



Appeal Decision

Site visit made on 3 October 2018

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2018

Appeal Ref: APP/U2235/W/18/3204425

Land between Ringleside and Ringles Gate, Grigg Lane, Headcorn, Kent TN27 9LY

- 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 Douglas Hodson against the decision of Maidstone Borough Council.
 - The application Ref 17/500984/FULL, dated 22 February 2017, was refused by notice dated 11 December 2017.
 - The development proposed is the erection of a detached, two storey house with parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the submissions of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 24 July 2018. In light of this I have sought the views of the main parties in writing and I have taken any subsequent responses into account in reaching my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site lies outside of the settlement boundaries of the Maidstone urban area, rural service centres and larger villages and is therefore considered to be within the countryside. Policy SP17 of the Maidstone Borough Local Plan 2017 (the Local Plan) states, amongst other things, that development will not be permitted within the countryside if it results in harm to the character and appearance of the area.
5. The appeal site forms a parcel of land that sits between two existing bungalows known as Ringles Gate and Ringleside. The site is laid to grass and bounded on all sides by mature hedging. To the rear of the site is Ringles Nursery that contains a number of buildings and glasshouses. Dwellings are dispersed throughout the area and are generally sited within decent sized plots. While very close to the built up area of Headcorn, the appeal site better relates to the rural area in which it is sited and has a pleasant, verdant and distinctly open

quality that is reinforced by the presence of mature landscaping within this countryside setting.

6. There are other dwellings in the vicinity and in that respect, the proposed development would not represent an isolated dwelling in the countryside. The residential development either side of the site is low key and relatively inconspicuous within the street scene and although the appeal site forms part of the garden to Ringles Gate, it nonetheless makes a positive contribution towards the rural character of the area. The proposed dwelling would be of a substantial size with a width of some 13m, which includes the single storey lean-to on the side of the dwelling, and a depth of some 10m and an overall height of some 7m. I accept that, taken in isolation, the design of the dwelling is acceptable. However, in the context of the appeal site and its relationship to the development either side, the appearance and scale of the dwelling would result in an unduly dominant and imposing building in the street scene. The proposal would be an incongruous form of development that would substantially diminish and erode the rural qualities of the site and area.
7. I acknowledge that to the rear of the site are very large buildings that are used in connection with the horticultural business that operates there. The buildings are themselves visually associated with the agricultural land that surrounds the site and are typical of functional horticultural buildings that one would expect to see in the countryside. Moreover, given the scale of the proposed dwelling, the backdrop of these buildings would not alter the dominating impact the development would have on the street scene when viewed from Grigg Lane.
8. Thus, the development would harm the character and appearance of the area. It would be in conflict with Policies DM1, DM30 and SP17 of the Local Plan and the Framework which seek, amongst other things, to ensure that developments do not harm the character and appearance of the area, that regard is had to the scale, height, and site coverage of the development and is sympathetic to local character and surrounding built environment.

Other Matters

9. I acknowledge that larger dwellings such as The Ringles and Twelve Acre Farm are in the immediate vicinity. However, these particular properties are set back into their respective sites and do not have the same impact on the street scene as the proposed dwelling would. I also note that the site was granted planning permission¹ for a dwelling and that Ringles Gate had permission² to be replaced by a further dwelling. However, notwithstanding that these previous permissions allowed two storey dwellings, they have now expired and thus carry very little weight as a material consideration.
10. The appellant also makes reference to several appeal decisions and applications that have been approved for various developments in the local area and sites that have been allocated for residential development in Headcorn as part of the Local Plan. Invariably, such cases will depend on their individual circumstances and so while noting these decisions and the changes that have occurred in the area, they are not determinative in this appeal. Moreover, I have not been provided with the full details of these decisions to be sure that they are a direct parallel to the development before me. That said, I have considered this

¹ Planning Permission MA/04/2240 dated 18 March 2005

² Planning Permission MA/06/1808 dated 21 November 2006

appeal on its own merits which is a fundamental principle that underpins the planning system.

11. The appellant argues that the site is previously developed land (PDL) and a windfall site which should be accorded weight in the decision making process. I acknowledge that the Framework states at paragraph 68 that small and medium sites can make an important contribution to meeting housing requirements and are often built out relatively quickly. The definition of PDL is contained at Annex 2 of the Framework and states that it is land which is or was occupied by a permanent structure, including the curtilage of the developed land, although it should not be assumed that the whole of the curtilage should be developed. In this instance, the harm that I have identified outweighs the benefits of re-using the land. Moreover, all developments, including small and windfall sites, must also comply with the provision of the Development Plan in all other respects.
12. I accept that the Parish Council supported the development and that the principle of a dwelling on the site may be supported by the Council. I also note that the development would not harm the living conditions of adjoining occupiers. Moreover, the proposed dwelling would provide a larger house for the appellant. Whilst acknowledging the benefits that would result in this respect, these are not sufficient to outweigh the harm that I have identified.

The Planning Balance

13. The development seeks to boost the supply of housing which would result in some support for local services and facilities, both during construction and when the dwelling is occupied. As such, the proposal would have social and economic benefits. Nevertheless, given the modest amount of development proposed, the weight I accord these benefits is limited.
14. However, I have found that the proposed development would be contrary to the Development Plan in that it would result in material harm to the character and appearance of the area, to which I afford significant weight. Moreover, even if the Council is unable to demonstrate a five year housing land supply and whether or not the policies which are most important for determining the application are considered out-of-date, the harm I have found to the character and appearance of the area is serious and in my view that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.

Conclusion

15. For the reasons given above, and having regard to the Development Plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR