



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: 28 January 2022.

Appeal Ref: APP/U2235/W/21/3271239

Domus Corrodian, Priory Close, East Farleigh, ME15 0EY

- 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 and Mrs Tape against the decision of Maidstone Borough Council.
 - The application Ref 20/504141/FULL, dated 8 September 2020, was refused by notice dated 3 November 2020.
 - The development proposed is the erection of '1no. Self-build 3-bedroom dwelling of high sustainability and design quality'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would provide a suitable location for housing, having regard to the character and appearance of the area and the accessibility of services and facilities.

Reasons

Preliminary Matters

3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Character and Appearance

4. Domus Corrodian is a detached property set back from the road with a long rear garden which slopes down to the river. The proposed dwelling would be in a backland position sited approximately halfway down the garden at a point where there is an existing retaining wall.
5. Properties backing on to the river generally occupy an elevated position with open lawn interspersed with trees adjacent to the river. This creates a very pleasant and verdant appearance to the river valley which is appreciated from within the gardens and from the public footpath along the other side of the river. The appellant argues that the proposed siting aligns with existing dwellings "Bydand Lodge" to the West, "Crofton" and "The Squirrels" to the East. However, the set back of properties from the meandering river is not

regimented, and there is more tree coverage beyond the site to the east. Moreover, visually the proposal would disrupt the open and linear pattern of gardens to the river with the introduction of an additional layer of development and associated features.

6. Whilst the plot does not extend completely to the edge of the river, the introduction of built form of the scale and form proposed in the intervening slope would, in my view, be out of character with the prevailing form of development. I acknowledge that the contemporary design works with the topography and is designed to a high standard incorporating energy efficiency and mobility features. Nevertheless, it would still be a notable feature in the local landscape. In long distance views the development would not be prominent. However, as noted by the Appellant in their Landscape and Visual Appraisal, views along the public footpath (PRoW KB11) are sensitive to change; identified in the sensitivity matrix as moderate and moderate to high. Additionally, the assessment of these views being a 'glimpse' is reliant on existing vegetation within neighbouring gardens, and any new planting would take time to establish.
7. Significantly, the whole area is within a landscape of local value. With reference to the Maidstone Landscape Character Assessment (MLCA) the site (apart from the access) lies within the Medway Valley - Maidstone to Watlingbury landscape character area. This area is defined by the River Medway which gives it a special landscape quality and a strong sense of place. It is distinct from the wider character area of West Farleigh Medway Valley Side, which is peppered with development including the existing properties in Priory Close. The proposal would introduce residential development within the riverside area which in my view would have a significantly harmful impact on its rural character. Thereby it would be contrary to the recommendation in the MLCA for the area and Maidstone Borough Local Plan (Local Plan) policy SP17 which is to conserve and enhance landscapes of local value.

Location

8. The Local Plan seeks to focus housing development to the most sustainable locations in the urban area and larger villages. The site is located outside any settlement within the countryside. Whilst some development is permitted within the countryside this is restricted to the criteria of policy SP17. Having found harm to the character and appearance of the area the development would conflict with this policy.
9. The new property would be related to the existing in Priory Close and would not in itself be isolated, nevertheless, there are limited facilities close by. A bus stop is located at the end of the road with services to Maidstone and East Farleigh but walking routes are unlit and/or involve rural footpaths. As such, in my view, the occupants would largely be reliant on a car to access day to day services and is a matter which further weighs against the location for residential development.
10. Overall, the proposed development would not provide a suitable location for housing and would adversely impact on the character and appearance of the area which is an area of local landscape value. Thus, it would be contrary to Local Plan policies SP17, DM1 and DM30 and the Framework, which amongst other things seek to protect the countryside and require development to respond to its location and conserve important local landscape features.

Other matters

11. The Council also raised concerns regarding the impact of the development on protected trees. The arboricultural report on behalf of the appellant acknowledges that the diameter of the trees in the neighbouring garden (trees T6 and T10) have been estimated, and the Council's tree officer does not appear to have visited the appeal site. As such, there is some uncertainty with regards to the extent of the root protection area required. There is a notable difference in levels to the neighbouring property and existing retaining features which would undoubtedly have an impact on the trees' spread. This would appear to be a matter which could be addressed through further assessment. Nonetheless, in light of my conclusions on the main issues, the protection of trees would not alter my decision. Nor is it necessary for me to determine on whether T10 is a veteran tree.
12. The appellant has sought to demonstrate that the proposal complies with Local Plan policy DM11. This policy relates to gardens within defined urban boundaries and larger villages and therefore is not of direct relevance. Furthermore, as the proposal would result in significant harm to the character of the area it would not comply with the criteria in any event. I accept that the proposal would make more efficient use of the land, however as set out in the Framework this is to be balanced with safeguarding and improving the environment. In this case the land contains no built form, and its open nature positively contributes to the landscape character of the area.
13. Reference has also been made to emerging policies in the Local Plan Review which is at a very early stage, and as such, is likely to be subject to change and therefore holds very little weight at this present time.

Conclusion

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

G Ellis

INSPECTOR