



Appeal Decision

Site visit made on 9 October 2019

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/U2235/W/19/3230736

**The Estate Build Yard, Chart Hill Road, Chart Hill, Maidstone, Kent
ME17 3RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mark Foster against the decision of Maidstone Borough Council.
 - The application Ref 19/501075/OUT, dated 26 February 2019, was refused by notice dated 7 May 2019.
 - The development proposed is a 3 bedroom single storey static pre-fabricated building.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was made in outline with all matters reserved for later consideration. However, the application was accompanied by illustrative plans showing a potential building for the site. I have dealt with the appeal and illustrative plans on a similar basis.

Main Issues

3. The main issues are:
 - the effect on the character and appearance of the area; and
 - whether the proposed location would be accessible to sustainable transport modes.

Reasons

Character and appearance

4. The appeal site is located on the western side of Chart Hill Road. It consists of a roughly rectangular area of land laid to hardstanding. There is an agricultural field to the northwest, a building undergoing building works to the southwest and a dwelling opposite. There is a small grouping of houses a short distance to the south around the junction with Chart Road. The overall character and appearance of the area is rural with a scattering of houses and agricultural buildings.

5. The appeal site is surrounded by hedges, including a taller group towards the rear on the northwestern side, but is open to the road. There is a metal container in the southwestern corner.
6. The appeal site lies in the countryside for the purposes of the Maidstone Borough Local Plan (the Local Plan) which is defined, in Policy SP17, as "all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map". I also consider it to be in an isolated location away from significant other built development.
7. The construction of a dwelling of any size or type would have an urbanising effect on this rural area. This would harmfully affect the rural character and appearance of the area by consolidating the amount of built development in the area. It would also bring with it the paraphernalia that would be expected for such a use, such as vehicle parking and general activity which would also be harmful.
8. The appellant has made the point about other building works that has taken place in the area. However, I do not have details of these and it would be wrong for me to speculate on them. The implication of the appellant's grounds of appeal is that the building works on the adjoining site are taking place under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which is a consent granted by Central Government and does not affect the consideration of this application for outline planning permission which should be considered, initially against the terms of the development plan. In any event, if permitted, this proposal would consolidate built development in the area harming the character and appearance of the area.
9. Should development have taken place in the area without the necessary permissions that is for the Council to investigate in the first instance.
10. Consequently, the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policy SP17 of the Local Plan which indicates that development in the countryside will not be permitted unless it accords with other policies in the plan, and I have been directed to none, and will not result in harm to the character and appearance of the area. It would also be contrary to paragraph 79 of the National Planning Policy Framework (the Framework) which indicates that planning decisions should avoid the development of isolated homes in the countryside unless one or more of five specific examples applies, and none are suggested.

Location

11. At the site visit I drove around the area. I noted that the roads in the immediate area are narrow, unlit and without footways. They would not result in an attractive environment for pedestrians or all but the most committed of cyclists particularly during the hours of darkness. The nearest settlements are some distance away and, to use the facilities there, the occupiers of the proposed dwelling would almost inevitably use a private car to get to them.
12. The Framework emphasises in paragraph 8 that development should be located with accessible services. The appellant makes the point that services in the form of utilities, that is electricity, water and telecommunications, are available

to the site but the term 'services' is wider than just these including access to schools, shops, places of employment, leisure facilities and the like.

13. The appellant also makes the point that the nearest bus stop is less than half a mile away, but as I have already identified, to walk to and from this would be an unattractive option for most due to the nature of the roads.
14. In respect of this issue the Council has referred to Policies SS1 and SP17 of the Local Plan. Policy SS1 deals with the overall distribution of development and, in "other locations" such as the appeal site, to the effect on rural character. Similarly, Policy SP17 deals with development in the countryside and its effect on landscapes and the Green Belt rather than the accessibility of development to services. I therefore find neither policy directly material to this issue.
15. However, for the reasons given above, I conclude that the site would not be accessibly located and the occupiers of the proposed dwelling would overly rely on the use of the private car. As such it would be contrary to paragraph 8 of the Framework as set out above.

Other matter

16. The appellant has referred to policies in the development plan as being, in his view, out-of-date. Paragraph 213 of the Framework, which was published in February 2019, makes clear existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework the greater the weight that may be given). I am satisfied that Policy SP17 of the Local Plan remains consistent with the Framework in respect of development in rural areas and this should retain full weight.

Conclusion

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

RJ Jackson

INSPECTOR