



Appeal Decision

Site visit made on 10 September 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2019

Appeal Ref: APP/U2235/W/19/3231774

Cherry Tree, Court Lodge Farm, The Street, Boxley ME14 3DX

- 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 Lloyd Lundie against the decision of Maidstone Borough Council.
 - The application Ref 19/500162/FULL, dated 18 January 2019, was refused by notice dated 15 March 2019.
 - The development proposed is the erection of a dwelling with associated landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. A Preliminary Ecological Appraisal dated 17 May 2019 was submitted with the appeal. The Council advises that this adequately addresses the third reason for refusal on the decision notice. Based on the evidence before me, I see no reason to come to a different view on this matter and therefore I do not address this matter further in the reasoning below.

Main Issues

3. The main issues in this appeal are:
 - i) the effect of the proposed development on the character and appearance of the area including the Kent Downs Area of Outstanding Natural Beauty; and
 - ii) whether or not the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities and the provisions of the development plan.

Reasons

Character and Appearance

4. The appeal site is located on the outskirts of Boxley and is within the Kent Downs Area of Outstanding Natural Beauty (AONB), set below the North Downs Way which runs east to west along a ridge line to the north. The landscape here is wide and open, generally comprising irregular agricultural fields marked by belts of trees, and blocks of woodland. Boxley is a small village characterised by its many historic buildings, and buildings of traditional appearance which are commonly finished in clay brick and tiles, whitewashed brick and timber frames or ragstone. These are set within a low density and loose arrangement complemented by mature landscaping which together give

the village an attractive and distinctive rural character within the wider landscape. Much of the village is also a Conservation Area, although the designation does not extend to the appeal site.

5. On the eastern outskirts of Boxley, Court Lodge Farm is a small, scattered group of buildings, many of which have been converted to residential use. The appeal site is set further to the east of these, separated from the agricultural silos and large barns at the edge of the cluster by open grassland. The site is reached via a narrow rough-surfaced track which extends from the gravel access through Court Lodge Farm and runs along the site's southern boundary. This track also serves The Pump House to the east of the site, which has been converted to residential use.
6. The appeal site is currently in equestrian use and contains a number of structures including a timber stable building, a small muck heap enclosure and post and rail fenced paddock areas. There is also a 'sand school' riding arena enclosed by post and rail fencing which the appellant indicates is the subject of a separate planning application. The site boundaries are marked by post and wire or post and rail fencing, with mature trees and vegetation also lining the site's northern and southern boundaries.
7. Despite the presence of these existing structures, the nature of their use and small scale do not result in any significant impact on the openness of the site or the open and rural character of the area which is heavily influenced by the sweeping countryside landscape of the AONB and surrounding agricultural activities. Furthermore, the separation provided to Court Lodge Farm to the west by the intervening field, the change in surfacing material of the access track past Court Lodge Farm, and the site's location projecting some distance beyond the core of Boxley together with this openness mean that the appeal site appears set apart from the village, and forms part of its open landscape setting.
8. There is a statutory requirement under Section 85 of the Countryside and Rights of Way Act 2000 for relevant authorities to have regard to the purposes of conserving and enhancing the natural beauty of AONBs when performing their functions. The National Planning Policy Framework (the Framework) further confirms that AONBs are a designated rural area and that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection.
9. Policies SS1, SP17, DM1 and DM30 of the Maidstone Borough Local Plan 2017 (MBLP) reflect these objectives and great weight is given to the conservation and enhancement of the Kent Downs AONB while seeking development that protects the rural character and appearance of the borough and the high quality and distinctive landscapes of its countryside. Policies DM1 and DM30 also confirm that development should be unobtrusively located and should respond positively to, and where possible enhance, the local character and distinctiveness of an area including through the type, siting, design, mass, scale and materials of development, with use of vernacular materials sought where appropriate.
10. The proposed dwelling would be sited to the west of the stables and sand school on the site. While set within a terraced area, its two-storey height and footprint would nevertheless be of significantly greater scale than the existing low-level structures related to the equestrian use, and it would stand

prominently within the currently open site.

11. The residential use of the proposed dwelling and the associated garden area, parking, new access and refuse store would introduce a more formal and domestic appearance to the site. While I recognise that The Pump House to the east is in residential use, this is a relatively low-level building which is set well apart from the scattered development to the east of the main village. Neither the presence of this building and its associated access drive, garden area and outbuildings nor that of the agricultural buildings which are to the west diminish the contribution that the appeal site currently makes to the overall open character of the area. Despite the existing development nearby, the scale of the proposed building, together with the domestic appearance of the site beyond the main built-up area of the village, would result in the unwelcome encroachment of development into the appeal site and be appreciated as an intrusive incursion of built form into the countryside. This would detract from the intrinsic qualities of the countryside and the generally undeveloped and rural character and appearance of the area and this part of the AONB.
12. The appellant advises that the proposal is intended to create a contemporary sustainable building with a barn-type structure which takes into account the site's agricultural setting. However, while it may be intended to source the materials locally, the asymmetric split-pitched roof form of raised seam zinc and the proposed oak-boarded external walls would bear little resemblance to the traditional form and the vernacular finishes which are typical of dwellings within Boxley. This lack of sympathy to the village's established character and appearance would further set the development apart as a poorly integrated addition and would compound the prominent and incongruous nature of the dwelling within its surroundings.
13. While the existing vegetation to the site's boundaries provides for screening, some views of the site are nevertheless possible, and these are likely to be greater when leaf-cover is less dense in winter. These views include glimpses from public rights of way nearby such as the paths running along the north boundary of the site and north east from St Mary and All Saints Church up to the North Downs Way.
14. I note that the dwelling has been sited at the least sensitive part of the site and that it is intended to reinstate a cherry orchard to the north of the 'sand school' and to supplement the boundary trees and hedges with indigenous native species including a high percentage of evergreens. However, the appellant's Landscape and Visual Impact Assessment (LVIA) confirms that even with this planting there would remain some views of the development. While the extent of these views may be limited, I disagree with the LVIA's conclusion that the impact would be of minor or no significance. In my opinion, the presence of built form of the scale proposed and the domestic appearance of the site would be visually intrusive and would cause harm to the open and rural character and appearance of the area and the Kent Downs AONB. This harm would not be mitigated by the proposed planting or landscape enhancements.
15. I therefore conclude on this main issue that the development would result in unacceptable harm to the character and appearance of the area including the Kent Downs AONB. It would thus conflict with policies SS1, SP17, DM1 and DM30 of the MBLP. For similar reasons it would conflict with the Kent Downs AONB Management Plan 2014 which seeks to ensure that the qualities and

distinctive features of the AONB are valued, secured and strengthened.

Suitability of the Location

16. Policy SS1 of the MBLP provides the spatial strategy for the borough and seeks to focus development in the most sustainable locations where employment, key services and facilities and a range of transport choices are available. Policy SP17 indicates that there is a need to ensure a certain level of flexibility for development in the countryside to support farming and other aspects of the countryside economy and to maintain mixed communities. However, it also sets out that development will not be permitted unless it accords with other policies in the plan and does not result in harm to the character and appearance of the area.
17. Given the presence of nearby dwellings I am content that the proposed development would not result in an isolated dwelling which paragraph 79 of the Framework seeks to avoid. However, the site is within the countryside and is not a location where new housing development is generally supported by MBLP Policies SS1 and SP17.
18. Facilities in Boxley include a church and a public house, but the village does not offer a full range of services to meet the day-to-day needs of the future occupants of the proposed development. While additional services and facilities are available in the wider area, these are located some distance away, and for the most part access to them on foot would be along unlit roads or footpaths. Together with the distance involved, this would limit the attractiveness of these routes to pedestrians and cyclists, particularly for the elderly, those with a disability or with children and at times of darkness and bad weather.
19. Notwithstanding the existence of a bus service through Boxley offering access to Maidstone, opportunities to access services and facilities by means other than the private vehicle would be very limited. I recognise that the Framework comments that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that sites to meet business and community needs in rural areas may have to be found in locations that are not well served by public transport. However, I agree with the findings of previous Inspectors dismissing appeals within the village (including appeal reference APP/U2235/W/17/3191553) that the future occupiers of the dwelling proposed in this case, would be likely to rely largely on private vehicles. To this extent, there would be conflict with MBLP Policy SS1 which seeks to focus development in the most sustainable locations, and the environmental aims of paragraphs 8 and 102 of the Framework. These seek accessible services to meet needs, and highlight a requirement to actively manage patterns of growth to support objectives including promoting opportunities for walking, cycling and public transport use.
20. The Framework notes at paragraph 78 that housing should be located where it will enhance or maintain the vitality of rural communities and that development in one village may support services in a village nearby. While I accept that options to improve the sustainability of rural communities may be limited, the potential contribution that one dwelling on the appeal site could offer to enhancing or maintaining the vitality of rural communities and supporting the rural economy is nevertheless restricted by the small scale of the proposal and the nature of services available within Boxley and the nearby area.

21. I acknowledge the appellants suggestion that use of the internet by future occupiers would facilitate access to some services such as banking, healthcare, shopping, employment and entertainment and that advances in technology may serve to reduce the need for occupiers to travel from levels which may historically have been necessary. However, this would not prevent trips to and from the site, for example by delivery vehicles, and would also fail to address the future occupiers' needs to access such things as education. Moreover, reliance on internet services by future occupiers may further limit potential support that could be offered to local services.
22. I therefore conclude on this main issue that the proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities and the provisions of the development plan. It would be contrary to Policies SS1 and SP17 of the MBLP, and it would conflict with the overall objectives of the Framework.

Other Matters and Planning Balance

23. As required by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the special interest and setting of listed buildings at the Engine House and the church of St Mary and All Saints in the vicinity of the appeal site, and to preserving or enhancing the character or appearance of the Boxley Conservation Area. I do not find that the development would offer any tangible improvement to views from these heritage assets, and while I agree with the Council that the proposal would not harm their significance, the absence of harm counts neither for nor against the proposal in the planning balance.
24. The appellant suggests that the existing equestrian use of the site generates vehicle trips which could be avoided by the provision of a dwelling on the site. However, there is no certainty that the stables would always be used by the future occupiers of the proposed dwelling. Notwithstanding this, the proposal would make use of the site previously used for equestrian purposes and the Framework acknowledges the importance of making effective use of previously developed land to accommodate needs for development. There is also potential for some biodiversity enhancements to arise.
25. Although there is no disagreement between the parties that the Council is able to demonstrate a 5-year supply of deliverable housing sites and is not an area where action is required under the Housing Delivery Test, the additional dwelling would make a positive contribution to housing supply locally and allow an opportunity for self-build in a rural area by a local family with ties to the community. It would also help to maintain the vitality of the rural community and support the rural economy. However, the proposal's contributions in these regards would be limited by the modest scale of the development for a single dwelling and I see no reason why, in the absence of the appeal scheme, Boxley would stagnate or be left in a cycle of decline, circumstances which the appellant suggests can afflict small rural settlements. I also acknowledge comments submitted in support of the proposal and the appellant's interest in constructing an off-grid dwelling which would generate its own power, incorporate high levels of insulation and sustainable drainage provision. Whilst this is a further benefit of the proposal, since no further details have been provided on this matter, the proposal's environmental credentials and energy

efficiency levels have not been demonstrated and this limits the weight I afford to this factor.

26. Bringing matters together, I therefore find that even taken together, the benefits of the proposal are insufficient to outweigh the harm that I have identified to the character and appearance of the area, the failure to conserve and enhance the landscape and scenic beauty of the AONB (to which I attribute great weight), the harm which arises as a consequence of the unsuitable location of the site for the proposed development, and the resulting conflict with the development plan in these regards.

Conclusion

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

J Bowyer

INSPECTOR