



Appeal Decision

Site visit made on 7 June 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Appeal Ref: APP/U2235/W/21/3279074

Scragged Oak Farm, Land east of Scragged Oak Road, Detling, Maidstone ME14 3HJ

- 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 Heritage Designer Homes against the decision of Maidstone Borough Council.
 - The application Ref 21/501967/FULL, dated 7 April 2021, was refused by notice dated 17 June 2021.
 - The development proposed is the demolition of existing buildings within the site and construction of two residential dwellings with associated access, parking, drainage and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issue

3. The main issue is 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

4. The appeal site comprises an area of land that currently contains an unoccupied and neglected dwelling and several run-down farm type structures. The buildings are generally single storey although the house is partly two storeys. Most of the buildings are set back from the site frontage and together with their loose grouping and the overgrown nature of the site, they are not visually prominent. That the buildings sit comfortably within the landscape contributes to the sense of spaciousness that is an important character of the area.
5. The site has two, low-key points of access off Scragged Oak Road, which is a single track lane that serves other dwellings, farms and properties. There is a dwelling opposite the site, another on its north-eastern boundary, and built form located intermittently along Scragged Oak Road to the south-west. Narrow lanes and such sporadic development are a feature of the AONB. To the

- rear of the site the land slopes down, with ancient woodland beyond. Such valleys and woodland also form part of the wider characteristics of the AONB.
6. Policy SP17 of the Maidstone Local Plan 2017 (Local Plan) seeks to control development in the AONB, in order to protect its character and qualities. This approach broadly reflects Paragraph 176 of the Framework, which advises that great weight should be given to conserving and enhancing the landscape and scenic beauty of such areas. Policies DM1 and DM30 of the Local Plan seek to ensure that development in countryside locations respects amongst other things, the prevailing landscape and character of an area.
 7. I have also been referred to the Kent Downs AONB Management Plan 2014 (Management Plan), which does not form part of the statutory Development Plan. This plan echoes the requirements of the Framework in seeking to ensure that AONBs are conserved and enhanced. Policy SD2 of the Management Plan in particular requires the local character, qualities and distinctiveness of the AONB to be conserved and enhanced in the design, scale, setting and materials of new development. Policy SD9 sets broad design principles.
 8. Although they have limited prominence, the removal of the existing buildings would nevertheless represent an improvement to both the site itself and wider area. However, the proposed new dwellings would appear considerably larger structures than those they would replace, both in terms of height and overall bulk. Erecting two large two-storey dwellings, with large gardens, courtyards and parking areas either side of a vehicular access would significantly alter the character of the site.
 9. Even allowing for the use of materials that reflect the local area and that there would be space around and between the proposed dwellings, the proposal would substantially diminish the site's rural characteristics and erode the abovementioned spaciousness. Accordingly, any benefits in removing the existing buildings would be outweighed by the harm caused by the proposed dwellings.
 10. A new access is proposed to serve the new houses, with one of the existing access points being closed off. This closed access and the rest of the site frontage would be augmented by new boundary planting. The other existing access would seemingly be retained to allow access to land to the rear of the appeal site. The new houses would not be directly opposite the new entrance, but despite their set back positioning, views of the buildings themselves would still be possible. Notwithstanding the proposed landscaping and views through the site to the trees beyond, the sight of the houses together with the loss of the existing hedgerow and new, more formalised entrance and access road would all contribute to the overall urbanisation of this rural site and the altering of the character of this part of Scragged Oak Road.
 11. Thus, the scale of incursion of development into this countryside location would be harmful to the character and appearance of the site and wider area, thereby failing to conserve and enhance the natural beauty of the AONB. The existence of other nearby buildings does not reduce this harm or make the proposal acceptable.
 12. Accordingly, the proposal would be contrary to Policies SP17, DM1 and DM30 of the Local Plan which, amongst other things, require the AONB to be conserved and protected and that developments respect local character with any impacts

being appropriately mitigated. The proposal would also be contrary to Policies SD2 and SD9 of the Management Plan which, amongst other things, seek to conserve and enhance the local character, qualities and distinctiveness of the AONB and ensure the design of new development complements local character.

Other Matters

13. The proposal is a revised scheme. The question of the site's location being appropriate for housing development was resolved at the previous appeal and therefore the current proposal was designed to overcome concerns in relation to the character and appearance of the development. The changes principally reduce the number of dwellings from three to two, re-site the buildings, reduce their heights and footprint and the amount of hardstanding. Garages have been omitted from the scheme and the landscape provision has been revised. However, the changes are not sufficient to overcome the harm caused to the character and appearance of the area by the incursion of substantial built form into this countryside location.
14. There are a number of matters such as the effect on the living conditions of neighbours, parking provision, drainage, ecology and arboricultural impact which are not in dispute. However, these factors would represent a lack of harm which would accordingly be neutral in any balance.
15. I have been made aware of Scragged Oak Farmhouse, a Grade II listed building located close to the site. Accordingly, I must pay special regard to the desirability of preserving the setting of this designated heritage asset in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Having regard to the position of Scragged Oak Farmhouse in relation to the appeal site and the distance to the proposed buildings, together with the retention of the access road between the properties and enhanced boundary planting, the proposal would not directly affect views of the listed building. Accordingly, there would be no harm to the setting of this Grade II listed building.
16. The main parties have produced different housing land supply figures, although the appellant does not go as far as to say that the Council cannot demonstrate a 5-year housing land supply. Even if there were a shortfall in supply, paragraph 11(d) i and footnote 7 of the Framework indicate that the application of policies in the Framework that protect areas or assets of particular importance (listing AONBs as one such area/asset) provide a clear reason for refusing development. Thus, given my findings, the proposal would in any event remain to be determined in accordance with the statutory duty under section 38(6) of the Planning and Compulsory Purchase Act 2004.

Conclusion

17. The proposal would harm the character and appearance of the area, which includes the AONB, and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR