



Appeal Decision

Site visit made on 19 July 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

Appeal Ref: APP/H2265/W/19/3228784

320 Land South Of Pilgrims Way, Wouldham, Rochester ME1 3RB

- 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 Startup against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/19/00135/FL, dated 18 January 2019, was refused by notice dated 26 April 2019.
 - The development proposed is a single dwelling with partial change of use to residential.
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Decision

1. The appeal is allowed and planning permission is granted for a single dwelling with partial change of use to residential at Stables and Land East Of Pilgrims Way, Wouldham, Rochester, Kent ME1 3RB in accordance with the terms of the application, Ref TM/19/00135/FL, dated 18 January 2019, subject to the attached Schedule of Conditions.

Procedural Matter

2. While the application form states the address as being 320 Land South of Pilgrims Way, the appeal form and decision notice state the address as being Stables and Land East Of Pilgrims Way. I have therefore used this address in the decision above as it is more accurate.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. The site is located within the AONB and in accordance with paragraph 172 of the National Planning Policy Framework (Framework) I attach great weight to conserving and enhancing the landscape and scenic beauty of the AONB. The site is a grassed field that is being used for equine purposes and lies on a slope that falls down towards Pilgrims Way. To three sides of the site lie open countryside and there is a small group of dwellings to the north that are sited along the highway. Overall, the site is in keeping with the open rural character and appearance of the area. There are outbuildings on the site that appear to be in need of maintenance and provide a negative contribution to the character and appearance of the area.

5. The proposal consists of a two-storey single dwelling with the lower level being sunken into the ground such that the building would appear to be single storey. It would replace existing outbuildings such that the mass of the proposed scheme above ground level would not be significantly more prominent in the landscape than the existing buildings. The roof would be a green roof to further minimise the effect of the proposal on the landscape.
6. While the proposal would be located centrally on the plot rather than alongside the highway as per a number of dwellings near the site, since it would replace existing buildings, there would not be any harm to the character of the landscape as result of the mass of the proposed dwelling. I note that the hedgerow along the boundary would not fully restrict views of the proposal from the highway. However, given the design of the building including green roof and that the proposal would be in a similar position to the existing buildings, the proposal would not be substantially more prominent when viewed from the wider landscape than the existing buildings. While the lower courtyard would contribute to the extent of built form, since it would be at lower ground level, it would not be prominent from the wider landscape.
7. In terms of materials, I acknowledge that the form of the building and the glazed elements would not be in a traditional rural style or reflect the style of nearby dwellings. However, together with the cedar cladding and green roof, the design of the building would harmonise with the landscape over time. I note that the hardstanding for vehicular access and parking may contrast with the green landscape. However, I consider that a suitably worded condition relating to the ground surface materials would effectively minimise the effect of the access on the landscape character of the AONB.
8. Consequently, the proposed development would not have an adverse effect on the character and appearance of the AONB. Therefore, it would not conflict with Policy CP24 of the Local Development Framework Core Strategy Adopted 2007 (CS) which requires developments to be designed to respect the site and its surroundings. It would also not conflict with Policy SQ1 of the Managing Development and the Environment Development Plan Document Adopted 2010 (DPD) which seeks development that protect, conserve and, where possible, enhance the character and local distinctiveness of the area.

Other Matters

9. I note local concerns including the sale of nearby dwellings and that the proposal would set a precedent, however, each case must be determined on its individual merits.

Conditions

10. I have considered the conditions suggested by the Council. I have made minor changes to these having regard to the tests set out in the Framework and the guidance contained in the Planning Practice Guidance (PPG). I have amended some of the wording in the conditions in the interests of precision and clarity.
11. In addition to the standard time limit condition, I have included a condition requiring that the development is carried out in accordance with the specified approved plans. This is in the interest of certainty and to safeguard the character and appearance of the area.

12. Given the location of the development, I have attached conditions requiring samples of the external materials and details of hard landscaping to be submitted to and approved by the Council to safeguard the character and appearance of the AONB.
13. Given the slope of the land and its effect on the proposed development and character and appearance of the AONB, a condition relating to site levels is necessary to safeguard the character and appearance of the area. Since the ground levels are likely to affect works to be carried out early in the construction phase, this condition needs to be pre-commencement.
14. Likewise, conditions relating to landscaping are necessary to safeguard the character and appearance of the area. Since landscaping works are likely to affect the early phases of construction, this condition needs to be pre-commencement.
15. A condition relating to the vehicle parking area is necessary in the interests of highway safety. The part referring to the General Permitted Development Order is not necessary and has not been included.
16. Given the great weight to be attached to conserving and enhancing the landscape and scenic beauty of the AONB, a condition removing certain permitted development rights would be necessary and reasonable in this case.
17. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, in response to a request by e-mail, the appellant has confirmed that they approve of the pre-commencement conditions.

Conclusion

18. For the reasons given above the appeal should be allowed.

R Sabu

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 04363_NB01 Rev B, 04363_NB02 Rev C, 04363_NB03 Rev D, 04363_NB04 Rev C and 04363_NB05 Rev B.
- 3) No development above ground shall take place until a sample panel of the materials to be used in the construction of the external surfaces of the approved development have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and window and door treatments) to be used in the development. The development shall be constructed in accordance with the approved materials, which shall not be removed from the site until completion of the development.
- 4) Details of the materials to be used in the construction of the hard landscaping hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the proposed dwelling.
- 5) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
 - full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The building shall not be occupied until the area shown on the submitted layout as vehicle parking and turning has been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development shall be carried out within Class A, B, D & E, of Part 1; of Schedule 2 of that Order.

END OF SCHEDULE