



Appeal Decision

Site Visit made on 12 May 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 MAY 2021

Appeal Ref: APP/U2235/W/20/3258289

Woodlands, Stockbury Valley, Stockbury ME9 7QN

- 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 Lewis against the decision of Maidstone Borough Council.
 - The application Ref 20/501510/FULL, dated 24 March 2020, was refused by notice dated 27 May 2020.
 - The development proposed is erection of an earth bund.
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Decision

1. This appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site is an undeveloped grass field associated with Woodlands, the dwelling to the east. It is part of an open rural area with a gentle incline including a wooded area to the south, and it is in the countryside for the purposes of the development plan. The busy dual carriageway of the A249 runs alongside the site and there is a layby directly adjacent, set higher than the natural ground level. There is a strip of trees and vegetation directly adjacent to the road and layby, outside the boundary of the appeal site.
4. The site is within the Kent Downs AONB. Its green, natural character and gentle undulation makes a positive contribution to landscape and scenic beauty. I give great weight to conserving and enhancing landscape and scenic beauty in this area, which has the highest status of protection in relation to these issues.
5. Due to its size, location, and the incline particularly on its slope towards the A249 the bund would clearly appear as a manmade feature. The planting proposed to the slopes would soften its appearance somewhat, however its scale and steepness would remain apparent. Notwithstanding that I am satisfied that, subject to conditions, there would not be a harmful effect on trees, this unnatural, large, and steeply sloping feature would harmfully contrast with this natural landscape. Consequently, it would erode the natural scenic beauty in this area.

6. Therefore, the proposed development would be harmful to the character and appearance of the area, including the AONB. As such, in this respect, it would be contrary to Policies SP17 and DM30 of the Maidstone Borough Local Plan Adopted 25 October 2017, LLC1 of the Downs AONB Management Plan and paragraph 172 of the National Planning Policy Framework February 2019 (the Framework). Together these policies require that development in the countryside will not harm the character and appearance of the area and will be of high-quality design, and that great weight should be given to the conservation and enhancement of the AONB.

Other Matters

7. The proposed development would provide ecological enhancement in the form of additional native trees, shrubs and ground flora and provision of additional habitat for nesting birds, hazel dormice, and reptiles. Taking into account the scale of any planting and the potential for such wildlife in the area at present, this would attract moderate weight. I am not presented with detailed evidence that there would be harm to the public right of way on this land.
8. The proposed development would also provide benefits for the occupiers of Woodlands. It would limit noise from the road to the adjoining land albeit I am not presented with evidence that this disturbance is at a harmful level. It would also protect the land from road accidents, in the rare but serious event that a vehicle were to come off the highway. It would be unlikely to prevent the antisocial behaviour from layby users, such as littering and urinating. However, it would reduce the effects of such actions on the appellants' land. These benefits would therefore improve living conditions for the occupiers of Woodlands. However, the wider public benefits are limited. Consequently, the weight that I afford to such benefits is modest.
9. The improvements to the living conditions of the appellants and to ecology are benefits of this development. For the reasons set out above, I afford these moderate weight. However, this, therefore, does not outweigh the great weight which I give to the public and permanent harm to the character and appearance of the AONB and the surrounding area.

Conclusion

10. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR