
Appeal Decision

Hearing held on 25 August 2015

Site visit made on 25 August 2015

by David Nicholson RIBA IHBC

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

Decision date: 15 September 2015

Appeal Ref: APP/U2235/W/15/3002934

Land at Reeds Wood, Cox Street, Detling, Kent

- 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 Mr & Mrs Rice/Grimes against the decision of Maidstone Borough Council.
 - The application Ref 13/2169, dated 16 December 2013, was refused by notice dated 18 July 2014.
 - The development proposed is the creation of a single dwelling and annexe of outstanding design in accordance with former PPS7/NPPF para 55 including extensive landscaping scheme.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) the effect of the proposals on the character and appearance of the area, with particular regard to the Kent Downs Area of Outstanding Natural Beauty (AONB), and the strategic gap between settlements;
 - (b) whether the proposals would occupy a sustainable location;
 - (c) whether the design would satisfy the tests in paragraph 55 to the National Planning Policy Framework (NPPF 55) including those of being of exceptional quality or innovative nature, such as to provide the special circumstances to justify a new isolated home in the countryside.

Reasons

3. The site falls within the Kent Downs AONB, a Strategic Gap and a Special Landscape Area on the saved Maidstone Borough Wide Local Plan (LP) Policies Maps. It lies approximately 1.5km from Detling village and 6km from Maidstone. The appellants own and farm several hectares of land around the site and are committed to rearing highland cattle and horses. The appeal site extends to nearly 3 hectares and mostly comprises a large field, currently used for grazing, surrounded by trees and woodland.
4. As above, the proposals are superficially for a two storey dwelling with a detached single storey annexe. However, the ethos of the scheme is for a wildlife haven with the property embedded in it to allow the appellants to live

within and around the landscape. This is set out in some detail in the Design and Access Statement with the architecture and the landscape designs being prepared in tandem with the proposals for ecology and arboriculture. The design follows an unusual approach with the main built elements of the house on either side of a deliberately oversized central atrium which would seek to incorporate an oasis of natural planting and a pond within the centre of the building. Its forms would slant in three dimensions to give the impression of a structure that was screwing up out of the ground. The choice of materials, such as rammed earth, would aim to reduce the extent of embodied energy within the construction. The annexe would be a separate building for elderly relatives and curved in form to reflect the main house. The overall design, including the use of a bio-mass boiler for locally coppiced timber, would aim to achieve a high standard of energy conservation. There would be a short new access from Cox Street through the surrounding woodland and scrub.

5. The views of the South East Regional Design Panel (SERDP) were sought for an earlier incarnation of the scheme. It made a number of less than flattering comments. Overall, the design panel referred to the NPPF 55 exemption and concluded that it was not clear how the proposal would achieve the aim of setting new standards of design and construction in rural areas. The Council's Urban Design Adviser, on the other hand, was highly supportive of the scheme but I was not presented with any evidence that this adviser has any exceptional architectural expertise.
6. The appellants did not dispute that the proposals would be outside any village boundary, away from smaller settlements and within a strategic gap. It would therefore conflict with LP policies ENV28 and ENV31 which do not permit development in the countryside, other than for exceptions which do not apply here, and do not permit development which would significantly extend the defined urban area or the built up extent of any settlement. The appellants argued that the scheme would not adversely affect the AONB and so comply with policy ENV33 which gives priority to the conservation of the natural beauty of the landscape. They accepted that the site is in an area where there is limited public transport so that its occupation would place some reliance on the private car. Instead, as set out above, it was claimed that the scheme would satisfy the criteria in NPPF 55 and that this would outweigh any conflict with the LP or other policies in the NPPF, be it with the development boundaries, the strategic gap or the sustainability of the location. I have therefore assessed the design in detail against NPPF 55.
7. Of the exceptions in NPPF 55, to justify a new isolated home in the countryside, the fourth is relevant. The special circumstances here require either the exceptional quality or the innovative nature of the design to be assessed against four criteria, all of which must be satisfied. First, it must be either truly outstanding or innovative, helping to raise standards of design more generally in rural areas. I note that the SERDP's comments were aimed at an earlier version and to my mind, if they had been aimed at the current scheme, they would have been excessively harsh for what is undoubtedly an interesting design with some unusual features. Nevertheless, I am not persuaded that the design would necessarily be outstanding let alone *truly* so.
8. Although the form may be original, in the sense of being inventive, creative and not imitative, that is not the same as being innovative in bringing new methods or ideas to bear. One-off private houses frequently take unusual

- forms. While the idea of an atrium, the use of rammed earth and a green roof, a bio-mass boiler and water recycling are hardly commonplace they are not new. The site would be enclosed, with few views and no explicit provision for public access or wider education following construction, so I tend to agree with SERDP that there is nothing to suggest that the scheme would help to raise standards of design more generally in rural areas.
9. I have noted the references to interest from the television programme 'Grand Designs' but to my mind an appearance on this programme is not a guarantee of good architecture. I have also noted that the architects would be likely to enter the scheme for an award but there was no evidence before me of its likely success. There were no endorsements from recognised authorities in design quality even to offset the criticisms from SERDP. On this criterion I find that the design might reach a good standard of architecture but there was no evidence that it would be more than that, let alone to the *highest* standard.
 10. I accept that the design aims to protect and enhance local habitats, extend these with bat boxes, bee hives and other techniques, and include a green roof. Nevertheless, while its integration with landscaping and grazing might minimise any impact on its immediate setting, the extent of built development would still be substantial and would not enhance the setting as compared with a field for grazing, let alone *significantly* enhance it.
 11. On the final test, the local area is within an AONB and a strategic gap whose characteristics are its landscape and scenic beauty and its lack of development. Although the proposals would aim to bring nature back into parts of the site once the buildings are complete, and the visibility across the landscape is already strictly limited, they would still bring significant volumes of built form into a semi-natural context and open up a new access onto the road. Other than the hope that some wildlife might return to the site, there would be little that would be reflect the landscape and scenic beauty of the local area. I acknowledge that the strategic gap has been eroded to some extent already but that does not justify further encroachment. I have considered the other 'NPPF 55' houses but, almost by definition, each scheme is very different.
 12. Taken as a whole, while I find that the scheme would be in an original form with significant efforts to encourage wildlife, it would not fully satisfy any of the four criteria required to demonstrate its exceptional quality or innovative nature let alone all four. Despite its aims and the long period of time spent in its development, in an effort to establish these credentials, I am not persuaded that the proposals would amount to an innovative rather than just an unusual design, or that the choice of materials, the response to the site, the orientation, or any other aspect would make it of exceptional quality. The particulars of the scheme would therefore fail to override the harm to the character and appearance of the area and would be unsustainable development in an isolated location, with regard to public transport and services, and would encourage the use of the private car. It would be contrary to NPPF 55 and conflict with LP policies ENV28, ENV31 and ENV33.
 13. For the reasons given above I conclude that the appeal should be dismissed.

David Nicholson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Woodhead	DHA Planning
Joe Martin	MKA Architects
Mr Rice	Appellant
Mrs Grimes	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Majid Harouni	Maidstone Borough Council
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DOCUMENTS

1. List of suggested planning conditions
2. Report showing additional requested information
3. Updated Design and Access Statement
4. Updated landscape drawing no. 2505/D004C
5. Ecological Advice Service comments dated 7 February 2014