

Appeal Decision

Site visit made on 20 February 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 20th March 2017

Appeal Ref: APP/U2235/W/16/3163577

Land at West Street, Harrietsham, Kent ME17 1JZ

- 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 Crabtree & Crabtree (Harrietsham) Ltd against the decision of Maidstone Borough Council.
 - The application Ref 16/502264/OUT, dated 9 March 2016, was refused by notice dated 19 October 2016.
 - The development proposed is described as a residential development comprising 25 houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters except for access reserved for later determination. I have dealt with the appeal on this basis.
3. The saved policies of the adopted Maidstone Borough Wide Local Plan 2000 (MBWLP) pre-date the publication of the National Planning Policy Framework (the Framework). Examination hearings have taken place regarding the emerging Maidstone Borough Local Plan (EMBLP) and the examining Inspector's Interim Findings, dated 22 December 2016, have been published. The EMBLP is therefore at an advanced stage of preparation but I have not been provided with significant details of the on-going timetable or the extent to which there may remain any unresolved objections to specific policies. I have therefore ascribed weight to relevant saved and emerging policies for the purposes of this appeal in my reasoning on the main issues, having regard to Paragraphs 215 and 216 of the Framework.

Main Issues

4. The main issues are:
 - i. The effect of the proposal on the character and appearance of the area; and
 - ii. Whether the proposal would result in an acceptable pattern of development, with particular regard to settlement strategy.

Reasons

5. The site is located on the outskirts of the village of Harrietsham, outside the defined settlement boundary. The village is identified as a rural service centre
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in the emerging settlement hierarchy. The site currently consists of two paddocks, a wooded area, some equestrian buildings associated with Downsoak Stud, and a newly constructed replacement dwelling. Public footpaths KH271 and KH270 run across and adjacent to the site. The site is identified as falling within a Special Landscape Area (SLA) and is situated approximately 300m from the Kent Downs Area of Outstanding Natural Beauty (AONB).

6. It is proposed to construct 25 dwellings on the site, in addition to the newly constructed one. A new access from West Street is proposed to serve the development.

Character and appearance

7. Despite its location close to the edge of the village, described by the appellant as 'rural fringe', the site has a generally rural appearance, consisting principally of paddocks, trees and stabling, which is largely enclosed by hedges and woodland. The land rises somewhat from West Street, and it is currently partly screened from view by the roadside hedge and various trees within the site. The site is open to clear view from the two footpaths from where the equestrian buildings and the associated equestrian grazing of much of the site have a low key appearance, set against a general backdrop of trees and hedges, and are entirely consistent in character with the countryside location. The single new dwelling, which has replaced a mobile home, is modest in scale and unobtrusive in its setting. Only glimpses of the primary school can be seen, from the rear part of the site.
8. The development would introduce a significant area of built form into this rural setting, which would permanently and adversely alter its pleasant appearance. The residential nature of the development would also be at odds with, and detrimental to, the predominantly rural character of the site and much of its setting. The proposed access would require the removal of some existing hedgerow along the roadside which, notwithstanding any subsequent landscaping details, would open the development to some additional views from the road from where the visual impact of the development would be exacerbated to a degree by the higher ground levels in the site. The prevailing rural character of the site, which forms a positive part of the transition between the edge of the village and the wider countryside and AONB beyond, would be eroded by this and the general incursion of built form, to the detriment of the character and appearance of the area.
9. The proposal would therefore conflict with saved Policy ENV28, which states that in the countryside planning permission will not be given for development which harms the character and appearance of the area. A similar approach is carried through in emerging Policy SP17. In this regard Policy ENV28 is generally consistent with the aims of the Framework and I have afforded it substantial weight. I have afforded Policy SP17 moderate weight, taking account of its emerging status.
10. For the same reasons, the proposal would also conflict with saved Policy ENV34 of the MBWLP, which requires particular attention to be given to the protection and conservation of the scenic quality and distinctive character of the SLA, giving priority to the landscape over other considerations. The appellant considers that the SLA landscape designation has not been carried forward in the EMBLP and the Council has not provided any such emerging replacement policy. In light of this, I have afforded Policy ENV34 limited weight.

11. I note that emerging Policy SP17 also seeks to ensure the rigorous conservation, maintenance and enhancement, as appropriate, of the distinctive character of the AONB and its setting if specified development is to be allowed in the countryside on the basis that it would not harm the character and appearance of the area. However, there is no dispute between the main parties that the proposal would not significantly affect the setting of the AONB and, due to the degree of separation and the various forms of screening in-between, I agree.
12. Notwithstanding, for the reasons given above, I conclude that the proposal would significantly harm the character and appearance of the area. It would therefore conflict with saved Policies ENV28 and ENV34 of the MBWLP and with emerging Policy SP17, the relevant requirements of which are set out above.

Pattern of development

13. The site lies in the countryside for policy purposes, where saved Policy ENV28 seeks to restrict development except in specified circumstances, none of which have been demonstrated to apply in this case. This position is essentially carried forward in emerging Policy SP17 of the EMBLP, in which the appeal site continues to be defined as countryside and the proposal does not relate to any of the specified acceptable forms of development.
14. The EMBLP includes various site allocations, including three at Harrietsham. The appeal site does not form any part of these proposed allocations. Built development is limited on the appeal site side of the road in this part of West Street. The adjacent primary school, which is largely set behind grassed bunds, is the main built feature. As a result, the scale and nature of the development would significantly increase the incursion of built form into the countryside here, thereby contributing to, and consolidating, sporadic development in the area.
15. I note that there has been recent housing development on the opposite side of the road. However, this is contained between West Street and the A20. The appeal site would not be similarly contained and I disagree with the appellant that it would 'round off' the village, particularly given the significant separation by fields between the primary school and the village boundary on the appeal side of West Street.
16. For these reasons, I conclude that the proposed development would not result in an acceptable pattern of development, with particular regard to settlement strategy. It would therefore conflict with saved Policy ENV28 of the MBWLP and emerging Policy SP17 of the EMBLP, the relevant requirements of which are set out above. Policy ENV28 is generally consistent with the aims of the Framework and I therefore afford it substantial weight. Policy SP17 is similarly consistent and I afford it moderate weight in light of its emerging status.
17. In reaching this position, I have considered that the site lies adjacent to the Harrietsham primary school and that there are a number of other services and facilities available in the village within reasonable walking distance, including a railway station. There is also a bus stop close to the site. I therefore agree with the Council and appellant that the site lies in a generally accessible location. I also consider that it is not isolated in the context of Paragraph 55 of the Framework, and I note that the settlement strategy in the EMBLP does not impose a cap on the amount of housing development to go to rural service

centres. However, these factors do not outweigh my significant concerns above in relation to the settlement strategy.

Planning balance

18. The appellant is of the view that the Council cannot demonstrate a five year supply of deliverable land for housing and has provided two appeal decisions¹ in support of this view. The appellant also considers that the Council's supply figures rely on allocated sites without planning permission, and has provided copies of documents to this effect that have been considered by the examining Inspector in coming to his Interim Findings on the EMBLP. The Council asserts that on the basis of the submitted EMBLP it could demonstrate 5.12 years supply as at 1 April 2016, which it then revised upwards to 5.71 years as at 1 September 2016.
19. The examining Inspector's Interim Findings specifically address five year supply, finding that despite a lower rate of housing delivery in the early part of the plan period and the reduced capacity of certain site allocations, the smoothing of the trajectory to address the backlog over ten years rather than five and a reduced level of objectively assessed housing need should strengthen the five year supply position as at 1 April 2016. The Inspector also noted that many additional planning permissions have been granted since that date, indicating that the five year supply should also be strong at 1 April 2017 and in subsequent years².
20. While the examination is on-going, the Interim Findings give significant support to the Council's position and supersede the findings of earlier appeal decisions in this regard, including the June 2016 example provided by the appellant. The Council advises that the Inspector in the January 2017 decision was not provided with the Council's five year supply calculations updated in light of the Interim Findings, and that the hearing date for that case preceded the Interim Findings. Furthermore, the decision is clear that the five year supply conclusions drawn were for the purposes of that appeal.
21. The Council has subsequently updated its supply position in light of the Interim Findings, which indicates that it has a 6.11 year supply. The appellant has not provided any detailed counter evidence to this latest position. Overall, I consider that there is no substantive evidence before me to indicate that a supply position of at least the level acknowledged by the examining Inspector is not currently available in the Borough. I am therefore satisfied that for the purposes of this appeal the Council is able to demonstrate a five year housing land supply as required by Paragraph 49 of the Framework. This position is further supported by the findings of three recent appeal decisions, dated February 2017³, provided by the Council. Relevant policies for the supply of housing are therefore up-to-date and the fourth bullet point of Paragraph 14 is not engaged.
22. I have considered the various benefits that the development might bring, including: the provision of 25 homes, including 10 affordable housing units in a generally accessible location; the local social and economic benefits associated with the construction and occupation of the dwellings, the more efficient use of

¹ APP/U2235/W/15/3131945 dated 24 June 2016 and APP/U2235/W/16/3151289 dated 31 January 2017

² Interim Findings from the Examination of the Maidstone Borough Local Plan 22 December 2016

³ APP/U2235/W/16/3156998 dated 13 February 2017, APP/U2235/W/16/3161855 dated 17 February 2017 and APP/U2235/W/16/3161305 dated 17 February 2017

the element of previously developed land; that it would offer a smaller, different type of development to the larger allocations; the anticipated 2 year delivery period; and the proposed retention of trees, additional planting, and biodiversity measures. I have afforded these benefits moderate weight. However, this does not outweigh the significant harms that would arise to the character and appearance of the area and from the unacceptable pattern of development.

Other Matters

23. A S106 planning obligation has been provided to the appeal in respect of affordable housing provision and various infrastructure contributions. As the appeal is to be dismissed there is no need for me to consider the matters of the infrastructure contributions, as those would serve only to mitigate the related effects of the proposal. I am satisfied that the signed and dated obligation would secure 10 affordable housing units, and I have included this in the weight attributed in favour of the proposal in my planning balance.

Conclusion

24. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR