



Appeal Decision

Site visit made on 1 May 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/U2235/W/23/3321897

Land to the west of Rose Cottage, Charlton Lane, West Farleigh ME15 0NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sara Cushing against the decision of Maidstone Borough Council.
 - The application Ref is 22/505834/FULL.
 - The development proposed is the demolition of existing stables and shed and erection of detached dwelling with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Maidstone Borough Council adopted a new Local Plan on 20th March 2024. The new Local Plan is known as the Maidstone Borough Local Plan Review 2021-2038. The previous 2017 Local Plan has now been revoked and all policies contained within that document have been superseded.
3. A revised version of the National Planning Policy Framework (Framework) was published in December 2023. This does not materially change the planning policy context in respect of the main issues.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for housing having particular regard to the accessibility of services and facilities; and
 - the effect of the proposed development on the character and appearance of the surrounding area, including the countryside.

Reasons

Appropriateness of location

5. The appeal site forms a parcel of land near to, but separate from, established residential properties within West Farleigh. In that context the site cannot reasonably be described as 'isolated' within the terms of the Framework. Nevertheless, the appeal site undisputedly falls outside of any settlement boundary and therefore within the open countryside. West Farleigh has very limited facilities, principally a public house.
6. Policy LPRSS1 of the Maidstone Local Plan Review 2021-2038 (LP, 2024) sets out that Maidstone will be the principal focus for development in the borough,

with the secondary focus on the rural service centres of Coxheath, Harrietsham, Headcorn, Lenham, Marden and Staplehurst. The larger villages of East Farleigh, Eythorne Street, Sutton Valence and Yalding are described as suitable for limited housing development.

7. The proposed development would not fall within any of those settlements. The nearest larger village is Coxheath, which provides some key services including a school, medical centre and local shops. Maidstone provides a much wider range of facilities and services.
8. I accept that the distance between the appeal site and those larger settlements is similar to that of established properties within West Farleigh, at approximately 2 and 3 kilometres respectively, although some of those services would likely be a little further away. To reach the settlements, individuals would have to proceed along roads and lanes by foot or bicycle. Those routes are, for the most part, narrow, do not have a dedicated footway or substantial verge and limited street lighting. They would not form attractive or convenient routes and would be particularly undesirable in winter months, after dusk or during inclement weather conditions.
9. I also acknowledge that bus stops are located close to the site providing links to settlements such as Maidstone. However, those services are extremely limited and could not, in my view, be relied on. Private car would therefore, in all likelihood, be the preferred option here.
10. Paragraph 109 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations. However, in this location, the occupants of the proposed dwelling would be highly reliant on the use of private vehicles to access most services and facilities due to a lack of satisfactory cycling and walking routes and a lack of reliable public transport facilities.
11. My attention has been brought to a previously approved scheme near the Good Intent Public House, where matters of sustainable transport were found to be acceptable by the Council. Whilst I accept that distances to services between the sites are similar, I have assessed the appeal scheme based on its own individual circumstances, against the development plan. That vehicular trips from the site to services and facilities would be relatively short does not, to my mind, make the site any more sustainable than if those journeys were longer.
12. I acknowledge the appellant's argument that electric bikes could be provided to prospective purchasers, referring to matters considered acceptable in the Good Intent scheme. However, there is no legal agreement before me that could secure such measures in perpetuity. In any case, future occupiers of the proposed development are not bound to use those cycles for the reasons set out above.
13. I note the appellant's comments that the site is already accessed by vehicles. However, this is likely to be less frequent than that of a 3 bedroom dwelling. Moreover, the argument that the existing stables could be occupied by four independent owners, amounting to a minimum of 16 vehicle trips a day, is based on a hypothetical eventuality that is not currently true of the site.
14. Consequently, the proposed development would be positioned within an unsuitable location for housing, clearly contrary to the relevant provisions of LP

Policies LPRSS1 and LPRSP9 which, in summary, seek to ensure development is located to minimise the need to travel and avoids development in the countryside. This is in a similar vein to the objectives of paragraph 108 (c) of the Framework, which says that transport issues should be considered from the earliest stages of plan making and development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued.

Character and appearance

15. The appeal site comprises a parcel of land set off an access road. It contains a series of buildings and features relating to an equestrian use. The surrounding area is made up of residential properties to the north and east with open countryside to the south and west.
16. There is significant variation in the scale, period and detailed design of properties within West Farleigh. However, consistent features typically exist including the setback of properties from roads, within large, well landscaped garden plots. Similarities also exist in the use of materials, which typically comprise brick and render.
17. Although views from Charlton Lane would be largely obscured by existing built form and landscaping, the proposed development would be clearly visible from the public footpath which runs past the site. This is due to the site's largely elevated position relative to those adjacent routes. The proposed development would also be visible from some nearby private vantage points. As such, the proposed development would undoubtedly change the appearance of the site and its relationship with the surrounding area.
18. However, the development would be set amongst, and viewed in the context of, established built form of a varied scale, style and period. This is illustrated by the appellant's submitted CGI images. Moreover, the proposed development would not be the first contemporary intervention in West Farleigh, nor is the built form of the settlement entirely cohesive or unadulterated.
19. The scale and design of the proposed dwelling would have an acceptable effect on the character and appearance of the site and surrounding area, including the countryside. I consider that further details of the external materials and landscaping, including boundary treatments and hard landscaping, could be satisfactorily dealt with by condition in the event that the appeal were allowed.
20. For the above reasons, I conclude that the proposed development would have an acceptable effect on the character and appearance of the site and surrounding area, in accordance with the relevant provisions of LP Policies LPRSP14, LPRSP15 and LPRQD4. These policies, in summary, seek to achieve high quality design in development which respects its context, including the countryside. This is in a similar vein to the provisions of the Framework insofar as good design and the protection of landscapes is concerned and the relevant provisions of the Landscape Character Assessment (2012, amended 2013) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015).

Other Matters

21. Whilst I note that pre-application advice was obtained by the appellant, this is not determinative in the appeal. I also acknowledge the letter of support received. However, a lack of objection is neutral in my consideration of the

appeal. I do not doubt the construction quality of the proposed development, set out by the appellant. Nevertheless, this is not a matter in dispute between the main parties.

22. The appellant's evidence sets out that the proposed development would be a self-build scheme. In considering this matter, I have had regard to the Council's duties under the Self Build and Custom Housebuilding Act 2015. The Council is required, under this legislation, to keep a register of individuals or associations who are seeking to acquire serviced plots of land in the district on which to build their own home.
23. I have insufficient evidence before me that demonstrates the most up-to-date demand and supply figures for self-build plots in the borough. However, the Council concedes that there is an undersupply relative to the number of registrations of interest and plots approved. The proposed development would undoubtedly contribute to the Council's requirement to make adequate provision for self-build dwellings. However, this would be a very limited contribution due to the small scale nature of the proposal. Nevertheless, this consideration is afforded moderate weight.
24. Overall, the identified adverse impacts of the development and the conflict with the development plan, to which I have afforded significant weight, would significantly and demonstrably outweigh the benefits outlined above.

Conclusion

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

A Price

INSPECTOR