
Appeal Decision

Site visit made on 15 November 2013

by **David Smith BA(Hons) DMS MRTPI**

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

Decision date: 22 November 2013

Appeal Ref: APP/U2235/A/13/2196504

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 planning permission.
 - The appeal is made by Golding Homes against the decision of Maidstone Borough Council.
 - The application Ref MA/12/2100, dated 20 November 2012, was refused by notice dated 4 April 2013.
 - The development proposed is erection of 8 no new build affordable houses with associated access, parking and amenity space.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 provides that development in the countryside will be confined to certain categories. The proposal does not fall into any of these. However, the National Planning Policy Framework indicates that local planning authorities should plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. The conflict with this part of the development plan is outweighed by these provisions. Moreover, the site is just beyond the defined settlement boundary of Marden as delineated by the railway line so services and facilities would be accessible to future residents.
4. The second limb of Policy ENV28 establishes that permission will not be given for development which harms the character and appearance of the area. Although the Local Plan is of some age paragraph 211 in Annex 1 of the Framework confirms that policies should not be considered out-of-date simply because they were adopted prior to its publication. Indeed, the policy is consistent with the core planning principles of securing high quality design and recognising the intrinsic character and beauty of the countryside.
5. The appeal site is overgrown and contains a number of trees. In dismissing an appeal for a detached house on the land in 2006 an Inspector set the general scene in paragraph 3 (Ref: APP/U2235/A/06/2011982). He continued "... the railway line provides a definitive break between the more concentrated village development to the south and the scattered development to the north."

Attention was also drawn to the loose relationship between the well-spaced houses. These descriptions remain apt in detailing the context. The proposal is nevertheless most closely related to the immediate surrounding buildings and land rather than the group of buildings a little to the north.

6. In the previous appeal a single dwelling was found to be detrimental to the character of the area as it would have produced a more built-up feel and a more contiguous appearance. Nevertheless, any rural exception site will inevitably be on land where development would not normally be permitted. As a consequence, it is bound to have some impact on the open, unspoilt nature of undeveloped land in the countryside. This should be taken into account in any assessment so it does not follow that the unacceptability of a single market house in 2006 means that the proposal should automatically fail. Rather any development should be designed so that it appears to 'belong' in its setting.
7. However, there are several reasons why that would not be the case. Firstly, the terraces of 4 would have a rather curious staggered relationship to one another. This would not reflect the typical linear arrangement of cottages in rural situations which generally front directly and closely onto the road. This juxtaposition of buildings would appear odd and would accentuate the presence of parked cars and a turning area in front of the northern row. Although the position of the southern block is determined by Highfield House this does not explain the proposed siting of the other properties. In any event, the strong 'building line' of the neighbouring dwelling, which could have provided a valuable visual cue, has not been followed.
8. The proposed blocks would be more or less equivalent to Highfield House and The Old Vicarage opposite in terms of footprint and scale. The elevational design would have a vernacular flavour drawing on a traditional palette of materials. In itself the density of development would not be excessive and the amount of hardstanding has been minimised as far as possible. However, one of the identified characteristics of the locality is the spacious and sylvan setting of the buildings. The proposal would be very close to both return boundaries so that there would be little scope for greenery on either side. Although trees and hedging would be retained along the frontage this would not compensate for the lack of space at the ends of the blocks.
9. Therefore, due primarily to the width of built development and the disposition of the buildings, the proposal would appear out of place and incongruous in this sensitive location at the transition between countryside and village. The Framework indicates that the potential of sites should be optimised but equally development should reflect the identity of local surroundings. This would not be achieved here and the proposal would harm the character and appearance of the surrounding area contrary to Policy ENV28.

Other Matters

10. The Framework refers to the setting of heritage assets. Although the appeal site contributes towards semi-rural character it is separated from The Old Vicarage, which is a listed building, by an outbuilding and the road. Church Farm House and the Oast House to the north are also listed but are about 125m away. Because of these factors the impact on their setting would be minor. Highfield House is a non-designated heritage asset although not formally recognised as such. However, its value derives mainly from its

Victorian architecture. Therefore, the proposal would accord with the Framework in conserving them in a manner appropriate to their significance.

11. There is anecdotal evidence that drivers exceed the 30mph speed limit past the site. However, the requisite visibility splays would be provided and there are no technical objections from the Highway Authority. The road is straight and there is therefore no reason to suppose that highway safety would be compromised. Other than in respect of visitors the standards in the Interim Parking Guidance would be met and it is unlikely that anyone would choose to park along the narrow road as some fear.
12. The garden of Highfield House is secluded and bounded by open land. The extent of any overlooking in angled views from upper floor windows into this area would not be so great as to seriously erode privacy. The rear aspect would change but there is no right to a view over adjoining land. Noise from vehicles within the site and their lights could cause a nuisance but would be separated by a new planted area. Therefore living conditions would not be altered to the extent that this amounts to a further objection.
13. The Council has approved an outline planning application for a new sports club ground to the east of the appeal site including various pitches and facilities and a clubhouse. Although this decision indicates that development can be accommodated to the north of the railway line it does not provide a rationale for sanctioning a scheme for local needs units.
14. It may well be that affordable housing will be forthcoming at Marden through planned provision. However, rural exception sites are not just a 'last resort' should other options have failed. Furthermore, the Framework does not indicate that housing to meet local needs should only come forward via the plan-led system. Following the Marden Housing Needs Survey of 2011 it is accepted that there is a demonstrable need for affordable housing for local people. The proposal has the support of the Parish Council and would deliver social benefits in accordance with the intentions of the Affordable Housing Development Plan Document. However, this does not override the harm identified as a result of the proposed layout.
15. A planning obligation has been submitted. However, the Council has a number of criticisms of the undertaking in relation to land ownership; reference to its own performance; nominations; enforceability and tenure mix. All of this indicates that the obligation would not be an effective mechanism to secure affordable housing in perpetuity as anticipated by the parties. These deficiencies are a further reason to turn down the appeal.

Conclusion

16. The proposal would harm the character and appearance of the surrounding area and would conflict with the development plan. There are no material considerations which outweigh these findings. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR