
Appeal Decision

Site visit made on 12 June 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/H2265/W/17/3169943

Land to the rear of 119 Teston Road, West Malling, Kent ME19 6PQ

- 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 P Dyson against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/16/03536/OA, dated 29 November 2016, was refused by notice dated 25 January 2017.
 - The development proposed is the erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal application has been submitted in outline with the application form indicating that layout is to be considered at the outline stage. I have therefore dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located on the south east side of St Leonards Street, on land to the rear of 119 Teston Road. The site consists of a broadly rectangular parcel of land which slopes down towards the north, with some trees fronting St Leonards Street. There is a ribbon pattern of dwellings along St Leonards Street between the appeal site and the village centre of West Malling, and a small group of dwellings to the south of the site. Notwithstanding that, there is an overall rural feel and character to the area.
5. It is common ground between the main parties that the site is located beyond any defined development boundary and that therefore, in planning policy terms, the site is located in the countryside.
6. The layout of the site shows that the proposed dwelling itself would be located broadly towards the centre of the plot. Whilst the built form of the development would leave gaps between the dwelling and the neighbouring properties at 119 Teston Road and Yew Tree Cottage (on St Leonards Street) it would still erode the open character and quality of the countryside by adding to the existing ribbon development in an undesirable fashion.

7. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas and indicates that housing should be located where it will enhance, or maintain, the vitality of rural communities. However isolated homes in the countryside should be avoided unless there are special circumstances. In this case, none of these circumstances have been advanced.
8. The main part of the village of West Malling, where there is a range of facilities and services, is located some way off to the north along St Leonards Street. The most direct pedestrian route is largely unlit, but has a pavement on at least one side of the road throughout.
9. From my site visit I saw that there was a bus stop close to the appeal site, but no details have been provided to me on the level of service which is available and the relative level of accessibility this may give. In the absence of any information to the contrary, the distance to the site from the parts of the village where the facilities are located would mean that residents of the new dwelling would invariably involve regular travel by the private motor vehicle which is the least sustainable mode of transport. In this sense the dwelling would be isolated and not in a sustainable location and would therefore be in conflict with the Framework.
10. In coming to that view, I acknowledge that the dwelling would not be physically isolated owing to the other dwellings in the vicinity of the site. However, that does not outweigh the harm I have identified.
11. My attention has been drawn to a recent appeal decision at Orwell Spike, West Malling (APP/H2265/W/16/3155138) which was also for a detached dwelling. From the evidence before me, that development would be located in the middle of a cluster of other dwellings. I also note that the Inspector considered that the development would not be uncharacteristic of its surroundings, in contrast to my findings in respect of further ribbon development. Moreover, each proposal must be considered on its individual merits.
12. For the above reasons the proposed dwelling would harm the character and appearance of the area contrary to Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy (2007) and policy SQ1 of the Tonbridge and Malling Managing Development and Environment Development Plan Document (2010) which amongst other matters seek to ensure that new development respects the site and its surroundings and be high quality sustainable development.

Other matters

13. I have also had regard to the effect of the development on the setting of Yew Tree Cottage (a Grade II* listed building). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building. In this case, subject to suitable details which would be considered at reserved matters stage should I have been minded to allow the appeal, the development would not have any adverse impact on the setting of Yew Tree Cottage given the distance to the dwelling itself.
14. Therefore, I find that the proposal would accord with the conservation aims of the Framework.

Conclusion

15. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR