



Appeal Decision

Site visit made on 16 August 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2023

Appeal Ref: APP/U2235/W/22/3313828

Woodford Farm, Maidstone Road, Staplehurst, Kent, TN12 0RH

- 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 Capworth Homes against the decision of Maidstone Borough Council.
 - The application Ref 22/503565/FULL, dated 19 July 2022, was refused by notice dated 18 October 2022.
 - The development proposed is a full application for the demolition of the existing farm house and the construction of 4no. new residential dwellings with associated private amenity space, landscaping and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Drawing numbers P405 and P405 Rev A were originally supplied with the appeal documents. The appellant and Council have subsequently confirmed that drawing number P405 Rev A is the correct plan, and this is the one I have used in my consideration of the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The site comprises a farmhouse, a modern dwelling and a coach house within generous grounds located west of Maidstone Road (A229). It is adjacent to Woodford Park, a recent two storey residential scheme of large, detached properties, within a cul de sac accessed from the A229. The site lies in the countryside where there are some other houses as well as commercial properties, including low rise residential development to the south and a timber supplier premises on the opposite side of the road.
5. The proposal would replace the farmhouse and coach house with four two storey detached dwellings. The parties dispute whether the site is previously developed land but as it lies within the curtilage of a permanent structure in the countryside, it could be classed as previously developed. The farmhouse is significantly set back from the boundary with the A229, which gives a sense of openness to this part of the road.
6. Plots C and D would be considerably nearer Maidstone Road than the existing farmhouse and plot D would be closer to the A229 than the existing dwellings

on the opposite side of the cul de sac at 1 and 2 Woodford Park (Nos 1 and 2). Although the development would be partly screened by existing and proposed landscaping, the height and size of the buildings on plots C and D together with their proximity to Maidstone Road would harmfully erode spaciousness and be prominent in this part of the street.

7. The proposed houses would be sited close together with large areas of parking and driveways in front. Although their design and materials would reflect the recent scheme at Woodford Park and the plot sizes would be similar to those at Nos 1 and 2, the proposal would considerably increase the amount of development on the site. Whilst the presence of existing buildings in the vicinity means that it would not be sporadic development, the amount of hardstanding and the footprint and scale of the proposed dwellings, together with their location relative to the A229, would result in an urbanising development in the countryside. The scheme would be particularly discordant in views from Maidstone Road and from the entrance to Woodford Park.
8. I note the adjacent development was allowed on appeal taking into account that the Council did not have a five-year housing land supply at the time. The appellant also refers to other planning permissions for residential development in the locality, including one for two bungalows immediately south and an outline permission for six dwellings further north along Maidstone Road. I have limited information on the scale and layout of these relative to the current proposal though I note that the houses under construction to the south are considerably lower than the proposed buildings. I also note the appeal decision for West View¹ but layout of that scheme and site context differ from the proposed development. From the evidence before me, these other permissions do not justify the harm which would arise from the proposal.
9. Consequently, I conclude that the proposed development would harm the character and appearance of the area. This would be contrary to Policies SP17, DM1 and DM30 of the Maidstone Borough Local Plan 2017 (the MBLP) and Policy PW2 of the Staplehurst Neighbourhood Plan 2016. Together, these require proposals to address their visual setting, and not harm the character and appearance of the countryside, including in relation to their siting and scale. These policies are broadly consistent with the National Planning Policy Framework (the Framework) where it requires planning decisions to recognise the intrinsic character and beauty of the countryside and developments to be sympathetic to local character. Therefore, these development plan policies are not out of date. The proposal would also conflict with the Maidstone Landscape Character Assessment 2013 where it seeks to resist further intrusive elements along the A229 in the Staplehurst Low Weald character area.

Other Matters

10. The appellant notes that the Council did not raise concerns in relation to several matters, including highways, parking provision, heritage, affordable housing, drainage, and noise. There is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. Nevertheless, compliance with the development plan in relation to these issues is a neutral factor.

¹ APP/U2235/W/22/3293651

Planning Balance and Conclusion

11. The parties disagree on whether the Council has a five-year housing land supply. The Council states that its current housing land supply published in November 2022 stands at 5.14 years. In an appeal decision for a different site in the Borough in March 2023², the Inspector found that the Council could demonstrate a five-year housing land supply. Nevertheless, the appellant asserts that the Council's methodology for calculating its housing land supply figure is out of date as the MBLP is more than five years old and that it should instead follow the standard methodology required by the Framework. The appellant further states that the Council places reliance on forthcoming site allocations which are still being examined as part of the Council's new Local Plan and does not apply an appropriate non-implementation rate. The appellant uses the standard methodology, site information and different assumptions to calculate an existing supply of 3.74 years.
12. The Framework seeks to boost the housing supply and highlights the important contribution small sites can make, whilst supporting development which makes efficient use of previously developed land. The proposal would provide a modest net contribution of three additional dwellings on a small site which would make better use of land in a sustainable location close to Staplehurst and contribute towards Maidstone's housing supply. Its sustainable location would comply with Policy SS1 of the MBLP. However, three additional houses would make little difference to the overall supply of housing, even if any shortfall in supply were significant. I attribute modest weight to this benefit.
13. There would also be some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once occupied when future residents would support services in Staplehurst. However, given the relatively small scale of the proposal, these benefits would be limited.
14. The appellant states that the development would include biodiversity enhancement measures and be constructed in accordance with part L building regulations, including electric vehicle charging points and an efficient building fabric. As all developments should contribute to these objectives, I attach only some weight to these benefits.
15. The closure of the southern access would remove an existing vehicular access where there are issues of visibility for drivers of vehicles egressing the site. This is a benefit which I accord some weight.
16. In contrast, the proposal would result in substantial harm to the character and appearance of the area. The Framework requires planning decisions to recognise the intrinsic character and beauty of the countryside and developments to be sympathetic to local character. I have concluded that the proposal would conflict with development plan Policies SP17, DM1, DM30 and PW2 and the Framework in this respect. I give this significant weight.
17. Consequently, even if there was a shortfall in five-year supply to the extent argued by the appellant, and paragraph 11(d) of the Framework were to be engaged, the adverse impacts of the development on the character and appearance of the area would significantly and demonstrably outweigh the

² APP/U2235/W.22/3305441

benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the maximum weight that could be attached to any benefit through increasing the supply of housing would not be determinative and the presumption in favour of sustainable development does not apply.

18. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

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INSPECTOR