
Appeal Decision

Site visit made on 24 April 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/U2235/W/17/3169507

The Granary, Court Lodge Farm, The Street, Boxley, Kent ME14 3DX

- 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 Graham Maskell against the decision of Maidstone Borough Council.
 - The application Ref 16/506571/OUT, dated 19 September 2016, was refused by notice dated 15 November 2016.
 - The development proposed is a single detached dwelling.
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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. I have dealt with the appeal on this basis.

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, including the effect of the proposal on the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA).

Reasons

4. The appeal site comprises an area of grassland forming part of the grounds of The Granary, a farm building now converted to residential use situated amongst a group of buildings once associated with Court Lodge Farm. The extensive grounds of Court Lodge Farmhouse and The Old Vicarage lie to the west, those of The Vicarage to the south, a large cart shed used as garages to the east and The Granary to the north. The area, which is accessed via a private drive, also includes a large barn being converted to residential use, another house known as Garden Cottage and a number of utilitarian buildings comprising the old farmyard. The proposal is for a new house on the site within this scattered group of buildings.
5. The whole of Boxley and its surroundings lie within the Kent Downs AONB where the statutory purpose of designation is to conserve and enhance natural beauty. In addition to this, the village does not have a settlement boundary defined in the Maidstone Borough Wide Local Plan 2000 (MBWLP) and

consequently lies in the countryside for planning policy purposes. As such, Policy ENV28 applies, which seeks to resist development except in certain limited circumstances, none of which apply in this case¹. Policies ENV33 and ENV34 also apply to the Boxley area, which in turn seek to conserve the natural beauty of the landscape in the AONB and protect scenic quality, giving priority to the landscape over other planning concerns in the North Downs SLA. Finally, Policy ENV31 applies, which seeks to resist any expansion of the built up extent of any settlement in the Maidstone - Medway Strategic Gap, although in view of the surrounding development the Council do not argue any conflict with the aims of this policy.

6. The emerging Maidstone Borough Local Plan 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 questions 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 as a result Policies ENV28 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. Boxley has a church and public house but no other facilities, the nearest shops, primary school and other facilities being about 1.5 km away at Penenden Heath on the outskirts of Maidstone. Although within cycling distance these facilities are too far for convenient access by foot. There is a continuous footway along the road, but the route is quite busy and unlit at night, making walking an unattractive option, particularly at night and in winter. There is a bus stop just 100 m away with reasonably frequent services to Maidstone and Gillingham and also some local employment opportunities, but no mechanism is proposed to ensure the occupiers of the dwelling would work in the village.
8. A previous Inspector, when dismissing an appeal² for a single dwelling in Forge Lane, Boxley in 2008, noted that "whilst... a regular bus service runs through Boxley, there are no shops or services available within the immediate area apart from a public house and a church. Maidstone town centre is about 3 km to the south and, although it could be accessed by bus or cycle... future occupiers... would be heavily reliant upon the private motor car to service their day-to-day needs". Although further details of the available bus services and evidence of local employment is provided with this appeal I see no reason to disagree with this conclusion.
9. The appeal site already has the status of residential garden land and is surrounded on all sides by detached residential properties set in extensive grounds. The new detached dwelling would not therefore represent an encroachment into the open countryside. However, the surrounding properties are either converted farm buildings or well established detached houses. There are no examples of recently built dwellings in the vicinity, and as a result, even taking account of the garage/store building under construction, the area retains an attractive low density character of scattered properties, either dating back some time or converted vernacular buildings. This forms an important part of the character of this part of the village. In sharp contrast, the proposal, however well designed, would introduce a modern detached dwelling and associated signs of domestic occupation into this well established area,

¹ Contrary to the appellant's claim, the policy does not include an exception for infilling.

² APP/U2235/A/07/2054321

consolidating the existing built development to the detriment of its unspoilt semi-rural character.

10. The site lies immediately to the east of the Boxley Conservation Area but forms part of an area of scattered buildings rather than an undeveloped setting for the designated area. In addition, the site is fairly close to two listed buildings, the Grade I listed St Mary and All Saints Church and Grade II listed Court Lodge Farmhouse, but it is largely screened from the former by The Granary and separated from the latter by an outbuilding, gardens, tree screen and pond. A dwelling on the appeal site would not therefore have a significant effect on the setting of the conservation area or a material impact on the setting of the two listed buildings. As a result, the proposal would preserve the setting of these designated heritage assets, enabling them to be appreciated and understood as now. However, the fact that the dwelling would not harm the setting of specific historic assets does not mitigate the significant harm that would be caused to the character and appearance of the area as a whole.
11. Boxley is an attractive village situated on the south facing slopes below the ridge of the North Downs and the area of scattered ex-farm and other buildings to the south of the church forms an important part of its character. Increasing the concentration of residential development in this area would incrementally harm the overall character of the village and in turn erode the character of the Kent Downs AONB and North Downs SLA landscapes of which it forms part.
12. For these reasons the proposal would not result in a sustainable form of development having regard to development plan policy and would significantly harm the character and appearance of the area, including the Kent Downs AONB and the North Downs SLA. This would conflict with Policies ENV28, ENV33 and ENV34 of the MBWLP which seek to resist housing development outside defined settlement boundaries and protect the landscape of the AONB and SLA respectively.
13. The appellant argues that planning permission has been granted for similar residential developments in Bredhurst, Detling and Leeds. However, full details are not provided. In any event, due to their size and/or facilities these three villages have defined settlement boundaries in the MBWLP and therefore such examples would not amount to a precedent relevant to this appeal. No cases are provided of recent permissions in Boxley.

Conclusion

14. It is appreciated that the appellant is an active member of the community in Boxley and has contributed to village life by purchasing and safeguarding the Kings Arms public house and redeveloping the previously unattractive farmyard area. It would also provide an opportunity for the appellant's son and daughter to remain in the village. In any event the proposal would provide an additional windfall dwelling which would have social and economic benefits for the village and make a small but useful contribution towards housing land supply. It would utilise redundant garden land and be constructed to meet environmental standards. There is no objection from Boxley Parish Council or the Council's Conservation Officer. However, these arguments and benefits, even in combination, do not outweigh the significant harm that has been identified under the main issue.

15. Because the site lies within the Kent Downs AONB, where paragraph 115 of the National Planning Policy Framework 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 district³.

16. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

³ Footnote 9 to paragraph 14 of the NPPF.