



Appeal Decision

Hearing Held on 10 December 2019

Site visit made on 30 December 2019

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 23 January 2020

Appeal Ref: APP/U2235/W/19/3232230

Land at George Street, Staplehurst, Kent TN12 0RA

- 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 Trafalgar New Homes against the decision of Maidstone Borough Council.
 - The application Ref 18/505100/OUT, dated 24 September 2018, was refused by notice dated 3 January 2019.
 - The development proposed is 80 extra care units with associated communal facilities; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures (outline application with all matters reserved).
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Maidstone Borough Council against Trafalgar New Homes. This application is the subject of a separate Decision.

Preliminary Matters

3. Two of the Council's reasons for refusal were resolved prior to the hearing as it had been agreed that the protection of ecological interests and the mitigation of flood risk could be secured by imposing appropriate conditions.
4. The proposal is in outline with all matters reserved. However, the application is supported by a number of indicative plans including a site layout, streetscape to George Street, entrance elevation of the apartment block and unit floor plans. The appeal is therefore considered on this basis, with the indicative details in these drawings taken into account in assessing the acceptability of the proposals.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the location is suitable for the proposed use in relation to accessibility by walking, cycling and public transport.

Reasons

Character and appearance

6. The proposal is for an extra care development (Use Class C2) of up to 80 units comprising apartments and bungalows and a range of communal facilities on a 2.22 ha site on the north eastern side of George Street north of the railway line at the northern end of the village of Staplehurst. The site fronts onto George Street for about 90 m and has an average depth of about 220 m.
7. The village is classified as a Rural Service Centre in the Maidstone Borough Local Plan 2017 (MBLP), one of the more sustainable settlements in the borough with a good range of services and facilities including regular train and bus services. The MBLP seeks to maintain and develop the role of the village with further housing and employment and includes three allocations for about 700 new dwellings to the west and east of the existing built up area. The appeal site however lies beyond the railway line which defines the northern boundary of the settlement in the MBLP and hence in the countryside for planning policy purposes where Policy SP17 severely restricts development.
8. The site is approximately rectangular in shape comprising two grass fields not used for some time and now dominated by scrub growth, self-seeded saplings and mature trees both within the site and along its boundaries, including the site frontage onto George Street. To one side of the frontage lies a single detached house in a good-sized plot whilst opposite there are four pairs of semi-detached houses and a further detached property. These ten dwellings form a discreet group of frontage properties where the otherwise undeveloped rural lane bends half way between Maidstone Road and Clapper Lane. The Abbotsleigh Care Home, a detached building with large modern extensions, lies well away to the north down a long driveway which runs along the western boundary of the appeal site.
9. The appeal site consequently lies in an unspoilt rural area to the north of the railway line which is characterised by limited roadside development and the occasional isolated building set amidst fields, strong hedgerow boundaries and some woodland. By contrast, the proposal, as illustrated by the site layout, would comprise a relatively dense development with a large 2½ storey central block (containing about 50 apartments and the communal facilities) surrounded by about 30 semi-detached and terraced bungalows set around a network of roadways and paths in a landscaped setting. This would introduce an in-depth, estate type development over two hectares in size into a rural setting.
10. The site is quite well screened by mature hedgerows on the road frontage and other boundaries and these would be supplemented by additional landscaping, limiting views of the development from the surrounding area. However, the site access would require the removal of a significant length of hedgerow through which the built development behind would be clearly apparent, and even with bungalows towards the front of the site the large and bulky central block, a fundamental part of the scheme, would dominate views into the site and be a particularly intrusive feature. The scheme would also introduce a noticeable amount of new lighting, from building windows and road/footway lights, into an area where at present there is none, significantly changing the generally dark character of the rural area at night.

11. For these reasons the proposal would significantly harm the existing unspoilt rural character and appearance of the area in conflict with MBLP Policies SP17, DM1 and DM8. These seek to prevent harm to the character and appearance of the countryside, ensure development responds positively to the local and natural character of the area, and resist proposals where lighting would be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes. The scheme would also conflict with Policy PW2 of the Staplehurst Neighbourhood Plan 2016 which resists development in the countryside beyond the village envelope which unduly impacts the visual setting and landscape features of the site and its surroundings.
12. This conclusion is consistent with the views of the Inspector who dismissed an appeal for 22 dwellings on the front field in 2015¹. Albeit a different form of development he considered that housing on the site would have an urbanising effect, would be an incongruous addition to the rural area and would be out of keeping with the very limited frontage development nearby. The current proposal would involve about double the site area, increasing the impact.

Suitability of location

13. Whilst Staplehurst, as a Rural Service Centre with a good range of services and facilities, would be a suitable place for an extra care scheme, the precise location of the proposal is problematic. George Street and the appeal site lie to the north of the railway line whilst the village lies to the south. The village itself is elongated north to south and the centre of the village with the hall, library and parade of shops is about a mile away, a good 15 minute walk.
14. George Street itself is a long single carriageway rural lane with no footways or streetlights in either direction to Maidstone Road or Clapper Lane. As such this would be an unattractive route for walking, particularly in winter given its muddy verges and at night. There is a more direct route to the village but this involves an unmanned pedestrian only crossing of the railway line followed by a narrow, unlit and unsurfaced (muddy in winter) footpath to reach Station Approach. Whilst providing access to the railway station and the nearest bus stops on Station Road this route would also be unattractive to use and it would be unwise to encourage more use of the railway crossing. No improvements are proposed to either this route or George Street.
15. The extra care scheme would accommodate some frail residents but equally some would be able bodied and would wish to use the facilities in the village. In addition, many visitors could be expected and members of staff and other service providers would need regular access. With pedestrian and cycling routes to the site unattractive, including to and from train and bus services, the proposal is likely to rely heavily on use of the private car. This would be undesirable in terms of sustainable transport and also, with many residents without cars, could lead to a sense of isolation from the village.
16. The appellant places great emphasis on the provision of a dedicated minibus for the scheme to provide transport for residents to and from the village and further afield, also to transport members of staff and visitors to and from pick up points or public transport nodes. This would be secured by a unilateral undertaking for the life of the scheme. Whilst this initiative would help to reduce the number of car movements to and from the site, with so many

¹ APP/U2235/W/15/3003780

different and conflicting demands on a single minibus it is unlikely to be fully effective nor able to overcome the inherent disadvantages of locating the scheme on this relatively isolated site.

17. The location is therefore unsuitable for the proposed use due to its relative inaccessibility by walking, cycling and public transport. It would result in an unsustainable pattern of development and conflict with the aim behind MBLP Policy DM14 which seeks to locate Class C2 schemes within defined settlement boundaries for the reasons set out in paragraph 6.69. This explains that such schemes are places of work as well as residences and should be located within the borough's main settlements². The proposal would also be contrary to the policies in the chapter 'Promoting sustainable transport' in the National Planning Policy Framework.
18. This conclusion is also consistent with the findings of the 2015 Inspector notwithstanding that no minibus transport was proposed in that case. He concluded it was unlikely that sustainable transport modes would be a realistic choice for residents and that they would be heavily dependent on private cars for almost all their journeys.
19. Whilst the Abbotsleigh Care Home lies to the north of the appeal site down a long driveway and thus even further from the village this use has developed since the 1980s with the conversion of a pre-existing detached property and then subsequent extensions. It does not therefore set a precedent for the proposal which would comprise a new use on an extensive greenfield site.

Other material considerations

20. The care needs assessment submitted with the application demonstrates there is a substantial elderly population within 10 km of the site and this is forecast to increase substantially. The number of extra care units required in this area is estimated to rise from 502 in 2018 to 549 by 2023 and 634 by 2028. With just 40 units of accommodation at present at Torvil Green Court and 31 units planned at Ledian Farm there is a significant level of unmet need for more accommodation of this type which the scheme would help satisfy.
21. The need for additional extra care housing in the borough within Use Class C2 is not disputed by the Council and a unilateral undertaking intended to ensure such housing is provided has been submitted. This ensures that at least one resident in each unit would be 65 years old and that they need, and receive, at least 1.5 hours of personal care per week provided by a specialist agency. The Council argue this should be 2 hours but such a marginal difference is unlikely to be significant. Equally important to ensure a C2 residential institution use is the nature and use of the on-site communal facilities which would be approved by the Council under one of the suggested conditions.
22. The extra care housing would have a number of other important benefits. The scheme would provide high quality accommodation in an attractive residential environment with the provision of care, community activities, meals if required and free of maintenance and other responsibilities. This would reduce social isolation, have health and wellbeing benefits for the individuals concerned and reduce burdens on local health and social services. In addition, by down-sizing into the scheme elderly households would free up under-occupied houses for

² Policy DM14 is headed Nursing and Care Homes because paragraph 6.68 erroneously classifies extra care schemes as a C3 use. The reasoning for the policy in paragraph 6.69 applies equally to C2 uses generally.

family use. The proposal would also have economic benefits for the area, including jobs and expenditure both during construction and when the scheme is operational. About 15 full time equivalent staff are likely to be employed at the site.

23. Government policy set out in Planning Practice Guidance is strongly supportive of specialist housing for older people, requiring local plans to assess needs and include appropriate policies³. Specialist extra care housing however forms part of the overall housing requirement in the MBLP. The latest monitoring data as at 1 April 2019 shows about 90% of the housing requirement since the start of the plan period has been delivered⁴ and there is a further 6.3 years housing land supply. Even discounting the sites which the appellant disputes there would still be about 5.3 years supply and thus it is agreed that MBLP policies for the supply of housing are up to date and the 'tilted balance' does not apply. The appellant maintains there are no Class C2 schemes in the future supply but the Council point out permissions have recently been granted for 84 extra care dwellings at Leeds and 24 at Boughton Monchelsea. These are on sites outside the defined settlement boundary but well related to the villages concerned, thus demonstrating a flexible approach when suitable sites come forward.
24. The appellants argue that Class C2 extra care provision is unable to compete with C3 housing for previously developed sites in built up areas or allocated land. However, no evidence is submitted to support this contention and there is a significant financial advantage in not having to include affordable housing. With sufficient housing land being provided overall by the MBLP, as shown by the five-year housing land supply position, including large sites at Staplehurst, the case for release of the appeal site on this basis is not made out.
25. The appellants draw attention to a number of appeal decisions in support of their case. Whilst relevant, they inevitably turn on the precise circumstances of the site and location concerned and cannot be determinative in this case. In one case a scheme for 79 extra care units outside the settlement boundary of West Malling was granted permission but this related to a different district with a housing land supply shortfall, the site was better related to the built-up area and was also being allocated for housing in the emerging local plan⁵. In two other cases the Inspector felt that the location of a site was less problematic for C2 extra care housing than C3 general housing, but the schemes concerned were much larger and more self-sufficient in themselves⁶.
26. Whilst included in the unilateral undertaking, the appellant disputes the need for a contribution of £37,440 towards the refurbishment, reconfiguration and/or extension of the Staplehurst Health Centre based on 1.3 residents per unit and £360 per person. This is not based on a specific costed-up project but the scheme would undoubtedly add to patient demand at the health centre and in the circumstances a broad brush estimate is reasonable.

Planning Balance and Conclusion

27. The scheme would cause significant harm to the character and appearance of the area and the location is unsuitable for the proposed use due to its relative inaccessibility by walking, cycling and public transport. However well designed,

³ Housing for older and disabled people – Paragraphs ref: 63-001-20190626 to 63-019-20190626

⁴ Delivery target 2011-19: 7,064 dwellings, Completed dwellings 6,437

⁵ APP/H2265/W/18/3202040

⁶ APP/Z3825/A/08/2090104 and APP/R3650/W/16/3155714

the proposal would therefore conflict with the development plan considered as a whole. On the other hand, the scheme would provide up to 80 extra care units which would have social and economic benefits and make a useful contribution to the need for Class C2 development in the area. These benefits should be given considerable weight. However, these material considerations are not sufficient to outweigh the conflict with the development plan and the harm that has been identified under the two main issues.

28. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Iain Warner BSc DipTP MRTPI	Tetlow King Planning
Alex Johnson	Director, Trafalgar Group
Christopher Johnson	Director, Trafalgar Group
Paul Treadaway	Managing Director, Trafalgar Group

FOR THE LOCAL PLANNING AUTHORITY:

Marion Geary MRTPI	Principal Planning Officer, Maidstone Borough Council
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INTERESTED PARTIES:

John Perry BA MBA FCCA	Maidstone Borough Councillor & Vice Chairman of Staplehurst Parish Council
Paddy Riordan	Staplehurst Parish Councillor
Colin Bowden BSc C Eng MICE	Staplehurst Parish Councillor

DOCUMENTS SUBMITTED AT THE HEARING

Verbal Summary for Hearing – Maidstone Borough Council
Costs Claim for Hearing – Maidstone Borough Council
Attendance List