



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/21/3274749

The Oast, Old Tree Lane, Boughton Monchelsea ME17 4NG

- 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 Christine Gibson against the decision of Maidstone Borough Council.
 - The application Ref 20/505830, dated 07 December 2020, was refused by notice dated 17 February 2021.
 - The development proposed is 1 no. four bedroom dwelling with two bay oak framed car barn with ancillary room above and creation of vehicular access and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used in the Council's decision, and in the appellant's appeal form, includes reference to the creation of the vehicular access and associated landscaping. As this better reflects the full extent of the proposed development, I too have used it in the heading to this appeal.
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 goods, services and facilities; and b) the effect of the proposed development on the character and appearance of the area.

Reasons

Principle of Development

5. In the interests of encouraging sustainable patterns of new development and access to services and facilities, the Local Plan² generally seeks to avoid development, including new dwellings, in the open countryside and instead

¹ National Planning Policy Framework (2021)

² Maidstone Borough Local Plan (October 2017)

directs it primarily to defined settlements. This approach is broadly reflective of the Framework.

6. The appeal site is in the open countryside, outside of a defined settlement. The site is said by the Council to be some 540m from Maidstone urban area and 600m from the settlement of Boughton Monchelsea. The appellant has not disputed these distances. Whilst I accept that the distances involved would, in theory, be walkable or cyclable, these routes would not be attractive to many people given the absence of dedicated footpaths. A lack of street lighting would make such options particularly unattractive during the winter months. There is no evidence before me to suggest that the site is currently served by public transport or, if it is on a bus route, residents of the appeal site could easily reach a bus stop. Thus, if a resident at the appeal site needed to access local goods, services or facilities, the most likely mode of transport would, it seems to me, be by car. This is the least sustainable travel option.
7. 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 goods, services and facilities is therefore unacceptable in this open countryside 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 and facilities.

Character and Appearance

8. In seeking to restrict development in the open countryside, Policies SS1 and SP17 also seek to protect the character and appearance of the countryside. These policies are supported by Policies DM1 and DM30 of the Local Plan, which amongst other things, require development in the countryside to reflect the character of the area, to be appropriately mitigated and involve sympathetic changes to the character of rural lanes.
9. The design and materials of the proposed house and garage are broadly reflective of local building styles. However, the introduction of such built form, together with a formalised residential curtilage and the site's sizeable and noticeable entrance arrangements, would represent significant changes to the character of the site and this part of Brishing Lane. These changes would diminish the rural character and quality of the area in favour of one that is distinctly more urban. Whilst a landscaping scheme could provide some screening, I do not consider that it would be sufficient to overcome the inherent change to the character and appearance of the site or the effect it would have on the wider area.
10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. Accordingly, it would be contrary to Policies SS1, SP17, DM1 and DM30 of the Local Plan, which when taken together and amongst other things, seek to avoid harm to the existing character and appearance of the open countryside.

Other Matters

11. Whilst the use of a car may not be unusual in a rural location, the thrust of local and national policy is to minimise such usage wherever possible and locate new housing development close to local services and facilities. Whilst the proposal is some 600m from the settlement of Boughton Monchelsea and some 540m from Maidstone urban area it is nevertheless within the open countryside and thus, conflicts with the underlying objectives of local and national policies.
12. I acknowledge that there are other buildings and uses in the vicinity of the site, and other housing developments in the area. However, I do not have the full details of these sites before me and so therefore cannot be certain that they represent a direct parallel with the appeal proposal. Nevertheless, I am required to determine this appeal on its own merits and the existence of these other sites does not alter the adverse effects this development would have in relation to the Council's spatial strategy or the character and appearance of the site or wider area.
13. The proposal is said by the appellant to not be within the curtilage of a listed barn, not be within a flood risk zone, or harm longer distant views. Similarly, the appellant does not consider the scheme to represent the start of ribbon development. However, these factors would represent a lack of harm which accordingly would be neutral in any balance.

Planning Balance and Conclusion

14. As explained above, the appeal site is not well located in terms of its accessibility to local services and facilities, necessitating the use of a vehicle. This would be contrary to development plan policies, which are consistent with the Framework's approach towards sustainable locations and transport. I have also noted that the proposal would have a harmful effect on the character and appearance of the area.
15. I acknowledge the Government's objective to significantly boost the supply of housing, along with their broad support for windfall sites. A single dwelling would make a contribution towards those objectives albeit a very limited one. There may also be support for other local industries on a time limited basis. These factors would limit the weight I would give these considerations and would be insufficient against the harm and conflict with the development plan that I have found and to which I ascribe substantial weight.
16. As a result, the proposal would conflict with the development plan as a whole and there are no other relevant, material considerations, including the approach of the Framework, worthy of such weight that they would outweigh this conflict and indicate the decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Stewart Glassar

INSPECTOR