
Appeal Decision

Site visit made on 18 September 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/U2235/W/19/3232269

**Land south-east of Bassetts Bungalow, Staplehurst Road, Marden
TN12 9BS**

- 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 Ms Michele Morrison against the decision of Maidstone Borough Council.
 - The application Ref 18/506601/OUT, dated 14 December 2018, was refused by notice dated 1 March 2019.
 - The development proposed is an outline application for the erection of two detached self-build houses with two detached garages and associated parking, access and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For completeness I have added the postcode to the address that was stated on the application form.
3. The application is submitted in outline with all matters reserved for subsequent approval apart from access. I note that the proposed access point shown on the plans is not in dispute and I have no reason to reach a different conclusion in this respect. The application was accompanied by several plans which shows an illustrative scheme comprising two chalet style bungalows with detached garages. I have considered these plans solely on the basis that they have been submitted for illustrative purposes.
4. The appellant has provided a planning obligation in the form of a signed Unilateral Undertaking (UU) dated 26 July 2019. I consider this matter below.

Main Issues

5. The main issues are the effect of the proposal (i) on the character and appearance of the area and; (ii) whether the proposal would be a suitable location for housing.

Reasons

Character and appearance

6. The appeal site is an open field within the countryside. It accommodates a small wooden building and is enclosed with open fencing. The site fronts

directly onto Staplehurst Road, which is elevated above the site. Views of the open countryside to the south, west and east of the site form an attractive backdrop. Two detached dwellings are to the north of the appeal site. There is a garden centre located a short distance to the south east of the site. There is no footpath separating the road from the site.

7. The appeal proposal would introduce two detached chalet style bungalows served by a single, central access onto the road. The dwellings have detached double garages to the front and would occupy almost the full width of the appeal site. The appeal proposal would also have parking areas to the front accessed by a single central access point with garden areas with landscaped boundaries on all sides.
8. The two detached family dwellings associated detached garages and hardstanding would be likely to introduce a significant amount of development on land which is free of built form. When viewed from the road and the surrounding area, the proposed development would be likely to substantially erode the open character of the area. Whilst the appellant argues that the introduction of considerable landscaping and biodiversity enhancements would reduce the visual impact, I am not satisfied that these would be able to achieve the necessary mitigation whilst reflecting the character of the area, given that I do not have such details before me.
9. I conclude, on this issue, that the proposal which would cause significant harm to the character and appearance of the area. As such the proposal would conflict with Policy SP17, DM1 and DM30 of the adopted Maidstone Local Plan (LP) (2017) which seek, amongst other things, to enhance local distinctiveness and landscape features.

Suitable location

10. Policy SS1 of the LP seeks to focus new residential development in the Maidstone urban area, with the secondary focus being rural service centres and then development within some larger villages within settlement boundaries.
11. The site is in the countryside where growth for residential development is restricted. It is adjacent to two dwellings and is not isolated. Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in harm to the character and appearance of the area. I have already demonstrated that the proposal would result in significant harm.
12. The proposal is for two self-build dwellings. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes certain duties on planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self-build/custom-build site. The planning authority must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding. It goes on to clarify that 'development permission' is "suitable" if it is permission in respect of development that could include self-build and custom housing (SBCH).
13. Paragraph 61 of the National Planning Policy Framework (the Framework) states that the size, type and tenure of housing needed for different groups in the community, should be assessed and reflected in planning policies

- (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
14. I do not agree with the appellant's statement that there should be separate policies within the development plan addressing each of these needs. There is no such requirement within paragraph 61, which only requires that the needs of these different groups to inform the development plan policies.
 15. Policy SP19 of the LP which relates to housing mix, states that when considering proposals for new housing development the Council will seek a range of tenures, including plots for SBCH. Accordingly, the development plan is not silent on the matter of self-build dwellings. Therefore, the development plan supports the provision for self-build dwellings, providing they are in suitable locations, as identified in SP17 of the LP. The Self-build and Custom Housebuilding Act 2015 is not one which encourages development in otherwise unsuitable locations.
 16. The evidence before me is that on the 30 October 2017, self-build register identified 127 people and 2 associations with an interest in self-build and during the period 31 October 2017 to 30 October 2018 a total of 49 individuals registered.
 17. The appellant states that the proposals are for people on the self-build register for which there is an acute need. I note that the Council acknowledges that only a limited number of SBCH proposals have been permitted. However, there is no requirement for the Council to allow development for people who are on the register. The relevant authority have a duty to grant permission within three years for enough suitable serviced plots for SBCH to meet the number of entries on the Register for a given base period. The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year.
 18. Whilst the Council is currently falling significantly short it has until 30 October 2020 to address the self-build housing needs evident in the register. Thus, it is not failing to carry out its statutory duty of meeting the demand.
 19. I therefore conclude on this issue that the proposal is not located in a suitable location and would undermine the Council's housing strategy as set out in Policies SS1 and SP17 of the LP which seek, amongst other things, to focus housing development to urban areas and rural service centres.

Other matters

20. I have had regard to the article referred to me by the appellant regarding housing needs and land supply for various Councils¹. The appellant has drawn my attention to two planning permissions, one at Wickham Field, Pattenden Lane, Marden, Kent² and the other permission at Little Miss Acres Farm Butlers

¹ Planning Resource article dated 4 April 2019

² 17/503487/FULL

Hill, Dargate³. I do not have the full details of those proposals before me. As I am unclear as to whether they are directly comparable to the appeal scheme, I attach limited weight to these decisions.

21. The appellant also draws my attention to several appeal decisions. The first decision related to a self-build unit at Dargate Road, Yorkletts⁴ where the site is on the edge of the settlement. The second decision⁵ on land to the west of Strathfleet, Victoria Road, Kingsdown was different as it lies on the edge of the semi-rural village of Kingsdown. The third decision land east of St Edmunds Lane, Great Dunmow, Essex⁶, is immediately adjacent to a settlement. The locations of these proposals differ markedly from the appeal proposal and therefore, I cannot be certain that there are direct comparisons and attach limited weight to them.
22. I do not have the full evidence submitted to the Inspectors in relation to the decision on land off Hepworth Road in Woodville⁷. However, I note that it falls within large development proposal at Woodlands Woodville where character and appearance are likely to have been different and I therefore attach limited weight to this decision.
23. I note that the decision at Woodford Farm⁸ was made prior to the adoption of the Local Plan and that the Council, at that time, acknowledged that it fell well short of a five-year housing supply. This proposal also involved previously developed land located within a reasonably short distance of the services within Staplehurst. Given the locational differences, the subsequent adoption of the LP and the ability of the Council to demonstrate that it can meet its five-year housing supply, I attach limited weight to this decision.
24. I have had regard to the UU provided for the self-build dwellings, which requires the first occupation for the family of the appellant. I am mindful that the dwellings would be occupied by family members of the adjacent property and that this would enable care and social support. I also note that the occupants aim to run a small part of their gardening business from the dwellings and that letters in support of the proposals were made. These weigh in favour of the appeal proposal.
25. The proposed development would positively assist in boosting the supply of housing in the area, although the contribution from two dwellings would nevertheless be relatively limited. The proposal would also generate some short-term employment through its construction. Some further modest benefits would result from additional support to the vitality of the local community from the occupiers of the dwelling.
26. Whilst the nearest official bus stops are located a considerable distance away and would be difficult to access on foot given the absence of footpaths, there is a hail and ride bus route which runs along Staplehurst Road. I also note that there are facilities in the immediate vicinity, albeit they are limited. For these reasons future occupants would not need to be wholly reliant on the private car when carrying out day-to-day activities and when private travel is necessary,

³ 19/500111/FULL

⁴ APP/J2210/W/18/3204617

⁵ APP/X2220/W/17/3176895

⁶ APP/C1570/A/14/2223280

⁷ APP/G2435/W/18/324451 and 3214498

⁸ APP/U2235/W/16/3142747

the large service centre at Staplehurst is relatively close. I have also taken into consideration that electric charging facilities could be installed and that the dwelling could incorporate other elements of sustainable design. For these reasons the site is in a relatively sustainable location and does not significantly conflict paragraph 103 of the Framework.

Conclusion

27. The appeal proposal would provide some limited social and economic benefits. However, the adverse impacts of granting planning permission as a result of the harm that I have found in respect of the character and appearance of the area and the site's location would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

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

Neil Smith

INSPECTOR