



Appeal Decision

Site visit made on 29 October 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2019

Appeal Ref: APP/U2235/W/19/3234998

**The Oast House, Thornhill Farm, Headcorn Road, Sutton Valence,
Maidstone ME17 3EL**

- 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 Miss Zoe Penighetti against the decision of Maidstone Borough Council.
 - The application Ref 19/502218/FULL, dated 29 April 2019, was refused by notice dated 29 July 2019.
 - The development proposed is the extension of an existing agricultural access opening by 4m, including installation of a new electric gate to match the existing.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For brevity I have used the description of the proposal as described in the Council's Decision Notice, which is for the extension of an existing agricultural access opening by 4m, including installation of a new electric gate to match the existing. However, the fuller proposal description indicates that the Appellant wishes to make an amendment to Planning Permission 15/505343/FULL. Nonetheless, the application itself is for a full planning permission. As such, I have considered the proposal on this basis, and in light of the submitted drawings.
3. As the proposal sits at the front of the appeal boundary the appellant has suggested that the application should benefit from permitted development rights. However, whether the planning application is lawful or not under S78 of the Town and Country Planning Act 1990, it is not for me to determine as there are other more appropriate routes to clarify lawfulness or otherwise.

Main Issue

4. The effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

5. The appeal site is located approximately 10km from the main settlement of Maidstone in open countryside on the Headcorn Road (A274). The area is typified by loose-knit development along the main road that is lined by hedges, trees, low-impact fencing and boundaries. Thornhill Farm is accessed by an opening and a service road characteristic of entrances to agricultural buildings and dwellings seen in the surrounding area.

6. The proposal is for the extension of the existing agricultural access by 4m and includes the installation of a new electric gate to the main highway.
7. Installation of the gate would require the removal of mature hedging and planting to the side of the access which currently screens the existing dwellings and buildings from the road. The reduced planting and increased width of the opening would most likely improve vehicular access along the track, and when emerging and entering from Headcorn Road. However, in this location, the size of the gate would be unusually wide, and therefore, incongruous with the surrounding area which is typified by modest openings and gateways. Moreover, the softening of the built environment provided by the extensive mature hedging, despite the appellant's suggestion of some new planting, would be lost, and hence result in an exposed and uncharacteristic urban-like area to the front of the appeal site on Headcorn Road.
8. Therefore, the proposal is contrary to Policies SP17, DM1 and DM30 of the Maidstone Borough Council Maidstone Local Plan 2017 which state amongst other things that development proposals in the countryside should respond positively to, and not harm, the character and appearance of the area.
9. For similar reasons the proposal is contrary to Paragraph 79 of the National Planning Policy Framework which requires that development is sensitive to the defining characteristics of an area.

Other Matters

10. The new access would provide the neighbouring property with their own access by means of an approximately 1.8m fence along the service road and enable the separation of agricultural and residential vehicles to provide safer access for children, pedestrians and animals. However, these matters do not outweigh the harm I have identified above.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR