
Appeal Decision

Site visit made on 18 January 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/V2255/W/20/3261059

Broad oak Farm, Broad oak Road, Milstead ME9 0RS

- 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 Matt Brown against the decision of Swale Borough Council.
 - The application Ref 20/500555/FULL, dated 2 February 2020, was refused by notice dated 4 May 2020.
 - The development proposed is described as "*1. Change of use of existing agricultural land adjacent Broad oak Farmhouse to provide a new 4-car garage, helicopter hanger and basement store room building. 2. Including hard-standing in front of the garages, providing vehicular access into the new building.*"
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the countryside, nearby Kent Downs Area of Outstanding Natural Beauty (AONB) and host property.

Reasons

3. The site falls beyond the defined built-up area boundary, therefore, the site is located within the countryside. There have been other developments that have taken place within the vicinity of the Farmhouse; however, this proposal relates to an adjacent open field south east of the Farmhouse and its associated residential curtilage.
4. The proposal would create a substantial building of utilitarian design within the open field and in a visually prominent location upon a ridge in the rural landscape. The appeal site is presently undeveloped in nature and is characteristic of the wider open countryside.
5. The appearance of the development would be one of a formalised layout comprising a large building and hardsurfacing. Whilst of utilitarian design, the building would host domestic related activity. The development would have a significantly urbanising effect upon the site and this would substantially change its countryside character. This would result in a diminution of the rural character and appearance of this location and the countryside. Therefore, the visual harm of the proposal to the character and appearance of the countryside

- would be substantial. Furthermore, the visual harm of urbanising development would be clearly visible in wider public views across the landscape.
6. The Council is concerned that given the site's prominent and open location views into and out of the AONB would be harmed. The designated AONB is some distance to the east of the appeal site beyond the M2 motorway. Nonetheless, in certain viewpoints the AONB would form the landscape in the backdrop of the proposed development. Given the proposal's visual harm to the rural landscape, it would also have a harmful visual impact upon views into the rural landscape of the AONB.
 7. The Council has highlighted a location near Birch Wood, close to but not within the AONB, as a vantage point where the building would be visible in the landscape. I saw that in that particular view the building would be seen against the backdrop of the existing Farmhouse and its existing related outbuildings. In that particular view the proposal would not be visually harmful.
 8. Development has taken place at the Farmhouse albeit this has mainly been to the western side of the site and to the front and rear of the Farmhouse. The main house is visually prominent and retains the appearance of a rural farmhouse sited within the open countryside. Whilst the proposed development would have a lower roof height than that of the Farmhouse, placing a building to the east of the Farmhouse would diminish the existing rural appearance of the Farmhouse and its siting within the rural landscape. Furthermore, being a metal clad structure this would visually jar with the traditional design of the Farmhouse. Consequently, the proposal would detract from the rural character and appearance of the existing Farmhouse. Whilst the proposal may come closer to the highway than the existing Farmhouse I do not consider this to be a critical matter given the varied siting of buildings along Broadoak Road.
 9. I have been directed to an allowed appeal at the site relating to the construction of a replacement driveway to the Farmhouse via the adjoining paddock. In that case the Inspector concluded that the new driveway would be partially obscured by the proposed landscaping and planting of a new orchard and that would significantly mitigate any visual effect on the character of the surrounding landscape. However, it must be recognised that that development related to a driveway and the proposal before me relates to a significantly more substantial structure. Its visual impact upon the rural landscape can and should be considered on its own merits.
 10. Planning permission has recently been granted for the construction of a stable block and riding school to the rear of the Farmhouse behind the existing pool/gym outbuilding. I consider that in that case the location and traditionally designed timber boarded stable building would allow that development to assimilate successfully within the countryside. Furthermore, equestrian uses are typical features within the rural landscape.
 11. In support of the appeal additional landscape planting has been proposed. New three metre tall Hornbeam trees are illustrated to be planted alongside Broadoak Road as well as around the boundary of the proposed development. Identical tree planting has been approved along the south/south east of the Farmhouse's rear garden. Other trees are illustrated alongside the Farmhouse and holiday let. I also saw that the orchard has been planted between the

appeal site and Broadoak Road although these trees are relatively low in height.

12. Additional planting could to some extent screen the proposal in public views, albeit such planting would take some time to establish and, being three metres in height, it would not fully screen the proposed development. Whilst I acknowledge the additional landscaping would help to mitigate the visual impact of the proposed development, the proposal would nonetheless introduce urban related development that would be out of keeping with the character and appearance of the countryside. The imposition of a landscape planting condition would not obviate this harm as I do not consider the additional planting would make this unacceptable development acceptable.
13. It is contended that if this were a working farm, the proposed building would not be out of the ordinary as a working farm building that could potentially gain prior approval under the 2015 General Permitted development Order. However, the proposal would not relate to a working farm or a building required for farming purposes. The proposed garage/helicopter hanger/store is not justified by planning considerations pertaining to a different development type. As such, this argument holds little weight in favour of the proposal.
14. For the above reasons, the proposed development would have a harmful effect on the character and appearance of the countryside, nearby AONB and host property. The proposal would, therefore, conflict with Policies ST3, CP4, DM13, DM14 and DM24 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 and Policy SD8 of the Kent Downs AONB Management Plan 2014 to 2019. These policies are all relevant to this appeal and seek, amongst other matters, to conserve and enhance the landscape, including that of the AONB, and to resist development in the countryside.

Conclusion

15. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies
INSPECTOR