
Appeal Decision

Site visit made on 22 February 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/U2235/W/21/3283759

Land adjacent to Highfield House, Maidstone Road, Marden TN12 9AG

- 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 Christopher Wills (on behalf of Aspire Designer Homes) against the decision of Maidstone Borough Council.
 - The application ref. 21/500398/FULL, dated 25 January 2021, was refused by notice dated 30 July 2021.
 - The development proposed is for the erection of 5 bespoke dwellings and the ability to provide a footpath link to Marden Cricket and Hockey Club, together with associated access and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site relates to land at the rear of Highfield House and comprises a small Pump House, an expanse of rough grass and mature trees and shrubs on the boundaries. To the south runs a railway line, the nearest station being Marden to the west.
 4. Development on this side of the railway line, heading in a broadly northerly direction along the B2079, generally consists of sporadic residential properties, converted farm buildings, and large agricultural barns. To the south of the railway, towards the centre of the village of Marden, buildings are at a higher density and predominantly residential in nature, which reflects a more suburban feel.
 5. The Council acknowledges that, in principle, the site occupies a sustainable location which would be in accordance with the relevant policy of the Maidstone Borough Local Plan October 2017 (LP), and I have no reason to disagree. Nevertheless, the appeal site's grassed nature and the perceptible absence of development, save for the small Pump House, affords it a sense of rurality. Notwithstanding the land's relative proximity to the railway line and the cluster of development that extends southwards from it, the character and landscape qualities of the appeal site cause it to assimilate wholly with that of the surrounding open countryside.
-

6. The appeal scheme proposes 5 large dwellings arranged along one side at the end of a shared driveway off Maidstone Road. To my mind, the cumulative mass and bulk of all the buildings would be excessive, with substantial and prominent roof forms. The gaps between the houses would be limited, creating a cramped feel to the development that fails to reflect the sense of spaciousness afforded elsewhere in the surrounds. The uniform building line would give the scheme a regimented appearance, with the layout being overly determined by the access road, which provides little opportunity for a more interesting and varied design approach. Even with a degree of site containment from the public highway, the surface parking and turning areas, plot subdivision and scale of the houses would, taken together, diminish the site's characteristically verdant, open and undeveloped nature. Overall, I am of the view that the layout would be contrived, and more akin to a suburban cul-de-sac.
7. The National Planning Policy Framework (the Framework) expects new development to make a positive contribution to making places better for people. I do not consider that the submitted layout and quantum of built form would achieve this objective, and permission should be refused for schemes of poor design that fail to take the opportunities available for improving the character and quality of an area and the way it functions.
8. The appellant refers to the two blocks of terraced dwellings approved in recent years to the north of the site, and to backland development to the south of the railway line. I observed at my site visit that these buildings have more spacious and sensitive layouts set within well landscaped sites, which have satisfactorily integrated into their respective settings. To my mind the appeal scheme before me would fail to harmonise in a similar manner for the reasons I have outlined above.
9. I conclude that the proposal would result in harm to the character and appearance of the surrounding area. It would be in conflict with Policies SP17, DM1 and DM30 of the LP and policy BE1 of the Marden Neighbourhood Plan 2017-2031, which seek to secure new development of acceptable scale and appearance. It would also be inconsistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

Other Matters

10. The appellant states that the scheme would facilitate the delivery of a footpath to the Marden Cricket and Hockey Club. I acknowledge that this provision would, amongst other things, improve accessibility to the sports site from the village and reduce the reliance upon the private car. Whilst such matters clearly weigh in favour of the development, I find that they would not justify the significant harm to the character and appearance of the area that would arise as a result of the development proposed.
11. I appreciate the other issues advanced in support of the proposal; the retention of the Pump House, the location of the site in close proximity to a Rural Service Centre, the absence of harm having regard to highway safety and the living conditions of existing local residents and future occupants, the retention of trees and biodiversity enhancements. However, these benefits do not outweigh the detriment that I have identified previously.

12. The Framework does not change the statutory status of the development plan as the starting point for decision making. Based upon my previous findings, the proposal is not in accordance with the policies of the development plan due to the harm I have identified in terms of the character and appearance of the area. The absence of harm relating to other matters, including in terms of highway safety and living conditions, are a neutral factor.
13. The Council indicates that it can demonstrate a 5 year supply of housing land against adopted requirements. The appellant has drawn to my attention that the publication of the Draft Local Plan could alter this housing land supply position, albeit that detailed up-to-date calculations relating to an alternative housing land supply position are not before me. Nonetheless, even if I were to consider the scheme against the presumption in favour of sustainable development outlined in the Framework, the harm I have identified would reflect adverse impacts of granting planning permission. This would significantly and demonstrably outweigh the benefits of the dwellings proposed.
14. The conflict with the development plan and the Framework when taken as a whole and the associated harm identified are significant and overriding factors. Consequently, the material considerations in this case, including the contribution to housing supply and associated benefits such as job creation during construction and to the local economy after occupation, do not indicate that the application should be determined otherwise than in accordance with the development plan.

Conclusion

15. Having regard to the above and all issues raised, the appeal is dismissed.

C Hall

INSPECTOR