



Appeal Decision

Site Visit made on 11 May 2021

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2021

Appeal Ref: APP/U2235/W/20/3258563

Newlay Farm Scragged Oak Road, Detling, ME14 3HN

- 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 M Wight against the decision of Maidstone Borough Council.
- The application Ref 20/501927/FULL, dated 4 May 2020, was refused by notice dated 7 August 2020.
- The development proposed is described as 'the construction of a single storey log cabin for use as occasional holiday let, with associated oil tank and sewage treatment plant. (Part Retrospective).'

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Maidstone Borough Council against Mr M Wight. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site forms part of a larger field that slopes down in a north westerly direction towards woodland. It is bound to the south by Scragged Oak Road and to the east by a public footpath. There are some buildings associated with the wider landholding which are located on lower lying land and thus are less prominent than the cabin site when viewed from Scragged Oak Road. The site is within an AONB. I agree with my colleague in respect of the previous appeal¹ that the key characteristics of the area include a series of wide ridges and steep sided dry valleys, large arable fields on the plateaux and tiny scattered villages linked by narrow lanes. The landscape in the vicinity of the appeal site is generally undulating and consists largely of open countryside and woodland. The appeal site is located on open, higher land which relates well to the undeveloped character of the area. As such it makes a positive contribution to the character of the AONB and its openness. The Framework² advises that great weight should be given to conserving and enhancing the landscape and scenic beauty of such areas.

¹ W/4000206

² National Planning Policy Guidance (2019)

5. In terms of the current situation, the intention is to replace the currently installed uPVC double glazed windows with alternative, wooden casement windows. In addition, the timber cladding would be painted black and clay roof tiles installed. These elements would not, in my opinion, make a significant difference to how the building would be viewed by any users of the public footpath walking alongside the site or to users of Scragged Oak Road. It would have the look of a residential building, even when not in use. The proposed building would therefore be visually intrusive within this rural landscape and erode the undeveloped, open character of the area.
6. Notwithstanding that the curtilage associated with the cabin has been reduced in size, since the application was initially submitted to the Council, I find that the proposal would harm the character and appearance of the area and thus the key characteristics of the AONB. Accordingly, it would be contrary to Policies SP17, DM1, DM3, DM30 and DM37 of the Local Plan³, and Policies SD1, SD2, SD3 and SD9 of the Management Plan⁴ which when read as a whole and amongst other things, seek to ensure that new development is of a high quality design and of appropriate scale, conserves and enhances the natural beauty and local character, qualities and distinctiveness of the AONB, and so protects the landscape's positive character and features.

Other Matters

7. There is discussion in the evidence pertaining to a landscape scheme and how it may benefit the appeal proposals. My colleague gave views on such measures as part of the previous appeal. I agree that it would be difficult to screen the cabin given that any such screening or planting could become an isolated and somewhat incongruous feature in the landscape itself. No landscape assessment has been undertaken to inform any detailed planting schedule or maintenance programme and thus explain how it might integrate acceptably within the AONB. I do not therefore feel that a condition requiring a scheme of landscaping would be appropriate.
8. The appellant points to the fact that agricultural permitted development rights would enable a more prominent development to be constructed, in comparison to the proposed cabin. Such rights may be available although there is no lawful certificate before me to confirm this situation and thus enable me to consider it a fallback position of sufficient weight.
9. Regardless of this, fall-back positions usually entail an 'either/or' element. In this case the proposed development and potential fall-back are not mutually exclusive or in any way overlap. Indeed, the appellant's statement refers to using permitted development rights on a more central part of the wider landholding, as a way to demonstrate such development would have a greater prominence than the proposed cabin. Overall, there appears to be little correlation between any potential permitted development rights and the proposed development, with nothing to prevent both developments occurring if this appeal were to be allowed. Even if agricultural permitted development rights were available, and used, this would not detract from the harm I have identified in relation to the cabin. I am not therefore minded to allow the appeal.

³ Maidstone Borough Local Plan (October 2017)

⁴ Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019 (April 2014)

10. Whilst I do not doubt that there is demand for tourist accommodation in the area, especially at present, this in itself is not a reason to allow the appeal. There is no information on how 'occasional' the holiday use would be and thus how much it would, in practice, contribute to the local economy. However, regardless of this, the weight I could attach to any potential benefits to the local tourist economy would be insufficient to outweigh the significant harm I have identified and the conflict with the development plan and Framework that I have found and to which I ascribe substantial weight.

Conclusion

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

Stewart Glassar

INSPECTOR