



Appeal Decision

Site visit made on 6 June 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/U2235/W/22/3310623

Court Lodge Farm, The Street, Boxley, Maidstone, ME14 3DX

- 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 Murphy against the decision of Maidstone Borough Council.
 - The application Ref 21/505962FULL, dated 23 November 2021, was refused by notice dated 4 August 2022.
 - The development proposed is the erection of a new single storey 3 bed/6 person dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There was a previous proposal for a dwelling on this site which was dismissed on appeal¹. The appellant makes comparisons between the current proposal and the previous one, but I must determine the proposal on its merits on the basis of the plans before me.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area, having particular regard to conserving and enhancing the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty (AONB); and
 - whether or not the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities and the provisions of the development plan.

Reasons

Character and Appearance

4. The site lies to the east of Boxley, beyond a cluster of traditional and modern residential and agricultural buildings at Court Lodge Farm and St Mary and All Saints Church. A tree lined track to the south extends from the farm to The Pump House, now in residential use. Comprising grassland with fruit trees, the site slopes up towards the northern boundary. It is part of land in equestrian

¹ Appeal Ref: AP/U2235/W/19/3231774

use, with a small stable building and horse-riding area to the east, and agricultural and grassland to the north.

5. The site is within the AONB where great weight should be given to conserving landscape and scenic beauty in accordance with the National Planning Policy Framework (the Framework). This part of the AONB is characterised by open pastoral and grassland with some linear belts of trees and hedgerows along field boundaries, sloping up towards a wooded escarpment which forms a backdrop. As part of an open area beyond the existing built development at Boxley, with mature trees and hedges along its north and south boundaries, the site makes a positive contribution to the landscape and scenic beauty of the AONB.
6. The house would be located adjacent to the stable building and close to the Pump House but there would be a significant gap between the proposed dwelling and the cluster of buildings at Court Lodge Farm. Therefore, it would introduce development onto open land and would not form a contiguous extension to the existing buildings to the west.
7. Although partly embedded into the land in the lowest part of the site, the elongated design of the contemporary dwelling would create extensive lengths of brick and glazed walls above the existing land level. The house would be lower than the adjacent stable building, but it would have a significantly larger footprint and longer length than the neighbouring structure. The large scale and modern design of the proposed house, the significant areas occupied by the sunken courtyard and parking area, and the new access created from the tree lined track would result in an urban form of development, incongruous in this open countryside location and detracting from the visual character of this part of Boxley.
8. The location of the building close to the track would limit the part of the site which is developed. However, even with the additional planting of indigenous evergreen species and the inclusion of a green roof, there would be some views of the development, particularly from the churchyard. As such, I disagree with the Landscape and Visual Impact Assessment that the development would only have minor effects on landscape character. The scale of the building and the introduction of a domestic curtilage would be visually intrusive and would harm the open and rural character of the area and the landscape and scenic beauty of the AONB. This harm would not be mitigated by the proposed landscaping or any potential benefits from screening the existing modern barns to the west or the reinstatement of the orchard. In any event, the planting could be removed, or become damaged or diseased.
9. Overall, I conclude that the proposal would harm the character and appearance of the area, having particular regard to conserving and enhancing the landscape and scenic beauty of the AONB. This would be contrary to Policies SS1, SP17, DM1 and DM30 of the Maidstone Borough Local Plan 2017 (the Local Plan). Together, these give great weight to the conservation and enhancement of the Kent Downs AONB, requiring development to respond to the natural character and landscape value, maintain local distinctiveness and be unobtrusively located. The proposal would also conflict with the Framework which seeks to protect and enhance valued landscapes. This is a planning harm to which I attach considerable weight.

10. The proposal would also be contrary to the Kent Downs AONB Management Plan 2021-2026 where it seeks to ensure that the qualities and distinctive features of the AONB are valued, secured and strengthened. It would additionally conflict with the Maidstone Landscape Character Assessment 2012 where it aims to conserve the undulating landform, pattern of tree belts and undeveloped rural landscape in the Boxley Vale character area.

Suitability of the location

11. Boxley lies in the countryside and is not identified as a location for new development in the spatial strategy set out in Policy SS1 of the Local Plan. Policy SP17 seeks to resist development in the countryside unless it accords with other policies and will not harm the character and appearance of the area. Given its proximity to Boxley village, the proposal would not be an isolated dwelling in the countryside which the Framework aims to avoid.
12. Boxley has a church and a public house, but it does not offer a full range of services to meet the day-to-day needs of future occupants of the proposed dwelling. The nearest range of facilities are at Penenden Heath linked to Boxley via an unlit footway and 1.4 miles from the site. Although walking and cycling would be an option for some trips by some people, the distance and the nature of the route would limit its attractiveness, particularly for older people, those with a disability or with children and at times of darkness and bad weather.
13. There is also a regular bus service to Penenden Heath and Maidstone². The Inspector for the recent appeal for The Haven³ found that the limitations on transport options for accessing services outside Boxley are not as great as they might be in many rural locations. The appeal site is located further from the main road than The Haven and partly accessed via an unlit, tree lined track making alternative transport options less attractive. Therefore, consistent with this and other appeal decisions in Boxley, I agree that the future occupiers of the proposed dwelling would be likely to be reliant on private vehicles and I afford this significant weight.
14. The appellant refers to several recommendations for approval of dwellings in Detling, another village which is treated similarly to Boxley in Policies SS1 and SP17 of the Local Plan. However, Detling has a wider range of facilities and therefore these proposals are not comparable.
15. The contribution that the development could make towards maintaining the vitality of Boxley, in accordance with paragraph 79 of the Framework, is limited given the nature of services available in the village and the proposed provision of only one dwelling.
16. Whilst the appellant considers that technology and online retailing would not necessarily result in overuse of the private vehicle, this would not prevent trips to and from the site as delivery vehicles would need to access it.
17. I conclude that the proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities and the provisions of the development plan. This would be contrary to Policies SS1 and SP17 of the Local Plan where they set out the approach to development in the Borough. It would also conflict with the Framework in relation to its

² Every two hours during the daytime Monday to Friday, with fewer services on Saturday and none on Sunday

³ Appeal Ref: APP/U2235/W/20/3249876

requirements for the location of rural housing. This is a planning harm to which I attach significant weight.

Other Matters

18. The Council has submitted a Draft Local Plan and, whilst this may change the policy approach towards Boxley, I have little information on how this would affect the appeal site. In any event, the examination hearings have only recently finished, and the Inspector has not yet made any findings, so I give it limited weight.
19. The proposal would contribute towards the supply of housing. However, there is no disagreement between the parties that the Council has a five year supply of housing. This tempers the weight I have attached to housing delivery, notwithstanding that it is still a benefit to be factored into the planning balance.
20. The appellant indicates that the dwelling would have a high level of environmental performance and result in positive enhancement of biodiversity. As all developments should contribute to these objectives, I attach only limited weight to these benefits.
21. The site lies in proximity to the grade I listed St Mary and All Saints Church and grade II listed The Pump House. I agree with the Council that the position of the site in relation to these heritage assets means that the proposal would not harm their significance. However, this is only a neutral factor in the planning balance.

Planning Balance

22. I have found harm to the character and appearance of the area, and that the development would not provide a suitable location for housing. These are planning harms which attract considerable weight. The Draft Local Plan, delivery of housing, environmental performance of the proposed building and enhancement to biodiversity each attract limited weight and heritage matters only neutral weight, which accordingly do not outweigh the harm I have found.

Conclusion

23. For the reasons given above, having regard to the development plan as a whole, the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Wright

INSPECTOR