

Appeal Decision

Hearing held on 8 June 2017

Site visit made on 8 June 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/U2235/W/16/3160087

Troon House, Sutton Road, Langley, Maidstone Kent ME17 3LZ

- 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 & Mrs William Milford against the decision of Maidstone Borough Council.
 - The application Ref 16/504122/FULL, dated 4 May 2016, was refused by notice dated 12 August 2016.
 - The development proposed is the erection of a 2-storey, 5-bedroom house with associated garages, garden equipment store, parking and turning area and access driveway.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Both parties have referred to the policies in the emerging Maidstone Borough Local Plan which has passed the stage of public consultation on its main modifications. In accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I accord them substantial weight.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character of the area; and,
 - whether other material considerations such as housing land supply, outweigh any harm caused.

Reasons

Character of the area

4. The appeal site is located outside any designated settlement boundary as defined in the Maidstone Borough-Wide Local Plan 2000 (LP). LP policy ENV28 seeks to prevent development in the open countryside that would harm the character and appearance of the area, or the amenities of surrounding occupiers. While part of the policy confines the types of development in this location to exceptions within which the proposal does not fall, insofar as it recognises the intrinsic character and beauty of the countryside the policy is consistent with the Framework and one of its core principles.
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5. The proposed house would be sited between two detached neighbours, and close to bus-stops with frequent services to Maidstone and Headcorn, which would relieve future occupiers from dependence on the private car. In respect of its physical location as well as its accessibility to services and facilities, the proposal would not be isolated, and there would be no conflict with paragraph 55 of the Framework which says that isolated homes should be avoided.
6. However, the section of Sutton Road in which the proposed house would sit is characterised by houses with large footprints set spaciouly within extensive plots. This loose-grained pattern of development, with substantial gaps between the houses and their side boundaries, reflects the open nature of the surrounding countryside and underpins the rural character of the area. In this context, the smaller footprint of the proposal, its narrower plot, and the significantly narrower gaps to its side boundaries, would be at odds with the characteristic pattern of development of its neighbours.
7. I accept the appellants' point that the grain of development becomes tighter in the section of Sutton Road to the north. It also has a different character, as much determined by the prominence and activity of the large public house which runs along the back edge of the footway on the corner of Horseshoes Lane and the bus-stop opposite, as the closer front building lines, the shorter plots, and the narrower side gaps of the houses in that section.
8. There is a distinct shift in the pattern of development in the ribbon of development from the tighter grain by the pub on the corner of Horseshoes Lane to the more spacious arrangement and looser grain beside the field boundary to the south. The proposal would introduce a development more akin to the tighter grain area into the looser grained section, and thereby weaken its spacious, rural character by consolidating the built form of the area and disrupting the overall balance of development. I appreciate that the proposed house would be screened, but it would be partly visible from Sutton Road and from neighbouring houses.
9. I conclude that the proposal would result in harm to the character of the area. I can see no conflict with policies DM3 and DM34 of the emerging Local Plan to which the Council refers and which concern the historic and natural environment, and design principles in the countryside. Nonetheless, it would be in conflict with LP policy ENV28 and policies SP17 and DM1 of the emerging Local Plan which concern local character and development in the countryside.
10. It would run against one of the core planning principles of the Framework that planning should recognise the intrinsic character and beauty of the countryside, and paragraph 58 of the Framework which says that development should respond to local character. It would be at odds too with the Planning Practice Guidance¹ which advises that development should seek to promote character in landscape by responding to and reinforcing locally distinctive patterns of development.

Other material considerations

11. The appellants contend that the Council is unable to demonstrate more than a 4.5 years supply of deliverable housing sites, which means that, according to paragraph 49 of the Framework, relevant policies for the supply of housing

¹ Planning Practice Guidance, paragraph:007, ID 26-007-20140306

should not be considered up-to-date. In such a circumstance, paragraph 14 of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

12. At the time the planning application was refused, based on its annual monitoring on 1 April 2016 the Council considered it had a 5.12 years supply of deliverable housing sites. However, in December 2016 the Inspector examining the emerging Local Plan published his Interim Findings. He concluded that a smoothing of the housing trajectory, by addressing the backlog of housing over 10 years from 2016 to 2026, and that the identification of additional site allocations in the latter part of the Plan period by an early review, should strengthen the 5-year housing land supply position at 1 April 2016. He noted that additional planning permissions granted since that date would further strengthen the position. Since then, the Council's annual monitoring at 1 April 2017 has been completed which indicates that the position has indeed strengthened, and that it has a 6.3 years supply of deliverable housing sites.
13. The appellants challenge the accuracy of the account of many of the larger allocated sites included in the Council's 5-year supply figures. They are sceptical of the timescales given in the supply calculations and what they describe as overly-optimistic completion rates against the Plan as well as risks to development from judicial review. However, the Local Plan Inspector considered housing supply in hearings at which objectors had the opportunity to make representations in these respects, and I accord his conclusions significant weight. Moreover, the Council indicated that it reviewed the sites in March 2017 by using Building Control data, telephone enquiries, as well as a Housing Land Supply Forum which it held for small and large developers to inform its latest projections.
14. For instance, the Quarry site development is on brownfield land, and may be challenging to remediate and complete within the timescale. However, the Council indicated that 95% of the remediation has been completed and that the current phasing will deliver the first houses in 2020. At the Tangley Park site the Council had assumed in March 2016 a rate of 92 dwellings per annum, and the site has delivered very close to that, with 88 dwellings. The Imperial Park site has completed 131 dwellings per annum. Furthermore, the site at Bicknor Farm was granted permission in January 2017 and there has been no application for judicial review. The appellants are also critical of the sufficiency of employment provision in the emerging Local Plan and consider this may affect its progress, however there is no evidence that any shortfall would directly result in the loss of these housing sites.
15. The Council indicated that last year 1,145 homes were built and that this year a further 1,100 are already under construction. Without substantive evidence to the contrary, I am unable to conclude that the Council's allocations are unrealistic or suggest an under-delivery against its projections. Accordingly, I consider that the Council can demonstrate at least a 5-year supply of deliverable housing sites.

16. The appellants draw my attention to various urban extensions and applications and consents for large housing developments closer to Maidstone. However, these are a substantial distance from Langley and they appear to relate well to other housing. I note the resolution to grant planning permission for 800 homes on land to the south of Sutton Road. However that site is allocated in the emerging Local Plan and the houses would be a substantial distance from the development around the appeal site, and separated from it by sufficient green space that its character would not be harmed. My attention was drawn to the development beside 3 Old Style which was allowed on appeal², however, there is a distinct difference between the grains and patterns of development at the two ends of this ribbon of development in which these sites lie, and the contexts of the two sites are therefore different.
17. The appellants have pointed to schemes for housing allowed on appeal in the area. In the development at The Oaks³, the Inspector found no harm to character, drawing similarities to the existing housing. She found that the Council did not have a 5-year supply of deliverable housing sites and in that light she gave substantial weight to the benefit of the ten new dwellings. She concluded that the benefit of the dwellings would outweigh the conflict with policy ENV28 in relation to development in the countryside.
18. Similarly, the Inspector in the appeal⁴ allowing 6 dwellings beside Four Wents Orchard, outside any settlement boundary, concluded against the housing land supply of the Council at that time, of 3.3 years, that policy ENV28 was not therefore up to date, and that other material considerations outweighed the conflict with the development plan. In the appeal decision⁵ at Fant Farm, the Inspector concluded that the Council could demonstrate substantially more than the supply of deliverable housing sites suggested by the appellants, but that even if the supply were only 3.58 years, the harm would have significantly and demonstrably outweighed the benefits of that proposal.
19. In the appeal⁶ at Ham Lane the Inspector found the Council could not demonstrate a full objectively assessed housing need. However, the Inspector examining the Local Plan has since concluded that the objectively assessed housing need has made an appropriate assessment of local needs and of those arising from migration from outside the borough, and that there is no justification to increase the overall housing need figure. I note the permission granted at the Potting Shed pub for extensions and alterations, however the building and the prominent corner which it commands have a quite different use and context from the houses further down Sutton Road, where the appeal site is located.

Other Matters

20. The church of St Mary, a Grade II* Listed Building stands on the opposite side of Sutton Road. While the Council does not object to the proposal in terms of the impact on its setting, I have nevertheless undertaken my statutory duty pursuant to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting, or any features of architectural or historic interest

² Appeal Ref: APP/U2235/A/14/2215657

³ Appeal Ref: APP/U2235/A/14/2228989

⁴ Appeal Ref: APP/U2235/W/15/3137036

⁵ Appeal Ref: APP/U2235/W/16/3148213

⁶ Appeal Ref APP/U2235/W/15/3131945

which it possesses. In view of the substantial distance between the sites and the density of the planting between them as well as the road separating them, there is no evidence that the setting of the listed building would be affected by the proposal. It would therefore be preserved.

Conclusion

21. There would be economic benefits generated by the proposal, both during the construction period and later in support of local businesses. There would also be some social benefit through increased housing provision and support of local community facilities. However these benefits would be very modest and they would not offset the environmental harm of the consolidating form of development in the countryside which is in clear conflict with the policies of the development plan and the Framework. The proposal does not adequately address the environmental role of sustainable development as set out in paragraph 7 of the Framework, and does not therefore constitute sustainable development.
22. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr JA Collins MBA BA(Hons) MRTPI	DHA Planning
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FOR THE LOCAL PLANNING AUTHORITY:

Mr Stuart Watson	Planning Officer Maidstone Borough Council
Mr Graham Parkinson	Planning Officer Maidstone Borough Council

DOCUMENTS SUBMITTED AT THE HEARING

1. By the appellants: Statement of Common Ground, April 2017
2. By the Council: 5-year Housing Land Supply Table as at 1 April 2017
3. By the Council: 20-year Housing Land Supply Table as at 1 April 2017
4. By the Council: Schedule of Proposed Main Modifications to the Regulation 19 Maidstone Borough Local Plan, March 2017