<u>Appendix</u>

1995 Appeal Decision (MA/95/0035)



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ Direct Line Switchboard Fax No 0117-9878927 0117-987-8000 0117-987-8769

GTN

1374-

Associated Design Parnership Milroy House Sayers Lane Tenterden Kent TN30 6BW

Your Ret: JM/sg/2068

Our Ref: T/APP/U2235/A/95/254500/P5

Date

.14 NOV 1995

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6 APPEAL BY MR & MRS D FARLEY APPLICATION NO: MA/95/0035

- 1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of Maidstone Borough Council to refuse outline planning permission for development of one detached dwelling and garage on land adjacent to Forge House, Beresford Hill, Boughton Monchelsea, Kent. I have considered the written representations made by you and the Borough Council and representations from interested persons made directly to the Council and forwarded to me. I made an accompanied visit to the site on 7 November 1995.
- 2. The Kent Structure Plan of 1990 and the Maidstone Borough Local Plan of 1993 together comprise the relevant Development Plan for this appeal. Both plans include policies relating to the protection of countryside from new development. The Local Plan Proposals Map shows this site as lying outside the built confines of Boughton Green and the wider settlement of Boughton Monchelsea. Under Local Plan Policy R2 there is provision for infilling outside the boundaries of defined settlements where certain matters are satisfied.
- 3. On the basis of the written material before me and of my site visit, I consider that the main issues in this appeal are the relationship of the proposed new dwelling to the built confines of Boughton Green and the effect of a new dwelling on the character and appearance of the locality having regard, especially, to whether it should be regarded as infilling and within the provisions of Policy R2 of the Local Plan.
- 4. The appeal site is part of a large field, currently a grass paddock, which lies on the edge of Boughton Green. The settlement boundary as shown on the Proposals Map follows a stone wall which runs to the south of the appeal site. This wall is a long established boundary to the garden of Forge House and forms a clear demarcation between land which is part of the village and land which forms part of the rural setting to the village. The



conclusion to be drawn from the Local Plan Proposals Map is thus re-inforced by physical features that I observed on my site visit and my view is that the appeal site should indeed be regarded as lying outside the built confines of Boughton Green and Boughton Monchelsea.

- 5. Turning to the effect of a new dwelling on the character and appearance of the locality, I recognise that the present use of the appeal site is not strictly agricultural and could see that most recently it has been mown rather than grazed. On my site visit I saw that land to the north of the site has become garden land for the recently converted Old Barn House. Both this garden and the paddock containing the appeal site, however, retain an open character and in my view provide a generally rural setting to the village rather than being in any sense extensions to the built settlement.
- 6. The proposal for one dwelling within a sizeable paddock is not a proposal for infilling as commonly defined and therefore cannot be regarded as potentially coming within the terms of Policy R2. If the proposed development were to take place, the open character of the appeal site would be lost and the current firm boundary of the settlement would be substantially eroded. I conclude that a new dwelling on this site would be contrary to Development Plan policies that seek to protect countryside from development and would have a detrimental effect on the rural setting of Boughton Monchelsea by extending the village into the surrounding rural area.
- 7. I have considered all the other matters raised, including the information you have submitted on the way that a former horticultural holding has passed into a range of new uses and different ownerships, but they do not affect my conclusions ret out above.
- 8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

SIMON E GIBBS MA MSocSc MRTPI

Inspector