



Appeal Decision

Site visit made on 30 August 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2024

Appeal Ref: APP/U2235/W/23/3334367

Silverlands, Cranbrook Road, Staplehurst, TN12 0EU Easting: 578542, Nothing: 141405

- 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 J Spirito against the decision of Maidstone Borough Council.
 - The application Ref is 23/503271/FULL.
 - The development proposed is Retrospective application for the change of use of the land and temporary stationing of a mobile home for residential purposes for two years.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have had regard to the Written Ministerial Statement (WMS) and draft National Planning Policy Framework published on 30 July 2024. I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework. Any references to the Framework hereafter in this decision are to the latest version.
3. Since the Council issued its decision on the planning application, the new Maidstone Borough Local Plan Review 2021-2038 (MLPR) was adopted on 20 March 2024. As such, I have taken it into account in my decision. In regard to this appeal the Council have clarified the relevant MLPR policies are LPRSS1; LPRSP9; LPRSP15 and LPRQD4. The appellant has had the opportunity to comment on these new policies.

Background and Main Issues

4. The appeal site is not within a settlement, as defined by the MLPR within which certain types of development may be acceptable. Consequently, the site is in the countryside, where Policy LPRSP9 of the MLPR restricts new residential development. Therefore, the main issues are:
 - Whether the development is in a suitable location for housing, having regard to the local development strategy for the area; and
 - The effect of the development on the rural character and appearance of the area.

Reasons

Suitable location

5. The appeal site is located within the open countryside with a vehicular access from Cranbrook Road, a busy classified road that provides access to Staplehurst. The site has a verdant character and is surrounded by thick trees and vegetation so that there are limited views into the appeal site from the public highway and surrounding countryside. A neighbouring residential property 'Kingsbrooke' is located to the south, and a public right of way (PROW) KM318 passes the southern part of the appeal site and exits through its western boundary. A two-bedroom mobile home is stationed on the land, where the applicant is living as his primary residence.
6. One of the principles of Policies LPRSS1 and LPRSP9 of the MLPR is to safeguard the open countryside, which is defined as land beyond any settlement boundary. Policy LPRSP9 states that development in such locations will not be permitted unless they accord with other policies in the plan and would not result in significant harm to the character and appearance of the area.
7. The appellant indicates that the site is 700 metres from the settlement boundary with Staplehurst which has good access to services, facilities and public transport.
8. To access services and facilities within Staplehurst which is identified as a "Rural Centre", the occupants of the proposed dwelling would have to walk or cycle along the busy Cranbrook Road. The road is unlit and does not have footpaths in the vicinity of the appeal site. I also noted during my site visit that many vehicles were travelling at high speeds. Therefore, the route is unlikely to be an attractive option for walking and cycling, particularly outside of daylight hours or during inclement weather.
9. Consequently, future occupants are more likely to rely on private vehicles rather than to undertake local journeys by other modes of transport. For the reasons given, essential services, facilities and employment opportunities would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access essential services and facilities, due to the lack of safe pedestrian and cycle routes.
10. In conclusion, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy in the MLPR. Instead, the proposal would undermine the objectives of the strategy. For the above reasons, the site is outside of any settlement boundary and would not meet any of the exceptions listed so would be contrary to Policies LPRSS1 and LPRSP9 of the MLPR.

Character and appearance

11. The submitted evidence indicates that the Maidstone Landscape Character Assessment (2013) describes the character of the surrounding area as having a strong pattern of hedgerows and small blocks of broadleaf woodland and orchards which contribute to the characteristic open landscape pattern and strong local distinctiveness.

12. The static mobile home is not a large structure, being single storey with a modest footprint. It has a utilitarian appearance, and I cannot conclude that the building would be visually attractive as a result of good architecture. As a result, it would appear at odds to other houses on this stretch of Cranbrook Road. It is set back from the road and, due to the dense vegetation screening, is barely perceptible when viewed from the highway.
13. However, it would be widely visible from the PROW to the south of the appeal site. If permission were given to retain this change of use, it is reasonable to anticipate that a more intensive residential use would follow, with further car parking, domestic paraphernalia and garden structures. This would add further to the incongruity of the use in the countryside and would harm the attractive rural appearance of the appeal site, particularly when viewed from the PROW.
14. Therefore, the development harms the character and appearance of the area. It would conflict with Policies LPRSS1, LPRSP9, LPRSP15 and LPRQD4 of the MLPR which aim to ensure that proposals integrate with their surroundings and landscape character. The scheme would also fail to comply with the Framework where it requires developments to add to the overall quality of the area and in recognising the intrinsic character and beauty of the countryside.

Other Matters

15. I have significant sympathy with the appellant's situation. I understand that he requires the living accommodation for a temporary period to resolve personal affairs and reach a longer-term living arrangement. The personal circumstances of the appellant do not amount to material considerations that give rise to a decision other than in accordance with the development plan, even on a temporary or personal basis. Nevertheless, they are important considerations.
16. I acknowledge that the site could be reinstated once the mobile home is removed following a temporary permission. The appellant indicates that no trees were removed to facilitate the mobile home installation. The appellant also considered the siting of the development to ensure that it would not impinge on the living conditions of others. However, the lack of harm related to these matters have limited weight either for or against the development when it comes to the planning balance.

Planning Balance

17. I find conflict with the development plan as a whole. The absence of other planning harms are only neutral factors and the contribution of one home, which is a modest addition to the local housing stock, leads me to consider that the public benefits would be limited.
18. I am very mindful that the site provides a current home for the appellant. I have considerable sympathy for their situation and as a decision maker I have had due regard to my public duty towards the appellant in this case. However, this, and the other considerations before me, are not sufficient to outweigh the planning harm I have found, even on a temporary or personal basis. It is therefore a proportionate and legitimate response to interfere with the appellant's home and dismiss the appeal in accordance with the law by upholding the aims of the policies from the development plan.

Conclusion

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

B Pattison

INSPECTOR