



Appeal Decision

Site Visit made on 18 May 2021 by Emma Worby BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/H2265/W/21/3268950

Kooland, Rochester Road, Burham, Rochester ME1 3SQ

- 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 Mankelow against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/20/02794/FL, dated 4 December 2020, was refused by notice dated 20 January 2021.
 - The development proposed is a partial change of use and new residential dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the site, surrounding area and the Area of Outstanding Natural Beauty (AONB).

Reasons for the Recommendation

4. The appeal site is an open field adjacent a small stable block and area of hardstanding to the rear of the site with a gravel track providing access from Rochester Road. The site is located in a rural environment on the edge of the village of Burham and within the North Downs AONB. The open and rural nature of the site currently provides a positive contribution to the character and appearance of the surrounding area and the AONB. The proposal is for a detached, single storey dwelling which would be partially subterranean due to the sloping ground levels on the site.
5. Although the proposed dwelling would be low level and set into the landscape with its subterranean accommodation partially concealed, due to its location adjacent to Rochester Road and the elevated positioning of the site compared to the road, the proposal would nevertheless be visible from the public realm. As well as the introduction of a dwelling, the proposal would also change the current natural ground levels on the site, introduce gabion walls and provide hardstanding to the front of the dwelling. Although these may be partially shielded from public view, the introduction of engineered domestic features to this rural site would be at odds with its current open and green landscape

character and its positive contribution to the AONB, where landscape and scenic beauty should be conserved. Therefore, the proposed dwelling would have a harmful impact on the existing site to the detriment of the character and appearance of the surrounding area and the AONB.

6. Furthermore, although the appellant has stated it would be minimal, the proposed dwelling and the partial change of use of the land would introduce some level of domestic paraphernalia onto the site, such as additional vehicles and garden furniture, which would further erode its open and verdant nature.
7. Therefore, the proposed development would harm the character and appearance of the site, surrounding area and the AONB and would conflict with Policies CP7 and CP24 of Local Development Framework Core Strategy (2007) and Policy SQ1 of the Managing Development and the Environment Development Plan Document (2010). These policies collectively seek to prevent development which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty and require development to respect the site and its surroundings, protecting the character and local distinctiveness of the area.
8. The proposal would also conflict with paragraphs 127 and 172 of the National Planning Policy Framework which require development to be sympathetic to local character, including the landscape setting, with great weight given to conserving and enhancing landscape and scenic beauty in AONBs.

Other Matters

9. The appellant has stated that the proposal would make effective use of the site and provide an additional dwelling which would make a limited contribution towards the housing supply. Both the Council and the appellant agree that the Council cannot demonstrate a five-year supply of deliverable housing sites, albeit no figures have been provided to indicate the level of this deficit. Nevertheless, although paragraph 11(d) of the Framework would be engaged because of the provisions of footnote 7, part i. of paragraph 11(d) sets out that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including AONBs, provides a clear reason for refusing the development proposed.
10. I have already concluded that the proposal would result in harm to the AONB and would conflict with the applicable paragraphs from the Framework, providing a clear reason for refusing the development proposed. As a result, the presumption in favour of sustainable development does not apply.

Planning Balance, Conclusion and Recommendation

11. The proposed development would provide one additional dwelling along with a limited economic contribution arising from construction and the following occupation. It has also been stated that the property would be energy efficient, however no further details have been provided regarding this. Nevertheless, due to the small scale of the development these benefits are minimal and would not outweigh the great weight given to the conservation and enhancement of the AONB, which has the highest status of protection. Therefore, the benefits taken cumulatively would be insufficient to outweigh the harm.

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Emma Worby

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR