
Appeal Decision

Site visit made on 11 April 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/U2235/W/16/3161237

Land adjoining 'The Street', Abbots Court Farm, Bredhurst, Gillingham ME7 3LH

- 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 Les Rayfield against the decision of Maidstone Borough Council.
 - The application Ref 16/504641/OUT, dated 27 May 2016, was refused by notice dated 8 August 2016.
 - The development proposed is the erection of two detached single storey dwellings with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved for later determination except access. I have dealt with the appeal on this basis, treating the indicative layout plan as illustrative only.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the effect of the proposal on the Kent Downs Area of Outstanding Natural Beauty (AONB), the Kent Downs Special Landscape Area and the Maidstone – Medway Strategic Gap.

Reasons

4. The proposal is for a pair of single storey dwellings on part of an open field fronting the north western side of The Street, the principal road through the village. The two dwellings would be sited next to Cantabile and Fourways, two existing bungalows, and opposite a line of properties including bungalows, chalet bungalows and two storey houses on the other side of the road.
5. The site lies outside, although adjacent to, the settlement boundary of Bredhurst as defined in the Maidstone Borough Wide Local Plan 2000 (MBWLP). As such, Policy ENV28 applies, which seeks to resist development except in certain limited circumstances, none of which apply in this case. Policies ENV31 and ENV34 also apply to the site, which in turn define the Maidstone – Medway Strategic Gap (MMSG) and Kent Downs Special Landscape Area (KDSLA). These two policies seek to resist any expansion of the built up extent of any

settlement and to protect scenic quality, giving priority to the landscape over other planning concerns¹. In addition, the whole of Bredhurst and its surroundings south of the M2 lie within the Kent Downs AONB where the statutory purpose of designation is to conserve and enhance natural beauty.

6. The emerging Maidstone Borough Local Plan (EMBLP) does not change the status of the appeal site. On the basis of the new plan the Council claim a five year supply of deliverable housing sites but the appellant disputes this as the examination of the plan is not yet completed. If there is no five year supply, policies for the supply of housing should not be considered up to date and Policies ENV28, ENV31 and ENV34 of the MBWLP can only be given limited weight. However, for the reason set out in the conclusion, it is not necessary to establish if this is the case in order to determine this appeal.
7. The appeal site forms one corner of a large, open field alongside The Street which is currently used for grazing horses. With a low post and wire fence along the frontage, the field offers extensive views into the attractive open countryside. The appeal site, which has no physical boundaries separating it from the field as a whole, forms an integral part of this view and offers passers-by along The Street both a pleasant open outlook and an appreciation of the rural setting of the village.
8. In sharp contrast, although only single storey and however well designed and landscaped, the proposed dwellings would introduce built development onto the site. Inevitably this would encroach into the countryside surrounding the village, block the open aspect enjoyed by passers-by and extend the existing linear development along this side of The Street. Although the proposal would reflect the form of nearby development and the majority of the open frontage would remain, the result would be a marked and detrimental change to the character of this part of the village. The fact that housing extends along the south eastern side of The Street for some further distance only increases the importance of maintaining the openness of this site. The side boundary of Cantabile, a close boarded fence, would be screened from view and landscaping provided along the north eastern boundary of the new bungalows, but this marginal benefit would not outweigh the overall harm caused.
9. The proposal would therefore expand the built up extent of the settlement and comprise an encroachment, albeit small, into the MMSG. It would also encroach into the attractive landscape surrounding the village, adversely affecting the scenic beauty of its rural setting. It is appreciated that in long distance views the new properties would be seen against the backdrop of the existing built up area.
10. For these reasons the proposal would cause significant harm to the character and appearance of the area in conflict with Policy ENV28 of the MBWLP which seeks to resist housing development outside defined settlement boundaries. It would also conflict with the aim of Policies ENV31 and ENV34 to protect the MMSG and KDSLA as set out above. In addition, the proposal would conflict with Policy ENV33 which resists development which would adversely affect the natural beauty of the landscape in the Kent Downs AONB and national policy in paragraph 115 of the National Planning Policy Framework (NPPF) which places great weight on the conservation of landscape and scenic beauty in AONBs.

¹ Although derived from the former Kent Structure Plan and not included in the EMBLP, these policies remain part of the development plan at present.

11. The appellant draws attention to the recent planning permissions which have been granted for a small number of houses in the vicinity of Blind Lane to the west of the village². These sites are similarly outside the settlement boundary and in the MMSG, KDSL A and Kent Downs AONB. However, these sites do not form part of a large field offering wide views in the centre of the village, instead comprising a relatively narrow and firmly bounded site, arguably already compromised, between the existing built up area and the M2. As such these schemes can be distinguished from the current proposal and do not set a directly comparable precedent in support of this appeal.

Conclusion

12. The proposal would provide two dwellings in a relatively sustainable location³ which would have important social and economic benefits for the village and make a small but useful contribution towards housing land supply. They would also be single storey, a less common but popular dwelling type and suitable for self-build housing. However, these advantages, even in combination, do not outweigh the significant harm that has been identified under the main issue. Because the site lies within the Kent Downs AONB, where paragraph 115 of the NPPF indicates that development should be restricted, the presumption in favour of sustainable development does not apply in this case even if there is no five year supply of housing land in the district⁴.
13. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

² Including one where permission for two dwellings was increased to six on appeal.

³ The village has a primary school, village hall, church, public house, recreation facilities and regular bus services.

⁴ Footnote 9 to paragraph 14 of the NPPF.