



Appeal Decision

Site visit made on 17 May 2019

by J Slominski BA(Hons) MCD

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/U2235/W/18/3218584

Iden Park, Cranbrook Road, Staplehurst, TN12 0ES

- 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 B Matthews against the decision of Maidstone Borough Council.
 - The application Ref 18/502099/FULL, dated 16 April 2018, was refused by notice dated 14 June 2018.
 - The development proposed is Proposed Agricultural access off Cranbrook Road (Resubmission of 17/503493/FULL).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed access on character and appearance, with particular regard to landscape character.

Reasons

3. The application site is a field on the east side of Cranbrook Road, on the southern outskirts of the village of Staplehurst. The site is in an area designated as a Landscape of Local Value.
4. Policy SP17 of the Maidstone Borough Local Plan 2017 (the "Local Plan") supports agricultural proposals in the countryside which facilitate the efficient use of the borough's significant agricultural land, provided that adverse impacts on the appearance and character of the landscape are appropriately mitigated.
5. Policy DM1 of the Local Plan requires development to respond positively to, and where possible enhance, the natural character of the area, including sensitively incorporating natural features such as trees and hedges. In rural areas, particular attention is required to be paid to native vegetation appropriate to local landscape character to reflect and respect the local and natural character.
6. Policy DM3 of the Local Plan seeks to protect landscape character and requires developments to provide Landscape and Visual Impact Assessments which take account of the significance of the landscape and the potential effects of change.

7. Policy DM30 of the Local Plan permits development where the impacts on the character of the landscape would be accompanied by appropriate mitigation, supported by a Landscape and Visual Impact Assessment.
8. Cranbrook Road runs north to south, with a significant built up area to the west including a ribbon of housing along the road. To the east the road retains a rural character, flanked by a hedge and tree belt which extends north into the village, and a considerable distance to the south. The hedge is not continuous and there are intermittent breaks, including various site entrances to the south and a large break in front of a petrol filling station to the north. Notwithstanding those breaks, the hedge is largely intact within the rural surroundings, it dominates the character of the eastern side of the road for some distance and is a significant landscape feature which contributes positively to the character of the Landscape of Local Value.
9. There is currently no direct vehicular access from the site to the road, which means that vehicles can only access the site via the adjacent residential property. The proposal seeks to introduce new access onto Cranbrook Road in order to allow independent agricultural use.
10. The submitted plans show that the proposed gate would be 4 metres wide, across a 5.5 metre wide access drive with additional visibility splays on either side. The appeal statement states that the proposal would only involve the removal of a 4 metre wide section of hedgerow along the road frontage. However, due to the width of the visibility splays it is clear that a substantially larger amount of the hedge would be removed. The submitted plans do not clearly show the existing and proposed hedge, exactly how much would be removed, or any replacement planting. It is however clear from the submitted plans that a substantial break in the existing plane of the hedge would result from the proposal.
11. It is a feature of the surrounding area that agricultural fields have access onto rural roads, and the provision of access in itself is not necessarily uncharacteristic. However, the proposed development would remove a significant portion of the hedge, which I have identified as a significant feature. The partial removal of the hedge arising from the proposal would result in harm to landscape character.
12. Weighed against that harm, the proposal would support agriculture in the countryside and would facilitate the efficient use of agricultural land which is currently constrained by its restricted access. The enhanced access to agricultural land would be an economic benefit.
13. The policies of the Local Plan support agriculture where the adverse impacts of the development are adequately mitigated. However, the proposal was not accompanied by a Landscape and Visual Impact Assessment nor by any proposed mitigation against its adverse impacts.
14. As the proposal would result in harm to landscape character, which would not be mitigated to minimise and address the harm caused to visual amenity, landscape character, and vegetation, it fails to comply with Policies SP17, DM1, DM3 and DM30 of the Local Plan.

15. A previous appeal decision¹ including the provision of access in a similar location was dismissed due to its effect of on character and appearance. The previous inspector noted that the loss of native boundary would have an adverse impact on the rural character of the locality within a Landscape of Local Value. That proposal also included the erection of five houses and the loss of several trees, and in comparison the amount of harm caused by current proposal would be reduced. That appeal decision is nonetheless a material consideration on which I have placed a significant amount of weight, and is consistent with my findings that the loss of the hedge would result in harm to landscape character.
16. The appellant advised that access from Cranbrook Road to the site is required by UK Power Networks for the ongoing maintenance of the overhead power lines that cross the site. A small portion of the hedge has been removed, alongside limited pruning of trees, to facilitate access. The gap in the hedge is temporary and significantly smaller than that which would arise from the appeal proposal with its wide visibility splays. UK Power Networks have been able to access the site whilst causing less harm that is currently proposed, and I therefore do not find that the development to be adequately justified by the requirements of UK Power Networks.
17. Whilst I also acknowledge that the existing access to the site across the land of the adjoining residential property is constrained and inconvenient, that access does exist. It has not been demonstrated that the site is wholly inaccessible by agricultural vehicles, nor that improved access could not be provided without harm to landscape character. A distinction must be made between there being no access, and the access being constrained, and I do not find that the lack of assessment and mitigation of harm to landscape character is justified by the constraints of the existing access.
18. In light of paragraph 54 of the National Planning Policy Framework, I have considered whether the development could be made acceptable through the use of conditions. However, given that the extent of the harm to landscape character has not been fully assessed, I am not able to determine with confidence whether or not that harm can adequately be mitigated through the use of a planning condition.
19. I therefore conclude that the proposed development would be harmful to landscape character, and that the harm would not be adequately mitigated, therefore the proposal would not comply with the development plan. Furthermore, the harm caused is not justified by the material considerations suggested by the appellant. Having had regard to the above, and all other matters raised, the appeal is therefore dismissed.

Jan Slominski

INSPECTOR

¹ APP/U2235/W/16/3156998