



Appeal Decision

Site visit made on 5 October 2011

by **R W Moon BSC MCD MRTPI**

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

Decision date: 28 October 2011

Appeal Ref: APP/U2235/A/11/2153337

Forge Lodge, Forge Lane, Bredhurst, Gillingham, Kent, ME7 3JW

- 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 Jason-Carter against the decision of Maidstone Borough Council.
 - The application Ref MA/10/1385, dated 23 September 2010, was refused by notice dated 8 February 2011.
 - The development proposed is the construction of 2 No. pairs of 3-bedroom semi-detached dwellings with associated off-road car parking and waste storage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future approval.

Main Issues

3. I consider the main issues in this appeal to be:
 - a) the effect of the proposed development on the character and appearance of the area, having regard to policies for the countryside; and,
 - b) whether the proposal would result in an acceptable form of development bearing in mind the principles of sustainable development; and
 - c) the impact of the proposed development on highway safety.

Reasons

Effect of the Countryside

4. The appeal site comprises the major part of the rear garden area of Forge Lodge and is situated outside the defined village boundaries as defined in the Maidstone Local Plan Proposals Map. The appeal site has been the subject of an earlier refusal of planning permission (Ref MA/05/0262) for 3 dwellings with an access to the side of Forge Lodge. This was dismissed on appeal in 2005 (Ref:
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APP/U2235/A/05/1182924) on the grounds that the proposal was contrary to policies to protect the countryside and would be development in an unsustainable location. The site is contained behind the long rear gardens of dwellings that front onto Forge Lane and mature woodland to the east and north. To the west, permission for a single dwelling outside the village boundaries and the granting of a Lawful Development Certificate (LDC) for a builders yard have changed the physical and land use characteristics of the area. This much is in favour of the appellant.

5. The thrust of Policy ENV28 of the Maidstone Borough-Wide Local Plan (LP) is to prevent harm to the character and appearance of the countryside by only allowing a limited type of development which needs a countryside location. This proposal is not within that category of development. The supporting text indicates that the countryside includes all land outside the defined development boundaries. This is supported by LP Policy ENV31 which seeks to prevent the expansion of any settlement like Bredhurst in the strategic gap between the Medway towns, the Malling urban areas and Maidstone. A third constraint is LP Policy ENV33 which is restrictive to development in Areas of Outstanding Natural Beauty (AONB). These 3 policies and Policies CC1, CC3 and CC6 in The South East Plan (SEP) all support the aims of Government guidance for the control of development in the countryside in *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)*.
6. I consider that these policies are both long standing and fundamental to the control of development in the area. The decision of the Council in respect of the new dwelling outside the village boundary and the inaction against the builders yard activity before the LDC was granted on appeal have weakened the Council's case. The permission for an additional dwelling off the access road shown as Redwood Glade would occupy part of the area the subject of the LDC but was described by the Council as being within the village envelope. On the evidence provided this was clearly not the case and appeared to have been dealt with inconsistently with the present proposal, at least on that basis. However, I do not consider that a further extension into the countryside and the larger scale of development of the present scheme is appropriate. I attach limited weight to the different character of the Redwood Glade development from the appeal proposal as advanced by the Council. On the other hand I do not consider that the changes in the area involved are sufficiently powerful to outweigh the very important development plan policies which apply in the area.
7. I acknowledge that the proposed development would not have a wider impact in terms of its visibility and would meet all other policy guidance in relation to its design and relationship with its neighbours. I have had regard to the mature trees on the site and agree with the findings of the Tree Survey insofar as the majority would not be harmed and would provide an effective buffer between the new development and other Forge Lane properties. I have also had regard to the age of the Local Plan (2000) but these policies are 'saved policies' and are consistent with national and regional policies and are not weakened as a consequence. Any changes to the settlement boundaries should be in the context of the Local Development Framework unless circumstances dictate otherwise.
8. Therefore, I conclude that the proposed development would have a harmful effect on the character and appearance of the area, having regard to policies

for the countryside and would be in conflict with LP Policies ENV28, ENV31 and ENV33 and SEP Policies CC1, CC3 and CC6.

Sustainable Development

9. The previous Inspector considered this issue in his decision in 2005 referred to above in paragraph 4 and concluded that as Bredhurst was a small community that offers a very limited range of services and facilities and that the future occupiers of the appeal dwellings would be very car dependent for their normal economic and social needs. On the evidence of my site visit and the information provided I see no reason to disagree with this conclusion.
10. It is clear from paragraph 8 of PPS7 that the aim for new housing should be to promote more sustainable patterns of development and make use of previously developed land and focus most additional housing in rural areas on existing towns and identified service centres. The guidance does not rule out other housing in villages but focus should be on providing some new housing to meet identified local need. The proposed development does not conform with this guidance. Nor would it conform with guidance in *Planning Policy Guidance Note:13: Transport (PPG13)* which has the objectives of promoting more sustainable transport choices, promoting accessibility to services and facilities and reducing the need to travel, especially by car.
11. I conclude that the proposal would result in an unacceptable form of development bearing in mind the principles of sustainable development and would be in conflict with PPS7 and PPG13 and SEP Policies CC1 and CC6 which aim to secure sustainable communities and conserve valuable assets such as the countryside.

Access

12. The proposed access differs from the one which formed part of the 2005 proposal which ran alongside Forge Lodge. It would utilise an unmade track which provides access to five other properties including one which involves the parking of large commercial vehicles plus another access to the builders yard. The exact boundaries of the track are not clearly defined on site but on my site visit they were measured as being between 4.00 and 4.80m apart, the hardcore track being narrower than 4.00m. The track emerges onto Forge Lane with inadequate sight lines to the east but better to the west but not at 2.40m back from the carriageway where a low brick wall would obstruct visibility for drivers of cars. The visibility improves at 2.00 m back and I accept that the conditions at this access are replicated at many of the existing dwellings along Forge Lane but it fails to meet the published criteria in the *Manual for Streets*.
13. Forge Lane has a 20mph speed restriction to the west of the proposed access as well as traffic calming measures, including a speed hump between this access and Redwood Glade. That access has worse sightlines to the west than the proposed one but it is not clear if this is as a result of the position of the highway boundary or overgrown vegetation. The same applies on the opposite side of Forge Lane where Blind Lane emerges. These facts are in the appellant's favour as traffic speeds should be slower but due to land ownership the appellant is unable to either widen the track or improve the sight lines. The length of the track is likely to involve the meeting of vehicles entering and

leaving the site. The Council estimates that there would be between 24 to 32 vehicle movements per day via this access which would be a material intensification of its use. I accept that existing uses operate given the deficiencies of the access but an intensification of the use of the track would increase the risk of vehicles having to stop suddenly on Forge Lane to allow another vehicle to exit. Reversing onto Forge Lane to allow for these movements would also have a harmful effect on highway safety.

14. The width of the paved track is insufficient to allow the convenient passing even of cars and at 4.0m needs to be considered as only suitable for one way traffic. Bearing in mind the facts as measured on the site visit, and that the land needed to improve the width of the access lies outside their ownership, I consider that it would be unsuitable for the extra demands which would be placed on it.

15. I have given substantial weight to the observations of the Highway Authority which is opposed to the development and conclude that the intensified use of the access would have a harmful effect on highway safety.



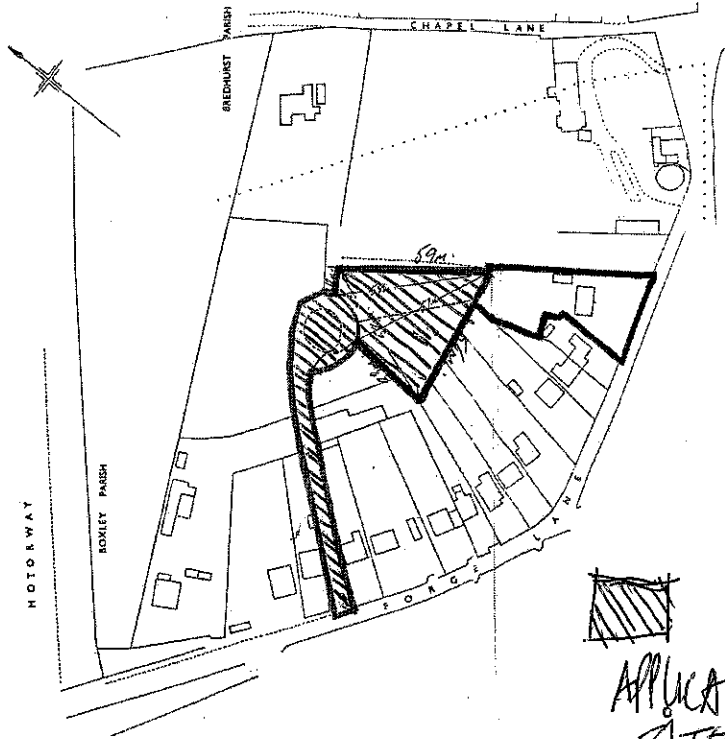
INSPECTOR

H. M. LAND REGISTRY

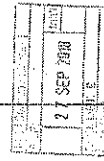
NATIONAL GRID PLAN TQ 7962 SECTION A

KENT

MAIDSTONE DISTRICT
Scale 1/1250
Enlarged from 1/7500



MA 10/1385



Old Reference XXXI
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