
Appeal Decision

Site visit made on 6 February 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/U2235/W/16/3161855

Homewell House, Norton Road, Sutton Valence, Maidstone ME17 3LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs E Cook against the decision of Maidstone Borough Council.
 - The application Ref 16/505114/FULL, dated 14 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is the erection of 3 no. detached dwellings, associated parking, access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The proposal is for three two-storey detached houses on the western side of the A274 Maidstone Road just to the south of the Five Wents road junction. The site, currently agricultural land, comprises an undeveloped gap between a row of bungalows to the south and the grounds of Homewood House, a Grade II listed building, which faces the road junction to the north. The houses would be sited alongside the bungalows, behind a roadside treebelt which would be retained, but would not extend as far as Homewood House, leaving a wide enough gap to preserve the setting of that listed building. Access would be achieved by extending the service road which currently serves the bungalows.
4. The site lies well to the north of the settlement boundary of Sutton Valence as defined in the Maidstone Borough Wide Local Plan 2000 (MBWLP), also to the south west of the boundary defined for Langley and to the east of that defined for Chart Sutton. As such, the site lies in the countryside for policy purposes and Policy ENV28 applies, which seeks to resist development except in certain limited circumstances, none of which apply in this case. This policy is continued in the emerging Maidstone Borough Local Plan (EMBLP) in which the area remains defined as countryside and Policy SP17 applies, which continues to restrict housing development.
5. 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”¹.

6. 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 appeals². The position is different from that described in a recent appeal decision in Swale where the Council did not claim a five year housing land supply and the Inspector examining the local plan had required an increase in housing allocations to meet the district’s objectively assessed need, thus making the proposed modifications stage more uncertain³.
7. Therefore, contrary to the appellant’s view, Policy ENV28 of the MBWLP as it relates 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 both these policies.
8. The site lies about 1.5 km from Sutton Valence, a large village which provides a variety of services and facilities, to which it is connected by continuous footways. Previous Inspectors dealing with sites at Warmlake crossroads to the south have regarded the village as reasonably accessible by foot. In addition, there is a public house and service station nearby, and next to the site bus stops with frequent services to Maidstone, Sutton Valence and Tenterden. Given these circumstances the Council does not dispute that the site is in a reasonably sustainable location and future occupants of the houses would not be completely dependent on use of the private car.
9. The site lies within an area of scattered built development. In addition to a group of residential and commercial properties around the road junction there is extensive frontage development along both sides of the road to the south as far as Sutton Valence. There are however some important undeveloped gaps of which the appeal site is one. The proposed houses would be screened from passers-by to some extent in summer by the treebelt along the frontage but in winter the two-storey houses, parked cars, front gardens, access road and turning head would be easily seen, as would lighting at night. The houses would also be visible from Norton Road to the north west through the access to Homewell Barn. Although set back by 20-25 m from the road, the result would be the consolidation of built development in the vicinity, extending ribbon development along the side of the A274 and the loss of most of an open field.

¹ Paragraph 98, Interim Findings from the Examination of the Maidstone Borough Local Plan 22 December 2016.

² APP/U2235/W/15/3131945 and APP/U2235/W/16/3145575.

³ APP/V2255/W/16/3153537. In the Cheshire case quoted by the appellant the examination of the local plan had yet to commence.

Even with additional planting to help screen the proposal, this would significantly harm the remaining semi-rural character of the area.

10. For these reasons the proposal would not result in a sustainable form of development having regard to development plan policy and the character and appearance of the area. It would conflict with Policies ENV28 of the MBWLP and emerging Policy SP17 of the EMBLP which seek to resist housing development outside defined settlement boundaries.
11. The three recent appeal decisions in the Warmlake crossroads area drawn to my attention by the appellant were all in the context of the Council's then inability to demonstrate a five year supply of deliverable housing sites⁴.

Conclusion

12. The proposal would provide three family houses to help meet housing needs in a reasonably sustainable location which would offer important social and economic benefits for the area. However, the environmental objections to the development identified under the main issue mean that the proposal cannot be considered a fully sustainable development and the presumption in favour of such development does not therefore apply.
13. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

⁴ APP/U2235/A/14/2228989, APP/U2235/W/15/3137036 and APP/U2235/W/16/3146765