



Appeal Decision

Site visit made on 20 February 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2023

Appeal Ref: APP/H2265/W/22/3294018

Land known as The Orchards, Collingwood Road, Aylesford ME20 7ER

- 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 Mr Daniel Addis against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/21/02123/FL, dated 3 June 2021, was refused by notice dated 1 October 2021.
 - The development proposed is to erect a three-bedroom chalet bungalow with associated landscaping and parking. To replace the three original chalets. Also as previously discussed with planning: The removal of one mobile home.
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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 area, with particular regard to the site being located within the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site is a parcel of land within the Kent Downs AONB, that is occupied by a pair of static caravans and small timber sheds. The site is accessed via a narrow stone surfaced track (Collingwood Road) that also serves the adjacent dwelling and the camping site opposite.
4. The Council Officer's report refers to a Lawful Development Certificate for the use of the appeal land as a caravan site for the stationing of two caravans and one holiday home, falling within Use Class C3. The site is used all year round for residential use.
5. Although the appeal proposal is described as the replacement of the 3 original chalets and 1 mobile home with a dwellinghouse, the 3 chalets have been removed from the site and the evidence before me is not clear whether they could be replaced. The previous existence of the chalets on the appeal site is therefore of limited relevance to my considerations in this appeal.
6. The appeal site is located at the edge of an area known as Kits Coty, which is characterised by a generally loose-knit pattern of buildings, predominantly residential dwellings. These properties are mostly set amongst a patchwork of open areas of grassland, within a framework of hedgerows and dense areas of planting, and served by a network of roads and tracks. Kits Coty is set within the generally open fields of the Kent Downs AONB.

7. The area around the appeal site consists of the adjacent two storey chalet style bungalow and the camping site opposite, which front on to a narrow stone surfaced track. They are separated from the comparatively denser pattern of development in the wider Kits Coty area by a considerable distance with dense planting in between. This gives the area around the appeal site, which is situated on the edge of Kits Coty, a distinct sense of seclusion and separation from the wider area.
8. The camping site consists generally of open grass fields bordered by hedgerows and trees, with a limited number of small buildings, including a shepherd's hut type structure and children's play equipment, set within the fields. By comparison, the bungalow adjacent to the appeal site, which occupies a relatively spacious plot of land, is the only building in the area of the appeal site that could reasonably be described as large.
9. The relative absence of large buildings in the area, combined with the sporadic pattern of small, low height buildings at the camping site, set within relatively open grass fields bordered by planting, gives the area around the appeal site a generally spacious and green character and appearance. Furthermore, the gaps in the hedgerows that border the area, both along the boundaries of the appeal site and the camping site, allow long distance views out from the area and across the surrounding open fields. These views give the sense that the area of the appeal site is physically and visually set within the wider rural landscape of the AONB.
10. Together, the characteristics of the appeal site and the wider area, including the surrounding relatively open fields beyond, give the area of the appeal site a rural and spaciouly verdant character and appearance.
11. The proposed development would likely result in a similar amount of domestic type paraphernalia around the site to the existing use, most likely within the rear and side garden of the dwelling, and screened in views from the access road and camping site.
12. The current layout of the caravans on the appeal site is described as temporary. The appellant has stated that the caravans will need replacing with larger 'full sized' mobile homes. I acknowledge that the caravans or replacement caravans would not necessarily be sited at the back of the site where the existing caravans are. Nonetheless, the existing caravans are low height structures with a relatively modest massing. Were they to be replaced by larger units positioned closer to the site frontage, there is no substantive evidence before me that they would be anything more than relatively modestly sized structures of a broadly comparable scale to the mostly small buildings in the locality.
13. Even if the footprint of the proposed dwelling covered a smaller area of land than the existing caravans and the previous chalets, it would nonetheless be a substantial step-up in scale when compared to the existing caravans. The wide front facing elevation and tall pitched roof of the proposed dwelling would represent a significant increase in the scale and massing of built form on the appeal site. This would be the case irrespective of the positions of the caravans or replacement caravans on the appeal site.
14. The dense evergreen hedgerow along the common boundary with the adjacent bungalow would provide substantial screening of the proposed dwelling in

longer distance views, particularly from the access road. However, even if this hedgerow was retained, the bulk of the proposed dwelling with its relatively tall and wide roof form, would be far more conspicuous than the caravans when seen from the camping site opposite and in close distance views from the access road. Furthermore, the arrangement of pitched roofed dormers set high up on the front roof slope of the proposed dwelling would draw the eye to its roof. The large hard surfaced turning and parking area at the front of the site would also have an urbanising effect on the locality.

15. In the context of the relative absence of large buildings in the area and the modest sizes of the existing caravans and the buildings on the camping site, I find that the scale, bulk and massing of the proposed dwelling would be visually jarring and intrusive, and it would erode the generally spacious and verdant rural character and appearance of the area, and wider landscape.
16. For these reasons, I find that the proposed development would harm the character and appearance of the area, and the landscape and beauty of the wider AONB.
17. As such, I conclude that the proposed development would be contrary to Policies CP7 and CP24 of the Tonbridge and Malling Borough Council Local Development Framework Core Strategy (2007), and Policy SQ1 of the Managing Development and the Environment Development Plan Document – Part of the Local Development Framework for Tonbridge and Malling (Adopted April 2010), which require, amongst others, that development protects, conserves and where possible enhances the character of the area, and the relationship between the pattern of settlement and the landscape, and preserves the natural beauty of the Area of Outstanding Natural Beauty.
18. The proposal would also be contrary to paragraph 176 of the National Planning Policy Framework (2021) (the Framework), which states that the scale and extent of development within an AONB should be limited, while development in the setting of an AONB should be sensitively located and designed to avoid or minimise adverse impacts.
19. Although the Council has cited paragraph 127 of the Framework in its reason for refusal, this paragraph relates to the formulation of design policies in plan making and is of little relevance to the main issue in this appeal.

Other Matters

20. The proposed dwelling would replace an existing residential caravan and would not deliver an additional housing unit. It would therefore have a neutral effect on the supply of housing in the Council's area. The construction period would deliver economic benefits, most likely the employment of persons carrying out the development and the spend on materials in the supply chain. However, given the relatively small scale of the proposed development and the likely short duration of construction works, such benefits are small and attract negligible weight.
21. The appellant has brought to my attention that the proposed dwelling would use less energy than the existing living accommodation on the appeal site. However, the extent of any environmental benefit through a reduction in energy usage has not been quantified and it therefore carries minimal weight in favour of the proposal.

22. There is no substantive evidence that the proposal would enhance ecology or biodiversity, nor is there any evidence of harm in this respect. As such, this is a factor that weighs neither in favour nor against the proposal.
23. The proposed development would not harm the living conditions of nearby occupiers. However, this would be a requirement of any well designed development and is a neutral factor in this appeal.
24. The erection of outbuildings/sheds and fences serving the proposed dwelling could be controlled by planning conditions. This is a neutral consideration that does not weigh in favour or against the proposal.
25. I have found that the proposed development would harm the landscape and scenic beauty of the AONB. In accordance with Paragraph 176 of the Framework, I am required to give great weight to the harm to the AONB. In so doing, I find that the harm to the AONB outweighs the limited economic and environmental benefits of the proposed development.
26. The Council cannot currently demonstrate a five-year supply of deliverable housing sites in its area and therefore the policies which are most important for determining the application are deemed out-of-date. Therefore, Paragraph 11.d) of the Framework would apply to the appeal proposal. However, my findings in respect of the AONB provide a clear reason for refusing the proposed development. Consequently, the proposal does not benefit from the presumption in favour of sustainable development under Paragraph 11 of the Framework.
27. I have not been provided with full details of the several planning permissions for development in the area, including for new build dwellings to which the appellant refers. As such, I am unable to draw any meaningful comparisons between them and the appeal proposal, and they are therefore of limited relevance to my decision.
28. The pre-application advice given to the appellant by the Council does not bind me to a particular decision in this appeal. The relative absence of objections to the proposal is not determinative in reaching my decision on the main issue.

Conclusion

29. For the reasons given above and having considered all matters raised, I conclude that the proposed development conflicts with the development plan as a whole. There are no material considerations of sufficient weight to outweigh this finding. Accordingly, the decision should be made in accordance with the development plan and the appeal should be dismissed.

G Sylvester

INSPECTOR