



Appeal Decision

Site visit made on 9 December 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/U2235/W/24/3345869

Land at Headcorn Road, Staplehurst, TN12 0BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ian Reeve against the decision of Maidstone Borough Council
 - The application Ref is 23/504626/OUT.
 - The development proposed is described as outline application (with all matters reserved except access) for the demolition of existing outbuildings, erection of 3No. dwellings and 2No. car barns with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. As stated in the description for the development, the proposal is for outline planning permission, with all matters reserved other than access. The application is supported by illustrative drawings showing how the development could be accommodated on the site and how it could relate to the existing built development.
3. In their officer report and decision notice the council has referred to policies SS1, SP7, SP17, DM1, DM2, DM9, DM11, DM12, DM23 and DM30 of the Maidstone Borough Local Plan 2017 as being relevant to the proposal. These policies have since been replaced by policies LPRSS1, LPRSP6(C), LPRSP9, LPRSP15, LPRQ&D1, LPRHOU2, LPRHOU4, LPRHOU5, LPRTRA4 and LPRQ&D4 of the Maidstone Borough Local Plan Review (LPR), which was adopted in April 2024. On the 12 December 2024 the National Planning Policy Framework 2023 was replaced by the National Planning Policy Framework December 2024 (the Framework). It includes various changes and many of the paragraphs have been renumbered. The appeal has been determined on this basis.
4. Both the appellant and the council have been given the opportunity to comment on the content of the newly adopted LPR and the 2024 Framework and the comments received have been fully taken into consideration. This includes LPR policies LPRSP10, LPRSP10(A), LPRSP14(A) & LPRHOU1 and paragraphs 7, 39, 48 and 61 of the Framework.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the local area which includes a designated Landscape of Local Value.

Reasons

6. The appeal site is located on the edge of Staplehurst with part of the site lying within and part lying outside the settlement boundary. The adjacent open countryside is characterised by irregular sized and shaped fields enclosed by hedges and a combination of individual, rows and clusters of trees. The Maidstone Landscape Character Area Appraisal provides general landscape guidance for the area. It states that it is important that new development maintains and enhances the distinctiveness of the area.
7. The appeal site occupies a prominent position at the entrance to the settlement and directly opposite the junction of Headcorn Road and Long Strakes. It is bordered by dwellings on one side and the open countryside on the other. On the other side of Headcorn Road, is a modern housing estate with further housing currently being built. This is set back from Headcorn Road behind undeveloped and landscaped strips of scrub, trees, grassland and a pond. Similarly, the dwellings to the rear of the appeal site are set back from the adjacent field by rear gardens and/or a soft landscaped strip. This separates and provides a soft transition between the built development and the open countryside.
8. The appeal site comprises an irregular shaped site that forms part of the garden to Millfield House. It includes some domestic outbuildings and much of the site is hard surfaced and partially used for parking. Although the hard surfaced area is unattractive, the site is largely screened from Headcorn Road and the adjacent dwelling to the rear by timber fencing. The site is screened from the open countryside to the side by a tall hedge. Accordingly, when viewed from the street scene and the open countryside the appeal site is seen as an enclosed undeveloped gap that separates the open countryside from the housing estate to the west.
9. Collectively and amongst other things LPR Policies LPRSS1, LPRSP6, LPRSP9, LPRSP10, LPRSP15, LPRHOU5, LPRSP10(a), LPRSP14 (A) LPRQ&D1 and LPRD4, set out the housing strategy, targets, housing mix and require a density of 30 dwellings per hectare in Service Centres, where it is compatible with the individual settings of those sites. Proposals should be consistent with achieving good design; should not compromise the distinctive character of the area; and should be compatible with the setting of the site. Where appropriate developers should incorporate measures to protect positive landscape character, including landscapes of local value. They should avoid significant adverse impacts as a result of development through the provision of adequate buffers.
10. LPR Policy LPRHOU4 allows for the development of garden land within service centres provided, amongst other things, the higher density resulting from the development would not result in significant harm to the character and appearance of the area; the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the character of the street scene; and satisfactory access could be provided. LPR Policy LPRHOU1 allows for the development of previously developed land in the countryside where it has poor environmental value; the proposed housing density reflects the character and appearance of individual localities; and the proposal meets the policy requirements set out elsewhere in the plan.

11. Developments should respond to the location of the site and its type, siting, mass and scale should maintain or enhance local distinctiveness. Particular attention should be paid in rural and semi-rural areas, where proposals should maintain and where possible enhance the local, natural and historic character of the area. This includes taking into account the significance of, and potential effects of change on the landscape as an environmental resource together with views and visual amenity. Proposals should not result in significant adverse impacts to the rural character and appearance of the area and their impact on the landscape should be appropriately mitigated. The distinctive landscape character of the Low Weald should be conserved and enhanced as landscapes of local value.
12. Collectively and amongst other things paragraphs 124, 125, 126 & 129 of the Framework promote the effective use of land in meeting the need for homes while safeguarding and improving the environment. Account should be taken of the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change. Substantial weight should be given to using previously developed land within settlements for homes and such proposals should be approved unless substantial harm would be caused. This is consistent with paragraph 61 of the Framework which seeks to boost the supply of homes and as stated in paragraph 73 of the framework small sites can make a valuable contribution to the supply of homes.
13. Together paragraphs 7, 39, 131 & 135 of the Framework promote sustainable forms of development and seek to secure developments that will improve the economic, social and environmental conditions of the area. Good design is a key aspect of sustainable development. Developments should be visually attractive and sympathetic to local character and history. This includes the built environment and landscape setting, while not preventing change and optimising the potential of the site. Paragraph 187 of the Framework states that planning decisions and policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
14. From the evidence submitted I find that the western part of the appeal site falls within the settlement boundary for Staplehurst and that the garden land within this area falls outside the definition for previously developed land as set out in the Framework. It is however within an area where minor infilling is allowed. The eastern part of the site is located within the countryside for planning policy purposes and so falls within the definition of previously developed land. As explained in the Framework it should not be assumed that the whole of the curtilage of a site should be developed. The appeal site is also located in an accessible location and immediately adjacent to a housing estate.
15. For these reasons and having regard to the above policies it is a site which, in principle, could be suitable for residential development, when assessed against the prevailing planning policies. It is noted that the council does not raise any objections to the principle of developing the appeal site for housing. Their concerns relate to the density and visual impact of the proposal, having regard to the appeal site's edge of settlement location.
16. The illustrative site plan shows how the proposed development could be accommodated on the site. It shows that the gap between the dwellings on plots 2 & 3 would be narrower than that of the adjacent dwellings and that the

front of the site would be dominated by hard surfacing for access and parking, with little room for soft planting. The dwelling on plot 1 would be sited close to the boundary with the open countryside. From the street scene the appeal proposal would appear over-intensive and out of keeping with its edge of settlement location. From the open countryside and in views from the east along Headcorn Road the dwelling on plot 1 would form a visually hard and uncharacteristic edge to the settlement.

17. I appreciate that the submitted drawings are purely illustrative, however they fail to demonstrate that the site could accommodate the level of development proposed without causing significant local harm to the character and appearance of the appeal site's rural setting.
18. Regarding the proposed access, the access shown on the illustrative drawings shows reasonable levels of visibility in both directions. Having regard to this and the modest number of vehicle movements likely to be generated by the occupation of three dwellings, I am satisfied that the proposal would not have an unacceptable impact on highway safety.
19. For these reasons, although I have no highway safety concerns and the proposal would comply with the density target set out in LPR Policy LPRHOU5, it would compromise and fail to reflect the distinctive character of the local area. This harm would clearly outweigh the economic and social benefits of developing this accessible developed site for three detached houses, two domestic garage outbuildings and associated access and parking. Further, having regard to the nature of the harm that would be caused, it is not a matter that could be satisfactorily dealt with by condition.
20. I conclude that, on the basis of the information submitted, it has not been demonstrated that the appeal site could accommodate the level of development proposed without causing substantial and unacceptable harm to the character and appearance of the local area, which includes a designated Landscape of Local Value. Accordingly, the proposal would conflict with LPR Policies LPRSP9, LPRSP15, LPRHOU2 & LPRQ&D4 and paragraph 187 of the Framework.

Elizabeth Lawrence

INSPECTOR