



Appeal Decision

Site visit made on 7 December 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/U2235/W/21/3273685

Plot opposite 1 Harrow Court, Stockbury, Kent ME9 7UQ

- 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 A Chethem against the decision of Maidstone Borough Council.
 - The application Ref 20/504273/FULL, dated 11 September 2020, was refused by notice dated 13 November 2020.
 - The development proposed is a new 2 bedroom bungalow on vacant ground.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the planning application, the Council has confirmed that the Tree Preservation Order on the site has lapsed. As a result, the Council concedes that the third reason for refusal falls away. Accordingly, I make no further reference to it in my decision.
3. A revised Framework¹ was published between the determination of the planning application and the appeal coming before me. However, the substantive elements of it remain the same as the previous version insofar as this appeal is concerned.

Main Issues

4. The main issues are a) whether or not the appeal site is an acceptable location for the development proposed, with specific regard to access to services; and b) the effect of the proposed development on the character and appearance of the area, with particular regard to the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Principle of Development

5. In the interests of encouraging sustainable patterns of new development, the Local Plan² generally seeks to avoid development, including new dwellings, in locations that require less sustainable forms of travel in order to access services. Accordingly, such development is directed principally to a hierarchy of

¹ National Planning Policy Framework (2021)

² Maidstone Borough Local Plan (October 2017)

- defined settlements, which have sufficient services to meet the needs of the local community. This approach is broadly reflective of the Framework.
6. Stockbury is not specifically identified within Policy SS1 of the Local Plan as being a settlement to which housing development should be directed. The Council notes that Stockbury has a pub and some farm shops but that the majority of the day-to-day services that future occupiers might reasonably require would necessitate the use of a car. This provision of services would broadly accord with my own observations when I undertook my site visit. Although the appellant is evidently of a different view, there is no robust countervailing evidence before me diverging from the Council's statement or my own observations.
 7. The nearest bus stop is said by the Council to be on the A249, and thus a walk of approximately 25 minutes from the appeal site. The appellant has not disagreed with this assessment. Access to the bus stop would be via rural lanes, which do not have dedicated footpaths or street lighting and thus would not be attractive to many people. For similar reasons, as well as the distances involved, cycling to larger centres for services via the rural lanes would not be attractive to many people. Thus, if a resident at the appeal site needed to access local services, the most likely mode of transport would, it seems to me, be by car. This is the least sustainable travel option.
 8. I must therefore conclude that future occupants of the appeal site would be likely to rely on the use of the car with little usable or practical alternative such as public transport, walking/cycling etc. The principle of the proposed development with specific regard to access to services is therefore unacceptable in this location. As such, it conflicts with the requirements of Policies SS1 and SP17 of the Local Plan, and the provisions of the Framework, which among other things, both seek to limit development in the open countryside and thus minimise less sustainable forms of travel when accessing local services.

Character and Appearance

9. Policy SP17 of the Local Plan generally seeks to protect the intrinsic qualities of the AONB. This approach reflects Paragraph 176 of the Framework, which advises that great weight should be given to conserving and enhancing such areas.
10. The landscape in the area is characterised by a plateau of arable fields interspersed with small settlements and groupings of buildings, which often have a linear pattern of development and a spacious character. The gently undulating land allows extensive panorama views.
11. The appeal site is an area of land positioned between the southern boundary of Nos. 5 and 6 Cedar Gardens and Harrow Court. It is currently an area of grassed land which is subject to extensive mature planting and is partly boarded by a hedge.
12. Properties in the vicinity of the appeal site are generally set back from their site frontages. Space around and between some of these buildings offer views out to the countryside beyond. There is a noticeable absence of built form around the South Street Road/Harrow Court junction. These factors give the area a spacious and rural character. The undeveloped nature of the appeal site itself

makes a positive contribution to the sense of openness along South Street Road and thus the wider character of the AONB.

13. The proposed bungalow would be a form of development broadly reflective of the properties in Cedar Gardens. However, given the shape of the site, and particularly its width, the building would have to be positioned noticeably closer to the South Street Road/Harrow Court junction than the prevailing pattern of development. This would result in the proposed building appearing very obviously squeezed in, particularly given the front access arrangements and layout. This would erode the sense of spaciousness and cause harm to the character and appearance of the area. This would, subsequently and by association, cause harm to the AONB.
14. Accordingly, the proposal would be contrary to Policies SP17, DM1 and DM30 of the Local Plan which, amongst other things, seek to ensure that proposals have regard to their surrounding area, and that the qualities and setting of the AONB are protected from development.
15. The Council's reason for refusal makes reference to the Kent Downs AONB Management Plan. I have not been provided with a copy. Nevertheless, in the first instance I must have regard to the development plan, to which I have found the proposal contrary. The Management Plan offers guidance which would need to be in broad alignment with the Local Plan and thus not having sight of the Management Plan would not alter my conclusions in this instance.

Other Matters

16. The appellant considers the appeal site to be part of the curtilage of 1 Harrow Court and points to the Framework, which acknowledges that previously developed land can sometimes provide the basis for redevelopment in the open countryside. The appeal site is owned by the applicant, who also owns 1 Harrow Court. However, the appeal site is situated on the opposite side of the road from 1 Harrow Court. The existing dwelling has land immediately around it that appears to have the look and features commonly associated with that of a domestic garden. From my observations, the appeal site did not appear to form part of the residential curtilage of 1 Harrow Court.
17. Regardless of this, even if I were to conclude that the site formed part of the curtilage of 1 Harrow Court and constituted previously developed land, I have found that it currently contributes positively to the character and appearance of the area. In contrast the proposed building would have a harmful presence for the reasons I have given. Accordingly, this would not provide a basis on which to allow the appeal.
18. The appellant notes that the proposal would provide an adequate amount of garden area for future occupants, would comply with the Council's car parking standards and that there are no highway safety issues. However, these factors would represent a lack of harm which would accordingly be neutral in any balance.

Planning Balance and Conclusion

19. I have found that the proposed dwelling would not be in a location that is accessible to local services by sustainable modes of transport. In addition, the proposal would harm the character and appearance of the area, which includes the AONB, contrary to the development plan. As noted above, Paragraph 176

of the Framework seeks to protect the AONB and advises that great weight should be given to its conservation and enhancement.

20. I acknowledge the Government's objective to significantly boost the supply of housing. There is also broad support for windfall sites and the efficient use of land. The proposal would involve the addition of one new dwelling. However, the Council confirms it is able to demonstrate a 5-year housing supply. Therefore, I could attach only a limited amount of weight to the provision of an additional dwelling. There would be other benefits associated with the provision of a new dwelling but these would be affected by the scale of the proposal and some would be time limited. The weight I could therefore attach to these matters is limited and would, in any event, not outweigh the harm and conflict with the development plan that I have found, and to which I ascribe substantial weight.
21. There are no material considerations that indicate the decision should be made other than in accordance with the development plan taken as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR