
Appeal Decision

Hearing held on 29 April 2015

Site visit made on 29 April 2015

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

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

Decision date: 28 May 2015

Appeal Ref: APP/U2235/W/15/3003179

South Beltringham, South Lane, Sutton Valence, Maidstone ME17 3BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Clarendon Homes against the decision of Maidstone Borough Council.
 - The application Ref 14/501986/FULL, dated 18 July 2014, was refused by notice dated 6 November 2014.
 - The development proposed is erection of 12 No dwellings with formation of access on to South Lane, landscaping and parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; including on the Special Landscape Area and the setting of the nearby Conservation Area, and;
 - Whether the proposal would constitute a sustainable development, and;
 - Whether the proposal would make adequate provision in respect of local infrastructure.

Reasons

Character and appearance

3. The appeal site is located outside any defined settlement boundary in accordance with Policy ENV28 of the Maidstone Wide Borough Local Plan 2000 (MWBLP); it is therefore in the countryside in local policy terms. More specifically, it lies between two distinct parts of a settlement; that to the north forming the historic core is Sutton Valence which includes the Sutton Valence Conservation Area. That to the south is called The Harbour, which is predominantly a post-war addition to the settlement. Between the northern and southern parts there is a wedge-shaped area that is bounded by the A274 to the west and South Lane to the east. I saw during my site visit that this 'wedge' shaped area is mainly characterised by scattered buildings, surrounded by large areas of landscaping. The boundary of the 'wedge' is formed by

established hedgerows. The site is also within the Greensand Ridge Special Landscape Area (SLA), in a fairly open location with limited surrounding development. As a consequence the appeal site is visible from the surrounding area, and in particular from the properties located on the southern edge of Sutton Valence which are in a considerably elevated position in relation to the appeal site.

4. The appeal site itself lies adjacent to South Lane, and is slightly elevated above the road level. The boundary with South Lane is characterised by a hedge mainly formed of brambles which sits adjacent to a footpath. On the eastern side of South Lane, the boundary is also formed by hedges, although I saw that this is generally less dense in form than that along the appeal site side of the road. Beyond the eastern boundary is an open field, which appears to be used for the nearby stables to the west of the appeal site.
5. At the hearing the appellant suggested that the proposal would represent an 'infill' development between the two parts of the village, rather than development into the open countryside. In this respect, they indicated that the site has the characteristics consistent with the urban fringe, as an edge of settlement development; with the pedestrian footpath an indication of this. However, whilst the site would be located between the two parts of the village, there are still areas of open land within the area. Indeed, rather than the suburban character suggested, the site and its surrounds appeared to be indicative of the rural character of the area, with open fields, sporadic and limited development, which retains the generally open appearance of the area. This point is reinforced by the Sutton Valence Greensand Ridge landscape assessment (undated), which identifies the very distinctive built environment of this SLA. In particular, one of the actions identified is to 'conserve the scattered pattern of development and the rural character of this landscape'. In national policy terms this is supported by Paragraph 113 of the Framework which identifies that the protection of landscape areas should be commensurate with international, national and locally designated sites with the SLA a non-statutory local landscape.
6. The appeal scheme for 12 dwellings is set out in a hammerhead arrangement, with no more than 6 to 8 metres of space between the rear elevation of properties on the northern end of the proposal and their respective garden boundaries. It is clear that the spacing between dwellings has increased as a result of the pre-application discussions with the Council. Moreover, as the Council does not have specifically adopted garden space standards, there is a degree of subjective assessment in terms of the size of the amenity area required for future occupiers. Nonetheless, the layout proposed, and features such as hardstanding, garages located very close to the eastern, northern and western boundaries and the short length of some of the proposed gardens, are indicative of the overall visually cramped nature of the proposed development.
7. It was pointed out that planning permission has now been granted for the development immediately to the north of the appeal site for a change of use and erection of a dwelling. The full details of that decision are not before me. Nonetheless, it is clear from the drawings supplied at the Hearing that the spacing between the dwellings and their surrounds would be significantly greater than that proposed on the appeal site. In practice, this means that the proposed development would fail to reflect that to the north which appears as spacious and scattered rural development. In this respect, the proposal would

fail to promote and reinforce local distinctiveness. Furthermore, the incongruent nature of the development proposed in the context of the wider SLA area, would fail to protect the landscape commensurate with its locally designated SLA status.

8. The appeal site is located to the south of the Sutton Valence Conservation Area. No conservation area appraisal is available, however I was able to see that the significance of the conservation area derives from the fact that it is a representation of a Kentish village with a number of historic buildings, included statutorily listed buildings. It is located on a ridge which visually gives the village a strong linear appearance running roughly from east to west, with structures such as a church tower and castle forming physical punctuation marks to the built form and sense of place. In particular, the differences in the land levels from the appeal site and The Harbour, compared to the conservation area, underline the visual importance of how the older part of the village fits into wider landscape, providing a key characteristic of this part of the local landscape and forming part of the Conservation Area's significance.
9. The appeal site does not lie within the conservation area; however it does contribute towards its rural setting, with the ridge line settlement clearly visible from South Lane. The proposal would obscure views from South Lane towards the conservation area. This is especially important on South Lane where there is a curve in the road that when walked, cycled or driven, slowly reveals the imposing ridge hugging settlement that is obscured further south by The Harbour. Moreover, the generally open nature of the gap between Sutton Valence and The Harbour invites observers to imagine visiting the village when it was most likely surrounded by open farmland and scattered developments; much as this gap continues to do so in its present form. Whilst the appellant points to the fact the ridge heights proposed would not be dissimilar to those found in the development to the north, this does not provide justification for overcoming the fundamentally unacceptable nature of the proposed development. As such, the proposed development, due to its visually cramped and suburban form and the erection of a roughly 1.8m high close boarded fence along South Lane, would fail to respect the setting of the conservation area and the contribution it makes to its significance.
10. The appellant points to public benefits of the proposal including the provision of rural housing, the creation of jobs and the proposed replacement of the hedgerow along South Lane. I acknowledge that the appellant does not consider that the proposal would affect the significance of the conservation area; however I have found that there would be harm. Having given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the conservation area, recognising that there would be less than substantial harm to the significance of the designated heritage asset, in the form of the conservation area, the public benefits would still not outweigh this harm.
11. I therefore conclude that the proposed development would be contrary to Policy ENV34 of the MWBLP which indicates that within the SLA particular attention will be given to the scenic quality of the area. It would also be contrary to Policy EN28 of the MWBLP, which states that in the countryside planning permission will not be given for development which harms the character and appearance of the area. The proposal would also result in less than substantial harm to the significance of the conservation area and

therefore be contrary to the provisions of the Framework including those set out at Paragraph 17 to conserve heritage assets in a manner appropriate to their significance and Paragraphs 126 to 134 which detail how applicants should describe the significance of the heritage assets affected, including any contribution made by their setting.

Sustainable Development

12. Paragraphs 7 and 8 of the Framework detail the three mutually dependent roles of sustainable development; economic, social and environmental. In terms of the economic and social roles, there is broad agreement between the main parties that the proposal would result in the creation of jobs during the construction phase and that the appeal site is located reasonably close to local services and public transport routes. Moreover, it was pointed out by the Parish Council at the Hearing that some local services have closed or moved from the village. In this respect, the proposal would make a small contribution towards the economic sustainability of these services by creating further customers. The provision of 12 dwellings would also make a modest contribution to housing supply; which the Framework anticipates a significant boost. This is benefit would meet the social role of sustainable development which seeks the provision of housing to meet the needs of present and future generations.
13. However, to be sustainable development as defined by the Framework, a proposal needs to balance equally between the three roles of sustainable development. In this case, the removal of the bramble hedge and its replacement with indigenous species is a public benefit to the natural environment, albeit of a very limited nature. Nevertheless, when considered as a whole, the proposal would fail to protect or enhance the natural, built and historic environment through the harm I have identified to character and appearance, landscape and the setting of the conservation area. Accordingly, the proposed development would not result in a sustainable development as defined by the Framework.
14. Both parties agree that the Council is unable to demonstrate a 5 year supply of deliverable housing sites; I see no reason to take a contrary view. Paragraph 49 of the Framework indicates that in such cases that relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the Framework indicates explains that there is a presumption in favour of sustainable development, which is a golden thread running through decision taking. For decision-taking this means that decision takers should, where relevant policies are out-of-date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, in this case I have found that the proposal would not represent sustainable development. Furthermore, the adverse impacts arising from the proposal are not significantly and demonstrably outweighed by the public benefits cited. In accordance with the Framework, and especially Paragraph 14, the onus to grant permission is subsequently diminished.

Local Infrastructure

15. The Council considers that financial contributions are required towards the provision of local infrastructure, and in particular public open space and local healthcare provision. Paragraph 204 of the Framework indicates that obligations should only be sought where they meet three tests, which echo

those of the Community Infrastructure Levy Regulations, 2010. In local planning policy terms, this is achieved through Policy CF1 of the MWBLP and Policy OS 1 of the Open Spaces Development Plan Document; copies of which were provided at the Hearing. These indicate that residential development which would generate a need for new community facilities will not be permitted unless the provision of new, extended or improved facilities or a contribution towards such provision is secured by planning obligation.

16. The appellant has confirmed a willingness to provide contributions along these lines and draft copies have been submitted. However, even after an exceptional time extension was granted following the withdrawal by a third party of monies sought, a completed and signed obligation has not been provided. Nevertheless, given my findings on the unacceptability of the scheme with regard to the other main issues, namely character and appearance, and sustainable development, the planning obligation relating to these contributions cannot be taken into account and therefore I have not considered its content further.

Conclusion

17. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Matthew Blythin BSC(Hons), MA, MRTPI	DHA Planning
Mr Jon Etchells	Jon Etchells Consulting
Mr James Chapman	Clarendon Homes
Mr Julius Ainsworth	Resident of 'South Belringham'

FOR THE LOCAL PLANNING AUTHORITY:

Mr Geoffrey John Brown MPHIL, MRTPI	Maidstone Borough Council
Mrs Deanne Cunningham DA, DIPLA, CMLI	Maidstone Borough Council
Mr Michael Parkinson BA, MRTPI, IHBC	Maidstone Borough Council

INTERESTED PERSONS:

Mr Barry Armstrong	Sutton Valence Parish Council
--------------------	-------------------------------

DOCUMENTS SUBMITTED AT THE HEARING

1. Copies of drawings and decision notice for planning permission MA/14/504199/FULL granted subject to conditions at South Belringham, South Lane ME17 3BD
2. Copy of Council's list of suggested conditions
3. Copy of draft, unsigned and undated Planning Obligation by Unilateral Undertaking relating to the proposed development
4. Copy of Policy CF1 of the MWBLP 2000
5. Copy of memo from the Council's Leisure Monitoring Officer dated 4 November 2014
6. Copy of the Council's Open Space DPD 2006
7. Copy of letter from NHS Property Services dated 16 April 2015