



Appeal Decision

Site visit made on 23 June 2006

by **L Rodgers** BEng CEng MICE MBA

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

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Date: 7 August 2006

Appeal Ref: APP/U2235/A/06/2011982

Land adjacent to Highfield House, Maidstone Road, Marden, Kent TN12 9AG

- 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 B J Blundell against the decision of Maidstone Borough Council.
- The application Ref MA/05/1746, dated 30 August 2005, was refused by notice dated 26 October 2005.
- The development proposed is a detached house.

Decision

1. I dismiss the appeal.

Procedural matter

2. The application was submitted in outline with only means of access to be determined at this stage. The design, landscaping, siting and external appearance of the proposed development have been reserved for later determination and I have dealt with the appeal on that basis.

Reasons

3. The appeal site is part of the former curtilage of Highfield House, a large Victorian property located just to the north of the railway line on the eastern side of Maidstone Road. "The Old Vicarage" occupies a substantial plot on the opposite side of the road whilst, continuing north, Maidstone Road runs through mainly open countryside interspersed with scattered dwellings and farm buildings. To the south, across the railway line, the development exhibits a much more concentrated pattern leading into the village centre of Marden.
4. The proposed development, a single detached house, would occupy a plot of approximately 0.23ha which, from what I saw on my site visit, is mostly overgrown and includes a number of small trees. There is an existing, gated, access onto the pavement but no dropped kerb.
5. The Council state that the village settlement boundary lies to the south of the appeal site, on the opposite side of the railway line, and I note that the appellant agrees. To my mind, the railway line provides a definitive break between the more concentrated village development to the south and the scattered development to the north. Although the appellant argues that, from the north, there is a sense of arriving in the village well before the appeal site, I disagree. Despite the appeal site lying within the 30mph speed restriction zone, there is a distinct change of character at the railway bridge with trees, hedgerows and occasional,

often partially hidden, dwellings giving way to a much 'harder', more dense, built environment. I therefore conclude that the proposed development lies in the countryside and shall consider it against the policies appropriate to that designation.

6. Firstly, I concur with the appellant that, due to its proximity to the main village of Marden, with its shops and transport links, the proposed development would be in a sustainable location in the context of Kent's rural settlements. I also concur with the Council that, due to the straightness of the road and the positioning of the 30mph speed restriction, the proposed access would be acceptable in terms of highway safety.
7. However, although the appellant maintains that a well designed house would not look out of place and would not harm the character or appearance of the area, in my view, the proposed development would alter the loose relationship between the well spaced houses to the north of the railway line producing a more built-up feel. Not only would this be detrimental to the character of the area but it would also give a more contiguous appearance to the currently scattered dwellings and their relationship with the denser built environment across the bridge.
8. I have not been made aware of any overriding need for the proposed development and I therefore find it would be in conflict with Policies ENV1 and RS5 of the Kent Structure Plan 1996 and Policies ENV28 and H29 of the Maidstone Borough Wide Local Plan 2000 which seek to protect the countryside for its own sake, restrict development to that which is necessary and prevent the extension of rural settlements into the countryside.
9. I note that there are differing views between the Council and the appellant as to whether the proposed site could be classified as previously developed land as defined in *Planning Policy Guidance Note 3: Housing* (PPG3). Although, as noted by the appellant, the site is now overgrown with a number of small trees, and on my site visit I saw no evidence of any previous structure or activity, I am not in any case persuaded that the benefits of using previously developed land in this location would outweigh the harm I have identified. The Council's argument about density seems less relevant in a location where residential development is not acceptable in principle.
10. Despite my favourable conclusions on access to the proposed site and its sustainability, my adverse findings in terms of the effect on the countryside and the character and appearance of the area lead me to conclude that this appeal should be dismissed. In coming to this view I have taken account of all other matters before me, including the Council's position on the known availability of previously developed sites within existing, defined, settlements in the Borough, and other national, local and emerging policies which have been brought to my attention, but I find nothing to alter my conclusion.

Lloyd Rodgers

Inspector