



Appeal Decision

Site visit made on 9 April 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/U2235/W/23/3324099

Land off Bull Lane, Stockbury, Kent ME9 7UB

- 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 Mr Clive Morris against the decision of Maidstone Borough Council.
 - The application Ref is 22/504726/FULL.
 - The development proposed is the erection of a detached dwelling with associated garden, access, parking and landscaping and biodiversity enhancements.
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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 The previous 2017 Local Plan has now been revoked and all policies contained within that document have been superseded.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:
 - the effect of the proposed development on the character of the countryside, including the Kent Downs Area of Outstanding Natural Beauty; and
 - whether the site is a suitable location for housing, having particular regard to the accessibility of services and facilities.

Reasons

Character and appearance

5. The appeal site forms an undeveloped parcel of land adjacent to Bull Lane. It is separated from adjoining agricultural land by boundary fencing and landscaping.
6. The site is located within the Kent Downs Area of Outstanding Natural Beauty. Areas of Outstanding Natural Beauty (AONBs, also known as National Landscapes) are designated for the purposes of conserving and enhancing

natural beauty. Section 85(1) of the Countryside and Rights of Way Act 2000 (as amended) places a duty upon me to have regard to these purposes in this decision. Supporting this objective, the Framework paragraph 182 sets out how great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

7. Despite some nearby buildings, the area surrounding the site is predominantly rural in character, largely formed of open fields and mature landscaping, with some woodland amongst it. Substantial and mature hedgerows generally line lanes and roads within the surrounding area. Although the appeal site contributes to the rural character of the surrounding area it makes only a limited contribution to the landscape character of the AONB.
8. Glimpsed views of the site can be obtained from Bull Lane, particularly at the site's entrance. From further afield, views of the site are limited due to topography and mature landscaping features. However, the visibility of the site would likely increase during winter months when vegetation is not in leaf, as acknowledged within the submitted Landscape and Visual Assessment.
9. In respect of the impact on landscape character, I consider the proposed development, in this particular case, would have a neutral effect. The site is self-contained and has limited significance in terms of the wider AONB character.
10. Nevertheless, the proposed development would change the nature of the site substantially, mainly visible at close quarters. It would introduce a domestic building in this undeveloped countryside location, eroding the rural character of the site and its immediately surrounding area.
11. I accept that there are a number of established residential buildings in the area, including to the immediate west of the site. However, these features do not give the appeal site a domestic character. Moreover, even if landscaping were to be enhanced on the site (which would take some years to mature), as set out, and some areas left over for garden space, its currently open and verdant character would be lost to development, including the inevitable hard surfacing and paraphernalia typical of a domestic property. This would have a harmful urbanising effect on the site and surrounding area.
12. For the reasons above, I conclude that the proposed development would harm the character and appearance of the countryside, contrary to the relevant provisions of Policies LPRSS1, LPRSP9, LPRSP15, LPRQD4 and LPRENV2 of the Maidstone Local Plan Review (LP, 2024). These policies, in summary, seek to direct development towards existing settlements, protect the intrinsic character and beauty of the countryside and ensure that new development is of a high quality. This is in a similar vein to the objectives of the Framework insofar as the protection of landscapes is concerned.

Appropriateness of location

13. The appeal site forms a parcel of land, near to but separate from a collection of residential properties along Bull Lane. In that context the site cannot reasonably be described as 'isolated' within the terms of Framework paragraph 84. Nevertheless, the appeal site undisputedly falls outside any settlement boundary and therefore within the open countryside.

14. LP Policy LPRSS1 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, Eyhorne Street, Sutton Valence and Yalding are described as suitable for limited housing development.
15. The nearest settlement to the site is referenced as Newington. Although this does not fall within one of the LP's settlements for the focus of development, it nonetheless provides some key services, including a primary school, a range of shops and services and a railway station.
16. I accept that the distance between the appeal site and Newington is similar to that of nearby properties, at approximately 2.2 kilometres, although some of the services within the village would be a little further away. To reach Newington, individuals would have to proceed alongside Bull Lane by foot or bicycle, which is narrow, does not have a dedicated footway, substantial verge or street lighting. This would be particularly undesirable in winter months, after dusk or during inclement weather conditions. Ultimately, this route is not sufficient to rely on.
17. 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 public transport facilities within a reasonable distance of the site. This is accepted by the appellant in their supporting evidence, setting out distances of 3, 4 and 6 miles to nearby towns, accessed by car.
18. For the above reasons, I conclude that the appeal site would form an inappropriate location for the proposed development, 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.

Other Matters

19. I note the letters of support received. However, these do not lead me to an alternative conclusion on the main issues. I also do not doubt the environmental enhancements proposed by the appellant. However, these are not wholly reliant on the scheme before me.
20. The appellant refers to the scheme being self-build. There is limited evidence before me to demonstrate that the scheme would be a self-build scheme, including any draft legal agreement. However, even were I to agree with the appellant's position in respect of the provision of self-build plots, the proposed development's contribution to self-build supply would be limited due to the nature of scale of the proposal. It does not outweigh or overcome the harm that I have identified above.

21. The appeal site is located within the wider surroundings of a Grade II listed building, Nettlestead House¹. Mindful of the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The verdant surroundings of the building, of which the appeal site forms a part, positively contributes to its significance. Nevertheless, given the location and extent of the proposed development I consider that it would preserve the setting of this listed building and the contribution it makes to its significance. I note the Council had no concerns in the regard either.

Conclusion

22. For the reasons given above, 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

¹ List Entry Number: 1086192