
Appeal Decision

Site visit made on 26 January 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/U2235/W/16/3161238

Southfield Stables, South Lane, Sutton Valence, Kent ME17 3AZ

- 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 Wealden Ltd against the decision of Maidstone Borough Council.
 - The application Ref 15/510509/OUT, dated 21 December 2015, was refused by notice dated 19 September 2016.
 - The development proposed is demolition of existing front annexe building and side shed to Southfield Stables house with erection of new attached single storey extension along with construction of access road, demolition of stable blocks and outbuildings, and erection of 6 detached dwellings with garaging/parking inclusive of removal of existing caravans.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, and the application form makes clear that approval is also sought at this stage for the access, appearance, layout and scale of the development, but not landscaping. I have taken the submitted drawings into account, other than indications of landscaping that I have taken as illustrative. The landscaping (the reserved matter) is reserved for consideration at a later stage.
 3. During the course of the planning application the quantum of development was reduced from 6 to 5 additional dwellings. The Council considered the development on that basis and so have I.
 4. I note that a draft Local Plan (draft LP) has been submitted for examination. During the course of the appeal, I requested an update on progress and understand that an interim report has been prepared by the Inspector appointed to undertake the examination. The Council submitted additional information that seeks to address the Inspector's comments regarding the housing land supply for the district and the appellant was given the opportunity to comment. I have taken the interim report and the additional information submitted by the Council and appellant into account. This includes extracts from the report into the main modifications proposed to the draft LP relating to what is now proposed to be Policy DM5, that I understand has been agreed by the Council.
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5. Given that an element of the Inspector's concern relates to the supply of housing land that would be fundamental to the soundness of the plan, I consider that I can only give limited weight to the policies contained within the draft Local Plan. However, I will return to the issue of the supply of housing land and weight to be given to the adopted Maidstone Borough-wide Local Plan (LP) in my reasoning.
6. The Council refers to Policy ENV32 of the LP within the decision notice. However, this relates to development within the "southern anti-coalescence belt" and the appeal site is outside that area. The Council's statement confirms that this was an error. The notice should have referred to Policy ENV34 of the LP which relates to development within Special Landscape Areas. As this is consistent with the contents of the Officer Report and the appellant has commented on this in its final comments, I do not consider that anyone would be disadvantaged by consideration of Policy ENV34 of the LP in this instance.

Main Issues

7. The main issues are whether the proposed dwellings would conserve the landscape quality of the area, with particular regard to the Greensand Ridge Special Landscape Area, and the effect of the proposal on the Sutton Valence Conservation Area.

Reasons

Effect on landscape quality

8. Policy ENV28 of the LP confirms that development that harms the character and appearance of the area, in particular that which significantly extends the built up extent of any settlement, will not be granted planning permission and that any development permitted will be confined to a limited number of forms of development. The proposed development would not fall within those forms of development. As such, the proposed development would be contrary to that policy.
9. Southfield Stables currently comprises a series of stables with a ménage and other ancillary equestrian facilities, along with a dwelling, located between the settlements of The Harbour and Sutton Valence. It is located within the Greensand Ridge Special Landscape Area (SLA) as defined in the LP and is lower on the slope of the hill than the village of Sutton Valence, including the Sutton Valence Conservation Area. It is surrounded by hedges that have some effect in containing the site, but it is located in a higher position than the fields and roads to the east and west, and The Harbour to the south, which results in it being a visible and prominent location within the gap between settlements and the countryside, and when viewed from those roads.
10. The proposal would retain and extend the dwelling, redeveloping the remainder of this previously developed land with an additional five houses. Those houses would be mostly two storey, with the first floors contained in the roofspace, such that the upper floors would be visible above the surrounding hedges.
11. Whilst the proposed dwellings would reflect other development in the vicinity, including the dwellings at the neighbouring South Belringham, they would result in further residential development and associated domestic paraphernalia encroaching into this attractive area of countryside that forms a gap between The Harbour and Sutton Valence. I note that additional landscaping to be

submitted with the reserved matters may assist in screening the development. Even so, I do not consider that it would overcome this harm.

12. To conclude on the first main issue, the proposed development would cause harm to the surrounding landscape. As such, it would be contrary to Policies ENV28 and ENV34 of the LP which seek to protect and conserve the scenic quality and distinctive character of the area. In addition, it would not result in a significant environmental improvement to the site as required by Policy DM5 of the draft LP.

Effect on the conservation area

13. Sutton Valence Conservation Area comprises the historic centre of the village, with the Church and its tower at one end and the remains of the castle at the other, all located along the ridge of the steep hill above Southfield Stables. This hilltop location means that the historic development within the conservation area is prominent, visible from a long distance on what is otherwise a gently undulating rural landscape, and with views from the conservation area over that landscape. This relationship between the built form and the landscape and topography all contribute to its significance as a designated heritage asset.
14. The surrounding fields and rural development form the countryside setting to the conservation area and the site forms part of that rural landscape. The ability to appreciate the relationship of the historic settlement in its hilltop setting contributes to its significance. The appeal site is located in a relatively prominent position that would be visible both in views toward the conservation area and out of the conservation area.
15. I consider that the appeal scheme would detract from the ability to experience the conservation area because it would result in residential development, including associated domestic paraphernalia, interrupting that rural setting to the conservation area. This would be harmful to its significance as a designated heritage asset. In the terms of the Framework, the harm would be 'less than substantial'. However, that does not mean it should be regarded as minor or unimportant. The Framework states that great weight should be attached to the conservation of heritage assets. Paragraph 134 requires harm to heritage assets to be weighed against any public benefits of the scheme. I return to that balance in the conclusion to my decision.

Other matters

16. Reference is made in the appeal documents to the three strands of sustainability referred to in the Framework, being economic, social and environmental. In this case, there would be limited economic benefits during the construction of the dwellings and residents would support local services once they are occupied. The provision of an additional five dwellings would have a positive social impact in contributing in a small way to the need for homes in the area. Due to the modest scale of the scheme I attach only moderate weight to these social and economic benefits. The scheme would make use of previously developed land and there would be some limited benefits from ground remediation and small scale ecological enhancements.
17. The appellant has suggested that the Council cannot demonstrate a five year supply of deliverable housing sites as required by paragraph 49 of the Framework. The Council does not agree.

18. I note that the SLA designation is proposed to be removed in the draft LP and the appeal site would be outside the proposed Greensand Ridge Area of Local Landscape Value. However, for the reasons given above I am only able to give that limited weight and, in any event, this would not affect my conclusion that the site is within an area of high environmental value.
19. The development at South Belringham also involved redevelopment of previously developed land as well as conversion of an office building to dwelling. I have been provided with limited information regarding the original development on the site. The dwelling replacing the previously permitted industrial units, although taller, appears to be considerably smaller than the previously approved development and the amount of hard surfacing appears to have been significantly reduced. In any event, I need to consider this case on its own merits.
20. I understand that this is a poor location for racing stables and the area is constrained by surrounding residential development, such that the existing business may not be able to continue in this location. Whilst it may not be a suitable location for training racehorses, this doesn't preclude other rural uses which may be appropriate in this location.

Conclusion

21. The proposals would be contrary to the development plan due to the conflict with Policies ENV28 and ENV34. It is therefore necessary to consider whether there are other material considerations which indicate that permission ought to be granted, notwithstanding this conflict.
22. The Framework requires the harm to the conservation area (through the impact on its setting) to be weighed against the public benefits of the scheme and I also take account of some minor environmental benefits. However, these benefits are not sufficient to outweigh the harm to the conservation area that I have identified. Consequently, I find that the proposals would be contrary to the Framework insofar as it relates to the historic environment. This is a factor which adds weight to my conclusion on the development plan.
23. It follows that, whether or not the appellant is correct in relation to the housing land supply position, this is not a case where the Framework indicates that permission ought to be granted. Footnote 9 makes clear that this is a case where specific policies of the Framework indicate that development ought to be restricted.
24. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR