
Appeal Decision

Site visit made on 2 January, 2018

by Graham Chamberlain, BA (Hons) MSc MRTPI

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

Decision date: 8th January, 2018

Appeal Ref: APP/U2235/W/17/3180804

Land opposite The Mews, Buckland Lane, Maidstone, Kent, ME16 0BH

- 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 A Salvidge against the decision of Maidstone Borough Council.
 - The application Ref: 16/508284/FULL dated 1 December, 2016 was refused by notice dated 13 June, 2017.
 - The development proposed is described as 'erection of two-bedroom bungalow'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 25 October, 2017 the Council adopted the Maidstone Borough Local Plan (LP) and this has superseded The Maidstone Borough Wide Local Plan 2000. The appellant has had an opportunity to address this change in his submissions. In the appellant's final comments he apparently suggests that an award of costs against the Council should be considered. However, this does not appear to be a formal application for an award of costs and therefore I have not treated it as such.

Main Issue

3. The main issue in this appeal is whether the proposed dwelling would be in a suitable location, with particular reference to relevant policies concerned with development in the countryside and the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site encompasses a linear strip of land located between Buckland Lane to the north and a school to the south. The lawful use of the front part of the site as somewhere to park a building contractor's lorry has been confirmed following the Council issuing a lawful development certificate¹. The lorry was present at the time of my visit and it was parked on a hardcore base that has seemingly been laid recently. An avenue of mature trees has lately been felled and this has exposed the site further in localised views.
5. The appeal site is located on the eastern side of the rail line in a section of Buckland Lane accessed from under a low railway bridge. The rail line is a

¹ Council reference MA/97/0952

physical feature that marks a discernible change in the character of the street. Development on the western side of the rail line is generally suburban in character with houses positioned in building lines behind front gardens. Alternatively, the character of Buckland Lane on the eastern side of the rail line is looser, more spacious and informal with a handful of houses set in large verdant plots and generally set back from the road by some distance.

6. Due to the more spacious and verdant character of Buckland Lane to the east of the rail line it has been designated as being in the countryside for the purposes of applying the policies of the recently adopted LP. This is in spite of the close proximity of the main body of the town to the appeal site and the small enclave of housing in which it is situated.
7. Policy SP17 of the LP lists the types of development that will be permitted in the countryside. There is a general presumption in the policy against new dwellings in the countryside such as that proposed. However, Policy SP17 states that *'proposals in the countryside will not be permitted unless they accord with other policies.... (in the LP).... and they will not result in harm to the character and appearance of the area'*. To this end the appellant has drawn my attention to Policy DM5 of the LP, which he considers the appeal scheme would adhere to.
8. Policy DM5 permits, exceptionally, the residential development of brownfield sites in the countryside subject to criteria. With the criteria in mind, there is nothing of substance before me to suggest the proposal is a residential garden, is within a site of high environmental value, would be of an inappropriate density or would not be reasonably accessible to the urban area of Maidstone, which it adjoins. As such, the appeal scheme's consistency with Policy DM5 turns on whether the proposal would facilitate a significant environmental improvement.
9. The appellant's case in this regard is that the existing use of the site as somewhere to park a building contractor's lorry is detrimental to the character and appearance of the area and that a new dwelling would be more in keeping. The appellant further opines that the environmental impact of the site could become worse if it was used more intensively. However, I have seen nothing of substance to suggest this is likely and goes beyond a theoretical possibility. I am also mindful that access to the site is difficult and it does not appear to have permission to be used as a builder's yard. As such, this is not a compelling aspect of the appellant's case. Instead, it is a point of limited weight.
10. Furthermore, I have seen nothing of substance to suggest the existing use of the appeal site has harmed the living conditions of nearby residents in spite of the lack of any control over the hours of operation and the type of vehicle that can be parked. Moreover, the building contractor's lorry is unlikely to be in situ at all times whereas a dwelling would be. These points undermine the appellant's argument that the existing non-conforming use of the appeal site is particularly harmful to the amenity of the area.
11. Nevertheless, there is no dispute that the appeal site is previously developed land that currently fails to make a positive visual contribution to the area. Consequently, the appellant's argument does, on balance, have some merit. As such, for the proposal to be considered a significant environmental

improvement it is imperative that the dwelling proposed would be well-designed and a positive addition to the area.

12. Unlike the property opposite the appeal site, the proposed bungalow would span much of the width of the plot with a parking area located adjacent to the eastern boundary of the appeal site. As such, the development would appear cramped and discordant when compared to the much larger properties in generous plots nearby.
13. Although a handful of trees would be planted within the rear garden of the proposed dwelling, the overall layout would do little to reinforce the spacious and verdant character of the area around the appeal site. This is especially so as the proposed bungalow would be located close to the road behind a small front garden, thereby reducing the opportunity for meaningful soft landscaping to the front of the property, which could otherwise temper the developments impact and integrate it with the area's verdant character.
14. Moreover, the proposed style of the bungalow would not reflect the rural vernacular evident in other buildings nearby or their architectural quality, detailing and interest. Overall, the proposed dwelling would be a stark and unwelcomed addition to what is now an exposed site. Thus, the proposed development would harm the character and appearance of the area, even when the potential impact is considered in the context of the existing use of the appeal site. For this reason it is difficult to see how the proposal would improve the setting of the adjacent listed building.
15. As such, the appeal scheme would not amount to a significant environmental improvement that could otherwise exceptionally justify the appeal scheme. Instead, the proposal would be an unjustified and undesirable consolidation of, and extension to, built development in the countryside. I therefore conclude that the appeal scheme would harm the character and appearance of the area placing it in conflict with Policies DM1 and DM30 of the LP, which seek developments that respond positively to local character and distinctiveness. As the proposal would not amount to a significant environmental improvement it would not glean support from Policy DM5 of the LP and this places it in conflict with Policy SP17 of the LP.

Other Matters

16. The appeal site is located close to three listed buildings including one which is listed Grade II*. I understand that the listed buildings once formed part of an historic farm complex and, to an extent; they are still experienced as such. The Conservation Officer's comments in the Officer's committee report relate to a different proposal², which was apparently designed in a vernacular style with something of the appearance of a farm building. These comments are not applicable to the appeal scheme and I have to question whether the Council have properly considered the impacts of the current proposal on the setting of the listed buildings around the appeal site³.
17. In light of the above, I would need to see further evidence before I could be satisfied that the appeal scheme would preserve or enhance the setting/experience of the group of listed buildings and thus whether it would be consistent with the requirements of Policies SP18 and DM4 of the LP. However,

² Council reference 16/505276

³ The Officer's analysis in Paragraph 8.28 of the committee report appears to relate to the previous application.

given my findings above it has not been necessary for me to consider this specific point further.

18. The appellant has speculated that, as a material consideration, the Council are currently unable to demonstrate a five year housing land supply. However, I have seen no technical evidence that supports this contention or leads me to doubt the evidence presented by the Council as demonstrating that it can. I also note that the Council has directed me to a number of appeal decisions where Inspectors have concluded that the Council has an adequate housing land supply.
19. The appellant has referred me to a development of three houses in the countryside which was recently approved by the Council⁴. Having considered the Officer's committee report, it is apparent to me that the proposal was recommended for approval, and subsequently granted as a departure from the development plan, due to the specific circumstances of the site and proposal, which are not sufficiently similar to the appeal scheme before me. Namely, that the appeal scheme would harm the character and appearance of the area. As such, this is a matter of limited relevance and weight.
20. The appellant has suggested that the Members of the Council's planning committee arrived at its decision based on site photos that were unrepresentative of the appeal site in its context. Nevertheless, I was able to visit the site and have based my findings on what I saw and experienced.
21. The proposed dwelling would be constructed to modern environmental standards and as a windfall site there would be some social and economic benefits from its construction and subsequent occupation. However, given the very modest scale of the proposal these benefits are not determinative matters in favour of the proposal.
22. I note that some local residents submitted representations in favour of the appeal scheme. Nevertheless, I have concluded that the proposal would be harmful for the reasons already given and therefore the letters submitted by interested parties have not altered my findings on the main issue. I note that the Head teacher from the adjoining school considers the school has a right of way across the appeal site but I have seen nothing of substance to support this suggestion. In any event, this would be a civil matter that would need to be resolved by means which are outside the scope of this appeal.

Conclusion

23. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, the proposal is not sustainable development and for this reason, the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR

⁴ MA/16/504047/FULL