



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: 5TH July 2022

Appeal Ref: APP/U2235/W/21/3288641

Land at Linden Farm Barn, Stockett Lane, Coxheath ME17 4PS

- 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 Pete Bland (Millwood Designer Homes Ltd) against the decision of Maidstone Borough Council.
 - The application Ref 21/504954/FULL, dated 7 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is for 6 dwellinghouses with associated landscaping and access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site forms part of the curtilage of an existing residential property, Linden Farm Barn. The site is mainly laid to lawn and is surrounded on all sides by high hedging.
4. The site is on the corner of Workhorse Lane and Stockett Lane, at the northern end of the village of Coxheath. Land on the opposite sides of these lanes is currently open fields and together with the character of the lanes, the strong boundary planting and tree belt to the north and west of the site, the area has an open countryside character.
5. Policy SS1 of the Maidstone Borough Local Plan 2017 (Local Plan) establishes a hierarchy of settlements and the broad location and provision of development across the borough. In this way, the countryside is protected and in particular the coalescence of settlements is avoided. Coxheath is identified in the Local Plan as a larger village although I understand is now being identified as a rural service centre. Under either of these categories, the village is a location where new housing can be appropriate.
6. Policy SP17 of the Local Plan establishes the broad approach to development in the countryside, which includes land outside of rural service centres and larger villages as defined on the Policies Map. A key part of this approach is to resist proposals which are harmful to the character and appearance of the area.

7. I am satisfied that given the status of the village and as outline planning permission for residential development was granted for the site in 2020, the proposal would not be contrary to Policy SS1 of the Local Plan. However, this does not prevent the site from being within the countryside and Policy SP17 being applicable to the appeal proposal which is before me.
8. Policy DM30 of the Local Plan sets out broad design principles for development in the countryside and similarly seeks to ensure that development is sympathetic to the local character, is unobtrusive and well screened. Policy DM1 of the Local Plan similarly establishes broad design criteria against which proposals are to be assessed. This includes ensuring that schemes respond positively to the character of the area.
9. Whilst the exact quantum of development was not considered as part of the outline proposal, by accepting that the site is suitable for some residential development, the Council has by definition accepted that the nature and appearance of the site would change.
10. I have also been advised that Main Modifications to the Regulation 19 Local Plan Review have now been submitted to the Secretary of State. As part of this, the site on the opposite side of Stockett Lane is now being promoted for residential development. Whilst it is not possible to know the likely outcome of any Examination, the Council appears to have indicated that a degree of change to the character of the area in the vicinity of the site would in principle also be acceptable.
11. The proposed site layout is a cul-de-sac. This type of layout, or houses backing on to the countryside are not necessarily unacceptable in and of themselves. Indeed, such approaches have been used elsewhere within the village. I also acknowledge that it is unlikely to be practical or an efficient use of land to try to access each dwelling on the appeal site independently from the adjoining lanes.
12. Whilst Stockett Lane is sufficiently diverse in housing types and styles to accommodate further variation, development fronting Stockett Lane does nonetheless generally face towards the highway, rather than turn its back. I noted that some of the houses fronting the new development, to the south of the appeal site, have been designed to face towards Stockett Lane, even though they are not directly accessed from it.
13. I acknowledge that the appeal scheme includes a landscape plan and that two of the houses would be single storey, albeit with accommodation in the roof. However, with backs of houses facing towards the highway, and the dwelling on Plot 4 being pushed noticeably closer to Stockett Lane than the building for Plots 5 and 6, such that it would appear somewhat squeezed in, the way in which the site is laid out would be out of character with the general pattern of development elsewhere along Stockett Lane.
14. That the site would be separated by the highway from the countryside beyond does not prevent the site from having a visual relationship with it, particularly from slightly higher vantage points such as further north along Stockett Lane. Indeed, some visibility of the houses is to be expected. However, notwithstanding any potential development of the site opposite, and the planning history of the appeal site itself, the scheme as proposed would be a notable feature which rather than acceptably tapering off the village at this

point, would by virtue of the layout and positioning of the houses have a jarring visual relationship with its surroundings that would harm the wider area.

15. Whilst the main parties appear to disagree on whether a planning condition could sufficiently protect the existing boundary hedge, it seems to me that any future occupant would most likely wish to retain it to some degree, in order to protect their privacy. Whilst this would prevent some views of the site, it would be unlikely to become so high as to completely block sight of the houses, particularly from further north along Stockett Lane.
16. However, I accept that the hedge would help to obscure domestic paraphernalia in rear gardens. Given the site's planning history, a degree of domestic paraphernalia being visible from outside the site could reasonably be expected. It would also be possible to minimise further visual incursion by restricting the erection of outbuildings etc. Accordingly, whilst I have found that the proposal would result in a development which would be harmful to the character of the area, I am satisfied that domestic paraphernalia would not become so visible that it would significantly add to this harm.
17. The appellant has referred me to Local Plan Policy DM12, which is concerned with making efficient use of land and that sites will be expected to achieve certain densities, which for rural service centres and larger villages is 30 dwellings per hectare (dph). I accept that in such a context a stated density of 12 dph for the proposed development might appear to be under using the site. However, the Policy is predicated on ensuring that new housing will be consistent with achieving good design and does not compromise the distinctive character of the area. I have found the proposal to be at odds with the pattern of development along Stockett Lane and would compromise the distinctive character of the area. Accordingly, I do not find that Policy DM12 assists the appellant's case in this instance.
18. Therefore, for the reasons given above, I find that the proposal would harm the character and appearance of the area. Accordingly, it would be contrary to Policies SP17, DM1 and DM30 of the Local Plan which, amongst other things, seek to encourage development which is sympathetic and responds positively to the character of an area, whilst at the same time resisting proposals which are harmful to its character and appearance.

Other Matters

19. The submitted Preliminary Ecological Appraisal (2019) and the responses of the Council's consultees provide sufficiently firm evidence for me to conclude that the development could provide the necessary protection for habitats and species and provide net biodiversity gains. Accordingly, the proposal would not be contrary to Policy DM3 of the Local Plan which, amongst other things, seeks to protect and enhance local biodiversity, including habitat and species.
20. I acknowledge that the site layout has had to consider matters such as easements and a foul pumping exclusion zone as well as access for emergency and refuse vehicles. However, these are site constraints which would be applicable to any development of the site and the appellant is not suggesting that this is the only possible layout. The need to provide car parking is directly linked to the number of units proposed and so to that extent is flexible.

Accordingly, these factors are not in themselves sufficiently strong reasons to allow a scheme which I have found to be harmful.

21. I note that there is no objection to the scheme from the Highway Authority. This would however be a lack of harm which would accordingly be neutral in any balance.
22. Whilst the site may have been modelled for 9 units, this does not absolve me from making an assessment as to the effects of the scheme that is before me in regard to the main issue of the case.
23. I acknowledge that external lighting could be sufficiently controlled by condition so as to not cause wider harmful effects.

Planning Balance & Conclusion

24. I have found that the proposal would harm the character and appearance of the area, contrary to the development plan taken as a whole. However, there is dispute between the main parties as to whether or not the Council can demonstrate a 5 year supply of housing land. The appellant has produced a detailed assessment, which although based on a number of assumptions, points to the Council having just under 4.5 years supply. On this basis, Paragraph 11 of the Framework would apply and the most important policies for determining the appeal would be out of date.
25. However, the policies cited in this respect above would not be out-of-date because the need to protect the character and appearance of the area is perennial and in direct compliance with the Framework. The harm I have found would be long lasting and worthy of significant weight which would lead to conflict with Paragraph 130 of the Framework, which, amongst other things, seeks to ensure that new development is sympathetic to local character.
26. The appeal site would provide additional dwellings in the district with suitable access to services and would also accord with the Framework's support for windfall sites. However, the site would make only a small contribution towards housing supply. There would be associated social and economic benefits although some of these would be limited by virtue of time and the scale of the proposal. Overall, and for these reasons, I would attach only a small amount of weight to them.
27. As such, it would be the case that the adverse impacts of granting planning permission in this instance, when assessed against the policies in the development plan taken as a whole, would significantly and demonstrably outweigh the benefits. Accordingly, the appeal should therefore be dismissed.

Stewart Glassar

INSPECTOR