



Appeal Decision

Site visit made on 15 June 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/U2235/W/20/3246516

Land adjacent to West View, Maidstone Road, Staplehurst TN12 0RE

- 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 David Saunders against the decision of Maidstone Borough Council.
 - The application Ref 19/504275/OUT, dated 16 August 2019, was refused by notice dated 10 January 2020.
 - The development proposed is an outline application for the erection of four dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is an outline proposal with all matters, but layout and access, reserved. The plans before me therefore are indicative and show what may, not necessarily what will, be constructed.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and;
 - whether or not the proposal is a suitable location for residential development with particular reference to reliance on private motor vehicles.

Reasons

Character and appearance

4. The appeal site is approximately 2km from the centre of Staplehurst on the A229 Maidstone Road, and is located beyond any settlement boundary. Staplehurst has a railway station, and there is a regular bus route that runs along the main road to nearby settlements.
5. The built form along Maidstone Road is typified by both contemporary and traditional style dwellings facing onto the road. The appeal site is a field that is positioned behind a sloped bank, hedgerow and bushes. There are mature trees to the rear and side of the site, which is surrounded by what appears to be agricultural land or pastures. When viewed across the A229 main road the site is located to the left-hand side of 'West View', which looks onto a 'string' of one and two-storey loose-knit development that is bounded by a footpath that runs all the way to Staplehurst. The proposal is for the construction of four new dwellings on the site, with parking areas available to each property, and would include an access road onto the main highway.

a) Layout

6. I acknowledge that the appellant has made changes to a linear six-unit scheme that extended across the whole of the appeal site.¹ Nonetheless, notwithstanding that the proposal is for four rather than six dwellings, or the suggestion by the Council's Conservation Officer for a 'nucleated converted farmstead' development, the eastern side of the road, on which the appeal site lies, is moderately undeveloped in comparison to the western side of the road, and is typified by intermittent, detached road-facing dwellings such as the neighbouring 'West View'. Indeed, the proposal is for a courtyard development that would have multiple dwellings positioned relatively deep within, and adjacent to, simple pastures and fields. As such, there is substantial scope for a range of domestic type paraphernalia and activities, directly or indirectly, associated with the new dwellings. For clarity, this includes, but is not limited to, washing lines, barbeques, sheds, informal play-areas, seating etc. Consequently, the proposal would be incongruous with the prevailing pattern of development on the eastern side of the highway through the introduction of further residential development and domestic activities, where residential dwellings are generally limited.

b) Access

7. Regardless of the upward gradient onto the A229, the specific elements of the proposed access, as advised by Kent County Council Highways Department, are accepted, and I see no reason to disagree.
8. However, the proposed two-way junction onto the main road would introduce an urban type arrangement and hard surfacing where currently there is none. Indeed, the eastern side of the road is mostly devoid of domestic and engineered features giving access to the road. As such, the proposal in this specific location, which seeks to remove some of the existing hedging and trees, would be visually at odds with its immediate setting.
9. Therefore, I conclude that the proposal, notwithstanding the retention and potential enhancement of some ecological and biodiversity features to the right-hand side of the development, or the softening provided by the existing trees and hedges, would harm the character and appearance of the area.
10. Accordingly, the proposal is contrary to Policies DM1 and DM30 of the Maidstone Local Plan 2017 (MLP), which requires that development should respond positively to, and where possible enhance, the local, natural or historic character of the area. For similar reasons, the proposal is contrary to Paragraph 127 of the *National Planning Policy Framework* (the Framework) which includes the aim that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Suitable Location

11. My attention has been drawn to an application and an appeal submitted by the Council in support of its case in respect of a 'suitable location'.² However, one of these proposals is for an extra care scheme, and the other is in a different location altogether. As such, I have considered the proposal on the basis of its own planning merits and the relevant local and national planning policies.

¹ 18/502254/OUT

² 18/505100/OUT and APP/U2235/W/17/3191553

12. The main parties agree that the proposed dwelling is located outside a settlement boundary, including that of nearby Staplehurst. Nonetheless, the site appears to be served by a nearby bus route, and there is a rail link within approximately 1km which offers the opportunity for commuting, longer journeys and leisure trips. Additionally, a pathway provides a direct route by foot to Staplehurst where, irrespective of whether there will be a new supermarket constructed or not, most day to day shops and services can be found. Indeed, at my site visit I noted that the pathway was being regularly used by pedestrians as a route into Staplehurst. I acknowledge that the partially lit pathway is likely to be less attractive to some pedestrians at certain times of the day and during the colder months of the year, and as a consequence the shops and services of Staplehurst would be more likely to be accessed by the occupiers of the new dwellings by using a motor vehicle. However, the number of journeys generated by four additional dwellings, as set out in the appellants submitted transport statement, in addition to journeys generated by the existing properties along this part of Maidstone Road, would be relatively modest. Moreover, the proposal would likely offer some short-term economic and social benefits such as employment associated with the construction, patronage of local services, and the benefits associated with the provision of four new dwellings.
13. Accordingly, the proposal meets the aims of Policies SS1 and SP17 of the MLP which say, amongst other things, that new residential development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve it, and Paragraph 78 of the Framework which says housing should be located where it will enhance or maintain the vitality of rural communities.

Conclusions

14. Whilst I have found in favour of the appellant on the second main issue, this does not justify the harm identified on the first main issue. The proposed development would conflict with the adopted development plan in respect of the first main issue, and there are no material considerations indicating a decision otherwise than in accordance with it.
15. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR