
Appeal Decision

Site visit made on 22 June 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/U2235/W/22/3312721

Land rear of The Stables, Green Hill, Otham, Kent ME15 8RR

- 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 Peter Lee against the decision of Maidstone Borough Council.
 - The application ref. 22/501471/FULL, dated 16 March 2022, was refused by notice dated 1 July 2022.
 - The proposal is for the construction of new single storey building with parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in a suitable location and with regard to access to services and facilities; and
 - the effect of the proposal on character and appearance of the surrounds, including the Otham Conservation Area (CA).

Reasons

Suitability of location

3. The appeal site relates to an area of land lying to the rear of a pair of dwellings that front Green Hill, with a access drive in between the built forms. It is situated in a rural area surrounded by open fields and arable land.
4. The appeal site is situated in an area designated, in policy terms, as countryside, and development in the vicinity is generally arranged in a linear pattern along the public highway. This runs approximately north-south along from the A20 to the north towards the village of Otham to the south. The Appellant states that the nearest settlement at Downswood is around a 900 metre walk to the west, accessed via a public footpath across a field which has no pavement and no lighting. I am informed that there are no local public transport services running along Green Hill.
5. Policy SS1 of the Maidstone Borough Local Plan 2017 (LP) deals with the spatial strategy for the borough. Outside defined settlements, which applies to this appeal, the policy gives protection to the rural character of the borough avoiding coalescence between settlements.

6. Policy SP17 of the LP relates to development within the countryside. It states that development proposals within the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area. Chapter 8 of the LP then sets out a number of development management policies in the countryside. This covers a range of uses and types of development, but notably does not include general housing as this is not a use identified as appropriate within the countryside. The proposal therefore conflicts with the spatial strategy.
7. Accessibility to services, facilities and employment from the site other than by car would be poor, and it is likely that those occupying the dwelling would rely heavily on the private car. Whilst I recognise that there is generally a greater reliance on the private car in rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. To my mind this weighs heavily against the development.
8. Paragraph 79 of the National Planning Policy Framework (the Framework) sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the development would make a limited contribution to the local economy and social well-being of the area, these factors would not outweigh my concerns over the location of the proposal.
9. I appreciate that the appeal site poses no limitations for occupants to cycle, still I do not consider that this would represent a convenient mode of transport for accessing the nearby settlements and villages for day-to-day purposes such as shopping and working.
10. I have seen the extracts and plans from the other development examples submitted in the grounds of appeal, however I have not been provided with the particular circumstances surrounding the determination of these permissions. Nonetheless, I note that two relate to the rebuilding or replacement of substantial existing structures, and are not therefore directly comparable to the scheme before me. In any event, in my view such matters would be neutral considerations in any balance against planning harm, and each case must be assessed on its own merits.
11. I conclude on this matter that the proposal would not provide a suitable location for new housing. It would be contrary to Policies SS1 and SP17 of the LP, which seek to restrict inappropriate housing development outside the built confines of settlements. It would also be inconsistent with the Framework which identifies that housing in rural areas should promote sustainable transport.

Character and appearance

12. Being situated in the CA, special attention must be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 199 of the Framework states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

13. The special architectural and historic interest of the CA derives from a rural, agricultural character that is visually connected to its past economic prosperity. An important feature is its internal and external landscape setting; the siting and interrelationships of clusters of buildings are linked to historic farming patterns. Otham also contains a high proportion of large gardens which are not only attractive in their own right but also offer the low density necessary to provide the village with its characteristic views.
14. The wider locality is also of landscape and scenic quality, being situated in the Langley Heath Undulating Farmlands character area. Nevertheless, within this context the the appeal site itself has only localised effects, being bordered for the most part by other development. The proposal would only be readily apparent from a small number of other buildings and curtilages in the immediate area and from the public domain in fleeting glimpses to vehicles passing by.
15. Although the appeal scheme would result in some urbanisation of the site, it would not represent an incongruous or intrusive form of development into this area of garden land. The design of the new dwelling, whilst not exceptional, is acceptable and would be appropriate within its setting in close proximity to other single storey properties. The scheme would only be experienced by a limited number of receptors and the visual effects themselves would be minor given the presence of other development, and subject to a landscaping condition to soften the impact of the built form.
16. Taken in the round, I am of the view that the proposal would not materially harm the character and appearance of the surrounds, including the CA. It would meet Policies SP17, SP18, DM1, DM4, DM11 and DM30 of the LP, which seek to secure new development of acceptable scale and appearance. It would also be consistent with the advice in the Framework, which states that good design is a key aspect of sustainable development, and it is desirable for new proposals to make a positive contribution to local character and distinctiveness.

Other Matters

17. I recognise that the scheme has received general support from the Local Parish Council, and that it would not give rise to any material harm to issues of biodiversity, trees, neighbouring amenities or highway safety. However, the development would not be in a suitable location for new housing and these matters do not outweigh the detriment that would result.

Conclusion

18. Having regard to the above and all other matters advanced, the appeal is dismissed.

C Hall

INSPECTOR