



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: 4 June 2021

Appeal Ref: APP/U2235/W/21/3266845

Lower Bell Riding School, Back Lane, Boughton Monchelsea, ME17 4JR

- 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 Kayani against the decision of Maidstone Borough Council.
 - The application Ref 20/502032/FULL, dated 6 May 2020, was refused by notice dated 30 September 2020.
 - The development proposed is removal of existing site structures and erection of 3 dwellings with accompanying parking and landscaping.
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Decision

1. This appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, and the suitability of the site for housing with particular regard to accessibility by sustainable modes and environmental improvements.

Reasons

Character and Appearance

3. The appeal site includes a grazed field, stables, car park and a large barn and is in equestrian use. The buildings and car park are functional and clearly relate to this typically rural use. Although the barn is large and the development is visible from Back Lane, their size, appearance and materials are nevertheless appropriate in this countryside location. There are a handful of dwellings mainly to the west. Otherwise, the site is surrounded by generally open land and woodland, characteristic of this countryside location. Considering the above the positive characteristics of the site are its rural appearance and surroundings.
4. The site is within the Boughton Monchelsea to Chart Sutton Plateau landscape character area which is stated to be in a very poor condition, where equestrian grazing and facilities can be visual detractors. Taking into account the site specific considerations set out above, the existing development on the appeal site does not detract from its immediate rural surroundings.
5. The proposed development would result in three substantial dwellings and their associated domestic features of car parking, driveways and formal gardens, along with likely domestic paraphernalia. Development would be concentrated to the west, closer to the nearby houses and on the footprints of the existing buildings. Nevertheless, it would result in an urban developed appearance to a

significant part of this site. This would substantially erode its countryside appearance and would be considerably harmful to its intrinsic rural character.

6. As set out above, I find the existing buildings and use not to be harmful to the character and appearance of the area. Therefore, their removal would not overcome the harm identified above. The proposed landscaping would provide some screening. However, views would be possible along the driveway and given the size of the dwellings this harmful urban appearance would be likely to be visible in public views. Consequently, the harm would be experienced.
7. Therefore, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. It would therefore be contrary to Policies SS1 SP17, DM1, DM30 of the Maidstone Borough Local Plan Adopted 25 October 2017 (the Local Plan) and the relevant policies in the National Planning Policy Framework February 2019 (the Framework), in this respect. Together these set out principles for high quality design, including those particularly relevant to the countryside and that development in the countryside must not result in harm to the character and appearance of the area, including protection to rural character and recognition of its intrinsic character and beauty.

Suitability of the site for housing

8. The appeal site is within the countryside for the purposes of the development plan. Policy SS1 of the Local Plan sets out a high level spatial strategy for the Borough which focuses housing on urban areas, rural service centres and larger villages. In other locations, protection will be given to the rural character of the borough. Policy DM5 of the Local Plan states that, exceptionally, brownfield sites in the countryside may be developed provided they satisfy specific criteria which, of relevance to this appeal include a consideration of the character and appearance of the locality, environmental improvements and accessibility.
9. The proposed dwelling would be accessed via Back Lane, a narrow unlit country lane with no pavements in the vicinity of the site. Although the larger village of Boughton Monchelsea is 1km away, and Chart Sutton, which is not categorised as a larger village in the local plan, is closer, Back Lane does not provide suitable access for walking to these places. Particularly for those with mobility issues or young children. There are bus stops around 480m from the site, however these are accessed via the same route which, for the reasons set out above, would not encourage the use of such modes. Therefore, the site is not accessible via sustainable modes.
10. My attention has been drawn to a development of 4 dwellings at Wierton Place (17/503852). This location is not in the immediate vicinity of the appeal site and therefore I am not persuaded that the circumstances in terms of accessibility are comparable. As such this does not alter my reasoning.
11. The proposed development provides environmental improvements in the form of landscaping of hedgerows and trees of indigenous species which provides habitat. Along with bat boxes, log piles and bird boxes. Bat friendly lighting and hedgehog friendly fencing would provide mitigation rather than improvements.
12. However, I have identified substantial environmental harm in terms of the effect on the rural character and appearance of the area as a result of the

proposed development. Consequently, the development does not represent a significant environmental improvement.

13. Therefore, the site would not be suitable for housing with particular regard to accessibility by sustainable modes and environmental improvements. As such, in this respect, it would be contrary to Policy SS1 and DM5 of the local plan, the aims of which are set out above. As well as paragraphs 78 and 103 of the Framework which seek to locate housing where it will enhance or maintain the vitality of rural areas, locate development where it limits the need to travel and offer a genuine choice of transport modes.
14. I have not been provided with detail of the made Boughton Monchelsea Neighbourhood Plan, however I find harm in relation to the suitability of the site for housing in any case. Paragraph 104 of the Framework sets strategic aims to promote sustainable transport. Therefore, the policies listed above are more relevant to this main issue.

Other Matters

15. I am not persuaded that it is likely that, if this appeal were refused, the site would be used for less permanent residential properties. In any case, such a proposal would be assessed on its individual merits.
16. The proposed development would provide social and economic benefits associated with three new homes. These include that they would boost the supply of housing on a windfall site and brownfield land. Future residents would support local shops, services and the community. The Council would receive income from new homes bonus and council tax receipts. Also, investment and employment would be provided during the construction phase, albeit that this would be temporary. Although, given the size of the development, these benefits are limited in their scale.
17. Furthermore, it is put to me that three dwellings would generate less private vehicle traffic than the riding school operating at capacity. This would be a benefit of the proposal. I also understand that there is an issue with smell from waste. However, this relates to the management of the existing use and could be resolved in a manner that would not result in the harm identified. As such, although it would be a benefit, the removal of this issue as a result of the proposed development does not weigh strongly in favour of the proposal. In view of all the above, the proposed development provides modest benefits.
18. On the other hand, I have identified considerable environmental harms in terms of the substantial public and permanent harm to the character and appearance of the area and its poor accessibility by sustainable transport modes, contrary to the development plan. Paragraph 11 d) of the Framework is not engaged. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework and the modest benefits outlined above, to indicate that the appeal should be determined otherwise.

Conclusion

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

H Miles INSPECTOR