



Appeal Decision

Site visit made on 28 July 2020

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2020

Appeal Ref: APP/U2235/W/20/3246650

Land east of Scragged Oak Road, Detling

- 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 Heritage Designer Homes against the decision of Maidstone Borough Council.
 - The application Ref 19/503314/FULL, dated 24 June 2019, was refused by notice dated 9 December 2019.
 - The development proposed is demolition of existing buildings within the site and construction of three residential dwellings with associated access, parking, drainage and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the appeal development on the character of the area and on the Kent Downs Area of Outstanding Natural Beauty (AONB); and
 - Whether or not the proposal is consistent with policies relating to the location of housing, including with regard to accessibility of local services and facilities.

Reasons

Character of the area and AONB

3. The appeal site is located along the single-track Scragged Oak Road, and contains a collection of dilapidated buildings that have in the past been used as farm and stable buildings with an associated house. These buildings are mainly single storey, although the house rises to two storeys high. However, the overgrown nature of the site and the low height of the majority of the existing buildings helps to lessen their prominence in the landscape.
4. The site slopes down at the rear and trees and hedges define the site boundaries. The rear of the site borders an Ancient Woodland that contains Tree Preservation Orders and a Wildlife Site. A small part of this Ancient Woodland is within the site boundary. The site lies within the Kent Downs AONB and there are Public Rights of Ways nearby. This part of the AONB features woodland, sloping valleys and narrow lanes. Scragged Oak Road is characterised by farms, stables and sporadic large detached dwellings.

5. The proposed development would introduce three large two-storey detached houses with garages in a uniform manner across the site, thereby disrupting the overall sporadic pattern of development found along Scragged Oak Road.
6. Furthermore, whilst there are some large detached dwellings in the surrounding area, the combined size and extent of the proposed built form would appear at odds with the overall character of the area. The contrasting designs of the proposed buildings are intended to be read as a farmhouse with associated barns. However, due to their domestic features it would be evident that these buildings are in residential use. The proposed pattern of development is not consistent with the prevailing character of the area.
7. I also note that a portion of the front hedgerow would be removed to create a new access road, which would allow views of the proposal from Scragged Oak Road. Such views would, notwithstanding the proposed landscape buffer, appear more prominent during the winter months when the trees lose their foliage. Consequently, the loss of the hedgerow and the visibility of the proposal would alter the character of the area and the AONB.
8. I acknowledge that the proposed development would result in the removal of the existing dilapidated buildings, thereby reducing the development sprawl across the whole site. However, the proposal would instead introduce buildings of greater height and overall size across the site and would consequently erode the perceived openness.
9. The proposal would provide biodiversity and vegetation retention and enhancements across the site, including an ecology meadow and planting of native hedgerows, wildflowers and a broad tree canopy. The proposed houses would also be set back from the road in a similar manner to other nearby dwellings. However, this would not compensate for the harm caused to the character of the area or to the AONB as identified.
10. Accordingly, the proposed development would harm the character of the area and the AONB, and would fail to comply with Policies SP17, DM1, DM30 of the Maidstone Borough Local Plan (2017) (LP), which seek to ensure, amongst other things, that proposals in the countryside enhance local distinctiveness, including landscape features.
11. Furthermore, the proposal would fail to be consistent with Policies SD2 and SD9 of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019 (2014) which seek to ensure, amongst other things, that new development will be complementary to local character in form, setting, scale, and contribution to settlement pattern.

Whether the site is an appropriate location

12. The proposal is for three large houses which would have a provision for two garage spaces each. It is realistic to expect that dwellings of this size would have around 6 vehicles between them. The existing site use is for a farm and a dwelling. If this use was reinstated there would be associated traffic movements, particularly from farm vehicles. The Transport Statement (2019) explains that the proposal would have a negligible impact on the local and national road networks.
13. The appeal site is along an unlit, winding single-track road. It is therefore unlikely future residents would walk along this road. The site is around 6 miles

away from Maidstone which has a wide range of facilities and amenities. There are also local amenities in nearby Detling and events held at Kent Showground. It is however likely that future occupiers would be heavily reliant on private vehicles due to the site location.

14. I acknowledge that the Council has referred to having over a 5 year housing land supply and that Policy SS1 of the LP primarily directs new housing development towards urban and larger rural areas and refers to the conservation and enhancement of the AONB setting. However, Paragraph 103 of the National Planning Policy Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. A greater car reliance is therefore inevitable in more rural areas. Furthermore, it has not been demonstrated that the proposal would significantly increase private vehicle movements compared with the existing use.
15. Accordingly, taking on board the reasons above, there would be limited harm in relation to the location of the proposed housing with regard to the accessibility of local services and facilities. Consequently, on balance I find that this limited harm and the proposal's consistency with elements of Policies DM1, DM30 of the LP regarding the accessibility of local services and facilities, would outweigh any inconsistency with Policies SS1 and DM5 of the LP in terms of housing within the countryside.

Other Matters

16. Adjacent to the appeal site is the mid 17th century Grade II Listed Scragged Oak Farmhouse. A mature hedge, trees and solid fence currently prevent inter-looking between the farmhouse and the appeal site, and the submitted plans indicate that vegetation would be maintained adjacent to this boundary. Furthermore, a maintenance access road is proposed by this boundary which would avoid the proposed built form being located close to the boundary. Consequently, I consider that the proposed development would not affect the setting of this listed building.

Planning Balance

17. The appeal development would offer additional planting with associated ecology and biodiversity benefits, it would also remove existing dilapidated buildings and hardstanding from the site and be in an acceptable location with respect to access to services and facilities. The appeal development would also provide three dwellings. I do however note that the Council can demonstrate an excess of 5 year housing land supply, and, consequently, the provision of the dwellings carries less weight than it otherwise would do.
18. Overall, these factors do not outweigh the harm that I have identified to the AONB and the character of the area.
19. I note the main parties' positions regarding the issue of whether or not the site constitutes brownfield land. However, even if I were to conclude that the site is brownfield, this would not alter my overall conclusion.

Conclusion

20. In light of my above findings, I conclude that the appeal should be dismissed.

L Gilbert

INSPECTOR