



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: 17 December 2021

Appeal Ref: APP/H2265/W/21/3273334

Springgate Farm, 132 Broadwater Road, West Malling ME19 6HU

- 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 D Robinson against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/20/02577/FL, dated 16 November 2020, was refused by notice dated 13 January 2021.
 - The development proposed is to remove the existing large stable block as illustrated and to construct a residential detached house with integral garage.
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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.

Reasons

3. The site forms part of Springgate Farm which is located to the west of Broadwater Road, a single-track country lane bound by trees and open fields with built form in small sporadic clusters. Adjacent to the site is a commercial workshop and a new dwelling has recently been constructed opposite, however, overall, the area has a strong rural appearance. Paddocks to the rear of the site extend towards the A228, to the west, and the railway line, to the north.
4. The proposed dwelling would replace an existing stable building located to the southwest of the farmhouse (No.132). The stable building is part of a courtyard of outbuildings with associated paddocks to the rear. It is functional in design, but in terms of an agricultural/equestrian farm complex it does not look out of place within the context of the site or the rural location.
5. The proposed dwelling would have a smaller footprint, but would be primarily located beyond the siting of the existing stable building. Together with the large garden area development extends into the open paddock area, thereby increasing the spread of built form and features associated with residential use into the open countryside. The proposal is a substantial two storey dwelling, which whilst reflecting the design of No.132, would have a notable height and massing compared to the low-level horizontal appearance of the stable building.

6. I am aware that there is an extant planning permission for the replacement of the other large building within the courtyard with a detached dwelling (Council reference TM/19/02030/FL). I have no reason to assume this development would not be built out, especially as the appellant describes the proposed development as creating a small group of dwellings with the permitted dwelling¹. I do not have full details of the extant permission, but from the layout plan before me the dwelling would be positioned to the side of No.132, to the other side of the access drive, fronting Broadwater Road.
7. In contrast, the proposed dwelling would be positioned with a flank elevation at the head of the access drive. Whilst set back, due to its height and form, the dwelling would be seen from Broadwater Road. Together with the other properties, which would result in an enclave of three, large residential dwellings, the depth and form of the development, would have a significant urbanising effect. Cumulatively the proposal, in my opinion, would result in an unacceptable intensification of residential development and visual presence which would be at odds with the prevailing pattern of development.
8. Consequently, the proposal would result in a form and scale of development that would not reflect or respect local distinctiveness with regards to its rural context. It would result in harm to the character and appearance of the area and thereby conflict with Policy CP24 of the Tonbridge and Malling Core Strategy and Policy SQ1 of the Managing Development and the Environment Development Plan Document. Together these policies require development to be high quality in terms of respecting the site, its surroundings, and the character of the area, and not being detrimental to the character of the countryside amongst other things. This is broadly in accordance with the National Planning Policy Framework (July 2021) (the Framework).

Other Matters

9. I acknowledge, and as agreed by both parties, the site is not isolated being located adjacent to other properties. The villages of West Malling and East Malling and the A228 dual carriageway are not far from the site, nevertheless the site is detached from a settlement and walking routes would not be accessible to all. The occupiers would undoubtedly be reliant on private motor vehicles to access a range of services and facilities. Whilst dependence on private vehicles may be expected in rural locations, the proposal would only exacerbate this level of reliance.
10. The appellant suggests that the building would be highly sustainable, and the proposal would include new planting and habitat protection. However, there are no details before me to suggest the energy efficient measures or other elements would be a benefit over and above achieving a high-quality design as required by the Local Plan and the Framework.
11. Conditions could potentially be imposed to control boundary treatments and permitted development rights; however, these relate to further development and would not overcome the harm I have found.

Planning Balance

12. The Council are unable to demonstrate a 5 year supply of housing and therefore paragraph 11 of the Framework is engaged. The proposal would add

¹ 13801 Final Comments Statement 051021 paragraph 2.6

to the supply of housing in the district which would have associated social and economic benefits and there would also be temporary economic benefits during construction. But as a single dwelling the contribution would be limited.

13. In relation to the environment the proposal would result in permanent harm to the intrinsic character and rural appearance of this site in the countryside. It would be contrary to development plan policies as set out above and the Framework in these respects.
14. Overall, given the harm that I have identified, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, including its presumption in favour of sustainable development.

Conclusion

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

G Ellis

INSPECTOR