be no harm to the character and appearance of the area and that this would, in transportation terms, be a sustainable location for a house. When the absence of harm with respect to the aforementioned factors is taken into account I consider that the conflict with Policy CP14 is not of such significance as to warrant the refusal of planning permission. I therefore conclude that this would be a suitable location for a house.

Conditions

11. The Council has not suggested any conditions. However, as all matters have been reserved for future consideration, I consider it necessary only to impose conditions limiting the life of the planning permission and setting out the requirements for the submission of all of the reserved matters in accordance with the requirements of the Act.

Conclusion

12. For the reasons given above the appeal is allowed.

Grahame Gould

INSPECTOR