
Appeal Decision

Site visit made on 23 February 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/U2235/W/16/3163942

Beech Depot, Sheephurst Lane, Marden, Kent TN12 9NU

- 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 Adrian Simmons against the decision of Maidstone Borough Council.
 - The application Ref 16/502527/OUT, dated 17 December 2015, was refused by notice dated 25 May 2016.
 - The development proposed is the demolition of existing buildings and the construction of four detached dwellings (access to be considered at this stage and all other matters reserved for future consideration).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for outline planning permission, and the application form makes clear that approval is also sought at this stage for access, but not for its layout, scale, appearance and landscaping. Drawings have been submitted showing the proposed access and layout along with floor plans and elevations of the proposed dwellings. I have treated the drawings of layout, floor plans and elevations as illustrative.
3. I note that the draft Maidstone Borough Local Plan (draft LP) has been submitted for examination and the examining Inspector has issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan.' However, this requires further information and recommends a number of changes in particular in relation to the Council's housing land supply position. The Council have presented additional information in relation to this, but it is not clear whether that would address the Inspector's concerns. As an element of the Inspector's concern relates to the supply of housing land that would be fundamental to the soundness of the plan, I consider that I am only able to give the draft LP limited weight in my decision. I will return to the issue of the supply of housing land and weight to be given to the adopted Maidstone Borough-wide Local Plan (LP) in my reasoning.

Main Issues

4. The main issues are whether the proposed development would be considered sustainable development with specific regard to (a) its location in relation to services and facilities and (b) the character and appearance of the rural area.
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Reasons

5. The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development, defined as development in accordance with the Framework as a whole. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.

Location in relation to services and facilities

6. Beech Depot is located some distance from the nearest settlement of Marden. Paragraph 55 of the Framework suggests housing should be located where it will enhance or maintain the vitality of rural communities. However, although there are other dwellings in the vicinity, the proposed development is away from the nearest settlement such that it is isolated.
7. Paragraph 55 of the Framework confirms isolated homes in the countryside should be avoided unless there are special circumstances. In addition, Policy ENV28 of the LP seeks to restrict development within the countryside. No information has been provided to suggest that the proposed development would be essential to its countryside location and nor would it fall within the special circumstances listed in paragraph 55 of the Framework, which includes the re-use of redundant or disused buildings where it would lead to an enhancement to the immediate setting.
8. I note that prior approval has been given for the conversion of the storage building on the site to residential use¹, comprising seven residential units. I understand that, should this appeal be dismissed, the appellant would implement this development and, as such, I consider that this fall-back position can be given significant weight.
9. I accept that the prior approval scheme would result in a larger number of dwellings, but the proposed development would nevertheless be contrary to Policy ENV28 of the LP and paragraph 55 of the Framework.

Character and appearance

10. Sheephurst Lane is located within the open countryside with fields to both sides of the road, with some sporadic development that is mainly in residential use, whether converted former agricultural buildings or rural cottages. Beech Depot is located between two bends in the road, behind a hedge and is used for storage and distribution of products relating to public houses and comprises two buildings surrounded by an area of hardstanding, used for parking and outside storage. To the rear is an oast house that has been converted into a dwelling. The existing buildings on the site are utilitarian in terms of their appearance, but this is a common form of development within rural areas and so reflects the character and appearance of the countryside surroundings.
11. The proposal would replace the existing buildings and hardstanding with four dwellings. The illustrative layout, floorplans and elevations show the proposed dwellings in a line facing toward the road, separated by the access drive, and with a shared access at the opposite end of the site frontage to where it is located at present. This would result in an increase in the amount of built development spread across the site that would be prominent in views from the

¹ Maidstone District Council reference 15/506498

road and would be likely to be supported by subsequent outbuildings and other domestic paraphernalia. Although I accept an alternative design of dwellings and layout to the site could reduce that effect, the level of development proposed would, nevertheless, result in a suburban appearance to the site.

12. Although landscaping is a reserved matter, additional planting and restoration of the hedgerow to the front of the site is proposed which, despite the removal of the poplar trees, would reflect the character and appearance of this rural area.
13. The appellant considers that the form of development in the prior approval scheme would be less desirable than that proposed in this instance. I understand that under the prior approval scheme, the larger building on the site would be retained and converted to residential use, with landscaping and parking over the existing hardstanding. Whilst additional domestic paraphernalia may be introduced within the gardens of any proposed houses, this may be more constrained and the buildings would not extend further over the site than at present. On that basis, I consider that it would have less effect on the character and appearance of the rural area than the development proposed in this instance.
14. As a result, I conclude that the redevelopment of the site to provide four detached houses would harm the character and appearance of the rural area. As such, the proposed development would be contrary to Policy ENV28 of the LP and the Framework that seek to ensure development does not harm the character and appearance of the countryside.

Other matters

15. I note that the proposed redevelopment has been supported by neighbouring occupiers as they consider that it would tidy up the site and remove the existing use, which they suggest is noisy, although that would occur should the prior approval be implemented. It has been suggested that the adjacent oast house is a non-designated heritage asset. The proposed development would remove outside storage and the existing office building that would enhance the setting of that building. However, the prior approval scheme would have a similar effect, albeit that the office building may remain.
16. The proposed development would result in a reduction in vehicle movements to and from the site and would result in an improved access that would benefit highway safety.
17. The appellant has suggested that the Council cannot demonstrate a five year supply of deliverable housing sites as required by paragraph 49 of the Framework. The Council does not agree.
18. There would be limited economic benefits during the construction of the dwellings and residents would support local services once it is occupied. The provision of four dwellings would have a positive social impact in contributing in a small way to the need for homes in the area. However, these need to be considered in light of the prior approval for seven dwellings that, given the larger number of dwellings, would have greater economic and social benefits than the development proposed in this instance.

Conclusion

19. The proposals would be contrary to the development plan due to the conflict with Policy ENV28. It is therefore necessary to consider whether there are other material considerations which indicate that permission ought to be granted, notwithstanding this conflict.
20. In overall terms and taking into account the fall-back position presented by the appellant, I consider that the environmental harm resulting from the harm to the character and appearance of the surrounding rural area and the conflict with paragraph 55 of the Framework would significantly and demonstrably outweigh the limited social and economic benefits of the proposed development including the benefit to highway safety. As such, the proposal does not constitute sustainable development when considered against policies in the Framework taken as a whole.
21. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR