The Planning Inspectorate

Appeal Decision

Site visit made on 24 June 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2020

Appeal Ref: APP/U2235/W/19/3244091
The Gables, Warren Street, Lenham, Maidstone, Kent ME17 2ED

- 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 C Lass and Mrs J Laming against the decision of Maidstone Borough Council.
- The application Ref 19/501326/FULL, dated 11 March 2019, was refused by notice dated 4 September 2019.
- The development proposed is the erection of a new dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. At Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered which replicates the decision used by the Council in their decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:

    - Whether the development would be located in an area suitable for new housing in relation to access to facilities and services; and
    - The effect of the development on the character and appearance of the site, the surrounding area and the Kent Downs Area of Outstanding Natural Beauty (The AONB).

Reasons

Location of Development

4. The submissions of both main parties identify that the site is outside the settlement boundaries that are defined within the Maidstone Borough Local Plan 2017 (The MBLP) and therefore, under the terms of Policy SP17 of the MBLP, the site is deemed to fall within the countryside. Policy SP17 goes on to state that development proposals will not be permitted in the countryside unless they accord with other policies of the MBLP.

5. In this regard, Policy SS1 of the MBLP sets out a spatial strategy that identifies locations where development will be focussed and states that, in other locations, protection will be given to the rural character of the Borough. Although the site is not physically isolated from the other buildings and dwellings at Warren Street, the site is detached from any of the settlements listed in Policy SS1 and the development does not, therefore, accord with the abovementioned spatial strategy. I have not been made aware of any other policy of The MBLP that would enable the erection of a dwelling at this site and the evidence before me does not demonstrate that the dwelling would help to enhance or maintain the vitality of any rural communities.

6. The appellant has identified that the site is within walking distance of a bus stop and the Rural Service Centre of Lenham which features a train station, shops and public services. However, the site is detached from that settlement and, as the routes connecting the site to the abovementioned services and facilities are, for a substantial part, unlit and without footpaths, the location of the development would not encourage walking or cycling. Therefore, future occupiers of the development would be largely reliant on the use of less sustainable modes of transport. Whilst the appellant has stated that an existing resident of the site regularly walks to Ashford Road and I recognise that it would be possible to walk and cycle to the abovementioned services and facilities, the distance and the usability of the route would discourage future occupiers from making such journeys.

7. It has been brought to my attention that two recent planning permissions[1] have enabled the erection of dwellings within the surrounding area, which would have similar accessibility credentials as the appeal site. Furthermore, it has been indicated that permission exists for a building to be converted to residential use at Blue House Farm which is in close proximity to the site. Whilst I acknowledge the locational similarities with those developments and the other dwellings within the surrounding area, the presence of those existing and approved dwellings do not affect the manner in which the occupiers of the appeal site would be reliant on less sustainable modes of transport to access the services and facilities required for day-to-day living. As such, those permissions do not lead me to conclude that the proposal should be found acceptable in this regard.

8. The appeal site would not, therefore, provide a location for new housing that would have a good level of access to services and facilities. Consequently, the proposed development would fail to comply with Policies SS1 & SP17 of the MBLP, the aims of which are set out above. The proposal would also conflict with paragraphs 78, 103 and 104 of The National Planning Policy Framework (The Framework) which state that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities and that patterns of growth should be managed to promote sustainable transport.

Character and Appearance.

9. Warren Street consists of a collection of dwellings on large plots, a public house and a cluster of agricultural buildings at Blue House Farm. The loose grouping of the dwellings and the large plots on which they sit results in the area having a spacious and rural character that is befitting of its countryside setting. The

[1] 17/505332/FUL and 19/500506

site also sits within The AONB which is the subject of a Management Plan[2] (The AONBMP) that identifies that The AONB comprises of diverse special characteristics including expansive open plateaux, narrow lanes and a modern agricultural landscape, all of which can be seen in the area surrounding the appeal site.

10. The appeal site currently hosts a detached dwelling and outbuildings, with a substantial area of grassed land and hedge and tree lined boundaries. The presence of fields to the rear of the site and the relatively low and intermittent nature of the hedgerows within the locality enables the site to be seen from a wide area. The limited amount of built form at the site enables the site to sit comfortably within the rural landscape and contribute to the sense of spaciousness that is an important feature of the character of the area.

11. In this context, the erection of an additional dwelling and a garage would cause a substantial intensification of built form at the site which would be visible from the open land to the rear of the site, from within neighbouring properties and from Warren Street, particularly through the gap at the vehicle entrance to the site. This would cause the erosion of the abovementioned spaciousness and undermine the rural character of the locality. In this regard, the proposal would not reflect the aims of The AONBMP which identifies that increased residential use can detract from the landscape and aims to ensure that the natural beauty of the landscape is recognised, valued and strengthened.

12. The presence of other built form around the site does not prevent Warren Street having a rural character. Therefore, whilst the building would not be isolated and would have less of an effect on the countryside than if it were, the existence of buildings would not avoid the building causing a reduction of the spaciousness and rural character of the area. Similarly, whilst the built form would be of a scale and appearance that would reflect the existing buildings of the surrounding area and be set behind the existing boundary vegetation, these factors would not avoid the additional built form having a substantial effect on the locality. In this regard, even allowing for the existing vegetation to be retained and supplemented as shown on the submitted plans, the partial screening of the development from the public domain would not avoid the dwelling, the outbuilding and the use of the land harmfully eroding the rural character of the area and The AONB.

13. Furthermore, as the evidence before me indicates that the nearby developments referred to above involved the conversion of an existing building or the replacement of dilapidated buildings in a manner that brought about an overall improvement to the site and The AONB, they appear to be incomparable to this proposal. As such, they do not represent a reason to find the visual effect of the proposed development acceptable.

14. For these reasons, the development would have an unacceptable effect on the character and appearance of the site, the surrounding area and The AONB. Accordingly, the proposal would be contrary to Policies SS1, SP17, DM1 and DM30 of the MBLP which together require that the rural character of the Borough and The AONB are protected, that any developments respond positively to or enhance local and natural character and that any impacts are mitigated. Furthermore, the proposal would not accord with paragraphs 127 and 172 of The Framework which require that development is sympathetic to

[2] Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019

local character, including the surrounding landscape setting, and that great weight is given to the conservation and enhancement of landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Other Matters

15. Whilst the development would utilise existing garden land at a location that is between other buildings, this factor does not outweigh or compensate for the harm that has been identified in the abovementioned respects.

Conclusion

16. For the reasons given above, the site would represent an unsuitable location for residential development and the development would have an unacceptable effect on the character and appearance of the site, the surrounding area and The AONB. The harm that has been identified in these respects and the associated conflict with the development plan and The Framework, would not be outweighed by the other considerations that have been brought to my attention. Accordingly, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR