

Appeal Decision

Site visit made on 16 May 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 19 June 2017

Appeal Ref: APP/U2235/W/17/3170298

Land at Woodcock Lane, Boughton Malherbe ME17 2AZ

- 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 Mr Jamie Bartholomew of S & J Property Consultants against the decision of Maidstone Borough Council.
 - The application Ref 16/508165/FULL, dated 28 November 2016, was refused by notice dated 26 January 2017.
 - The development proposed is the erection of 3 no. detached houses with associated access, parking and gardens.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that the draft Maidstone Borough Local Plan (MBLP) has been submitted for examination and the interim findings have been provided, along with copies of the proposed main modifications that have recently been subject of additional consultation. Although at an advanced stage of preparation, the extent of outstanding objections or whether the policies concerned will be considered as consistent with the National Planning Policy Framework (the Framework) is not clear. I will return to the weight to be attached to relevant policies contained within the MBLP in my reasoning, having regard to Paragraph 216 of the Framework.

Main Issue

3. Whether the proposal would be considered sustainable development with specific regard to a) the character and appearance of the rural area and b) its location in respect of adjacent settlements.

Reasons

4. The Framework sets out a presumption in favour of sustainable development, defined as development in accordance with the Framework as a whole. This includes approving development proposals that accord with the development plan, including the Maidstone Borough Wide Local Plan (MBWLP), without delay. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.
-

Character and appearance

5. Woodcock Lane is a narrow country road that extends from the centre of Grafty Green into the surrounding countryside and designated Special Landscape Area. Grafty Green comprises a mix of predominantly residential development along Headcorn Road and extending up Church Road. There are a few properties fronting Woodcock Lane, with bungalows to the south side of the road, some with small front dormer windows in the roof, and opposite is a yard with some modest buildings with larger barn to the rear and two storey house fronting the road directly opposite the appeal site.
6. It is proposed to extend the development on the south side of the road with three houses that would seek to reflect the scale of the property opposite, but of a more contemporary design that seeks to reflect their rural location. At present the site is overgrown, with a mature tree screen alongside the road.
7. As a result of the location, the proposed dwellings would extend built development of the village into the surrounding countryside. As two storey buildings, they would be of a greater scale than the existing bungalows fronting Woodcock Lane on the approach from the centre of the settlement. This would result in development encroaching into the countryside beyond this small settlement by a relatively significant amount and would be visible from the immediate surroundings.
8. The Greensand Way is a public footpath along the ridge of the hill and through the small settlement of Boughton Malherbe that overlooks Grafty Green and the surrounding countryside. Development of this site would be visible from parts of that settlement, if not from the Greensand Way, and would extend the built up area of Grafty Green within those views, although the mature trees to the front would restrict views into the site from this direction and it would be seen within an expansive view of the surrounding countryside. This would go some way to mitigating that effect such that the proposed development would cause only limited harm to the character and appearance of the area within these longer range views.
9. For these reasons, I conclude that the proposed three dwellings would harm the character and appearance of the rural area. As such, the proposed development would be contrary to Policies ENV28 and ENV34 of the MBWLP and the Framework that seek to protect the countryside from development that would adversely affect the natural beauty of the landscape, restricting development outside settlements to specified forms of development that does not include residential development as proposed. In addition, the development would conflict with draft Policies SP17, DM1 and DM34 of the MBLP that reflect the provisions of those policies in seeking to create high quality design that would protect the character and appearance of the surrounding area and countryside.

Location

10. The Framework sets policies relating to housing in rural areas at paragraph 55 including that development within one village may support services in another village nearby. It confirms that isolated new homes should be avoided unless there are special circumstances, including the re-use of redundant or disused buildings that lead to an enhancement to the immediate setting.

11. The appeal site is located adjacent to the village boundary that is designated within the MBWLP, although I note that this is proposed to be removed in the MBLP such that the whole settlement would be located within the countryside. There are limited services within the village comprising a Post Office with shop, public house and village hall whose viability would be assisted with further development. However, the majority of services and facilities that would be required by residents are in surrounding settlements. Whilst these may be accessible by bus, the majority of trips from the site would be made by car. Although the proposed dwellings would be close to the centre of the settlement and within walking distance of some limited services and facilities, the location beyond the settlement boundaries on a rural lane means that this is a relatively isolated location.
12. For these reasons, I conclude that the proposal would result in the creation of isolated dwellings outside the settlement of Grafty Green and in a poor location in relation to services and facilities, contrary to the Framework.

Planning balance

13. I note that the previous appeal decision for six dwellings at this site (reference APP/U2235/W/3136323) referred to a lack of five year housing land supply. However, the Council have suggested that they now have a 6.11 year supply of housing land, such that policies contained within the MBWLP can be considered up to date. My attention has been drawn to other appeal decisions (including references APP/U2235/W/16/3006566, APP/U2235/W/16/3163577 and APP/U2235/W/16/3151289) where the five year housing land supply has been considered and Inspectors have come to different conclusions on the evidence in front of them.
14. The Council have provided the interim findings of the Inspector into the examination of the MBLP. These conclude that, despite a lower rate of housing delivery, reducing the capacity of certain allocations and reducing the figure for objectively assessed housing need, smoothing the housing trajectory "should strengthen the 5 year supply position as at 1 April 2016." Given additional permissions since that date, "the 5 year supply should also be strong at 1 April 2017 and in subsequent years."¹ This indicates that the Council will be able to demonstrate a five year supply of housing land. The Council have subsequently issued a Housing Topic Paper Update in response to the interim findings of the examination into the MBLP and this suggests they now have a 6.11 year supply. I have not been provided with evidence that would clearly contradict this position.
15. As a result, the interim findings of the examination indicate that the Council can demonstrate a five year housing land supply. This is the most up to date review of the housing land supply position at present and, as such, I am satisfied that the Council is able to demonstrate a five year housing land supply as required by Paragraph 49 of the Framework and there is no evidence presented to suggest these dwellings would not be delivered. Consequently, relevant policies for the supply of housing are up-to-date such that the fourth bullet point of Paragraph 14 of the Framework does not apply. I conclude that full weight can be attached to Policies ENV28 and ENV34 of the MBWLP. Substantial weight can also be attached to relevant policies of the MBLP given this and its stage of preparation.

¹ Paragraph 98, Interim Findings from the Examination of the Maidstone Borough Local Plan, 22 December 2016.

16. An ecology report has been provided that confirms the proposed development would not have an adverse effect on ecology and biodiversity. I understand that the proposed dwellings would be constructed to a high standard that would minimise their effect on climate change and would not result in overshadowing or overlooking of occupiers of neighbouring dwellings. There have been no objections from statutory consultees. The family of the appellant has lived in the village for generations and they wish to ensure village facilities remain viable. I note reference to the development of a garden centre site near Grafty Green, but I have limited information on that case and need to assess the proposed development on its merits.
17. Other appeal decisions have also been drawn to my attention. Appeal reference APP/E2205/W/14/3000568 is in a different district, subject to different Local Plan policies and the Inspector concluded there was no 5 year supply of deliverable housing sites. For those reasons, I do not consider it to be directly comparable to the scheme in front of me. Appeal reference APP/U2235/A/10/2139495 related to development adjoining a settlement boundary, but I have been provided with limited information on that appeal and, in any event, I need to consider the scheme in front of me on its individual merits.
18. The proposed development would have minor economic benefits during the construction of the dwellings and residents would support the limited local services in Grafty Green once the dwellings are occupied. The provision of three dwellings would have a positive social impact in contributing in a small way to the need for homes in the area and to reflect the requirements of the Housing White Paper. I have given these benefits moderate weight. However, these benefits would not outweigh the environmental harm arising from the impact on the character and appearance of the rural area and isolated location in relation to most services and facilities. I conclude that the proposed development would not comprise sustainable development as defined by the Framework.

Conclusion

19. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and there are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Local Plan. Consequently, the appeal should be dismissed.

AJ Steen

INSPECTOR