



Appeal Decision

Site visit made on 17 August 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2022

Appeal Ref: APP/U2235/W/22/3291481

The Rectory, Church Road, Harrietsham, ME17 1AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Canterbury Diocesan Enterprises Ltd against the decision of Maidstone Borough Council.
 - The application Ref 21/505816/OUT, dated 27 October 2021, was refused by notice dated 23 December 2021.
 - The development proposed is residential development with all matters reserved except access.
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Decision

1. The appeal is allowed and planning permission is granted for residential development with all matters reserved except access at The Rectory, Church Road, Harrietsham, ME17 1AP, in accordance with the terms of the application, Ref 21/505816/OUT, dated 27 October 2021, subject to the conditions in the attached schedule.

Applications for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

Preliminary Matters

3. As indicated above, the application was made in outline with only access to be determined at this stage. Vehicular access would be taken from Church Road to the north. The illustrative site plan shows the existing dwelling to be retained and four new houses built around it. This is not a formal part of the proposal but nevertheless indicates how the site might be developed. In particular, the number of dwellings is not specified in the application and so the focus is the principle of residential development on the site.

Main Issues

4. These are:
 - The effect of the proposed development on the character and appearance of the area, including the setting of the adjoining Kent Downs Area of Outstanding Natural Beauty (AONB); and
 - Whether the proposal would be in a suitable location having regard to relevant development plan policies.

Reasons

Character and appearance of the area

5. The appeal site contains a single dwelling on a large plot. It is immediately outside the settlement boundary of Harrietsham which adjoins the land on two sides. On the northern side of Church Road/Marley Road is the Kent Downs AONB. There is dense vegetation along the eastern and western boundaries and the recent housing in Harrison Drive lies to the south. There are some gaps in the planting along the northern side of the site fronting Church Road.
6. According to the National Planning Policy Framework, great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB which has the highest status of protection. The site is also within the Harrietsham to Lenham Vale Landscape Character Area which is in moderate condition with very high sensitivity and has guidelines to conserve and restore. However, no detail has been provided about its attributes or the contribution that the appeal site makes to them.
7. The proposal would intensify the amount of built form. In the vicinity, development to the west and to the north is scattered and there is a recreation ground to the east. However, the site is also closely related to the fairly dense group of detached houses in Harrison Drive. Indeed, further residential development here would appear as a logical northward continuation of Harrietsham, consistent with the overall pattern of development. The proposal would not intrude into pristine countryside and the indicative layout and landscape strategy shows that the strong existing planting could be retained and reinforced. This could be secured at the reserved matters stage such that residential development would be well screened and successfully integrated into its surroundings. In this way it would respond positively to local character.
8. The AONB contains sporadic development along its periphery. It is these buildings that form the transition from the village to the sweeping landscape of the open downland. The appeal site has a greater affinity with the main nucleus of the settlement given its direct connection with the housing to the south. As it is already developed it plays little part in providing a complementary setting to the AONB. Given the screening that could be secured new development would not be highly visible from within the AONB and increasing the number of buildings would not prejudice its wider qualities.
9. Therefore the proposal would not harm the character and appearance of the area. As such, it would accord with criterion 1) of Policy SP17 of the Maidstone Borough Local Plan of 2017. The general principles of good design and those for the countryside in Policies DM1 and DM30 would also be met. There would be no significant adverse impact on the setting of the Kent Downs AONB as expected by Policy SP17 4).

Whether in a suitable location

10. The site lies immediately outside the settlement boundary of Harrietsham and is therefore defined as countryside by the Local Plan. Whilst assessed as within the village following a call for sites, this is not its current, formal status.
11. Local Plan Policy SS1 sets the spatial strategy for Maidstone and identifies the expanded urban area as the principal focus for development with rural service centres, including Harrietsham, as the secondary focus. In other locations,

- including the appeal site, protection will be given to the rural character of the Borough. Policy SP17 provides that development proposals in the countryside will not be permitted unless they accord with other policies in the Plan and do not result in harm to the character and appearance of the area.
12. Therefore, whilst development in the countryside is the least favoured option in the spatial strategy, it is not entirely ruled out. Moreover, Policy DM30 indicates that development outside of the settlement boundaries will be permitted provided certain criteria are met. Policy DM12 deals with the density of housing development and also anticipates that development may take place on sites adjacent to rural service centres.
 13. In this case the development proposed at The Rectory would not harm the character and appearance of the area. It would accord with the policies specifically concerned with the countryside as well as with other policies in the Plan. Therefore, because the rural character of the Borough would be safeguarded, the Local Plan does not preclude the proposal in locational terms.
 14. The supporting text to the Local Plan comments that development must be delivered at the most sustainable towns and villages where employment, key services and facilities, together with a range of transport choices, are available. Harrietsham has a good range of facilities commensurate with its status as a rural service centre and including a primary school and a railway station. It is also served by bus routes. Close to the appeal site are the village hall and medical centre.
 15. The main day to day destinations, including the school, cannot be described as "convenient" in relation to the appeal site but it would nonetheless be feasible to access them on foot via Church Road. The lack of a footpath along its entire length would not be an overriding impediment. It would also be possible to walk to the bus stops along the A20 through the housing area to the south-east and along Church Lane. The Parish Council observes that residents travel further afield for the majority of shopping and employment, as well as leisure facilities. Nevertheless, there is scope for some journeys to be made by means other than private vehicles and, in practice, it is reasonable to assume that this would occur.
 16. In the appeal decision at East Street in 2019 (Ref: APP/U2235/W/18/3213587), the Inspector concluded that future occupiers would have a high degree of reliance on the private motor car to access services and facilities in Harrietsham. That site is further from the settlement boundary and it was also found that the nature of East Street would deter future occupiers from accessing village facilities on foot. That is not so for Church Road and therefore that case can be distinguished from this appeal.
 17. By including a pedestrian link to Church Road on the western side of the site the proposal would maximise opportunities for linkages to the surrounding area as required by criterion i. of Local Plan Policy DM1. Furthermore, the ability to walk southwards towards the main part of the village would be little different to that for residents within the defined settlement. Indeed, the aim of the spatial strategy of delivering development at the most sustainable locations would not be undermined.
 18. In conclusion, the proposed development would be in a suitable location having regard to relevant development plan policies.

Other Matters

19. There is local concern about the impact of additional traffic near to the bend in Church Road and at the Stede Hill/ Marley Road junction. However, the transport statement demonstrates that adequate visibility splays could be provided. On the basis of four additional dwellings, the extra vehicle movements generated would be modest and the impact on the overall network, including the A20, insignificant. An existing sub-standard access would be closed. There are no technical objections on highway grounds and no clear evidence that residential development would have an unacceptable impact on road safety. Similarly there is no evidence that the proposal would have a detrimental impact on air quality.
20. Due to their separation, there would be a negligible impact on the setting of the Church of John the Baptist and Court Lodge which are listed buildings. A desk-based archaeological assessment has been undertaken. The evidence suggests that Prehistoric, Romano-British and possibly Anglo-Saxon archaeology may survive within the site. To mitigate potential impacts it is recommended that an evaluation be carried out in advance of any groundworks to establish the presence or absence of buried remains. A condition could be imposed to this effect in line with paragraph 194 of the Framework.
21. A preliminary ecological appraisal has been undertaken which recommends mitigation measure and biodiversity enhancements. No further survey work is required. At the reserved matters stage details of scale, layout and appearance would be provided and these would take account of the effect on adjoining residents. Sufficient off-road parking could also be included within the layout.
22. The Parish Council refers to long-standing drainage problems in Church Road with frequent flooding. However, there is no clear indication that the proposal would exacerbate this or that the site is within a flood risk area.
23. The Council has a five year supply of deliverable housing sites but this does not prevent further residential development being accepted if it accords with the development plan.
24. Policy DM12 expects that sites adjacent to rural service centres should achieve a net density of 30 dwellings per hectare. The five dwellings illustrated on the accompanying indicative plans would be below this figure given the need to ensure that the boundary planting is retained. In any event, the final amount of development is a matter for the reserved matter stage.

Conditions

25. To ensure that the development functions properly, details of refuse and cycle storage and car parking provision should be agreed. As part of ensuring a satisfactory scale of development, slab levels should be specified. To protect the appearance of the area any external lighting should be controlled. Biodiversity enhancements should be secured in line with the recommendations of the Ecological Report.
26. To ensure highway safety, the existing access near the corner should be closed permanently and adequate visibility splays provided. For the same reason details of the management of the construction process are required. However, it would be unreasonable and unenforceable to expect details of lorry routing

to be provided and there is nothing to indicate that surface water would be discharged onto the highway.

27. Making provision for vehicle charging points is required to promote sustainable transport as referred to at paragraph 112 e) of the Framework. Given the potential archaeological interest a field investigation needs to take place before any development occurs.
28. The conditions suggested by the Council relating to fencing and boundary treatments, landscaping implementation, tree protection and an arboricultural method statement are unnecessary as these would be covered at reserved matters stage under "landscaping". Similarly external materials can be controlled through the matter of "appearance". The plans provided are illustrative only and therefore should not be referred to in the permission. Given that the size and layout of the houses is unknown it would be unreasonable to remove permitted development rights.
29. The Council seeks decentralised and renewable or low-carbon sources of energy to provide at least 10% of total annual energy requirements. This is a laudable response to climate change but the Framework is clear that any local requirements should reflect the Government's policy for national technical standards. Such a condition goes beyond national policy and there is no evidence that this local requirement is part of the development plan.

Conclusion

30. Residential development at the site would accord with the development plan and there are no other material considerations to indicate that a decision should be made otherwise. Therefore the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until details of the storage and screening of refuse bins and of cycle storage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development hereby permitted and retained thereafter.
- 5) The details of scale submitted pursuant to Condition 1 shall include details of the existing site levels and the proposed slab levels of the buildings. The development shall be carried out as approved.
- 6) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the local planning authority. These details shall include measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering neighbouring receptors and the landscape location. Any lighting shall be installed in accordance with the approved details and retained as such thereafter.
- 7) No development shall take place until a scheme for biodiversity enhancements has been submitted to and approved in writing by the local planning authority. The scheme shall include the measures recommended in section 11 of the Ecological Report by Native Ecology dated 29 October 2021 (Reference 0423_RO2) and a timetable for implementation. The scheme shall be implemented as approved and in accordance with the approved timetable and retained thereafter.
- 8) The layout details submitted pursuant to Condition 1 shall include details of parking for each of the dwellings. No dwelling shall be occupied until the parking to serve it has been provided in accordance with the approved details. Thereafter those areas shall be retained and kept available for the parking of vehicles.
- 9) No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The management plan shall include details of parking and turning areas for construction and delivery vehicles and site personnel; timing of deliveries; wheel washing facilities and any temporary traffic management measures. Construction works shall be undertaken in accordance with the approved management plan.
- 10) No development shall take place until details of the provision of one electric vehicle charging point for each dwelling has been submitted to and approved in writing by the local planning authority. The charging points should be to

Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-fi connection). No dwelling shall be occupied until the charging point to serve it has been provided in accordance with the approved details. The charging point shall thereafter be retained.

- 11) No development shall take place until details of the closure of the existing western access, the provision of a pedestrian link and of visibility splays on either side of the approved access have been submitted to and approved in writing by the local planning authority. The details shall be accompanied by a timetable for implementation of the closure of the existing western access and of the provision of the pedestrian link and visibility splays and for the implementation of the approved access. Development shall be carried out in accordance with the approved details and timetable. Thereafter the existing western access shall remain permanently closed to vehicles, the pedestrian link shall be retained and the approved visibility splays shall be retained with no obstruction to vision over 0.6m above carriageway level within them.
- 12) No development shall take place until:
 - (i) An archaeological field evaluation has taken place in accordance with a specification and timetable previously submitted to and approved in writing by the local planning authority.
 - (ii) After the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording have been undertaken in accordance with a specification and timetable previously submitted to and approved in writing by the local planning authority.