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# Appeal Decision

Site visit made on 29 November 2016

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 December 2016**

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**Appeal Ref: APP/U2235/W/16/3155385**

**Land to the south of The Gables, Marden Road, Staplehurst TN12 0PE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr P R Garrod against the decision of Maidstone Borough Council.
  - The application Ref 15/509275/OUT, dated 2 November 2015, was refused by notice dated 16 June 2016.
  - The development is proposed residential development following demolition of existing buildings with replacement storage building.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Appearance, landscaping, layout and scale were reserved for further approval. However, the application was accompanied by a drawing entitled 'Site Layout as Proposed' (drawing number 1945/06) which shows a group of four detached two storey dwellings and garages together with a storage building to the south. This plan is noted as indicative and, whilst the appellant considers that the number of dwellings and their layout could be determined at the reserved matters stage, it provides the clearest indication of the proposed development. Moreover, the outline planning stage provides the opportunity to define the nature and scale of the development and no conditions have been suggested to establish such restrictions.

## Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the area;
  - whether the appeal site is sustainably located having regard to development plan and national policies.

## Reasons

### *Character and Appearance*

4. The appeal site is located to the side and rear of a substantial detached dwelling known as The Gables. This property forms part of one of a number of rows of buildings sporadically sited on both sides of Marden Road. The rows are separated from each other and from the built up area of Staplehurst by a
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landscape of open agricultural land enclosed by boundary hedgerows. This landscape is typical of the Low Weald Landscape Character Area and it prevails over the built development to give the area a semi-rural character. The site falls outside of the settlement limits for Staplehurst as defined in the Maidstone Borough-Wide Local Plan 2000 (LP) and the emerging Maidstone Borough Local Plan 2016 (ELP).

5. Whilst there is a commercial yard to the east of the appeal site, residential development in the area is mainly linear in form with direct frontages onto Marden Road. The appeal site accommodates two low, open fronted barns and a taller storage building, together with a limited area of concrete hardstanding and loose surfacing.
6. The existing access to the west of The Gables would be formalised and widened to 4m for most of its length. The indicative plan shows the proposed dwellings grouped to the rear of The Gables with the storage building to the south of that group. Notwithstanding that the exact number and layout of the dwellings has not been determined, new buildings on the scale shown in the indicative scheme, together with the up-graded access and domestic boundary enclosures, would have a urbanising effect on the site compared with the existing collection of more modest, utilitarian buildings. The height, volume and spread of buildings would increase significantly and the low key, utilitarian character of the site would be replaced by a more intensive residential use. As a result, the proposal would be incompatible with the semi-rural character of the area.
7. The proposal would also create development in depth to the rear of The Gables. This would be at odds with the characteristic linear pattern of residential development the area.
8. The western boundary of the site is marked by a hedgerow which, in places, provides some visual screening of the site and the proposal includes a 2m wide landscaping strip along this boundary. Whilst the proposed planting would help to reinforce the hedgerow, it would be quite narrow with limited opportunity to increase its width whilst retaining the proposed access and associated service strip. I am not persuaded, therefore, that the reinforced hedgerow would screen the proposed dwellings sufficiently to mitigate the effects identified above. The commercial yard to the east of the appeal site is not conspicuous in public views and its presence does not provide adequate justification for the proposal.
9. The Council has given notice under Class P of the Town and Country Planning (General Development) (England) Order 2015 that the existing storage building at the site could change to residential use without the need for prior approval. However, the development permitted under Class P is limited to change of use of the building and a curtilage no larger than the building. It does not allow for new built development. Consequently, although the notification establishes the principle of residential development on the site, the physical effects of the development permitted would not be comparable with the appeal proposal.
10. Consequently, by virtue of its location, form and siting, I consider that the appeal proposal would have a harmful effect on the character and appearance of the area. As such, it would be contrary to LP Policy ENV28. This policy defines the countryside as those areas falling outside of settlement boundaries and presumes against development which would harm the character and

appearance of the area. It also confines development in the countryside to specified categories. There is nothing to suggest that the appeal proposal would fall within any of those categories.

11. The reason for refusal also cites ELP Policies SP5 and SP17. The ELP has been submitted for examination and, whilst the appellant advises that there are outstanding objections, in accordance with National Planning Policy Framework (the Framework) paragraph 216, it can be given some weight. Policy SP5 defines Staplehurst as a Rural Service Centre and seeks to focus new housing at allocated sites, minor development including infilling and appropriate redevelopment of previously used land within settlements. Given the location of the appeal site outside of the settlement boundary, the proposal would not accord with this policy. Policy SP17 has broadly similar aims to LP Policy ENV28. Whilst the categories of development which may be acceptable in the countryside are different, the appeal proposal would not fall within them. In addition the policy seeks to conserve and enhance the Low Weald as a landscape of local value. The proposal would not, therefore, comply with this policy.
12. Nor would the proposal accord with paragraphs 17, 60 or 61 of the Framework insofar as they recognise the intrinsic character and beauty of the countryside, the reinforcement of local distinctiveness and the integration of new development into the natural and built environment.

#### *Whether Sustainably Located?*

13. There is no dispute that Staplehurst itself is a sustainable settlement. However its services and facilities are concentrated within the built up area at least 1.1km from the site. The nearest bus stop is some 0.9km away. The route from the appeal site along Marden Road is unlit and has no footpaths for the first 250m. The road is subject to a 40mph speed limit and is fairly busy with traffic. Whilst there are grass verges next to the carriageway, they are narrow and uneven in places. I found on the site visit that walking this part of route is uncomfortable and would not be attractive for trips during the day, much less during the hours of darkness.
14. The appellant has referred to the Hen and Duckhurst site to the north-east of the appeal site. That site has been granted outline planning permission for residential development and is allocated in the ELP. Whilst it would result in traffic calming along Marden Road within an extended 30mph zone and improve links to railway station, it would not materially improve the pedestrian route from the appeal site to most local facilities and services.
15. I recognise that access by cycle to the local facilities and services would be reasonably convenient. Nevertheless, I consider it likely that the majority of trips made by future occupiers of the proposed development would be by private car. Such an outcome would run counter to Framework paragraphs 32 and 35 which seek safe and suitable access to the site for all people and prioritise pedestrian and cycle movements and access to public transport.
16. I note that the Inspector who considered an appeal for a new dwelling at The Bramleys<sup>1</sup>, only slightly further west along Marden Road, reached a similar conclusion. The appellant has drawn my attention to two appeal decisions for

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<sup>1</sup> Appeal reference: APP/U2235/A/14/2224793

residential development in the vicinity of Staplehurst. Although the Woodford Farm<sup>2</sup> site is further from the Staplehurst facilities than the current appeal site, in finding that the site was 'relatively sustainable', the Inspector gave weight to the availability of a convenient bus service to Staplehurst and Maidstone and noted that a farm shop, café and garden centre were located around 600m away. The current appeal site does not benefit from similar linkages. In the Iden Park Service Station<sup>3</sup> decision, the Inspector also found that the site was on a bus route and within walking distance (the appellant puts the distance at 500m) of the local facilities. As such, that site appears to be considerably more accessibly located than the current appeal site. Therefore, I consider that neither of the decisions cited by the appellant provides a robust justification for the appeal proposal.

17. The appellant considers that the proposal draws backing from ELP Policy DM4. This policy supports the development of brownfield land including, exceptionally, on sites in the countryside. The appeal site can be regarded as brownfield land. However, the policy also requires such development to result in significant environmental enhancement and the site to be, or become, accessible by sustainable modes. Whilst the use of part of the site as garden area could add some bio-diversity value, there is no substantive evidence to demonstrate that it would be significant. Consequently, having regard to the concerns set out above, I consider that the proposal would not satisfy the requirements of Policy DM4.

### **Planning Balance and Conclusion**

18. Framework paragraphs 7 and 8 require the three roles of sustainability to be considered together.
19. The Council and the appellant disagree over whether the Council can demonstrate a five year supply of housing land as required by Framework paragraph 47. The appellant considers that paragraphs 14 and 49 of the Framework are engaged and that relevant policies for the supply of housing, including LP Policy ENV28 and ELP Policies SP5 and SP17, should be regarded as out of date. The appellant relies on a recent appeal decision at Lenham<sup>4</sup> with regard to the housing land supply position. At the time of the Lenham Inquiry the Council accepted that it did not have a five year supply, but submitted further evidence after the Inquiry which, it claimed, changed that position. Whilst the Inspector had regard to the post Inquiry evidence, he found that, even if there was a five year supply, the adverse impacts of that scheme would not outweigh the benefits (paragraph 98). Consequently, the Inspector did not examine the housing land supply position in detail. Nor has the appellant in this case sought to quantify the extent of the claimed shortfall in housing land.
20. In any event, the creation of three additional dwellings (taking into account the non-implementation of the change of use of the storage building to residential) would make a very limited contribution to the housing needs of the District as a whole. Nevertheless, in accordance with Framework paragraph 47, it merits a measure of weight in support of the proposal, irrespective of the housing land supply position. The proposal would also offer a modest, short term economic

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<sup>2</sup> Appeal reference: APP/U2235/W/16/3142747

<sup>3</sup> Appeal reference: APP/U2235/A/12/2184356

<sup>4</sup> Appeal reference: APP/U225/W/15/3131945

benefit by providing employment and potential local purchasing of materials during the construction phase.

21. However, given my conclusions on the effects of the proposal on the character and appearance of the area and the sustainability of the location, I find that the proposal would have significant negative impacts on the environmental role of sustainability.
22. Therefore, even if I were to conclude there is a shortfall in the supply of housing land and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.
23. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion
24. Consequently, I conclude that the proposal would not amount to sustainable development and so is not supported by the presumption in favour of sustainable development set out in Framework paragraphs 14 and 49.
25. For the reasons set out above, the appeal should be dismissed.

*Simon Warder*

INSPECTOR