



Appeal Decision

Site Visit made on 11 May 2021

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/U2235/W/20/3263917

Land North of Pleasant Valley Lane, East Farleigh, ME15 0BB

- 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 & Mrs Matthew Ward against the decision of Maidstone Borough Council.
 - The application Ref 20/502111/FULL, dated 14 May 2020, was refused by notice dated 12 August 2020.
 - The development proposed is the demolition of existing buildings and the erection of a single detached dwelling with associated parking, access and landscaping works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site forms part of a field along Pleasant Valley Lane. The lane serves a number of houses and there is a contiguous ribbon of street frontage residential development along the northern side of the lane, from Dean Street up to the appeal site, but not beyond. The appeal site and this part of the lane therefore has a pleasant, open semi-rural character.
4. I agree that the design of the proposed dwelling would not, in the context of others, appear out of place architecturally. Nevertheless, the erection of a dwelling together with a formalised curtilage and new entrance would undoubtedly alter the character and appearance of the site. It would extend the ribbon of development further along Pleasant Valley Lane, eroding its pleasant rural aesthetic and thereby diminish the quality of the character and appearance of this part of the lane, in favour of a distinctly more urban one.
5. In causing harm to the character and appearance of the area, the appeal scheme would accordingly be contrary to Local Plan¹ Policies SS1, SP17, DM1 and DM30 which, when taken together and amongst other things, seek to restrict development in the open countryside and avoid harm to the existing character and appearance of local areas.

¹ Maidstone Borough Local Plan (October 2017)

Other Matters

6. There is no dispute amongst the main parties that the site is within the open countryside and thus outside of a settlement. The Council has accepted that the site is not however, in an entirely unsustainable location given its accessibility to village and local bus services. Neither matter is however contentious in the appeal.
7. It has been suggested that the proposal would not lead to the coalescence of settlements. Other developments in the area have been drawn to my attention to help demonstrate this point. I do not have the details of these other cases nor the basis on which the decisions were made before me. Each case must be determined on its own merits and the current appeal site, although modest in size, would nevertheless extend the existing settlement eastwards, without substantive planning justification, and give rise to the harm I have identified.
8. I acknowledge that the appeal proposal represents an amendment following a previous refusal. The proposed dwelling would be sited close to the adjacent residential curtilage, to try to accord with Local Plan Policy DM30. However, this policy must be read in conjunction with other policies in the Plan and adherence to Policy DM30, if there was, does not imply a scheme would be acceptable in all other respects.
9. The appellants point to a number of mitigation measures associated with the proposal, including the removal of the existing buildings within their wider landholding, landscaping/planting and bio-diversity gains. However, I do not consider these would mitigate the harmful effect of the proposed development that I have identified. I also note that they could be undertaken regardless of whether a new dwelling is erected on the site. Similarly, I am unable to find sufficient justification for a new dwelling based on the management and maintenance of the appellant's land.
10. The appellants point to local support for the proposed development. However, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issue of the case. There is also mention in the evidence that the appeal scheme would be a self-build dwelling but there is nothing before me to secure it as such. I cannot therefore afford it any weight. In any case, I am unaware of the extent of the Council's provision for such sites.
11. The proposed dwelling would represent a windfall site, which the Framework² acknowledges can make a contribution to housing supply in an area. However, the appellant appears to agree that the Council is not in an under-supply situation in regard to housing, such that I could attach more than a modest amount of weight to the provision of new housing. Especially such that would give rise to harm in the terms I have described. There would be other benefits associated with the provision of a new dwelling but these would be affected by both the scale of the proposal and some would be time limited. The weight I could therefore attach to these matters is limited. Such that they would be insufficient against the harm and conflict with the development plan that I have found and to which I ascribe substantial weight.

² National Planning Policy Framework (2019)

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR