



## Appeal Decision

Site visit made on 15 September 2020

by **D.R McCreery MA BA (Hons) MRTPI**

An Inspector appointed by the Secretary of State

Decision date: 26 October 2020

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**Appeal Ref: APP/U2235/W/20/3249008**

**White Heath, Ashford Road, Hollingbourne ME17 1XG**

- 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 Berkley Care (Hollingbourne) Limited against the decision of Maidstone Borough Council.
  - The application Ref 19/502470/OUT, dated 7 June 2019, was refused by notice dated 17 September 2019.
  - The development proposed is demolition of existing buildings and erection of new structures to form care home for residents requiring nursing, dementia, and residential care, along with car parking, landscaped gardens and a separate refuse/recycling facility.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline form with approval sought for access, appearance, layout, and scale. Landscaping is reserved for later agreement. For the purposes of this appeal I am treating the submitted drawings as only indicative of the reserved matter.
3. On reviewing the appeal evidence and further assessment of the relationship between the proposed development and the anticipated adjacent employment uses and roads, the Council have stated that they are now content with the details in regard to noise, land contamination, and air quality subject to the imposition of planning conditions. I have therefore considered the appeal on this basis.

### Main Issues

4. The main issues are:
  - Whether the proposed development is an appropriate location having regard to local and national policy.
  - The effect on the living conditions of the future occupiers of the proposed development, with particular regard to outside amenity space.

## Reasons

### *Location*

5. It is common ground between the parties that the appeal site lies beyond the defined settlement of Maidstone and forms part of the open countryside for planning purposes. Policy SP17 of the Maidstone Local Plan (Local Plan) resists development proposals in the countryside unless they accord with other policies in the plan and do not result in harm to the character and appearance of the area.
6. Whilst not mentioned in the decision notice, Policy DM14 is referenced by the Appellant, and also the Council in their officer report and subsequent statement. The policy specifically considers nursing and care home development and directs it towards sites within the boundaries of defined settlements. It offers no support for locating nursing and care homes in the countryside and I see little of persuasion in the wording and justification to suggest that it isn't intended to limit development to certain locations.
7. DM14 is consistent with Policy SS1, which provides a strategic approach towards meeting the development needs of the area, including housing, targeted at the most sustainable locations where employment, services, and a range of transport choices are available. The policy approach described is consistent with Section 9 of the National Planning Policy Framework (the Framework) in relation to promoting sustainable transport and focusing development in areas which are or can be made sustainable.
8. The surroundings are dominated by the road network which carries large volumes of fast moving traffic. The A20 (Ashford Road) passing the front of the site and connecting with junction 8 of the M20 at the rear, are significant infrastructure features. The road network is mostly bordered by open countryside which continues into the distance. Existing buildings are scattered and associated with a range of smaller scale residential and commercial uses. The characteristics described give the site a physical isolation from nearby settlements that is consistent with its countryside designation in the Local Plan.
9. In terms of public transport access to the site, the most convenient option for many would be bus services travelling between Maidstone and Ashford which pass the site along the A20 with reasonable regularity. However, as this service does not run beyond the early evening time its use would not be a viable option for some, for example employees working evening/night shifts.
10. Further, the bus stops for these services are located between 350 and 450 metres from the site along the A20 where there is a segregated footway that provides a reasonable feeling of safety during daylight hours. However, this is not a pleasant walk and may be too far for those less able to walk longer distances.
11. Overall, the timings of the nearest bus service and convenience of the access would in my opinion mean that this public transport option, and others that involve further walking distances, are likely to be more limited in their usefulness to users of the proposed development. Cycling options from Maidstone and other settlements to the site would also be unattractive to many as it would involve sharing space with vehicular traffic on the A20 for at least part of the journey.

12. The Appellant has submitted a travel plan that includes a range of sustainable travel measures and initiatives that will assist in minimising car usage to a degree, including by visitors and employees. Notwithstanding this, given the nature of the use and the out of settlement location of the site, there is a strong likelihood that the private motor vehicle will be the only viable option for many users of the proposed development and that those without a car would find it hard to access. The submitted travel plan and other measures outlined by the Appellant would not adequately mitigate this issue.
13. I acknowledge that the proposal would have different transport characteristics to general C3 housing, not least as there are additional needs relating to staff and other visitors. Based on the nature of the use many residents of the care home may not be regular car users and some may not be able to venture beyond the site. However, the difference in characteristics and traffic generation does not in itself justify development in an unsustainable location.
14. It is of relevance that the Local Plan identifies the area as being one for significant change, resulting from the allocation of the land around the site at Woodcut Farm for a large scale mixed employment use. Outline planning permission has been given for such a development and is currently extant. This is likely to extensively change the character of the area and also bring with it more activity. Given the relatively early stage of the development and the evidence available, its effects are difficult to predict including whether resulting changes to local infrastructure may improve the accessibility of the site. As such, I am unable to attribute significant weight to this consideration.
15. The Appellant mentions other Local Plan policies which are not included in the reasons for refusal, including Policy DM5 in relation to development on brownfield land. Given the conclusions reached in relation to the location, these policies do not assist in providing a level of flexibility to justify the proposal.
16. In conclusion, the site is outside the strategic framework for focusing housing development in the Local Plan and has a level of accessibility that would leave many users of the proposal reliant on the private motor car to access it. The evidence does not indicate that suitable mitigation could be put in place or that the site could otherwise be made sustainable.
17. As such, the location of the proposed development is not appropriate when regard is had to local and national policy. Consequently, there is conflict with policies in the Local Plan, in particular Policies SS1, SP17 and DM14 which collectively seek to direct such development towards sites within the boundaries of defined settlements.
18. The Council's first reason for refusal references Local Plan Policies DM1 and DM30 which relate to design and are less relevant to the principal of the location of development. Further consideration is given to effects on character and appearance, including design, in Other Matters.

*Living conditions – future occupants*

19. In relation to the quality of the outside amenity space, parking and other hardstanding would occupy most of the front of the site, giving this area limited practical amenity value in terms of providing usable outside space. The building has been deliberately designed in a 'H' configuration to provide usable and enclosed amenity space in 2 sizable courtyard areas that would be well overlooked and appropriate for a use of this nature. The building would also be set back from the rear boundary to provide a more secluded space that could also provide further outdoor amenity space as needed.
20. Overall, whilst landscaping would be the subject of later approval, the amount, location, and distribution of outside space would be capable of providing good quality amenity space for future occupants of the proposed development. The configuration of outside space proposed is also logical when regard is had to its relationship with the roads and the adjacent employment site. Consequently, I do not find conflict with Policy DM1 of the Local Plan which seeks to secure adequate residential amenities for future occupants of developments.

**Other Matters**

*Character and appearance*

21. Whilst not included as a reason for refusal, Local Plan policy also places an emphasis on protecting the rural characteristics of the borough and the integrity of settlement patterns. When regard is paid to the changing context of the area around the site resulting from the development at Woodcut Farm, a three-storey building of the scale, site coverage, and other design elements proposed would not be harmful to the character of the area. Although the proposal would bring with it increased areas of hardstanding, there is a reasonable prospect that a landscaping scheme approved at the reserved matters stage could make satisfactory provision for the preservation and planting of trees and other hard and soft landscaping to assist with assimilating the development into its surroundings.
22. As the appeal site is open to more distant views from parts of the North Downs Area of Outstanding Natural Beauty (AONB) I have considered whether its setting would be conserved or enhanced. The proposed employment use is likely to obscure views of the site from the AONB in the longer term. In the shorter term, the trees and other landscaping at the rear boundary of the site would serve to limit the perceived scale of the proposed development and provide an element of screening that would reduce its overall impact. As such, the natural beauty of the AONB would be conserved.

*Housing delivery*

23. I am mindful that the Framework places emphasis on the Government's ambition to significantly boost housing supply and to plan for the needs of different groups. This includes older people, where the need is acknowledged in national guidance as being critical<sup>1</sup> in order to meet the different demands of an aging population.

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<sup>1</sup> Reference ID: 63-001-20190626 (26 June 2019)

24. The Appellant draws my attention to figures in the Council's Strategic Housing Market Assessment that outlines a need for the equivalent of 49 nursing and care home bed spaces per year across the borough. The Council's latest Annual Monitoring Report indicates under delivery.
25. Although the Local Plan does not allocate sites to meet the need, there is no specific requirement for it to do so and past delivery does not provide conclusive evidence that it will not improve in the future. Further, the soundness of the overall approach in the Local Plan would have been tested as part of its adoption and could be looked at again in subsequent reviews as part of taking a strategic approach towards meeting the overall development needs of the borough.
26. Notwithstanding this, and considering this matter in the round, I attribute some positive weight to contribution that the proposal would make towards the delivery of housing designed to meet the needs of some older people in the borough and wider housing delivery objectives.

### **Planning Balance and Conclusion**

27. I have concluded that the location of the proposed development is not appropriate when regard is had to local and national policy. Conditions, including those designed to secure compliance with the Appellants submitted travel plan and aimed at restricting use of the development for any residents with cars would not mitigate the harm to an acceptable degree and the evidence does not demonstrate that the location could otherwise be made sustainable.
28. The level of harm should be weighed against the benefits of the proposed development. Of particular relevance is the contribution that the proposal would make to boosting the supply of housing to meet the needs of some older people in the borough and wider housing objectives, which attracts positive weight.
29. The potential employment and health care benefits referenced by the Appellant are not widely evidenced and therefore attract limited weight. The environmental benefits are neutral matters given the existing use and nature of the site.
30. Whilst I acknowledge the benefits, they do not provide justification for giving reduced weight to policies that provide a clear strategic approach towards where development in the borough should be located, including housing. To do so would conflict with a core planning principle in the Framework that planning should be genuinely plan led.
31. For the above reasons and having regard to all other matters, the appeal is dismissed.

*D. R. McCreery*

INSPECTOR

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