



Appeal Decision

Site visit made on 22 June 2015

by Susan A F Simpson LLB Solicitor (N-P)

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

Decision date: 20 July 2015

Appeal Ref: APP/U2235/W/15/3004417

Land adjacent to Highfield House, Maidstone Road, Marden, Tonbridge 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 Ltd against the decision of the Maidstone Borough Council.
 - The application Ref 14/0679 dated 23 April 2014 was refused by a notice dated 13 November 2014.
 - The proposed development is described in the application as the erection of 6 No new build affordable houses with associated access, car parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There have been two unsuccessful planning appeals associated with the site. The more recent one in 2013 (the 2013 appeal) was for the construction of 8 No affordable houses. I have taken both these previous appeals into account as material considerations, but as neither was exactly the same as the proposal before me, I shall proceed to determine this scheme on its own merits.

Main Issue

3. The main issue in the appeal is the effect of the development upon the character and appearance of the area.

Reasons

4. The appeal site fronts onto Maidstone Road and lies a short distance from the railway line which delineates the settlement boundary for the village of Marden. Thus, it falls within a designated area of the countryside where policy ENV28 of the Maidstone Borough Wide Local Plan (LP) 2000 applies. This policy states development must not harm the character and appearance of the countryside and will be confined to various identified forms of development. The proposal has not been advanced as falling within any of the specified exceptions identified within the LP.
5. The Council has produced an "Affordable Housing Development Plan Document 2006 Policy" (AHDPD) which reflects the provisions of paragraph 54 of the National Planning Policy Framework (the Framework). This paragraph states

that, in rural areas, local planning authorities should be responsive to local circumstances and plan housing to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

6. Marden is identified as a rural service centre because of the level and variety of services and facilities provided within the village. As the appeal site is located in proximity to the settlement boundary and, having regard to the contents of the 2013 appeal decision, the Council acknowledges that it is situated within a sustainable location and is capable of constituting a rural exception site for the purposes of providing local needs housing.
7. In this regard, there are various third party submissions regarding the actual and planned planning permissions for the provision of affordable housing within Marden, surroundings villages and the Borough generally. However, it would appear that, other than for the Goudhurst Road scheme, the other identified developments do not secure affordable housing specifically to meet the local needs of Marden.
8. In 2011, a housing needs survey was undertaken which identified a requirement of up to 23 affordable homes for local people in Marden. Despite the survey being nearly 4 years old, and a change in the Council's approach for determining eligibility, the evidence provided by the Council's housing officer continues to identify, via the housing register, a demand for local needs housing which, in June 2014, was indicated to be for approximately 11 households.
9. Representations have been made that the Goudhurst Road development is nearing completion and that any local housing demand could be met either by the allocated provision in this scheme or by the additional affordable housing which, it is stated, the appellant is in the process of acquiring on the same site. However, as it would appear that this "additional housing" would not be completed until "late 2015 and summer 2016", I cannot be sure of the stage that the Goudhurst Road development has reached. Nor is there any indication as to whether this "additional housing" is being acquired solely to meet local housing needs.
10. As it is unclear whether the planned provision of 15 local need dwellings have already been provided on the Goudhurst Road site, I consider that, given the stated terms of its Section 106 agreement in relation to affordable housing, and, in the absence of clear and robust evidence to the contrary, greater weight should be attached to the informed judgements made by the Council's housing officer and the Marden Parish Council that there remains a local need for affordable housing in Marden and that this is capable of being met by the appeal proposal.
11. The appeal site comprises an overgrown area of land and is accessed via field gates fronting onto Maidstone Road. Stated to be a former orchard, it contains various trees and mature native hedges that screen most of the site from the road. There are some imposing properties opposite, and to the south of the site (The Old Vicarage and Highfield House respectively), but, further to the north, the scattered development reflects its rural location and includes pairs of semi detached cottages, converted farm buildings, modest dwellings, and agricultural structures. Beyond the railway line, and within the village confines of Marden, the development is more concentrated and compact and includes a greater variety and mix of dwellings.

12. I agree with the view expressed by the Inspector in the 2013 appeal that “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 upon the open, unspoilt nature of undeveloped land in the countryside”. I also consider that the development of the appeal site as a rural exception site necessarily would result in certain limitations on the form and size of the dwellings to be provided in order to ensure that they would be affordable to those local people in need of the housing.
13. It would appear that the Council’s main objection to the proposed built form is the massing of the buildings, which it considers is accentuated by an “excessively high roofline”. However, no objection was raised by the Council or the Planning Inspector when considering, what appears to be, a very similar architectural design for the two terraces in the 2013 appeal scheme, albeit, that, in this instance, the footprint and, thus, the mass of the terraces have been materially reduced.
14. More, particularly, the present proposal involves two short rows of simple cottage style dwellings that would display various vernacular features and be constructed in materials commonly used in the area. The main aspect for the terraces would be facing towards the highway and their siting would not only reflect the building line of the adjoining Highfield House but, also, secure a generous degree of space around and between the buildings. It is proposed to retain the existing hedgerows and some of the trees and these could be reinforced with new planting.
15. Drawing these strands together, I consider that the illustrated mass and design of the dwellings would be acceptable and add to the variety of development found within this designated area of countryside. Given, also, the ability to secure a spacious and sensitive layout for the dwellings within a well landscaped site, I find that, overall, the proposal would respect and respond positively to its rural setting and, so, satisfactorily integrate into the character and appearance of the area.
16. I conclude that the development of the site as a rural exception site for affordable housing to meet a local need would be consistent with the aims of LP policy ENV28; the Council’s AHDPD; and the provisions of the Framework including those which state that planning should always seek to secure high quality design and that developments should respond to local character and history and reflect the identity of local surroundings and materials.

Other Matters

17. Representations have been made regarding the effect of the proposal upon various identified listed buildings, their settings and a non designated heritage asset. Subject to the imposition of conditions, no objections have been raised, in this regard, by the Council’s conservation officer. In the light of this, the presence of various physical features, such as the road and the site’s retained mature hedgerows, and that some of the identified properties are located some distance away, I am satisfied that the development would not have a harmful impact upon the character and appearance of the listed buildings and the non designated heritage asset or their settings.
18. Concerns have been expressed that views from the upper floor windows of the proposed terraces would look towards to the side windows of, and part of the

open land associated with, The Old Vicarage. However, the retention of the hedgerow boundaries and the intervening distances between the existing and proposed dwellings would prevent any serious and unacceptable loss of privacy. Also, without firm evidence to rebut officers' professional views, I have no reason to suppose that the provision of the access and car parking together with the prevailing highway conditions in the area are so inadequate or unsafe to deal with the traffic and parking demand generated by the proposal.

19. Nor is there any compelling evidence to support the objections that the local infrastructure and services would be incapable of meeting the needs of the development or that 6 dwellings would cause unacceptable levels of air pollution. The scheme would, on occasions, result in some spillage of light and vehicular noise, but, given the landscaped boundaries, the distances to the nearest dwellings and the use of planning conditions, I am satisfied that such matters would not harmfully detract from the enjoyment of neighbouring properties or for that matter, those dwellings within the village.
20. I am informed that there are some protected species present on the site but, having considered the ecological assessment carried out on behalf of the appellant and subject to the imposition of conditions, the County Council biodiversity officer has no objection to the development. I have no reason to disagree with this professional view.

Overall Conclusion

21. Having taken into account all the matters that have been raised, I find none alter the conclusion that I have reached in terms of the main issue in this appeal.
22. However, such a conclusion has been arrived at on the basis that the development would constitute affordable housing to meet a local need and, although the Council and the appellant have been in correspondence to secure the provision of such housing in perpetuity by way of a Section 106 agreement, as at the time of the appeal, the agreement remains in draft form and its terms have yet to be finalised.
23. Without a form of mechanism to secure the stated provision, there is no justification, within the context of local and national policies, to permit the scheme in area of designated countryside where residential development would not normally be permitted. Thus, until such time as the appropriate measures are in place to secure the housing for its intended purpose on this rural exception site, the development cannot be allowed to proceed and the appeal must fail.

S A F Simpson

INSPECTOR