



Appeal Decision

Site visit made on 8 June 2021

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/U2235/W/20/3261021

Chapel Nursery, 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 Ms Samantha Fellows against the decision of Maidstone Borough Council.
 - The application Ref 20/503158/FULL, dated 13 July 2020, was refused by notice dated 14 September 2020.
 - The development proposed is demolition of existing buildings and erection of a detached three bedroom bungalow with associated access, parking, amenity and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and erection of a detached three bedroom bungalow with associated access, parking, amenity and landscaping at Chapel Nursery , Pleasant Valley Lane, East Farleigh, ME15 0BB in accordance with the terms of the application, Ref 20/503158/FULL, dated 13 July 2020, subject to the conditions in the attached schedule.

Main Issues

2. The effect of the proposed development on the character and appearance of the area and whether it would be in a suitable location having regard to relevant development plan policies.

Reasons

3. The appeal site is unused and contains the vestiges of a former nursery and an outbuilding. Pleasant Valley Lane is a private road to the east of Dean Street. The site lies between it and the existing dwelling at Chapel Nursery which is set well back from the track. To the west is a small group of residential properties whilst directly to the east is a copse of native trees.
4. A scheme to replace the existing dwelling and to build two houses on the site frontage was dismissed at appeal in 2017 because of the harm that would have been caused to the character and appearance of the area including the belt of trees (Ref: APP/U2235/W/16/3164397). There would also have been unsatisfactory living conditions for future occupiers. As part of that decision the Inspector commented that the site (which was larger than the current appeal site) represented a suitable transition between the more intensive housing to the west and the open countryside to the east.
5. The proposed dwelling would be of traditional appearance in terms of its form and the proposed palette of materials. It would be sited 'end on' to the lane and the accommodation would all be on the ground floor. The built footprint

- would be quite large compared to the size of the site but the proposal would not appear cramped given the space that would remain on either side. The new bungalow would be much closer to the lane than Raylands immediately to the west but its siting in relation to Pleasant Valley Lane would be similar to many of the other properties along it.
6. The long side elevation would be visible from the west but the steep hipped roof would be seen against the backdrop of the woodland and so would be readily assimilated. Although much of the front hedge would be kept it would be possible to see the hard surfaced parking and turning area as well as other domestic trappings. However, this would be in the context of a small cluster of housing where such features are to be expected rather than in purely rural surroundings where they often provide an unwelcome contrast.
 7. The proposed dwelling would be no further east than Pippin Lodge opposite and so would not lead to any meaningful coalescence of East Farleigh with Coxheath. Indeed, the wooded area provides a clear demarcation of the extent of built development on this side of the village.
 8. Clearly there would be some urbanisation of the site compared to its current condition. However, because of its design and siting the level of development would not be overly dense and the proposal would form a suitable 'bridge' between the group of houses along the lane and the undeveloped land beyond. These findings are different to those of the previous Inspector but the two proposals can be distinguished in that the number and scale of dwellings at the front has been reduced and an adverse impact on the trees avoided.
 9. Therefore the proposal would not harm the character and appearance of the area. As such, it would meet the design principles in the countryside as set out in Policy DM30 of the Maidstone Borough Local Plan of 2017.
 10. The site lies some distance to the west of the settlement boundary of Coxheath. It is therefore defined as countryside by the Local Plan. Furthermore, as it does not lie within this designated larger village the provisions of Policy SP11 do not apply since this concerns development within the settlement rather than outside it. Similarly the proposal is not justified by Policy SP13 which sets out the general policy approach for Coxheath including the delivery of over 500 new dwellings on five allocated sites.
 11. Local Plan Policy SS1 sets the spatial strategy for Maidstone and identifies the expanded urban area as the principal focus for development with rural service centres as the secondary focus and with limited development at the larger villages. In other locations protection will be given to the rural character of the Borough avoiding coalescence between settlements. The supporting text emphasises the importance of protecting the quality and character of the countryside outside of settlements in the hierarchy. Policy SP17 provides that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and do not result in harm to the character and appearance of the area.
 12. Therefore, whilst development in the countryside is the least favoured option in the spatial strategy, it is not entirely ruled out in policy terms provided that certain conditions are met. This appears to have been the approach taken by the Inspector in an appeal at Staplehurst (Ref: APP/U2235/W/20/3246516).

13. In this case the dwelling proposed at Chapel Nursery would not harm the character and appearance of the area or lead to coalescence. It therefore accords with Policy SP17 1) as well as with Policy SP30 and other policies in the Plan. In line with the strategic aspirations of the Local Plan the rural character of the Borough would be safeguarded. The position might have been different if the proposed dwelling had not been within a small enclave of buildings. However, because the actual consequences of the proposal would be acceptable, the Local Plan does not preclude it even though the proposed bungalow would be situated outside a defined settlement.
14. The proposed development would therefore be in a suitable location having regard to relevant development plan policies.

Other Matters

15. There is local concern about increased traffic along a single track access and at the junction onto Dean Street. There are no technical objections in this regard but those living along Pleasant Valley Lane and using it every day will have a good understanding of any difficulties. However, the additional traffic associated with a single dwelling would be insignificant and there is no reason to conclude that development should be refused because of an unacceptable impact on highway safety.
16. The Council has a 5 year supply of housing and a good track record on delivery. However, this is not a reason to stop additional windfall development from coming forward. As noted by the last Inspector the site is in a reasonably sustainable location given the proximity to the centre of Coxheath and this factor also favours the proposal.
17. Some fear that allowing this appeal might encourage other development on the fringes of East Farleigh but this decision should not be taken as setting a general precedent for new housing outside of settlement boundaries.

Conditions

18. To provide certainty the plans should be specified. Conditions are also required to secure details of external materials, hard surfacing, boundary treatments and landscaping in the interests of the appearance of the area. The spaces shown should be provided to ensure adequate parking off the lane. To enhance biodiversity adjoining the woodland detailed measures should be implemented. Making provision for vehicle charging points is required to promote sustainable transport in line with paragraph 110 e) of the Framework.

Conclusion

19. The proposed dwelling would not harm the character and appearance of the area and would be in a suitable location. As such it would accord with the development plan and there are no other material considerations to indicate that a different decision should be reached. Therefore, for the reasons given, the appeal should succeed.

David Smith

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 drawing nos 14639-01, 04, 06, 07, 08 and 09.
- 3) Before any works above damp proof course level are undertaken, details or samples of the external materials to be used in the construction of the development and of the materials to be used for hard surfacing shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 4) Before any works above damp proof course level are undertaken, details of all boundary treatments shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the occupation of the dwelling hereby permitted.
- 5) Before any works above damp proof course level are undertaken, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on or immediately adjacent to the site, identify those to be retained or removed and include details of hedge planting along the northern boundary.
- 6) The approved landscaping scheme shall be carried out in the first planting season following the occupation of the dwelling hereby permitted or the completion of the development, whichever is the sooner. 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 unless the local planning authority gives written approval to any variation.
- 7) Notwithstanding the bird and bat box positions shown on drawing no 14639/04 and before any works above damp proof course level are undertaken, a scheme to enhance biodiversity shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the occupation of the dwelling hereby permitted and its features shall thereafter be retained.
- 8) The dwelling hereby permitted shall not be occupied until the parking spaces shown on drawing no 14639/04 have been provided. Those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 9) The dwelling hereby permitted shall not be occupied until a minimum of one electric vehicle charging point has been installed adjacent to the parking spaces shown on drawing no 14639/04 and shall thereafter be retained.