

Appeal Decision

Site visit made on 27 March, 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: 12th April, 2017

Appeal Ref: APP/U2235/W/16/3162199

Woodside, Thurnham Lane, Thurnham, ME14 4PL

- 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 S Gallagher against the decision of Maidstone Borough Council.
 - The application Ref 16/504031/OUT dated 10 May, 2016 was refused by notice dated 21 July, 2016.
 - The development proposed is described as 'outline application seeking permission for the erection of one detached dwelling (with access to be considered in detail and all other matters reserved for future consideration)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for later determination except for access. 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) whether the proposal would result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services and ii) the effect of the proposed development on the character and appearance of the area, including the North Downs Special Landscape Area (SLA).

Reasons

5. The appeal site is set to the side of Woodside, and currently forms part of the large residential gardens of that property. Woodside is a semi-detached house
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that forms part of a small cluster of mainly residential properties located along Thurnham Lane, outside any defined settlement boundary. The site is identified in the MBWLP as falling within the North Downs Special Landscape Area (SLA). It is proposed to erect a detached dwelling on the site, taking an existing access from the lane.

Pattern of development

6. The site lies in the countryside for policy purposes, where saved Policy ENV28 of the MBWLP 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.
7. The appeal site currently forms a relatively open area at the end of a line of development along one side of the lane, between Woodside and a largely wooded frontage beyond. While there is another house, known as Clayswood, adjacent to the appeal site, this is set significantly back from the road and away from the common boundary with Woodside. There is a further belt of trees opposite the site. Accordingly, the appeal site does not constitute a natural infill plot, as is generally considered to be a plot between buildings in an existing built frontage. Instead, in visual terms, it would result in an incursion of residential built form into this defined countryside location.
8. For these reasons, I conclude that the proposed development would not result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services. 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.
9. In forming this view, I have had regard to the local services and facilities available in Bearsted, including a railway station, which is within reasonable walking distance. I therefore consider that the site lies in an accessible location in general terms. However, the practical benefits of this would be limited as Thurnham Lane is generally unlit and only has limited sections of footway, and as a result I consider it likely that occupiers of the proposed development would favour the private car to access services nearby and further afield. The proposal would therefore conflict with emerging Policy DM4 of the EMBLP, which among other things sets out that residential development of brownfield sites in the countryside should be, or be made, demonstrably accessible by sustainable modes. This policy is generally consistent with the Framework and I afford it moderate weight in light of its emerging status.
10. I also consider that the site is not isolated in the context of Paragraph 55 of the Framework. However, this does not outweigh my significant concerns above regarding the settlement strategy.

Character and appearance

11. The site has a generally open appearance, with views through to fields beyond. There is an overriding pleasant rural character to the area, albeit the motorway

can be seen in the middle distance. The character and appearance of the site, which is principally a lawned garden, does not detract from the overriding character and appearance of the locality. The introduction of a dwelling here would therefore not accord with emerging Policy DM4 of the EMBLP, which among other things sets out that residential development of brownfield sites in the countryside should result in significant environmental improvement.

12. The proposed dwelling would erode the open character and result in an incursion of built form into the countryside. While the adjacent woodland might act as a natural stop in visual terms to development beyond the site, this would not justify the intrusion of the proposed dwelling into the countryside, particularly given that no exception circumstances for its location here have been demonstrated.
13. 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. It would also conflict with emerging Policy DM3 of the EMBLP, which amongst other things seeks to protect and enhance the character, distinctiveness, diversity and quality of the landscape by the careful, sensitive management of development. In this regard Policy ENV28 is generally consistent with the aims of the Framework and I have afforded it substantial weight. I have afforded Policies SP17 and DM3 moderate weight, taking account of their emerging status.
14. For the same reasons, the proposal would have some adverse effect on the character and appearance of the SLA. It would therefore 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. However, due to the relatively contained nature of the site, the harm arising to the wider SLA would be modest. The Council has also referred to emerging Policy DM34 of the EMBLP, which sets out design principles in the countryside. It is not clear on the evidence before me whether the SLA is considered either a landscape of local value or of highest value in this emerging policy context. Furthermore, Policy ENV34 is not a criteria-based policy and significantly pre-dates the Framework. In light of this, I have afforded Policy ENV34 and Policy DM34 limited weight in this appeal.
15. Emerging Policy DM1 of the EMBLP relates to design. Given that all matters are reserved except for access, this policy has not been determinative in my considerations. In this regard I also note the appellant's intention that the proposal would respond to the height and vernacular of Woodside. However, this does not outweigh my findings above in relation to the matters before me in this appeal.

Planning balance

16. The appellant is of the view that the Council cannot demonstrate a five year supply of deliverable land for housing and has provided an appeal decision¹ in support of this view. The examining Inspector's Interim Findings² specifically address five year supply, finding that despite a lower rate of housing delivery in

¹ APP/U2235/W/16/3131945

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

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 years.

17. While the examination is on-going, the Interim Findings give significant support to the Council's supply position and supersede the findings of earlier appeal decisions in this regard, including the example provided by the appellant dated 24 June, 2016. The Council has updated its supply calculations in light of the Interim Findings and now considers that it can demonstrate a 6.11 year supply, which has not been specifically disputed by the appellant. 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. Relevant policies for the supply of housing are therefore up-to-date and the fourth bullet point of Paragraph 14 is not engaged.
18. I have considered the various benefits that the development might bring including a windfall contribution of one unit to housing supply, that it would make best use of previously developed land and the stated intention for a sustainable design albeit that is a reserved matter. However, these benefits would be limited in relation to one dwelling and so do not outweigh the significant harm that would arise to the character and appearance of the area.

Other Matters

19. The appellant has referred to two planning permissions granted for 'infill' houses nearby. The Council advises that these relate to infill between existing buildings and that they were determined when the Council was unable to demonstrate a five year supply. The context of those decisions therefore differs materially from the circumstances currently before me and my significant concerns set out above are therefore not outweighed.
20. I am advised that the site lies in a strategic gap however the current policy status of this is not clear. Accordingly, it has not been determinative in my considerations.

Conclusion

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

Catherine Jack

INSPECTOR