
Appeal Decision

Site visit made on 8 May 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/U2235/W/16/3165589

The Grange, George Street, Staplehurst, Kent TN12 0RA

- 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 Robert Sancto (Pickhill Developments Ltd) against the decision of Maidstone Borough Council.
 - The application Ref 16/504201/OUT, dated 13 May 2016, was refused by notice dated 23 September 2016.
 - The development proposed is residential development comprising 33 dwellings, redevelopment of existing residential property and stables to employment use, erection of employment units with all matters reserved except access and layout (masterplan).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with scale, appearance and landscaping reserved for future consideration. The site masterplan indicates that the dwellings would be located along the southern and eastern edges of the appeal site. A table setting out house types has also been included. I have dealt with the proposal on that basis.
3. Whilst the application description refers to the redevelopment of the existing residential property, the host property The Grange is not included within the red line of the site masterplan and a separate planning application has been submitted in relation to that property.
4. The appellant has submitted a section 106 agreement which makes provision for on-site affordable housing, the improvement and management of local open space including an amenity area within the site and provision and or improvement of social infrastructure, and the Council has confirmed that this would overcome the second reason for refusal. I deal with this in more detail below.

Main Issues

5. The main issues in the appeal are whether the Council is able to demonstrate a five year supply of deliverable housing sites and the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Housing Land Supply

6. At the time the application was determined, the Council stated it had a 5.12 year housing land supply as at 1 April 2016. In conjunction with the appeal it now considers it is able to demonstrate a 6.11 years supply. This followed the publication of the Interim Findings on the Examination of the Maidstone Borough Plan in December 2016 it considered it was able to demonstrate a 6.11 year supply, as set out in the Interim Findings Revised Housing Land Supply Table.¹ That figure, based on the position at 1 April 2016, has been supported in the Inspector's report to the Council of 27 July 2017². Furthermore, he comments that the 5 year supply should also be strong at 1 April 2017, although he is unable to endorse these findings.
7. The Local Plan Inspector also recommends a smoothing of the housing trajectory by addressing the backlog of housing delivery over 10 years from 2016 to 2026. The Inspector's findings in the report were made after hearing detailed evidence at the Local Plan Examination on housing land supply and delivery. I therefore give them significant weight.
8. The appellant has concerns with the delivery of the Council's housing allocations and disputes that it has a five year supply of housing sites. This includes criticism of the recommendation of the Local Plan Inspector that the Council should adopt a hybrid of the Sedgefield and Liverpool methods in addressing a backlog in housing delivery.
9. The Planning Practice Guidance³ advises that local planning authorities should *aim to deal with any under-supply within the first five years of the plan period where possible*. Whilst there has been some criticism of the methodology adopted, the guidance does not preclude the hybrid approach taken and the recommendation of the Local Plan Inspector is of considerable weight. Consequently I consider it is entirely reasonable to assess the proposal on the basis of the conclusions reached by the Local Plan Inspector.
10. In the appeals cited by the appellant at Fant Farm,⁴ Mulberry House, Maidstone⁵ and Land at Forge Lane⁶ issued since the Interim Findings were published, the Inspectors did not reach a definitive conclusion on the five year housing land supply, and are clear in each case that the decisions do not turn on this matter. A further appeal I determined at Willow Farm, Sandling,⁷ where I concluded that the Council was able to demonstrate a five year housing land supply, was made on the basis of the evidence before me.
11. I acknowledge that Inspectors determining applications in the Borough, including after the publication of the Plan Inspector's Interim Findings, have come to differing views on the amount of housing land supply. This decision is made on the basis of the evidence before me, and particularly given the recent findings of the Local Plan Inspector I consider that the Council can demonstrate

¹ Appendix 7 to the Council's Statement

² Report on the Examination of the Maidstone Borough Local Plan – published 27 July 2017

³ Reference ID 3-035-20140306

⁴ APP/U2235/W/16/3148213

⁵ APP/U2235/W/16/3150714

⁶ APP/U2235/W/16/3164561

⁷ APP/U2235/W/17/3167819

a five year housing land supply. As a result, the second bullet point of paragraph 14 does not apply.

12. The Staplehurst Neighbourhood Plan (SNP) was made on 7 December 2016. It allocates two sites solely for housing⁸ within the settlement at the eastern and western edges that would contribute up to 650 units and a mixed use employment and residential site adjacent to the railway station. The appeal site was considered for housing during the making of the SNP but was not taken forward as an allocation. Paragraph 198 of the Framework states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. As the Council has a five year housing land supply and given its consistency with the Framework, SNP Policy PW2 should be given full weight.

Character and Appearance

13. Staplehurst is a linear village extending for about 1 mile along Maidstone Road, with the railway station at the northern end and most social facilities towards the southern end of the village. Although the rooftops of commercial development in the vicinity of the railway station on Station Approach can be seen from the appeal site, the site is separated from the settlement boundary by a wedge of lower lying scrubland bordered by the railway line to the south and George Street to the north.
14. The appeal site comprises open fields bounded by George Street to the south, and Maidstone Road to the east. The land rises up towards the north-west corner of the site where it borders onto woodland. Within the site itself the land is generally open, with some clusters of trees within the north-west corner of the site and intermittent trees set back from the Maidstone road frontage.
15. There is some sporadic residential development in the vicinity of the appeal site outside the settlement envelope. Crump House is a detached property west of the site on George Street, and there is a small group of residential properties on Maidstone Road near to the junction with George Street. North of the site there is ribbon development along the west side of Maidstone Road, with some individual dwellings on the east side, interspersed with farmland. As these properties are predominantly set within extensive plots, the character of the area is rural in nature.
16. The proposal seeks to develop parts of the southern and eastern edges of the site with residential development. 12 dwellings would front George Street west of the existing vehicular access, and 21 dwellings would be sited along Maidstone Road and the western end of George Street, facing into the site. New employment floor space is also proposed within Building C, an existing outbuilding. The greater part of the site to the north and west, some four and a half hectares, would be retained as open pasture, and meadowland, to be secured in perpetuity by the submitted planning obligation.
17. Along the narrower George Street, the four detached houses and 8 semi-detached bungalows would front the road but would be set back. Substantial screening on both sides of the road by existing trees and shrubs, additional planting, and the lower ground level of this part of the site mean that the dwellings would not be particularly prominent in longer distance views. Whilst

⁸ Policies H4 and H5 of the SNP

landscaping is a reserved matter, a landscape strategy has been submitted to indicate the proposed extent of buffer planting around the perimeter of the site, with native hedge and trees. In this way the proposed dwellings along this section of George Street would have limited visual impact.

18. However, the proposed continuous ribbon development on the main road frontage would extend built development beyond the confines of the village. Although these dwellings would face into the site and the rear gardens would abut the site boundary, the roofline of the dwellings would be likely to be visible.
19. Moreover, other properties along this part of Maidstone Road are detached and set within generous plots. The masterplan indicates that the dwellings would include terraced housing and maisonettes in this location. This would result in a more urban character at odds with the more sporadic residential development in the vicinity. The proposed landscaped buffer would not be sufficient to overcome this harm.
20. The appellant has proposed the widening of a short stretch of George Street between the site access and the junction with Maidstone Road. There is a large ditch on the south side, and widening of the lane in this location should not require the loss of any trees. Consequently it would not harm the character of the area. Similarly, the introduction of two additional street lights on either side of the site access would not look significantly out of place as there are existing street lights close to the road junction with Maidstone Road.
21. Nonetheless, for the reasons I have set out above, the proposal would cause material harm to the character and appearance of the surrounding area. It would therefore be contrary to LP Policy ENV28, which seeks to resist development outside defined settlement boundaries which harms the character and appearance of the area. It would also undermine the spatial strategy set out in the recently made SNP, which directs future residential development to the eastern and western edges of the village. In addition, there would be conflict with SNP Policy PW2, which is concerned with the potential impact on the visual setting and landscape features of the site and its surroundings arising from proposals outside the village envelope.

Other Matters

22. The submitted planning obligation would provide for 40% affordable housing on site, with a tenure split of 60% affordable rent and 40% shared equity. There would be a financial contribution towards the improvement of Staplehurst Primary School, less than a mile from the appeal site, off-site public open space improvements and new play equipment at Green Hill play area, about 600m from the appeal site, and contributions to local library stock and local NHS facilities. The legal agreement would also make provision for the proposed meadow and pasture land to remain as such in perpetuity.
23. These contributions are in line with the requirements set out in the Council's supplementary delegated report, and Kent County Council has confirmed that the obligations would meet its requirements and would not offend the restriction on pooling planning obligations set out in the Community Infrastructure Levy Regulations 2010. I therefore consider that the proposed obligation would accord with LP Policy CF1 and would meet the tests in the Framework.

24. There have been concerns that the site is low lying land which is prone to flooding, but there are no objections from Kent County Council Flood Team subject to the imposition of conditions requiring a detailed drainage strategy including a surface water drainage scheme.

Balancing and conclusion

25. The proposal would provide 33 dwellings, 40% of which would be affordable. The provision of just over 60 sqm of employment space within a refurbished Building C would also be a benefit, but this would be relatively modest due to its size and the availability of existing employment premises near the station. The site is near to the railway station and some local facilities, although most are towards the south of the village. As such this would be a moderate benefit. Whilst there would be some ecological enhancement of the site, the proposed amenity space and other infrastructure provision would mitigate the effects of the development and would not be a benefit.
26. The proposal would extend built development outside the confines of the village, and would consolidate ribbon development. It would have an adverse visual impact on Maidstone Road, contrary to LP policy ENV28 and Policy PW2 of the Staplehurst Neighbourhood Plan. It would also be contrary to the broad policy approach regarding the location of new housing in both plans.
27. The identified benefits put forward in favour of the scheme would not be greater in impact than the harm that would be caused. Therefore other considerations do not outweigh the conflict with the development plan.
28. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR