



Appeal Decision

Site visit made on 27 June 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/U2235/W/23/3331531

Land North of Pleasant Valley Lane, East Farleigh ME15 0BB

- 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 R Ward against the decision of Maidstone Borough Council.
 - The application Ref is 23/503043/FULL.
 - The development proposed is the erection of a single detached dwelling with associated parking, access and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a revised proposed site plan (drawing number 23B-PL05 Rev C) with the appeal documents. This shows the location of proposed electric charging points beside the proposed car port. As this amendment is minor and does not materially change the proposal, I have had regard to the revised proposed site plan in my determination of the appeal as I am satisfied that the interests of the parties would not be prejudiced.
3. Since the Council determined the planning application, it has adopted the Local Plan Review 2024 (LPR). The Maidstone Borough Local Plan 2017 policies referred to in the reasons for refusal have been superseded by policies in the LPR. I sought the parties' comments on the implications of the LPR for the proposal and have determined the appeal based on the current adopted policies in the LPR, taking into account the comments received.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the site would be 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

5. The appeal site lies in the countryside, beyond the close-knit residential development which characterises Dean Street and the western end of Pleasant Valley Lane. The well-maintained site and the land on either side are undeveloped except for some small stable buildings to the east which are accessed from the lane, with Pleasant Valley Farm beyond. The lane is a public right of way and this part of it is bounded by woodland and hedges which give it a rural character.
6. Pippin Lodge and the newly built houses opposite to the west mark a distinct edge between the built development around Dean Street and the more rural, undeveloped part of Pleasant Valley Lane in which the appeal site lies. Located further along the lane away from the existing developed area on currently open land, the proposed dwelling would introduce sporadic development causing encroachment into the countryside, significantly harming its character.
7. The appellant refers to some differences between the current proposal and the previously refused schemes¹, including a lower roof, timber clad walls, siting which responds to the natural bank of the site and use of the existing entrance. I also acknowledge the proposed significant enhancements to landscaping and biodiversity. Nevertheless, the introduction of a house, large driveway and a domestic curtilage with its associated paraphernalia would result in an urbanising development, detrimentally altering the intrinsic rural character of this part of the lane. This would be clearly visible from the public right of way.
8. There is reference to the Council's characterisation of Pleasant Valley Lane when planning permission was granted for a small cul-de-sac development close to Dean Street. However, this was in the context of the development pattern and Local Plan policies which existed at that time. In contrast, the proposed scheme would be located considerably further east along the lane, and I have found that it would significantly erode local character.
9. Consequently, I conclude that the proposed development would harm the character and appearance of the area. This would be contrary to Policies LPRSS1, LPRSP9, LPRSP15 and LPRQD4 of the LPR. Together, these require development proposals in the countryside to not result in significant harm to the rural character and appearance of the area, amongst other things.

Suitability of the location

10. The appeal site is in the countryside and is not identified as a location for new development in the spatial strategy set out in Policy LPRSS1 of the LPR. It lies a short distance from Coxheath which has some services and is identified in the LPR as a Rural Service Centre. Given its proximity to Coxheath, the proposal would not be an isolated dwelling in the countryside which the National Planning Policy Framework (the Framework) aims to avoid. There is a much wider range of services and employment opportunities further afield in the urban area of Maidstone.
11. Pleasant Valley Lane comprises a shared vehicle and pedestrian track. There are bus stops on either side of Dean Street with a few bus services on Mondays

¹ Application refs: 18/501334/FULL and 20/502111/FULL

to Saturdays to Maidstone. Although these are within a short distance of the site, they are only accessible via an unlit route along the track and a part of Dean Street which has no dedicated footways. A public right of way through woodland links Pleasant Valley Lane to Coxheath, from where there are footways to services within the settlement.

12. The Framework recognises that sustainable transport options vary between urban and rural areas. In this case, walking, cycling and use of buses would be an option for some trips by some people. However, the nature of the routes would limit their attractiveness, particularly for older people, those with a disability or with children and at times of darkness and bad weather. As such, I consider that the future occupiers of the proposed dwelling would be likely to be reliant on private vehicles to access services, albeit that journeys would be limited to those for only one house, with some being short.
13. The contribution that the development could make towards maintaining the viability of Coxheath, in accordance with paragraph 83 of the Framework, would be limited given the proposed provision of only one dwelling.
14. The provision of an electric vehicle charging point would encourage the use of electric vehicles by future occupiers, thus reducing carbon emissions, but it would not eliminate the reliance on private motor vehicles to access facilities. Further, the appellant's suggested condition that the occupiers of the development shall only use electric vehicles would not be enforceable or reasonable thereby failing the policy tests for conditions in the Framework.
15. Therefore, 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 Policy LPRSS1 of the LPR where it sets out the approach to development in the Borough.

Other Matters

16. The Council did not find harm or development plan conflict in relation to several other matters, including highways, parking, flood risk, access, reducing carbon emissions, living conditions, and provision of water, electricity and sewage disposal. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.
17. The appellant's general concerns about how the Council processed the application is a matter between those parties and it does not in this instance have any bearing on my determination of this appeal.

Conclusion

18. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR