
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/16/3161305

Land adjacent to The Bungalow, Lenham Heath, Maidstone ME17 2JP

- 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 Mr Philip Warden against the decision of Maidstone Borough Council.
 - The application Ref 16/505452/FULL, dated 27 June 2016, was refused by notice dated 19 September 2016.
 - The development proposed is 2 no. new dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Maidstone Borough Council against Mr Philip Warden. This application is the subject of a separate Decision.

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 character and appearance of the area.

Reasons

4. The appeal site comprises a rectangular parcel of grassland located to the east of Rose Lane in Lenham Heath, a hamlet of widely dispersed development. The site is accessed from a narrow lane which serves a sawmill and farm complex and is located within an area of scattered residential development including a bungalow to the south east of the site and two houses with associated outbuildings to the south west. To the north lies the Rose Lane Industrial Estate, a quite extensive area of industrial and commercial buildings, but the site is screened from this by a substantial earth bund and is also well screened to the east and south by treebelts. There used to be a building on the site but this has been demolished and the materials cleared away.
5. The proposal is for two dwellings on the site, a single storey three bedroom house and a part one/part two storey four bedroom house set in individual plots at the end of an access drive. The two houses would be of a high quality, crisp contemporary design with white render walls, extensive glazing and flat wildflower seeded green roofs, and would be built to high environmental standards. However, they would not be 'truly outstanding or innovative', one

- of the special circumstances listed in paragraph 55 of the National Planning Policy Framework (NPPF) justifying isolated homes in the countryside.
6. The site lies well to the east of the settlement boundary of Lenham as defined in the Maidstone Borough Wide Local Plan 2000 (MBWLP) and consequently in the countryside for policy purposes. As such 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 Lenham Heath remains defined as countryside. As such, emerging Policy SP17 applies which continues to restrict development.
 7. 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.
 8. The examination process is not yet completed but the interim findings support the claim that the Council can demonstrate a 5 year supply. Therefore 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.
 9. The Lenham Neighbourhood Plan (LNP) is currently under preparation and a pre-submission Regulation 14 consultation was carried out in February/March 2016. The plan aims to allow 'appropriate growth' and to 'do it's bit' to help meet the wider housing needs of the Borough. The LNP proposes most growth in and adjacent to the main village, but also considers that Lenham Heath, as a large hamlet, should accept a modest level of growth in the interests of its continued social health. The proposal is that up to 25 dwellings should be accommodated and to this end four individual sites are identified in the Plan Diagram, including the application site and the Rose Lane Industrial Estate².
 10. The emerging LNP therefore potentially offers strong support for the proposal. However, the plan has not yet progressed to formal consultation under Regulation 16, has not been subject to examination nor endorsed by a local referendum. I note that the Parish Council have not offered explicit support for the scheme either at application or appeal stage. In addition, it is not clear how the sites in Lenham Heath have been selected for allocation. In these circumstances, the LNP can only be given limited weight at this stage. MBWLP Policy 28 must therefore prevail until the LNP progresses further.
 11. The site lies about 3 miles from the main village of Lenham, with its wide range of services and facilities, including a primary school, shops and railway station,

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

² Paragraph 4.12 and Plan Diagram of Regulation 14 Consultation Document

and is also about 3 miles from the village of Charing to the east. Neither village is therefore within easy walking distance and there are no footways or street lighting along the narrow access lanes, making access by foot hazardous and unpleasant, particularly at night and in winter. Furthermore, there are no bus services serving the area. Consequently, in practice, the occupiers of the two houses would be relatively isolated from services and facilities and heavily dependent on use of the private car. Therefore, in that sense, the proposal conflicts with paragraph 55 of the NPPF which seeks to avoid new isolated homes in the countryside.

12. The site lies within an area of scattered housing development and to the south of an industrial estate. The two flat roofed houses would be well screened from the wider area by the earth bund along the northern boundary and treebelts to the east and south. This would be enhanced by further planting as part of the scheme. The appellant's Landscape & Visual Impact Assessment concludes that the zone of visual influence is relatively small and that the impact on the landscape would be negligible. Nevertheless, as further built development on a currently greenfield site there would be some limited visual impact in the immediate area, particularly in views from the footpath to the south, where the access drive would be an urbanising feature, and glimpses from Rose Lane to the west. The result would be the consolidation of built development in the area to the detriment of its character and appearance.
13. The scheme would provide two family houses which would offer important social and economic benefits for the area. It is appreciated that the proposal would represent high quality design, would be self-build, constructed to high environmental standards and there was previously a building on the site. In addition, the dwellings are intended for two nephews of the appellant who work in the adjacent timber workshop, although there is no mechanism to ensure that this is the case. These arguments may or may not prevail as the LNP considers the local housing needs of Lenham Heath during the remainder of the plan preparation process, but at present they do not.

Conclusion

14. As matters stand, 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. Whilst it would comply with the emerging LNP, this plan has not yet progressed to the stage where its policies comprise a formal part of the development plan.
15. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR