
Appeal Decision

Site visit made on 13 November 2017

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 3rd January 2018

Appeal Ref: APP/U2235/W/17/3181041

Apple Tree House, Ware Street, Weaving ME14 5LA

- 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 Mrs J Callen against the decision of Maidstone Borough Council.
 - The application Ref 16/506899/FULL, dated 10 September 2016, was refused by notice dated 8 February 2017.
 - The development proposed is the erection of 7 detached dwellings including ancillary works with alterations to highway access onto Ware Street.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the Maidstone Local Plan on 25 October 2017. The policies within it form part of the development plan and supersede those within the Maidstone Borough-Wide Local Plan 2000. As a consequence, the appeal site is no longer designated as part of a Special Landscape Area and I have considered the appeal on the basis of these policies
3. A previous appeal for 10 dwellings on the appeal site was dismissed in March 2017¹ due to the harm to the character and appearance of the area and the living conditions of the occupants of 127 Hockers Lane. In addition, the Inspector found that there was insufficient information to satisfy him that the proposal would make adequate provision for surface water drainage. The scheme in relation to this appeal differs from the previous scheme in that it proposes a lesser number of dwellings. The Council is satisfied that it addresses its previous concerns in relation to drainage and the effect of the proposal on living conditions of the occupants of 127 Hockers Lane.

Main Issue

4. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area, including the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site is located to the rear of Apple Tree House and the dwellings at Hockers Lane. Apple Tree House is a substantial detached property with a frontage to Ware Street. It is adjoined to the east and west by a number of

¹ APP/U2235/W/16/3161893

other detached properties which also benefit from spacious plots. These dwellings are set back from the road and are largely screened by mature trees and other vegetation. The spacious setting of these dwellings and the vegetation to the frontage combine to provide a semi-rural character. This contrasts with the opposite side of the road where the smaller and more numerous dwellings have a suburban appearance.

6. The dwellings along the east side of Hockers Lane are predominantly detached bungalows. An access to adjacent to 129 Hockers Lane leads to Popes Wood, a backland development of about 5 dwellings, and 127 Hockers Lane, a chalet bungalow that adjoins the northern boundary of the appeal site. To the east the site is adjoined by Bearsted Golf Club.
7. The Local Plan identifies the appeal site as coming within the countryside where Local Plan policy SP17 states that development proposals will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. It also states that proposals should not have a significant adverse impact on the setting of the Kent Downs Area of Outstanding Natural Beauty or the High Weald
8. The appeal site is free from significant built development and is mainly laid to grass. It is bound to the south and west by linear residential development and a further detached dwelling is located to the north. To the east the land is more open and, for most of its length, the eastern boundary adjoins Bearsted Golf Course.
9. The proposal is for 7 dwellings laid out in a linear pattern, with access from Ware Street. It is proposed to retain the existing access for use by pedestrians and form a new access to the west. The proposed dwellings would be located close to the proposed access road with the garages located to the rear of the proposed dwellings. The proposal also includes an access to serve the rear of Apple Tree House, which would run the length of the boundary with the dwellings in Hockers Lane.
10. The main part of the appeal site is located to the rear of Apple Tree House, which is elevated above Ware Street. The land where the proposed dwellings would be located rises gently towards the north of the site, and then much more steeply within the northernmost part of the site where plots 6 and 7 would be located. The submitted plans indicate that the access road and proposed dwellings would reflect the gradual change in levels within the site, with levels being increased in the case of some dwellings and reduced in others. However, in the vicinity of Plots 6& 7 the proposed dwellings would be about 1 metre lower than the existing levels, and the changes to the road level would appear to be much greater.
11. Whilst for the most part the change in levels would be consistent with the prevailing topography, the alterations to the levels at the northern part of the site would necessitate the provision of retaining walls. Although details of the proposed retaining walls have not been submitted, it would seem that towards this end of the site they would be in excess of 2 metres in height. These walls, taken together with the linear form of development, would introduce an urban quality into an otherwise semi-rural location.
12. The proposed dwellings would be largely screened in views from Ware Street, due to the boundary trees and other vegetation, as well as Apple Tree House

- itself. Although the dwellings would be taller than Apple Tree House, due to the topography of the site and their distance from Ware Street this would not be noticeable in public views.
13. The existing dwellings on Hockers Lane, taken together with the woodland on the opposite side of the road, combine to provide a semi-rural character to the locality. This is enhanced by the openness of the appeal site which is noticeable in views between the dwellings.
 14. The proposed dwellings would be separated from Hockers Lane by the existing properties and the rear gardens of the proposed dwellings. They would be noticeable through the gaps between the existing dwellings on Hockers Lane and would obscure views across the appeal site towards the countryside beyond. The strong architectural rhythm, regimented layout and greater height of the appeal scheme would replace the existing views of the countryside from Hockers Lane. The proposal would also change the setting of the golf course, through the replacement of the currently undeveloped land with an area of suburban housing. Therefore the proposal would fail to preserve the distinctive rural character of the locality.
 15. I am aware that the proposal includes a band of landscaping adjacent to the eastern and western boundaries and this could help to filter views of the proposal. However, details of the landscaping have not been submitted and on the basis of the available evidence I am not convinced that it would mitigate the harm arising from the proposal.
 16. The site lies within 1km of the Kent Downs AONB. The Maidstone Landscape Character Assessment March 2012 (LCA) and the Maidstone Landscape Capacity Study: Sensitivity Assessment January 2015 (LCS) both identify the appeal site as falling within the Bearsted Golf Course Landscape Area which contributes to the setting of the AONB. The LCS concluded that the landscape sensitivity of the area was high and that development should be limited to infilling within village boundaries. Policy SP17 requires great weight to be given to the conservation and enhancement of the Kent Downs AONB.
 17. I agree with the previous Inspector that the proposal would be at odds with the locally distinctive pattern of limited development identified by the LCA and LCS and the incursion of closely spaced development into the undeveloped countryside would adversely affect the setting of the AONB contrary to the aims of the LCA, the LCS and policy SP17.
 18. I therefore conclude that the proposal would harm the character and appearance of the surrounding area and the setting of the AONB contrary to policy SP17 and paragraph 17 of the NPPF which amongst other matters requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Other Matters

19. The appellant originally contended that the Council did not have a five year supply of housing land. However, the Local Plan has recently been adopted, and the examining Inspector found that the Council did have a five supply of housing land. I also note that a number of other recent appeal decisions reached a similar conclusion.

20. The appeal site occupies a relatively accessible location. It is about 1.1 km Bearsted Station which provides services to London Victoria and Maidstone East, as well as Ashford International. There is a bus service a similar distance away that provides a link with the centre of Maidstone. Although this service finishes at about 18:30 it would provide an alternative to the use of a car during the busy period of the day. The Tesco superstore at Grove Green is 1.1 km from the site, and the shopping area includes a doctor's surgery, a pharmacy, a post office/newsagents, estate agents, a petrol filling station and a public house
21. Bearsted Village has a number of services and facilities including sports pitches, a restaurant, two public houses/restaurants, a library, the Bearsted and Thurnham Club, and a number of shops. The closest junior and infant schools are about 1.4 km away and there is a children's play area about 0.8km from the site.
22. The proposal would bring economic benefits through the construction of seven new dwellings and the additional economic benefits provided by the future occupants of the site supporting local services and facilities and therefore sustaining the local community. It would also deliver social benefits through the provision of seven new dwellings to meet the housing needs of existing and future generations, thereby contributing to the social dimension of sustainability.

Conclusion

23. The proposal would harm the character and appearance of the surrounding area and the setting of the AONB. It would be contrary to policy SP17 of the Local Plan and would not accord with the development plan considered as whole. The proposal would deliver benefits through the provision of 7 dwellings in an accessible location. However, based on the submitted evidence the Council currently has a five year supply of housing land and therefore paragraph 14 of the NPPF is not engaged.
24. Looked at in the round the proposal would not represent sustainable development. The benefits of the proposal and other material considerations do not outweigh the harm that would arise from the proposal, or justify a decision other than in accordance with the development plan. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR