
Appeal Decision

Site visit made on 8 May 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 1 June 2017

Appeal Ref: APP/U2235/W/16/3162898

Swallowfield, Wheelers Lane, Linton, Kent ME17 4BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ironwood Developments Ltd against the decision of Maidstone Borough Council.
 - The application Ref 16/502378/FULL, dated 17 March 2017, was refused by notice dated 3 June 2016.
 - The development proposed is erection of a semi-detached pair of houses with attached car ports and parking and turning areas.
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Decision

1. The appeal is dismissed.

Procedural matter

2. After the site visit the main parties were given the opportunity to comment in the light of the Supreme Court's judgment in *Suffolk Coastal District Council v Hopkins Homes Ltd & Anor* [2017] UKSC 37. The comments received have been taken into account.

Main issue

3. The main issue is the effect that the proposal would have on the character and appearance of the surrounding area.

Reasons

4. The appeal site includes much of the front garden of the existing dwelling at Swallowfield, which is sited towards the back of its substantial garden on the north side of Wheeler's Lane. The site is not within any development boundary defined in *The Maidstone Borough-Wide Local Plan* (LP) or in the emerging *Maidstone Borough Local Plan Publication (Regulation 19) February 2016* (ELP). Thus, it is, in policy terms, within the countryside.
5. The existing mainly 2-storey hipped-roofed dwelling is reached by a long drive near the roughly east side boundary. Its existing garden is fronted by tall close-boarded fencing with tall solid gates and a little remnant hedgerow and shrubs at the top of the modest bank in Wheeler's Lane. It adjoins similarly deep but wider allotments on one side, and the low-key dwelling at Southlands in its narrower plot on the other. North of the existing garden and allotments is an open field. To the south, beyond the few sporadic dwellings on the opposite side of the lane, is another open field. The wider area includes fields, hedgerows, occasional groups of trees, and the better-treed parkland at Linton

Park on the other side of Linton Hill, all of which contribute positively to the character and appearance of the countryside.

6. The gaps between dwellings in Wheeler's Lane enable the surrounding open countryside to be appreciated, and the well-vegetated gardens of most dwellings are important to the rural character and appearance in Wheeler's Lane. The openness in the wide front garden of Swallowfield and at the allotments makes an important positive contribution to the character of the country lane because it separates, and thus prevents the coalescence of, the more ordered pockets of dwellings in Cornwallis Avenue and along and by the west side of Linton Hill. Travelling eastbound or westbound along the lane, the existing garden and allotments form a largely undeveloped gap on the north side of Wheeler's Lane. Thus, the largely open character and undeveloped appearance at the site contributes in an important way to the rural character in Wheeler's Lane, and to the character and appearance of the locality.
7. The proposed pair of semi-detached dwellings would be sited much closer to Wheeler's Lane than the dwelling at Southlands and would be reached by a new drive with parking areas from the existing access to Swallowfield. Due to the topography which rises up from south to north, the proposed dwellings would be at a higher level than the lane and the dwellings opposite, on the south side of the lane. The proposed dwellings would also be sited away from the side and front boundaries and away from the existing trees within the existing garden. Even so, despite the front boundary treatment, due to the height, scale, bulk and massing of their mainly 2-storey gabled-roofed forms, the dwellings would be harmfully prominent and intrusive, especially so in some of the westbound views along the lane.
8. Moreover, the drive, parking areas, cars, washing lines, garden furniture and other domestic paraphernalia associated with 3 dwellings, where there had been only one before, would have a built-up character and suburban appearance that would unacceptably erode the intrinsic character and beauty of the countryside. Thus, the proposal would harmfully intrude into the spacious gap on the north side of Wheeler's Lane that makes a positive contribution to the character and appearance of the country lane and its surroundings.
9. The site is within the Greensand Ridge Special Landscape Area designated in the LP, but in the ELP, which is at a fairly advanced stage, the site would be outside the Greensand Ridge Landscape of Local Value. I have had regard to the appellant's consultant's landscape statement, and whilst the proposal would have almost no effect on long range views, its built-up character would erode the landscape character close by.
10. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to LP Policy ENV28 and ELP Policy SP17 which aim to restrict development in the countryside and protect its character and appearance, LP Policy ENV34 which aims to conserve distinctive character, ELP Policy SS1 which seeks to protect the rural character of the Borough, and the *National Planning Policy Framework* (Framework) which aims to recognise the intrinsic character and beauty of the countryside.

Other matters

11. Matters that were not concerns of the Council in its reasons for refusal, including the effect of the proposal on highway safety and residential amenity,

amount to an absence of harm, so they do not weigh in favour. The local bus stops give access to public transport services. Even so, as the proposal would not be within a village and there is little evidence that it would enhance or maintain the vitality of any rural community, the proposal would not promote sustainable development in the rural area.

12. The Framework encourages the effective use of previously developed land, and as the existing garden of Swallowfield is not in a built-up area, it could fall to be considered as such. However, the Framework Glossary also explains that although the definition includes the curtilage of the developed land, it should not be assumed that the whole of the curtilage should be developed. Because the proposal would harm the character and appearance of the surrounding area, it would not be an effective use of the front garden.
13. The appellant disputes that the Council can demonstrate a 5 year supply of land for housing, and I have had regard to my colleagues' appeal decisions that were put to me by both main parties. Whilst the 2 dwellings would be a welcome windfall, they would not make a significant contribution to housing land supply in the Borough. Furthermore, the social gains including the 2 new dwellings and the economic gains including the possible benefit to the local economy would be significantly and demonstrably outweighed by the environmental harm that the proposal would cause to the character and appearance of the area. Thus, the proposal would not amount to sustainable development.

Conclusion

14. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR