
Appeal Decision

Site visit made on 21 October 2020

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020.

Appeal Ref: APP/U2235/W/20/3249876

The Haven, Forge Lane, Boxley, Kent ME14 3DU

- 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 L Angel against the decision of Maidstone Borough Council.
 - The application Ref 19/503771/FULL, dated 7 August 2019, was refused by notice dated 2 October 2019.
 - The development proposed is demolition of existing two storey garage/workshop building and erection of new single storey 2 no. bed house with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing two storey garage/workshop building and erection of new single storey 2 no. bed house with associated parking and landscaping at The Haven, Forge Lane, Boxley, Kent ME14 3DU in accordance with the terms of the application Ref 19/503771/FULL, dated 7 August 2019, subject to the conditions set out in the attached schedule.

Preliminary matters

2. I have adopted the description of development used on the Council's decision notice because it is a clearer description than that given on the application form.

Main issues

3. The main issues are:
 - the effect of the proposal on the Kent Downs Area of Outstanding Natural Beauty (AONB) and the character and appearance of the area generally;
 - the accessibility of the proposal to services and facilities; and
 - whether or not the proposal would provide a suitable location for housing, having regard to the provisions of the development plan.

Reasons

Effect on the Kent Downs Area of Outstanding Natural Beauty

4. The appeal site is part of a residential curtilage on the edge of Boxley. The site is within the AONB and also within a landscape character area known as Boxley

Vale. The Council's Landscape Character Guidelines identify the key characteristics of this area as including the gently undulating lower North Downs scarp foot, blocks of woodland, trees and linear tree belts and distinctive traditional buildings with chequered red and grey bricks, whitewashed bricks, Kent peg tiles, ragstone and exposed timber framing. The Council argues that the proposed design would not be reflective of or enhance the distinctive character of Boxley.

5. The proposal is for a single storey L shaped building. It would be orientated in an approximately east/west alignment to maximise opportunities for solar gain. Variations in the roof form would articulate the roofline, adding visual interest and accommodating solar panels. The sustainability statement indicates that this would be an energy efficient zero carbon dwelling. Externally, there would be a limited palette of materials with walls in stained timber and brick.
6. The design is contemporary and makes no attempt to copy the traditional buildings found nearby in Boxley. However, those buildings closest to the appeal site are of varying ages and styles. The site is visually contained by buildings fronting Forge Lane and The Street and by the effects of landscape and topography. The immediate context is characterised by spacious domestic gardens, glimpses of the nearest houses and an open aspect to the north. In my view the proposed design represents a considered response to the site context.
7. The proposed dwelling would be seen from the backs of nearby houses, from where it would appear as a low-profile contemporary building in harmony with its garden setting. I note that it would be sited a little further north than the buildings it would replace. Nevertheless, it would be contained within an established residential curtilage and well-related to the nearby built form. It would not be dominant or obtrusive. Little, if anything, of the building would be seen in longer views. Consequently there would be no harm to the landscape of the AONB. Whilst the design would not reflect the traditional buildings found elsewhere in Boxley, this contrast would not be apparent on the ground due to the visually contained nature of the site.
8. I conclude that the proposal would not be harmful to the landscape of the AONB, to the key characteristics of the Boxley Vale character area or to the character and appearance of the area generally. It would not conflict with Policies SS1 and SP17 of the Maidstone Borough Local Plan (LP) insofar as those policies seek to protect character and appearance. It would incorporate a high quality design approach and would be orientated to maximise the opportunity for sustainable energy sources, consistent with LP Policies DM1 and DM30.

The accessibility of the proposal to services and facilities

9. There have been previous appeal decisions that have considered the accessibility of services and facilities from sites in Boxley. The most recent decision that has been brought to my attention was at Cherry Tree, Court Lodge Farm, Boxley¹. In that case the Inspector noted that facilities in Boxley included a church and a public house. However, the village did not offer a full range of services to meet the day-to-day needs of future occupants. Having considered the options for walking, cycling and travelling by bus to facilities in

¹ APP/U2235/W/19/3231774

the wider area, the Inspector found that future occupiers of the dwelling proposed in that case would be likely to rely largely on private vehicles.

10. This finding was in line with an earlier decision relating to land to the north of Street Farm Cottages, Boxley². In that case the Inspector found that it would be necessary to travel 1.5km to Penenden Heath in order to access most goods and services. The Inspector noted that, whilst there is a public footway that runs along the main road, the route is unlit and it would be unattractive for some, particularly during the winter months. The appellant argues that the Street Farm Cottages decision made no reference to the decision of the High Court in *Braintree*³. However, that case was concerned with the interpretation of the term “isolated homes in the countryside” as it was used in the National Planning Policy Framework. That is a separate matter which does not bear on the question of access to services.
11. These appeal decisions relate to sites that are relatively close to the appeal site and I have taken them into account accordingly. I agree with the previous Inspectors that a new dwelling in this location would, in all likelihood, be reliant on private vehicles. However, accessibility is a matter of degree. In this case the site is close to a bus stop which provides a service to Penenden Heath and Maidstone every two hours⁴. Penenden Heath is within cycling distance and the footway, although unlit, appears to be of reasonable width and surface condition. Thus walking and cycling would be an option for some trips by some people. Thus, although I agree that there are limitations on the transport options for accessing services outside Boxley, I consider that those limitations are not as great as they might be in many rural locations.
12. The Framework states that the planning system should actively manage patterns of growth in support of the objective of promoting sustainable transport. This is qualified by the comment that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this case I conclude that the future occupiers of the proposed dwelling would be likely to be reliant on private vehicles and that there would be limitations on the transport options for accessing services. This would be a disadvantage of the proposal which is to be weighed in the planning balance. However, recognising that sustainable transport solutions will vary between urban and rural areas, I conclude that only modest weight should be attached to this factor for the reasons given above.

Whether the proposal would provide a suitable location for housing

13. LP Policy SS1 sets out a spatial strategy which seeks to focus development on the Maidstone urban area, with some growth in rural service centres and larger villages. Policy SP17 defines all those parts of the plan area outside the settlement boundaries of these places as countryside. On this definition the village of Boxley is to be regarded as countryside for the purposes of the LP.
14. In these circumstances Policy SS1 seeks to protect the rural character of the borough, avoiding coalescence between settlements, including between Maidstone and the surrounding villages. Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other

² APP/U2235/W/17/3191553

³ *Braintree District Council v Secretary of State for Communities and Local Government* [2017] EWHC 2743 (Admin)

⁴ Monday to Friday, with fewer services on Saturday

policies in the LP plan and they will not result in harm to the character and appearance of the area. The policy also gives great weight to the conservation of the Kent Downs AONB. There is no suggestion that the proposal would contribute to any coalescence between Maidstone and Boxley. For the reasons given above, it would not result in any harm to the AONB or to the rural character of the borough. There is no evidence before me of any conflict with any other policies of the LP. I therefore conclude that this would be a suitable location for the proposed development and that the proposal would accord with LP Policies SS1 and SP17.

Other matters

15. The appeal site adjoins the Boxley Village Conservation Area. However, due to the visually contained nature of the site the proposal would not impact on any important views into or out of the conservation area, nor would it impact on any important features within it. The character and appearance of the conservation area would be preserved.
16. The proposed development aims for a high level of energy efficiency and would incorporate measures to enhance biodiversity within the site. However, as all developments should contribute to these objectives, I attach only limited weight to these benefits.
17. The Council can demonstrate the five year supply of housing sites required by the Framework. Even so, mindful of the general importance of housing delivery, a contribution to housing supply should be counted as a benefit of the scheme. Given the small scale of the proposal I attach only modest weight to this factor.
18. I have taken account of the representations in support of the appeal and those objecting to it. In the main these refer to matters already covered above.

Conclusions

19. I conclude that the proposal would accord with the development plan. It is therefore necessary to consider whether there are any considerations that indicate a decision other than in accordance with the development plan. The likely reliance on private vehicles is a disadvantage of the proposal to which I attach modest weight. The contribution to housing supply is a benefit to which I attach modest weight. The proposed measures to achieve energy efficiency and biodiversity enhancement are benefits to which I attach limited weight. Taken together, these considerations do not indicate a decision other than in accordance with the development plan. The appeal should therefore be allowed.

Conditions

20. The Council has suggested conditions which I have considered in the light of Planning Practice Guidance. In some cases I have adjusted detailed wording to reflect that guidance. Condition 1 is the standard time condition. Condition 2 requires development to be in accordance with the plans in the interests of certainty. Conditions 3 and 4 require submission of details of materials and levels in the interests of the character and appearance of the area.
21. Conditions 5 and 6 require details of external lighting and landscaping, and Condition 7 requires replanting, in the interests of the character and

appearance of the area and biodiversity. Condition 8 requires provision of an electric vehicle charging point in the interests of sustainable transport. Condition 9 requires details of walls and/or fences in the interests of the character and appearance of the area.

22. Condition 10 requires details of refuse storage in the interests of sustainable development. Condition 11 requires details of biodiversity enhancements in the interests of biodiversity. Condition 12 requires details of surface water drainage in the interests of managing flood risk.
23. The Council suggested a condition restricting additional windows with a view to preventing overlooking. However, the proposal is for a single storey dwelling which would be well separated from its neighbours so I do not think this condition is necessary.

David Prentis

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18-1317-01C; 18-1317-02C
- 3) No development above ground level shall take place until details and samples of all external facing materials and hard surfacing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development above ground level shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No external lighting shall be installed on the site other than in accordance with details that have first been submitted to and approved in writing by the local planning authority. The details shall include measures to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors in order to minimise any impact upon ecology. The details shall take note of the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 6) No development above ground level shall take place until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be designed in accordance with the principles of the Council's landscape character guidance and shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall provide details of replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a 5 year management plan.
- 7) The landscaping scheme approved pursuant to condition 6 shall be carried out in accordance with the approved programme of implementation. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 8) Prior to first occupation of the dwelling hereby permitted an electric vehicle charging point shall be installed and ready for use by the occupiers. Thereafter the electric vehicle charging point shall be retained and kept available for use for the lifetime of the development.
- 9) No development above ground level shall take place until details of all fencing, walling and other boundary treatments have been submitted to

and approved in writing by the local planning authority. The details shall include gaps at ground level to allow the passage of wildlife. The details shall be implemented as approved before the first occupation of the dwelling and shall thereafter be permanently retained as such.

- 10) No development above ground level shall take place until details of facilities for the storage of refuse and a suitable refuse collection point have been submitted to and approved in writing by the local planning authority. The details shall be implemented as approved before the first occupation of the dwelling and shall thereafter be permanently retained as such.
- 11) Prior to first occupation of the development hereby permitted details of biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. The details shall include a timetable for provision and management of bird nesting boxes and native species planting. The details shall be implemented as approved in accordance with the approved timetable and shall thereafter be permanently retained as such.
- 12) The dwelling hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

End of schedule