
Appeal Decision

Site visit made on 27 July 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 08/09/17

Appeal Ref: APP/U2235/W/17/3173564

Amberley, South Green, Sittingbourne, ME9 7RR

- 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 Taylor against the decision of Maidstone Borough Council.
 - The application Ref 16/506157/FULL, dated 1 August 2016, was refused by notice dated 27 October 2016.
 - The development proposed is "Demolition (sic) of existing structure and the Erection of a new three bedroom dwelling with attached three bay Carport".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are
 - The effect on the character and appearance of the area and whether the proposed development would conserve and enhance the Kent Downs Area of Outstanding Natural Beauty; and
 - Whether the location is appropriate for the development, with particular regard to its effect on the need to travel to access services.

Reasons

Character and Appearance

3. The appeal site comprises a field that falls within a group of buildings in a countryside setting, broadly arranged in a line to either side of South Green. Between these buildings there are gaps of varying sizes, where the surrounding countryside becomes visible from the road. The whole area falls within the Kent Downs Area of Outstanding Natural Beauty (AONB) and paragraph 115 of the National Planning Policy Framework (the Framework) requires that great weight is given to conserving landscape and scenic beauty in such areas.
4. The existing field, whilst not currently used for any agricultural purpose, is contiguous in terms of its appearance with the countryside to the west of the site. The proposed development is of a considerably greater scale and intensity than the ancillary buildings which are currently found within the field. The effect of the development would be to infill an existing gap between the church and Southlees Lane, replacing an open field with a large house and

- garden area. This would consolidate an existing pattern of linear development along South Green, resulting in an encroachment of built form and domestic curtilage which is at odds with the prevailing countryside surroundings.
5. The proposed building generally replicates the scale of other buildings located along South Green. However, this does not outweigh the harm that arises to the character and appearance of the area due to its location. The development would be a prominent building in views from the surrounding area, and it would not be made acceptable through either the retention of existing landscaping or further planting.
 6. As such the development would result in harm to the character and appearance of the surrounding area; and through the loss of an open field and encroachment of built form along South Green, the scenic and landscape beauty of the countryside in which it is located. It therefore conflicts with paragraph 115 of the Framework which requires new developments to conserve and enhance landscape and scenic beauty in AONB's, and saved policies ENV33 of the Maidstone Borough Wide Local Plan (Adopted December 2000) ("MBLP") and policies SP17 and DM34 of the emerging Maidstone Borough Local Plan Publication (Regulation 19) February 2016 ("MBLPP") which share similar aims.
 7. The site is also located within a 'Special Landscape Area' ("SLA") for the purposes of saved policy ENV34 the MBLP. However, the area is designated as an AONB which gives the highest level of protection in the planning system regarding landscape. For the reasons set out above I find that the proposal would fail to conserve and enhance the landscape and scenic beauty of the AONB and, in consequence the SLA; as such the proposal also conflicts with saved policy ENV34 of the MBLP which seeks to ensure priority is given to the landscape over other planning considerations in such areas.

Location

8. Whilst this group of buildings contains a church, it is otherwise located a significant distance from any local services or facilities, and is surrounded by open countryside. It is not identified as a settlement for the purposes of the MBLPP or the MBWLP, and policies in both plans set out a restrictive approach towards residential development in such areas.
9. As a consequence of its location, any development of the site would create a need to travel to access local services, which would be likely to be fulfilled by a private motor vehicle. Whilst this need to travel could potentially be undertaken by vehicles that limit pollution, such as electric cars, this would not address the many other effects of increased travel movements resulting from the remote location of the development. The use of online delivery services would transfer the need to travel on to another party. The development could not be made acceptable in planning terms by the imposition of a condition requiring electric vehicle use.
10. In consequence the proposal conflicts with the settlement strategy set out saved policy ENV28 of the MBLP which seeks to restrict development in the countryside to specified uses, and policies SS1 and SP17 of the MBLPP which set out a restrictive approach to new development outside settlement boundaries within the countryside. Whilst the latter is an emerging plan, it is at an advanced stage of preparation and the relevant policies have been found to be consistent with the relevant parts of the Framework. The proposal would

also conflict with paragraphs 7, 30 and 55 of the Framework which seek to support a sustainable pattern of development with accessible local services. There are no material considerations that would justify an alternative approach on this occasion.

Other Matters

11. The Council's third reason for refusal relates to the absence of any assessment by a qualified person on the existing ecology of the site. As such, it is not clear whether there are currently ecological features on the site that would require mitigation or compensation in the event that it is redeveloped. The appellant maintains that such an assessment could be undertaken in response to a planning condition. Planning Practice Guidance (PPG) is clear that conditions should be used to mitigate adverse effects of development and should not hinder the deliverability of a development. As such, it would clearly be preferable for such matters to be resolved before any decision is reached on the principle of a development. However, on this occasion because the appeal is failing for other reasons I do not consider it necessary to come to a finding on this matter.
12. The development would create one additional residential unit, which would provide a high standard of accommodation in a desirable location. However, this would not outweigh the harm and policy conflict I have identified in relation to the character and appearance of the area and its location.
13. I have noted the reference to another appeal decision; however, this decision is taken on the evidence before me in relation to the specific circumstances of the proposed development and the area that surrounds it.

Conclusion.

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

INSPECTOR

Neil Holdsworth