
Appeal Decision

Site visit made on 20 September 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04.10.2023

Appeal Ref: APP//U2235/W/22/3312759

1 Rose Cottages, Lenham Forstal Road, Lenham Heath, Kent ME17 2JL

- 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 Ms Julie McDonald against the decision of Maidstone Borough Council.
 - The application Ref 22/502753/FULL, dated 28 May 2022, was refused by notice dated 23 September 2022.
 - The proposed development is for the retrospective change of use of land into domestic curtilage for No. 1 Rose Cottages and stationing of a mobile home for ancillary purposes – temporary permission.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively.

Main Issues

3. The main issues are the effect of the development having regard to the following:
 - the character and appearance of the area;
 - whether the proposal would be in a suitable location and with regard to access to services and facilities; and
 - nutrient neutrality, with particular regard to the discharge of waste water into the River Stour.

Reasons

Character and appearance

4. The appeal site comprises an area of land on Lenham Forstal Road, upon which is sited a mobile home. The nearest residential properties are a row of terraced cottages in a broadly south-easterly direction, with the wider area consisting of open countryside.

5. The current siting of the mobile home is in a conspicuous position, in clear view from Lenham Forstal Road and over the local hedgerows from a nearby public footpath crossing the highway. I consider that the mobile appears incongruous, with its various openings on the main elevations seeming awkward and inappropriate located adjacent to the surrounding agricultural land, and is not sensitive to the character of the area. The harmful domestic nature is further exacerbated by the discordant fencing and gates on the front boundary with the road.
6. I am therefore of the view that the proposal would in harm to the character and appearance of the area. This would fail Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017 (LP) and the Council's Residential Extensions Supplementary Planning Document 2009, which together seek to secure new development of acceptable scale and appearance. It would also be inconsistent with the National Planning Policy Framework which states that good design is a key aspect of sustainable development.

Location

7. The proposal would be in an area designated, in policy terms, as countryside, and development in the vicinity is generally sporadic in nature. The appellant states that the nearest settlement at Lenham is 3km away. For the purposes of walking or cycling, this would be accessed mostly via minor public roads which have no pavements and no lighting. Alternative routes would involve footpaths across fields, again with no pavement or lighting.
8. I acknowledge that Lenham contains public transport modes and shops. However, accessibility to these services, facilities and employment from the site other than by car would be poor, and it is likely that those occupying the mobile would rely heavily on the private car as walking or cycling would not be practical on a frequent basis. Although there may be efficiencies in regular journeys such as food shopping due to the ties with the main house, this would not be the same for other daily activities, for example employment.
9. Whilst I am aware 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 residents of the mobile to conveniently access services and facilities. To my mind this weighs heavily against the development.
10. 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 contribution to the local economy and social well-being of the occupants, these factors would not outweigh my concerns over the location of the scheme.
11. I therefore conclude on this matter that the proposal would be in an unsustainable location. It would be contrary to Policies SS1 and DM1 of the LP, which seek to restrict inappropriate 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.

Nutrient neutrality

12. The appellant states that storage of waste water within an on-site septic tank,

or the tanking of waste water off of the site, could be achieved through the imposition of a condition. I am told that storage of waste water is within a tank, however no other details have been provided either within the application particulars or the appeal papers.

13. Given my findings on the other main issues above, and in the absence of any compelling information to prove that discharge of waste water into the River Stour can be managed, I am minded to adopt a precautionary approach to this issue. I therefore conclude that the development would present a risk to nutrient neutrality, with particular regard to the discharge of waste water into the River Stour. The proposal would contravene Policies DM1 and DM3 of the LP that require measures for the adequate storage of waste and to protect the natural environment. It would also be inconsistent with the Framework which seeks to minimise impacts of development on local environmental conditions.

Other Matters

14. The National Planning Practice Guidance says, at Paragraph 014 in the section dealing with the approach to be taken to imposing conditions, that circumstances where a temporary permission may be appropriate include where it is expected that the planning circumstances will change in a particular way at the end of that period. I consider that this advice is relevant to this position, and am aware that the proposal is for a period of 3 years.
15. The appellant states that the scheme “would allow for the applicant’s son to live on the land, in association with the main house”. No further robust evidence has been provided in this regard, for example why the need has arisen, whether there is realistic prospect of future change after 3 years, or to warrant the length of the period proposed.
16. Consequently, I am unable to find that a temporary permission is justified here. Given the very substantial policy objections to the development that exist at this site, I do not consider this a suitable case for allowing such an approval. It is still necessary to attribute substantial weight to the harm outlined above in respect of the character and appearance of the area and the sustainability of the site, even if temporally limited.
17. The appellant contends that a condition could be imposed to control the use of the site and mobile home as ancillary to the main house. Even if this were the case, such a condition would not counterbalance the detriment that I have identified previously.

Conclusion

18. Having regard to all matters raised and based on my reasoning above, the appeal is dismissed.

C Hall

INSPECTOR