



Appeal Decision

Site visit made on 23rd November 2021

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2021

Appeal Ref: APP/U2235/W/21/3269283

2 Mays Cottages, St. Helens Lane, East Farleigh ME15 0LA

- 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 Kevin Mardell against the decision of Maidstone Borough Council.
 - The application Ref 20/504562/FULL, dated 25 September 2020, was refused by notice dated 2 December 2020.
 - The development proposed is the erection of 1 no. single storey dwelling together with a car barn (part retrospective) and associated garden, access, landscaping and other works
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - the effect of the development on the character and appearance of the area; and
 - whether or not the proposal is consistent with policies relating to the location of housing, including with regard to accessibility of local services and facilities.

Reasons

Character and Appearance

3. Kettle Corner is a relatively small cluster of properties around the junction of Lower Road and St Helens Lane. The main focus of development is formed of a linear row of two storey properties along the western side of St Helens Lane. Except for 1-4 Mays Cottages, the other side of the lane comprises open fields. Similarly, the northern side of Lower Road, which contains the appeal site, is undeveloped and open. A low ragstone wall running along the back edge of the footpath to Lower Road permits views across the valley.
4. The appeal site to the rear of 2 Mays Cottages is currently laid to lawn, together with raised flower beds, a glasshouse and a shed. A post and rail timber fence marks the eastern boundary to the paddock beyond and a sloped walkway extends up to the car barn, which has already been erected, and is accessed from an existing driveway off Lower Road.

5. The rear garden to 2 Mays Cottages has been extended overtime. From the appellant's aerial photograph dated December 2003¹ the rear (eastern) boundary at that time was formed of trees and appeared to align with the rear boundary of the neighbouring property, Keys Cottage (1 Mays Cottages). Those trees have subsequently been removed and the garden extended further. It is not clear from the details before me exactly when this took place, and the establishment of a lawful use is not a matter before me. Nevertheless, the appellant accepts that part of the land, referred to as a gap of around 2.8m, is beyond the area which they identify as having been used as a garden for more than 10 years.
6. There appears to have been a gradual encroachment into the adjacent field and this proposal would further extend residential use to the east. Moreover, in my view, the garden even with the associated small scale domestic paraphernalia has a different character to the proposed introduction of a new dwelling. The garden and paddock still have an open appearance and are a transition to the agricultural fields beyond. The formal driveway and the stable building have to some extent interrupted the open landscape to the north of Lower Road. However, these are an exception, and due to the levels the stable primarily sits behind the wall to Lower Road and has a rural appearance.
7. Sited on lower ground and being single storey the proposed dwelling would not in itself be prominent in long distance views. Nevertheless, occupying a backland position the dwelling together with the car barn and stable building would create a substantial length of built form. In my opinion, this would result in a cluttered and obtrusive development which would be harmful to the open character of the area. The area forms part of a landscape of local value, the Farleigh Greensand Fruit Belt character area, which the Council's Landscape Capacity Study² identifies as being sensitive to change. Whilst the study suggests there is potential for some minor development within existing villages it indicates the expansion of the village footprint should be restricted. This proposal would result in a physical expansion of built form some distance to the east of Kettle Corner in a location which is out of keeping with the prevailing pattern of development and would result in significant visual harm to the landscape setting.
8. I therefore find that the proposal would conflict with Maidstone Borough Local Plan (Local Plan) policies SS1, SS17 and DM30 and the Framework which seek to ensure, amongst other things, that proposals in the countryside enhance local distinctiveness, including landscape features.

Location

9. Local Plan policy SS1 focuses the development of new housing towards urban and larger rural areas. The site lies outside any defined settlement and the Council argue that the proposal will introduce isolated built form to the open countryside. Whilst in the countryside and set away from Mays Cottages, the proposal would relate to other built form in St Helens Lane and Lower Road. Having regard to the relevant case law³ on this matter, as referenced by the

¹ Appellant's Appeal Statement of Case -Figure 5.4: Aerial image of the site dated December 2003

² Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015

³ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

appellant, the development would not be far away from other places, buildings or people.

10. The only facilities close to the site are a private children's nursery and a bus stop with a limit service. I accept that walking/cycling to East Farleigh and East Barming maybe pleasant. But these routes are along unlit roads without pavements and/or along the riverside and therefore would not be attractive in the winter/dark or accessible to all. As such, in my view, the occupiers would generally be reliant on a car for day to day services. The appellant has referred to other applications where the Council have taken a different approach to the sustainability of locations in the countryside, however none of these relate to Kettle Corner and each proposal should be considered on its own merits.
11. I therefore find that the location of development would not accord with the general spatial strategy of Local Plan policy SS1 and would conflict with policy SP17 as the proposal would be harmful to the character and appearance of the area.

Other Matters

12. The parties agree that Maidstone Borough Council can demonstrate a five year supply of housing.
13. There are two listed buildings close to the site. Having regard to the distance and intervening features I agree with the parties that the proposal would not result in harm to the setting of these buildings.
14. I acknowledge that the adjoining neighbours support the proposal and that the development would not impact on their living conditions, or the occupiers of the host property. There is also no specific evidence before me to suggest that the development would prevent the continued equestrian use of the stable and paddock. However, these matters are neutral and do not outweigh the harm I have found to the character and appearance of the area and conflict with the Development Plan.

Conclusion

15. For the reason set out, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Ellis

INSPECTOR