



Appeal Decision

Site visit made on 21 January 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal Ref: APP/U2235/W/24/3347118

Butlers Farm House, Horseshoes Lane, Langley, Maidstone, Kent ME17 3JY

- 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 Nathan Batt against the decision of Maidstone Borough Council.
 - The application Ref is 24/500116/FULL.
 - The development proposed is described as 'demolition of 2no. garages and 1no. timber structure. Erection of 1no. detached dwelling with access, parking, garden land, gates, associated landscaping and biodiversity enhancements'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Maidstone Borough Council Local Plan Review 2021- 2038 (MBCLPR) was adopted in March 2024 and now supersedes the policies in the Maidstone Borough Local Plan 2017 (MBLP). The decision notice refers to policies from both, but given the MBLP has been superseded, this decision will only refer to the policies cited from the MBCLPR.
3. The second reason for refusal is no longer pursued by the Council following the submission of the Preliminary Ecological Appraisal (PEA). Therefore, the effect of the proposal on biodiversity will not be addressed within this decision.
4. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issues

5. The main issues are:
 - whether the proposal would be a suitable location for a dwelling, having regard to the Council's spatial strategy and the provisions of the Framework; and;
 - the effect of the proposed development on the character and appearance of the surrounding countryside.

Reasons

Location

6. The site is located beyond any settlement boundary and is therefore within the countryside as defined in the MBCLPR. Policy LPRSS1 of the MBCLPR seeks to focus new residential development firstly in the urban area of Maidstone, then rural service centres and lastly specifies larger villages or even smaller ones. However, it does not include Langley Heath where the appeal site is located. This approach has been taken to direct development to areas of the borough that have been found to be the most sustainable locations for new development.
7. Reference is made to a doctor's surgery, village hall, pub and playground being within walking distance, however; Langley Heath is not a defined settlement, and it does not have the facilities and services you would expect in a sustainable location, for example a school or convenience store. This is supported by Langley Heath not being identified in the MBCLPR with reference to proposed new housing. As such future occupiers are likely to be reliant on private vehicles to access day to day facilities and services.
8. Reference is made to this part of Langley being located within the MBLP to house strategic growth in the area, however this is not evident in the information before me, and it is not recognised in the recently adopted MBCLPR. Whilst there is a nearby bus stop, and services are available at the nearest settlement, the Council's spatial strategy seeks to locate new residential development in areas suitable for growth, and Langley Heath has not been identified in this respect.
9. Reference is made to two appeal decisions¹ and an outline permission on the same site (Ref 07/0106). The specific planning, and policy considerations behind these is unknown. However, it is noted that all three decisions were determined before both the MBLP and MBCLPR were adopted and therefore the development plan these decisions were determined against would be different. As such, these examples are not wholly comparable to the development before me and do not justify a planning permission.
10. The appellant has also referred to an application for a dwelling at Appleacres on Maidstone Road where the case officer concluded that the location was sustainable. The location of this site is not comparable to the appeal site as it is not within Langley Heath and, in any event, each scheme must be considered and determined on its individual merits.
11. For the reasons above, the location of the proposal is not considered suitable, having regard to the Council's spatial strategy and the provisions of the Framework. It would therefore be contrary to policy LPRSS1 of the MBCLPR.

Character and Appearance

12. In this section of Horseshoes Lane, modest semi-detached residential properties line the southern side. In contrast the northern side of the road is characterised by a hedgerow and open playing fields associated with the Village Hall. The entrance to the appeal site is located adjacent to the Village Hall car park and the Farmhouse is positioned in close proximity to the agricultural buildings serving the

¹ APP/U2235/A/14/2227989 and APP/U2235/W/15/3139288

farm. Based on my visit, the land that the proposed dwelling would occupy appeared to be residential garden in connection with the farmhouse.

13. Built form on the northern side of the road is limited to the Village Hall and Butlers Farmhouse, neither of which are prominent in the street scene; due to not facing the road and being set back from it. On the northern side of the road, the limited built form, large gaps between buildings and agricultural land to the rear, all positively contribute to the spacious rural and verdant appearance of the countryside. A public footpath runs parallel to the site access and the orchard that is located behind the site.
14. I acknowledge that the reason for refusal refers to harm to the intrinsic character and appearance of the countryside. However, in light of the MBCLPR, it is clear that the appropriate assessment is to consider the proposal in respect of Policy LPRSP9, which advises that proposals will not be permitted unless they accord with other policies in the plan, and do not result in significant harm to the rural character and appearance of the area. This is not an in-principal harm, it is a qualified judgement based on an assessment of the impact of a proposal on the character and appearance of the area. This approach is consistent with the Framework.
15. The proposal would introduce uncharacteristic residential built form to the northern side of the road. Whilst the adjacent farmhouse is in residential use, unlike the appeal scheme, this dwelling appears as part of Butlers Farm. In contrast, the uncharacteristically large, detached dwelling, would unacceptably erode the large gap and verdant nature between the farmhouse and Village Hall. Whilst the proposed dwelling would sit comfortably within the plot and would be of a traditional design, its substantial scale would unacceptably increase the built form on the northern side of Horseshoes Lane and erode the spacious verdant appearance of the countryside.
16. It is noted that the site is unmaintained residential curtilage to the farmhouse and as a result residential paraphernalia could be introduced, and minor development undertaken. Nonetheless, such alterations would have far less impact compared to a large, detached dwelling on the land.
17. Whilst existing outbuildings/structures are proposed to be removed, these buildings are single storey structures in close proximity to the farmhouse. They are not sited where the dwelling is proposed and are not comparable in scale, as such their removal would not justify the addition of substantial built form on an undeveloped part of the appeal site.
18. The proposed and retained landscaping would provide screening from Horseshoes Lane, however, despite not encroaching fields or the orchard, the dwelling would be highly visible from these areas and the public footpath. From these views the proposed dwelling would appear incompatible with the spacious rural and verdant character identified.
19. For the reasons above, the proposal would have an unacceptable impact on the character and appearance of the surrounding countryside. It would therefore be contrary to policies LPRSP9, LPRSP15, LPRQD4 and LPRHOU1. These policies amongst other things require development to respond positively to, and where possible enhance, the local, distinctiveness and character of the area and avoid significant harm to the rural character and appearance of the area.

Other Matters

20. If I had been otherwise minded to allow the appeal, the need to secure Biodiversity Net Gain could have been dealt with by condition or legal agreement.
21. The appellant has had informal discussions with the Council; however, pre-application discussions are informal and would not influence any future decision the Council may make once a proposal has been subject to the formal planning process.

Conclusion

22. 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, accordingly the appeal is dismissed.

V Goldberg

INSPECTOR