



Appeal Decision

Site visit made on 7 June 2011

by **Terry G Phillimore MA MCD MRTPI**

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

Decision date: 30 June 2011

Appeal Ref: APP/U2235/A/11/2144396

Land at South Street Road, Stockbury, Kent ME9 7UH

- 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 English Rural Housing Association against the decision of Maidstone Borough Council.
 - The application Ref MA/10/0612, dated 13 April 2010, was refused by notice dated 22 July 2010.
 - The development proposed is erection of 8 local needs affordable housing units, with associated access and car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a unilateral undertaking dated 17 March 2011 containing a planning obligation pursuant to section 106 of the Act.

Main Issues

3. The main issues are, having regard to the proposed provision of local needs affordable housing:
 - a) whether the location is an acceptable one for such housing in terms of sustainable development;
 - b) the effect the proposal would have on the character and appearance of the countryside;
 - c) whether satisfactory controls are in place to restrict future occupancy.

Reasons

Sustainability

4. The site is located outside the defined village envelope of Stockbury as set out in the Maidstone Borough-wide Local Plan 2000, and therefore falls in open countryside. It is also within the Kent Downs Area of Outstanding Natural Beauty and North Downs Special Landscape Area. Policy constraints under these designations require that new housing development should not normally be permitted here.

5. Policy H3 of the South East Plan 2009 identifies a need for a substantial increase in affordable housing to be delivered. Means to achieve this include working with local communities in rural areas to secure small scale affordable housing sites within or well related to settlements, possibly including land which would not otherwise be released for development.
6. This is consistent with national policy. PPS3 indicates that, where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This is to enable small sites to be used specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. While such a policy in the Local Plan has not been saved, the South East Plan provides a basis for allowing such developments in the District.
7. A need for affordable housing in the Parish was identified through an independent needs survey and subsequently updated information. The application was supported by the Council's Housing Department. The Council accepts in this case that there is a demonstrated need which the proposed development would help meet. While there are objectors who question this, I accept the position taken by the Council on the evidence, notwithstanding affordable housing opportunities that might exist in the neighbouring District. The specific allocation of any units would be subject to eligibility procedures.
8. National policy expects that rural affordable housing should contribute to the creation and maintenance of sustainable rural communities. The Council's objection in this case is its view that Stockbury is not suitable for such a development on the basis of the availability and distance from local services and facilities, and that the proposal would encourage private car use.
9. Stockbury has no doctor's surgery, pre-school or primary school education services. It is 2.5km from Hartlip (which has a primary school), and 4km from Medway, 8km from Sittingbourne and 10km from Maidstone where the main shops, health, education and employment facilities are located. There is not a public bus service within easy walking distance.
10. However, the settlement has a village hall, church and public house. Directly opposite the site is a farm shop (Parsonage Farm). Although limited by condition on a planning permission, this sells convenience goods and also has a post office counter. There is a school bus to secondary schools, and a private community bus operates to other services. Nearby there is a small group of businesses providing some local employment.
11. PPS7 promotes more sustainable patterns of development by focusing most additional housing in rural areas on existing towns and identified service centres, but recognises that it will also be necessary to provide for some new housing to meet identified local need in other villages. The proposal could provide some limited additional support for local facilities, and the evidence of previous affordable housing development in the village does not suggest otherwise. Within the particular context, there would be reasonable opportunities to limit reliance on use of the private car.
12. I conclude that the location is in principle an acceptable one in terms of sustainable development, according with policy H3 of the South East Plan.

Character and appearance

13. The site comprises part of a field. The development would introduce buildings and hard surfacing. It would be relatively prominent in the approach to the village from the south along South Street Road.
14. However, the site abuts the existing edge of the village. There is already development on the west side of the road opposite. Although the effect of the new housing would be to extend the village envelope, it would be seen within the context of the existing developed edge. The design of the proposed buildings would be in keeping with the existing range of styles in the vicinity. New landscaping as proposed would assist in softening the impact of the new built form. More distant views from Church Lane would be largely screened by existing features.
15. The AONB is distinguished by a large-scale landscape of chalk downland. The proposal would have only a limited impact on the wider setting of the site within this landscape.
16. The extension of development into this area of countryside does not accord with the restraint objectives of policies ENV28, ENV33 and ENV34 of the Local Plan. However, the provision of affordable housing in this case and the limited landscape impact of the proposed development justify an exception to the restrictive policy framework.

Affordable housing controls

17. The submitted unilateral undertaking contains restrictions on the use of the site for affordable housing and local connection criteria. The Council has expressed broad satisfaction with the format of the undertaking, but has requested a trilateral agreement including a Deed of Nomination Rights in order that the developer can secure grant funding from the Homes and Communities Agency so that the affordability of the scheme is maintained. It has also requested a number of changes to wording of the undertaking to ensure that it properly provides affordable housing that addresses the needs of the local community.
18. On the first point, nomination rights appear to be adequately dealt with in the undertaking, and I accept the appellant's view that grant funding would not be precluded by its wording. However, the Council's suggested detailed changes to wording appear to be necessary to ensure that the obligation is sufficiently precise and restrictive in defining the type of housing to be provided on the site and setting out eligibility criteria.
19. The appellant has expressed an unwillingness to depart from the submitted undertaking. Without the amendments the obligation would not be sufficiently robust in ensuring that the proposal would provide local needs affordable housing of the type proposed in perpetuity. The restrictions are necessary, reasonable and directly related to the development. Due to the complexity and need for precision a condition could not adequately deal with these.

Other Matters

20. The Council has referred to appeal decision APP/K2230/A/09/2116096 for a similar proposal at Meopham. The Inspector identified a range of services and facilities in the vicinity, but considered that the particular site was not well related to these, and found that there would be serious harm to the openness

of the Green Belt and its visual amenities. The decision therefore turned on the precise balance of factors in that case, and does not constrain an assessment of the current proposal based on the individual circumstances. The arguments that there are preferable sites for an affordable housing development in Stockbury are noted, but the appellant has explained the site selection process that led to the current proposal. Based on the information available only limited weight can be given to the possibility of alternatives, and I have assessed the proposal on its own merits. With regard to impact on highway safety and neighbouring properties, there is no evidence to warrant conclusions different to the Council's assessment that the proposal is acceptable in these respects. The site is sufficient distance from listed buildings in the area not to have an effect on the settings of these. In terms of concern about precedent, any other proposals would need to be considered on their particular merits.

Conclusion

21. In the context of provision of affordable housing for local needs the proposal is reasonably sustainable, and the effect on the character and appearance of the area is justified. However, the absence of a sufficiently robust means to restrict the type of housing provided in perpetuity outweighs these findings.
22. I have taken account of the views of local residents and other interested parties in reaching this decision.
23. For the reasons given above I conclude that the appeal should be dismissed.

T G Phillimore

INSPECTOR