
Appeal Decision

Site visit made on 16 May 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 20 June 2017

Appeal Ref: APP/U2235/W/17/3168878

Lake Farmhouse, Green Lane, Chart Sutton ME17 3ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Christopher Webb against the decision of Maidstone Borough Council.
 - The application Ref 16/507326/FULL, dated 6 October 2016, was approved on 16 December 2016 and planning permission was granted subject to conditions.
 - The development permitted is reconstruction and conversion of existing outbuilding to provide annexe accommodation.
 - The condition in dispute is No 4 which states that: *"The single-storey detached annexe building to the main dwelling hereby permitted shall only be used for purposes ancillary to the residential use of the main dwelling at Lake Farmhouse and shall not be sub-divided, separated, let or sold off, or altered in any way so as to create a separate, independent residential unit."*
 - The reason given for the condition is: *"in the interests of local amenity and to prevent further residential development in the open countryside."*
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Decision

1. The appeal is allowed and the planning permission ref 16/507326/FULL for the reconstruction and conversion of existing outbuilding to provide annexe accommodation at Lake Farmhouse, Green Lane, Chart Sutton ME17 3ES granted on 16 December 2016 by Maidstone Borough Council, is varied by deleting condition No 4.

Main Issue

2. Whether the condition is necessary to safeguard the character and appearance of the countryside.

Reasons

3. Reconstruction of an outbuilding to provide annexe accommodation to the main house has been granted planning permission via the householder procedure, such that the building would be ancillary to the use of the main dwelling at the property. Any other use, such as a holiday let, would be a material change of use requiring separate planning permission.
 4. Policies ENV28 and H33 of the Maidstone Borough Wide Local Plan (MWBLP) seek to protect the character and appearance of the countryside and require that extensions or outbuildings to dwellings should not create a separate dwelling. Policies DM34 and DM36 of the emerging Maidstone Borough Local Plan (MBLP) reflect those policies, although can only carry limited weight as
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little information has been provided as to the stage of preparation of that plan. As the Council recognise in their original report, it would not be practical to establish this building as a separate dwelling.

5. The condition requires the building to remain ancillary to the main dwelling. Whilst that may remove any ambiguity, for the reasons given above it is not necessary. As necessity is one of the requirements for a condition as set out at paragraph 206 of the National Planning Policy Framework, I conclude that such a condition should not be applied to this permission.
6. For these reasons, I conclude that removal of the condition would not cause harm to the character and appearance of the countryside, such that it would not conflict with Policies ENV28 and H33 of the MWBLP, or Policies DM34 and DM36 of the MBLP. As such, the appeal should succeed and I will vary the planning permission by deleting the disputed condition.

AJ Steen

INSPECTOR