



Appeal Decision

Site visit made on 25 June 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2019

Appeal Ref: APP/U2235/W/19/3226495

Former Telephone Exchange, Ashford Road, Hollingbourne, Maidstone, Kent ME17

- 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 Mrs A Al-Shawi against the decision of Maidstone Borough Council.
 - The application Ref 18/504363/FULL, dated 8 August 2018, was refused by notice dated 9 November 2018.
 - The development proposed is the extension and conversion of former telephone exchange to form a one bedroom dwelling with parking.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has not referred to any development plan policies in its third reason for refusal. A copy of Policy DM1 of the Maidstone Local Plan 2017 (the Local Plan) has been provided with the Council's appeal questionnaire which requires, amongst other things, that new development safely accommodates the vehicular movement generated by the proposal on the local highway network and through the site access. I have had regard to this policy in my determination of the appeal.

Main Issues

3. The main issues are:
 - Whether the proposal would be an acceptable form of development, having regard to local policy in respect of the conversion of rural buildings;
 - whether the proposal would create suitable living conditions for future occupiers with respect to noise; and
 - the effect of the proposal on highway safety.

Reasons

Conversion of rural building

4. The appeal site comprises a small single storey brick building, within a narrow, roughly rectangular plot, which has a direct access to the A20 Ashford Road. It

is surrounded by open fields and is located in the open countryside, with scattered development in the wider area. The building is simple and functional, and is unremarkable in this rural location. The building would be extended and converted to create a one bedroom dwelling.

5. Policy DM31 of the Local Plan sets out criteria that will be applied to the conversion of rural buildings. Under part 3 of the policy, permission will not be granted for conversion to residential purposes unless specific criteria are met. In particular, it requires that every reasonable attempt has been made to secure a business re-use for the building, and that residential conversion is the only means of providing a suitable re-use.
6. The appellant maintains that the building is not suitable for a business re-use due to its small size, with limited space for parking and servicing. However, there is no substantive evidence to indicate that any attempts have been made to secure a business re-use for the building. It would normally be appropriate to test the potential for business use through marketing the site, but there is no evidence that this has taken place. I accept that there are alternative business premises available to rent or buy in the locality, but this does not indicate that there is no potential for a business use of this building.
7. I therefore do not find that reasonable attempts have been made to secure a business re-use for the building as required by the policy, and therefore it has not been shown that residential conversion is a suitable re-use for it.
8. Accordingly, I conclude that the proposal would not be an acceptable form of development, having regard to local policy in respect of the conversion of rural buildings. It would therefore be in conflict with Policy DM31 of the Local Plan, insofar as it seeks to ensure the acceptable re-use of rural buildings. It would also conflict with guidance in the National Planning Policy Framework (the Framework).

Noise

9. The appeal site is in close proximity to the A20, with the M20 motorway being located behind the appeal site. Beyond the M20 and running parallel with it, is the high speed Channel Tunnel Rail Link. I observed on my site visit that road traffic noise from the M20 is significant and constant, while the A20 had a continuous flow of fast traffic, and is also a significant source of noise. There is a substantial belt of trees separating the site from the motorway, and there are further trees between the motorway and the railway, and alongside the A20. The trees were in full leaf at the time of my visit and are likely to attenuate noise to an extent.
10. The development would result in the conversion of the building to a one bedroom dwelling. It would have windows to the front and rear, as well as roof lights. As a result of its location, the building would be surrounded by road noise, as well as intermittent noise from the railway.
11. While it may be possible to insulate the building and provide a high standard of glazing to reduce internal noise levels, it has not been demonstrated that this would result in satisfactory living conditions for future occupiers. Moreover, it has not been demonstrated that any external amenity space would have a satisfactory acoustic environment. This is not a matter that can suitably be

secured through a condition, as it is a material consideration that needs to be taken account of in determining the proposal.

12. I therefore find that it has not been demonstrated that the proposal would result in suitable living conditions for future occupiers with respect to noise. It would therefore conflict with Policy DM1(iv) of the Local Plan, which seeks, amongst other matters, to provide adequate residential amenities for future occupiers. It would also conflict with guidance in the Framework.

Highway safety

13. The site has an existing gated access onto the A20, which is wide and straight at this point. I observed that traffic speeds are high and the flow of traffic was constant at the time of my visit, which was around midday on a weekday. I appreciate that this is only a snap shot of local highway conditions. I agree with the Council that due to the speed and volume of traffic on the A20, turning is required within the site so that vehicles can enter and leave in a forward gear, for highway safety reasons.
14. The site is too narrow for vehicles to turn on site. In order to allow vehicles to enter and leave the site in a forward gear, a turntable is proposed to the front of the building. The Council is concerned that it would not be able to compel drivers to use the turntable, which could result in vehicles reversing onto the A20, and that any associated condition would be difficult to enforce. I accept that having installed a turntable at some expense, a future occupier is likely to make use of it. However, no such assurance could be provided for subsequent occupiers. While a condition could be imposed requiring its installation, retention and maintenance, a condition requiring it to be used would be difficult to enforce. I have seen no evidence to indicate that the turntable would be easy to use for occupiers and visitors to the property, who may therefore be discouraged from using it. In view of the associated safety implications of vehicles manoeuvring onto the A20, I am not persuaded that the turntable would provide an acceptable form of turning on the site, that could be assured in perpetuity.
15. I therefore find that the development would be harmful to highway safety. Accordingly, it would conflict with Policy DM1 of the Local Plan, insofar as it requires that new development creates a safe environment that safely accommodates vehicular and pedestrian movement through the site access.

Other Matters

16. There is a Grade II listed building at Oakfield House to the north west of the appeal site, a detached building that sits within spacious grounds. The appeal site is some distance away and I note that the Council considered that the proposal would not affect its setting. In view of the small scale of the proposal I agree with this conclusion. In so doing, I have had special regard to the desirability of preserving the setting of a listed building, as required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
17. The appellant has drawn my attention to a similar development that was granted planning permission in South Oxfordshire¹. I have seen no evidence that the circumstances of the site are similar to this case, or that the policy context is comparable. It therefore does not have any bearing on my decision.

¹ Ref P16/SO317/FUL

The allocation of sites for housing in close proximity to the Channel Tunnel Rail Link is not a matter that is comparable to this development, which concerns the conversion of an existing building, rather than new build development, and therefore it has very limited weight in the consideration of this appeal.

Planning Balance and Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations, which include the National Planning Policy Framework, indicate otherwise.
19. It is not suggested that the development plan is out of date, or that the Council does not have a deliverable five year supply of housing land. I have found that the development would be contrary to the development plan in relation to the conversion of rural buildings, would fail to provide satisfactory living conditions for future occupiers and would be harmful to highway safety. It would therefore be contrary to policies DM1 and DM31 of the Local Plan. No material considerations have been identified that would warrant making a decision other than in accordance with policies in the development plan.
20. For the reasons set out above, having regard to all matters raised, I conclude that the appeal should be dismissed.

N Thomas

INSPECTOR