



Appeal Decision

Site visit made on 27 June 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/U2235/W/19/3225081

Primrose Cottage, Fairbourne Lane, Harrietsham, Kent ME17 1LN

- 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 L Tolhurst against the decision of Maidstone Borough Council.
 - The application Ref 18/506515/FULL, dated 10 December 2018, was refused by notice dated 13 February 2019.
 - The development proposed is the conversion of the existing detached garage into a 3 bedroom detached bungalow including new entrance from Lenham Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be in a suitable location for housing having regard to access to services and facilities.

Reasons

3. The appeal site comprises a detached garage set in garden land to the side of the host property. It is located to the north-east of the junction between Fairbourne Lane and Lenham Road. There is some sporadic residential development in the vicinity, primarily in a linear pattern along Lenham Road. The wider area is of some landscape and scenic quality, being arable and wooded in character. There are views from the rear garden over fields to the north.
4. The nearest villages of Ulcombe and Harrietsham are some 1.5 miles away from the site and have some local facilities, with a bus service running through Harrietsham to Lenham. Whilst it would also be possible to walk to the villages, the journeys would only be practical via country lanes, which have no pavements and no street lighting. Within this context I do not consider that the closest services or facilities are within a distance of the site that makes them readily accessible by sustainable modes of transport. Consequently occupants of the proposed dwelling would come to rely on a private car to access local services to meet their day to day needs.
5. Whilst I recognise that there is generally a greater reliance on the private car in rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services, facilities and employment. To my mind this weighs heavily against the development.

6. Paragraph 78 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. However, the contribution one additional dwelling and its occupants would make to the vitality of the rural community would be small. Whilst the development would therefore make a limited contribution to the local economy and social well-being of the area, these factors would not outweigh my concerns over the location of the proposal.
7. I conclude that the proposal would not provide a suitable location for housing or enable sustainable journeys to be made. It would conflict with Policies SS1 and SP17 of the Maidstone Borough Local Plan October 2017, which seek the delivery of development at the most sustainable towns and villages to protect the countryside. It would also be inconsistent with the Framework which identifies that housing in rural areas should maintain or enhance the vitality of rural communities and promote sustainable transport.

Other matters

8. I acknowledge those matters that have been advanced in support of the proposal, including that the existing building is structurally sound and that the new property would be well screened from the road, would have no effect on available agricultural land and there would be no harm to the character and appearance of the area, highway safety or the living conditions of neighbouring properties. These however do not outweigh the harm that I have identified above.
9. I note the history of the site and the previous consent in 2010 for the conversion of the garage into ancillary accommodation. However the creation of a new dwelling and associated curtilage would be significantly different to an ancillary building and therefore this argument attracts limited weight.

Planning balance

10. Based upon my previous findings, the proposal is not in accordance with the policies of the development plan due to the harm I have identified in terms of the suitability of the location for housing. The absence of harm relating to other matters, including in terms of character and appearance and highway safety, is a neutral factor.
11. Although the Council has indicated that it can demonstrate a five-year supply of deliverable housing sites, this is disputed by the appellant. Amongst other things, the appellant's stance is that the Council is reliant in part on unidentified windfall sites and that the appeal site could be considered part of this allowance.
12. The development would make a modest contribution to housing supply with associated social and economic benefits, including to the local economy during construction and to local services and facilities upon occupation. However, even if I were to conclude there is a shortfall in 5 year supply as suggested by the appellant and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting planning permission in this case in terms of the unsustainable location of the development would not significantly and demonstrably outweigh the benefits of the scheme. The proposal would not therefore represent sustainable development.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

C Hall

INSPECTOR