
Appeal Decision

Site visit made on 20 December 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 26th January 2017

Appeal Ref: APP/U2235/W/16/3156163

Oak Cottage, Maidstone Road, Marden, Kent 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 Mr Ben Blackman against the decision of Maidstone Borough Council.
 - The application Ref 16/501560/FULL, dated 22 February 2016, was refused by notice dated 21 June 2016.
 - The development proposed is construction of a timber framed and timber clad double garage with storage.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to domestic garden and construction of driveway and erection of new timber double garage at Oak Cottage, Maidstone Road, Marden, Kent TN12 9AG in accordance with the terms of the application, Ref 16/501560/FULL, dated 22 February 2016, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, proposed block plan, floorplan, and elevations received by the Council on 4 March 2016.
 - 3) Within one month of the first use of the building hereby permitted, the external surfaces of the walls of the building shall be stained dark brown and shall subsequently be maintained as such.

Procedural Matter

2. Prior to the decision the appellant had agreed with the Council to change the description of the proposal to include both the change of use of the land to domestic garden where the double garage is proposed and the construction of the driveway serving this development. I have determined the appeal on this basis.

Main Issue

3. The effect on the character and appearance of the area.

Reasons

4. The appeal property is a semi-detached cottage which is part of a small group of loosely-spaced dwellings which front onto the B2079 within the largely
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- undeveloped countryside north of Marden. The dwelling and the three neighbouring houses to the north, all have same-length fenced curtilages which extend towards open farmland at the rear, and beyond a rear service access.
5. The Council has indicated it has no objection to the part of the amended proposal in respect of the extended garden. As this is the same length as the neighbouring gardens to the north I share this view. Consequently, this part of the proposal would comply with Policy H31 of the Maidstone Borough-Wide Local Plan 2000 (LP) which seeks to prevent the change of use of agricultural land to domestic garden only where this would cause harm to the character and appearance of the countryside, which is not the case here, or where this involves the loss of best and most versatile agricultural land, which the Council considers not to be a significant concern with this particular proposal.
 6. Although none of the neighbouring houses have any ancillary buildings sited as far back as the garage proposed, I can nevertheless find no harm to the character and appearance of the countryside arising from this proposal for a simple, dark-stained timber building and its associated access. The visual impact of the garage from the road would be moderated by it being at the rear of the frontage housing and, from more distant views, it would blend in with the surrounding buildings. Once established the boundary planting will provide further screening.
 7. As this area is neither within a Green Belt, or the subject of any other restrictive landscape designation, and occasional rural buildings, such as those connected with farming or the keeping of horses, are a common feature of the countryside, I can find no material harm arising from this proposal in respect of it detracting from the general openness of this part of the countryside.
 8. Paragraph 5.30 of the Council's Residential Extensions Supplementary Planning Document 2009 seeks that, in order to contain the sprawl of buildings, any separate buildings should be located close to the original dwelling. However, the existing loosely-arranged pattern of development in this particular location would result in the proposed garage not having any materially adverse impact on the general character and openness of the countryside such as to conflict with this guidance.
 9. LP Policy H33 deals with extensions to dwellings in the countryside. Although this proposal is not an extension but an ancillary building, I can find no conflict with the terms of this policy in respect of the simple rural design of the proposed garage or its visual impact. Therefore this proposal would also not conflict with LP policy ENV28 which permits ancillary buildings, such as that proposed, which would cause no harm to the character and appearance of the countryside.
 10. The Council's emerging Local Plan¹ is currently under examination and so is now reaching an advanced stage and consequently relevant policies can be afforded significant weight. However, on the basis of the reasoning set out above, I find no further material conflict with its emerging policies DM1, DM34 and DM36.

¹ Maidstone Borough Local Plan – Publication Version February 2016.

Conditions and conclusions

11. I have considered the conditions suggested by the Council. In addition to the standard condition over commencement a condition is necessary, in the interests of certainty, that the development proceeds in accordance with the submitted plans. In the interests of the appearance of the garage a condition requires it be stained a dark brown. The exceptional circumstances do not exist that would justify a further condition removing domestic permitted development rights.
12. Although the proposed dwelling is set back well to the rear of this property it would be of a simple, rural character and, in the context of the informal and well-spaced arrangement of buildings in this location, would not harm the character and appearance of the countryside. The proposal would consequently comply with the Council's current and emerging development plan policies and with paragraph 17 of the National Planning Policy Framework. Therefore, having taken into consideration all other matters raised, I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR