

---

## Appeal Decision

Site visit made on 3 January 2017

**by David Reed BSc DipTP DMS MRTPI**

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

**Decision date: 13 February 2017**

---

**Appeal Ref: APP/U2235/W/16/3156998**

**Iden Park, Cranbrook Road, Staplehurst, Kent TN12 0ES**

- 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 B Matthews against the decision of Maidstone Borough Council.
  - The application Ref 15/509999/OUT, dated 29 November 2015, was refused by notice dated 5 April 2016.
  - The development proposed is five detached dwellings with associated works including new highway access.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The application was submitted in outline with all matters reserved for later determination except access and layout. I have dealt with the appeal on this basis.

### Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - the effect of the proposal on ecology/biodiversity.

### Reasons

#### *Character and appearance*

4. The proposal is for a group of five detached two storey houses in a cul-de-sac arrangement to the east of the A229 Cranbrook Road on the southern outskirts of the village of Staplehurst. The irregular shaped site forms part of a wider triangular area of open grassland between the woodland belt alongside the A227, a footpath running to the north east and the grounds of a large house to the south. An access road would be created through the woodland belt but an area of replacement planting would be provided, widening the tree belt behind. Two of three mature trees within the site would be retained and landscaping would be provided both on the site boundaries and within adjacent land which is also owned by the appellant.

5. However, the group of houses would represent an incursion of built development into a currently unspoilt area of countryside to the south east of the village. Although there is a significant built up area to the west of Cranbrook Road, including a line of ribbon development extending some distance to the south, the eastern side retains a rural character with its unbroken tree belt alongside the road. The access road would break through this tree belt, and this, together with the necessary visibility splays and associated footpath to the site, would erode the existing rural character.
6. The Iden Park Service Station, which lies just to the north west of the appeal site, marks the end of the built up area on the eastern side of the road and has outline planning permission for a redevelopment of eight dwellings. However, the existing service station is unduly prominent at the entrance to the village and its replacement with a group of houses would be a visual improvement. As a previously developed site, this permission does not set a precedent for the appeal proposal and a landscaped eastern boundary would establish a clear demarcation between the houses and the countryside beyond.
7. The five detached houses would be screened from passers-by on the Cranbrook Road by the frontage tree belt. However, they would be clearly visible from the public footpaths which run close by to the north east and south, at present through unspoilt countryside. New boundary screening, replacement tree planting and other landscaping around the group of houses would take a lengthy period to become established and even then would not be fully effective in screening the scheme or assimilating it into its surroundings. Whilst the houses would no doubt be attractively designed, this would not fully mitigate the visual impact of an incongruous incursion of built development into the unspoilt rural setting of the village.
8. The frontage tree belt would be severed by the access road which would be detrimental to its ecological and landscape integrity, and as part of this one mature Oak tree (T14) would be lost. To accommodate the group of houses, a further mature Oak tree (T8) would be lost and the root protection area of another mature Oak (T7) encroached upon, albeit by a limited amount. In addition, the close proximity of two of the houses to two mature Oak trees (T6 and T7) could lead to post development pressure for their pruning or removal due to shading, leaf fall or the perceived danger of falling branches. These actual and potential losses would contribute to the visual impact of the scheme.
9. The site lies outside the settlement boundary of Staplehurst as defined in the Maidstone Borough-Wide Local Plan 2000 (MBWLP), the emerging Maidstone Borough Local Plan (EMBLP) and the Staplehurst Neighbourhood Plan (SNP) which was made on 7 December 2016<sup>1</sup>. The latter two documents include housing allocations on the periphery of the village, but these do not include the appeal site. The site is therefore considered to be countryside for planning policy purposes where Policies ENV28 of the MBWLP, SP17 of the EMBLP and PW2 of the SNP apply, all of which resist housing development. The site also lies within the Low Weald Special Landscape Area protected by Policy ENV34 of the MBWLP. Contrary to the appellant's view, MBWLP policies should not be considered out of date simply because they were adopted prior to the publication of the National Planning Policy Framework (NPPF) in 2014.

---

<sup>1</sup> First raised by the Council in its email dated 3 January 2017. Although the appellant argues this should be disregarded as it was not included in the Council's original statement, this was before the deadline for final comments. In any event, it forms part of the development plan and must be taken into account.

10. The EMBLP is currently being prepared to establish a new planning framework for the Borough and this allocates various sites to meet identified housing needs. On the basis of the submitted plan the Council claims that it had a housing land supply of 5.12 years as at April 2016 and subsequently an improved position of 5.71 years as at September 2016. This figure was then tested during the local plan examination and the Inspector produced interim findings on 22 December. These conclude that, despite a lower rate of housing delivery and reducing the capacity of certain allocations, adjusting the figure for objectively assessed housing need downward and smoothing the housing trajectory "should strengthen the 5 year supply position as at 1 April 2016" and in view of additional planning permissions granted since that date "the 5 year supply should also be strong at 1 April 2017 and in subsequent years"<sup>2</sup>.
11. It is appreciated that the examination process is not yet completed. However, the interim findings of the local plan Inspector support the claim that the Council can demonstrate a 5 year supply. They represent the most authoritative and up to date view of the housing land supply position at present and supersede the conclusions of Inspectors dealing with earlier, individual appeals, including the latest decision quoted by the appellant<sup>3</sup>.
12. Therefore, contrary to the appellant's view, Policies ENV28 and ENV34 of the MBWLP and Policy PW2 of the SNP as they relate to the appeal site should be afforded full weight. In addition, in recognition of the progress of the local plan towards adoption, emerging Policy SP17 of the EMBLP should be afforded some weight in relation to this site. The proposal conflicts with all these policies.
13. The recently made SNP states in paragraphs 7.17 and 7.18 that the countryside setting of the village is an important part of its identity and well loved by the local community. More specifically, SNP Objective 10 seeks to safeguard the green and rural feel to the approach to the village from the south. This would be eroded by the appeal proposal. The importance of an up to date neighbourhood plan is confirmed by the Written Ministerial Statement (WMS) of 12 December 2016 which indicates that housing policies in the SNP should be accorded full weight unless there is less than 3 years housing land supply, a figure which is exceeded by some margin<sup>4</sup>. Whilst the WMS may be the subject of a legal challenge it currently remains in force.
14. For these reasons the proposal would significantly harm the character and appearance of the rural area to the south east of the village and its southern approach. This would be contrary to Policies ENV28 and ENV34 of the MBWLP, Policy PW2 and Objective 10 of the SNP and Policy SP17 of the EMBLP.

#### *Ecology/Biodiversity*

15. The appellant submitted an Extended Phase 1 Habitat Survey with the appeal which demonstrated that no protected species would be affected. The Council accept this but claim that the site has been designated as 'Wood Pasture Parkland' and 'Lowland Meadow', two priority habitats, and that this has not been taken into account. However, these are not the descriptions shown on the extract from the Kent Habitat Survey 2012 which is the only evidence submitted to support the claim. Given the lack of any further details and the

---

<sup>2</sup> Paragraph 98, Interim Findings from the Examination of the Maidstone Borough Local Plan 22 December 2016.

<sup>3</sup> APP/U2235/W/16/3145575

<sup>4</sup> Because the SNP allocates sites for housing and it is less than two years since it was made.

credible report submitted by the appellant there is insufficient evidence to demonstrate a conflict with section 11 of the NPPF or Circular 06/2005. It is also likely that any habitat losses could be successfully mitigated by ecological enhancements in and around the site.

### **Conclusion**

16. Staplehurst is designated as a Rural Service Centre in the EMBLP and there is no dispute that the village represents a sustainable location for new housing. The proposal would provide five additional houses with important economic and social benefits but it would also raise the environmental objections found in relation to the first main issue. Consequently, the proposal cannot be considered as a fully sustainable development and the presumption in favour of such development does not apply.
17. Having regard to the above the appeal should be dismissed.

*David Reed*

INSPECTOR