



Appeal Decision

Site visit made on 25 February 2025

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/U2235/W/24/3348657

Golden Oaks Pye Corner, Ulcombe, MAIDSTONE, ME17 1ED

- 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 L Gilham against the decision of Maidstone Borough Council.
 - The application Ref is 24/501404/FULL.
 - The development proposed is change of use of land to allow stationing of 9 No. mobile homes for gypsy/traveller occupation with associated amenity blocks, hard and soft landscaping and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. Following the submission of the appeal and in particular a Transport Statement, the Council reviewed their case and confirmed that the submitted evidence overcomes their third reason for refusal in relation to highway safety.
3. Therefore, the main issues in the consideration of this appeal are:
 - the effect of the development on the character and appearance of the area;
 - whether the development would provide acceptable living conditions for future occupiers, with particular reference to private amenity space;
 - the effect of the development on residential amenity, with particular regard to noise and outlook;

Reasons

Character and appearance

4. Policy LPRHOU8 sets out in part (c) that planning permission will be granted for pitches where the development would not result in significant harm to the landscape and rural character of the area, having particular regard to local landscape character and the landscape impact arising as a result of the development in combination with existing lawful caravans.
5. Maidstones Landscape Character Assessment (LCA) was published in 2012 and amended in 2013 and within the Low Weald, smaller areas are analysed. The appeal site falls within the Ulcombe Mixed Farmlands area of the Low Weald (No.42). The key characteristics are an undulating landscape of pasture, scattered orchards and mixed woodland blocks with linear settlements. The Character

Assessment notes that the landscape is in Very Good condition and that it has Very High sensitivity.

6. The Maidstone Landscape Capacity Study: Sensitivity Assessment (LCS) was published in January 2015 and finds that the Ulcombe Mixed Farmlands overall landscape sensitivity to change is high. It has been put to me, through evidence provided in the appellant's visual impact assessment, that the proposed development will have a minimal impact on the landscape from public vantage points, and whilst the site does contribute to the rural character of the surrounding area it makes only a limited contribution to the landscape character of the Ulcombe Mixed Farmlands LCA.
7. Eastwood Road is characterised by detached and semi detached buildings, loosely spaced set, in good sized plots. The introduction of 9 pitches to the rear of Golden Oaks and Rose Croft and Eden Lodge would result in a spread of development across the site, with the subdivision of the site into smaller plots with the associated parking areas and landscaping, contrasting with the existing pitch which is set within its own spacious grounds. Therefore, the visual impact of the proposed development would be greater than that which currently exists.
8. The proposed layout demonstrates how at this scale the pitches would be closely grouped with limited spacing between them. It follows that the visual impact of the proposed development would be greater than that which currently exists and contrast starkly with the linear pattern of development which is evidenced along Eastwood Road. This would represent a denser compact form of development, that is more evident within the main part of Ulcombe, rather than this edge of settlement location.
9. All these factors indicate that the proposal would result in an urban form of development that is out of character with the rural setting of this part of Eastwood Road and would be out of place and harmful to the character and appearance of the area.
10. It has been put to me that existing landscaping, including an established tall and mature hedgerow to the frontage along Eastwood Road, and a tree belt along the northern boundary would assist in minimising visibility of the site. The proposal also includes a 3m planted buffer zone running around the perimeter of the site and I accept that this would go some way to screening the development from wider views.
11. However, the introduction of 9 pitches in a cul-de-sac arrangement would result in an urban form of development, contrary to the loose sporadic pattern of development, which is experienced along Eastwood Road, this intensification would not be mitigated by the proposed landscaping.
12. Given the age of both the LCA and the LCS the appellant considers that as evidence it is now dated, and therefore should be given limited weight. However, I consider that it still provides useful descriptors of the landscape sensitivities within locations such as the appeal site and I do not have indication in the evidence before me that there have been any significant changes in the immediate landscape. Therefore, I have taken it into account in my consideration of whether the proposal complies with the relevant development plan policies.

13. The appellant has referred me to planning permission, 23/504294/FUL, granted by the Council in 2023. This proposal was for a different site in Pye Corner and was for the provision of 3 pitches. In relation to the impact on the character and appearance of the area the council considered that the existing character of the area was sporadic development and the layout of the proposed 3 pitches would result in minimal harm to the character of the area. From the information before me, including an extract of the submitted block plan, the 3 pitches would be evenly spaced around an open area and would maintain a loose sporadic pattern of development, even when taking into account the adjacent pitches.
14. In conclusion, the proposed development would have a significantly harmful effect on the character and appearance of the area, in conflict with both policy LPRSP9 and LPRHOU8 which require development to not result in significant harm to the rural character and appearance of the area.
15. The proposal would also fail to accord with policies LPRSP15 and LPRQD4 which together, as part of principles of good design, requires development to respond positively to and where possible enhance the character of the area and local distinctiveness. In particular it seeks to ensure that the scale of development reflects and respects the character of the area.

Appropriate on site facilities

16. Policy LPRHOU8 provides criteria for the determination of planning applications. It does not provide any specific guidance on the level of amenity space required per pitch. Paragraph 26 of the PPTS requires sites to be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness, and to promote opportunities for healthy lifestyles such as ensuring adequate landscaping and play areas for children.
17. The proposed block plan includes the provision of amenity buildings and has delineated the proposed pitches to show dedicated areas of amenity space and hardstanding for touring caravans.
18. Therefore, I am satisfied that whilst these areas are smaller than the size suggested within the supporting text to Policy LPRQD7, these standards refer to requirements for houses and the proposal before me is for the siting of mobile homes, and therefore I do not consider that this policy is directly relevant to the consideration of this appeal.
19. Furthermore, the appeal site is located in a rural area and as such the occupiers of the site would have access to a wider range of open spaces and as part of an active rural lifestyle have the opportunity to enjoy the wider benefits of the countryside.
20. In conclusion, the site would provide sufficient space to meet the needs of future occupiers, in terms of amenity space in accordance with policy LPRHOU8 of the LP and paragraph 26 of the PPTS.

Residential amenity – existing occupiers

21. Loss of outlook occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment for existing residents. The planning system has been established to work in the public interest and therefore it does not afford protection to a specific private view.

22. The Council have provided limited evidence to support their concerns regarding a loss of outlook for neighbouring occupiers. I have therefore taken into account the outlook from those properties referred to within the officer report, Eden Lodge and Rose Croft which share a rear boundary with the appeal site.
23. The Council outlined that a loss of outlook would occur due to the proximity of caravans, amenity buildings, children's play area, bin store, accesses and circulation spaces. This would result in a domestic setting reducing the existing occupiers rural outlook over paddocks.
24. The boundary with the appeal site and the rear gardens of Eden Lodge and Rose Croft is currently open to the paddock and has post and rail fencing allowing views through into the paddock.
25. However, I am content that whilst those residents living adjacent to the site, may be able to view the appeal site and the caravans that would be placed on the site, having regard to the single storey nature of the mobile homes and the introduction of the proposed landscaped buffer, this would not result in an adverse impact on outlook, such that it would create an unduly oppressive living environment for those existing residents.
26. There is no commercial use of the site proposed and I have nothing before me to indicate that the residential occupation of the site going forward, for nine pitches, would result in a level of noise and disturbance to existing residents which would be detrimental to their residential amenity.
27. However, the result of the proposal is the need for the vehicles to pass close to the private amenity space of Eden Lodge and Rose Cottage. I consider that noise from cars accessing, turning and manoeuvring within the site and utilising the proposed parking space closest to those properties, whilst modest, given its potential proximity would be detrimental to living conditions of neighbouring properties. Whilst acoustic fencing could help to mitigate this effect, I do not have sufficient detail before me to determine the suitability of any such mitigation and I am concerned that these could lead to further unsatisfactory effects on living conditions in terms of outlook.
28. The development would fail to accord, in this regard, with policy LPRSP15 which requires proposals to respect the occupiers of neighbouring properties with regard to noise, activity and vehicular movements.

Other Matters

29. The Maidstone Revised Gypsy and Traveller Accommodation Assessment July 2024, confirms that there is a need for 342 pitches for households that meet the 2023 PPTS definition and 122 pitches for undetermined households. Of these that would be a need to deliver 207 pitches by 2027. The Council have therefore confirmed that they have a 5 year supply of only 1.2 years.
30. The Council intends to identify new pitches through a separate Gypsy and Traveller and Travelling Showpeople DPD. The Council have already undertaken two calls for sites, one in March 2022 and one in March 2023. The appellant's evidence indicates that further consultation anticipated in Spring 2024 did not take place. Therefore there is a degree of uncertainty regarding the timescales for the adoption of an DPD.

31. This means that unmet need can only be met through windfall sites coming forward or through the extant allocations which have been carried over from the previous Local Plan 2017 and will deliver 22 pitches, but with no possibility of securing a further supply of plan led sites until the adoption of the DPD.
32. Under the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010, I need to consider how the modest increase in the supply of sites arising from the development could positively contribute to the advancement of equality and good relations, with s149 placing an onus on public authorities to avoid discrimination and being proactive in promoting equality. The equality implications arising from the development are, as such, an important factor in favour of the proposal. As such I consider that need for Gypsy and Traveller sites carries considerable weight.
33. Therefore, having regard to the scale of the under supply, I attach considerable weight to this consideration, whilst acknowledging that the Council has a criteria based policy under which the unmet need can be considered.

Planning Balance

34. The Council is currently unable to meet the identified accommodation needs of gypsies and travellers and I have given considerable weight to this undersupply. Addressing this to a modest degree by permitting nine pitches is therefore a contribution to the undersupply and attracts weight accordingly.
35. The proposal conflicts with the development plan as a whole causing very significant harm to the character and appearance of the area and moderate harm to the living conditions of neighbouring occupiers. Of the material considerations, the general need for gypsy and traveller sites and the uncertainty about any future provision given the current status of the DPD does not, in this instance, outweigh the harm I have identified.

Conclusion

36. 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.
37. For the reasons given above the appeal should be dismissed.

G Pannell

INSPECTOR