



Appeal Decision

Site Visit made on 19 May 2021

by Rory MacLeod BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 01 July 2021

Appeal Ref: APP/U2235/W/21/3267936

The Gatehouse, Clapper Lane, Staplehurst, TN12 0JS

- 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 John Simpson against the decision of Maidstone Borough Council.
 - The application Ref 20/504257/FULL, dated 8 September 2020, was refused by notice dated 13 November 2020.
 - The development proposed is to convert an existing single storey double garage with a side extension store into a one bedroomed cottage within the existing footprint and height.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) whether the proposal would be an appropriate and sustainable location for an additional dwelling, (b) whether the proposal would provide adequate living conditions for future occupiers with respect to its size, natural lighting and outlook, and (c) the effect on the character and appearance of the locality.

Reasons

Location

3. The existing building was erected as a garage for the adjacent dwelling to the north, Russet House, but a fence now separates the sites. A small industrial estate to the rear of the garage has an access from Clapper Lane to its southern side. The immediately surrounding area is otherwise residential in character. The site forms part of a small residential enclave outside of any defined settlement and is therefore in the 'countryside' for planning purposes.
4. Policy SS1 of the Maidstone Borough Local Plan (2017) (MBLP) directs new residential development first to the urban area of Maidstone, then to Rural Service Centres and finally to larger villages so that protection can be given to the rural character of the borough within the countryside. Staplehurst is the nearest Rural Service Centre; it has an elongated profile with shops and other facilities between 1.1 and 1.8 miles from the appeal site. The site is therefore not close to everyday services and facilities.
5. There is no easy access to public transport with the nearest bus stops located a considerable distance to the north and Staplehurst train station about a 20 minute walk away. Clapper Lane is a single carriageway rural lane with no

footways or streetlights and therefore not suited to pedestrians or cyclists. A public right of way (KM293) 50m to the north links Clapper Lane with Maidstone Road (A229) to the east; this crosses agricultural land, is unlit and would not be an attractive alternative to roads in the winter months and hours of darkness.

6. In practice the occupiers of the proposed dwelling would be likely to be reliant on the use of a private vehicle to access everyday goods and services. The proposal would not be a sustainable form of development and the location would not be appropriate for new residential development. The proposal would be contrary to the growth strategy set in Policies SS1 and SP17 of the MBLP.
7. The appellant claims that the proposal would be compatible with countryside policy in the National Planning Policy Framework (the Framework) in that it would not represent unrestricted sprawl, would not encroach upon fresh land in the countryside or contribute towards the merging of settlements. However, the proposal would not satisfy any of the exceptions listed at Paragraph 79 of the Framework which discourages the development of isolated homes in the countryside. The dwelling would not be isolated in the sense of being remote from other dwellings, but the residential enclave of which it forms part is remote from necessary services and its expansion would be contrary to the aims of sustainable development in national and local planning policies.

Living conditions

8. The Council does not have adopted minimum floor areas and relies on national guidance. The Nationally Described Space Standards¹ specify a minimum gross internal floor area of 37 square metres for a one bedroom unit with a shower room as proposed. The building has a floor area of 35 square metres, below this minimum and notwithstanding its regular rectangular shape, convenient for laying out furniture, the dwelling would have a cramped layout. The bedroom would utilise a narrow high level window in the front north-western wall. This would provide a meagre amount of natural lighting and a restricted outlook.
9. The proposal would provide a poor standard of living accommodation. It would be contrary to Policy DM1 of the MBLP which requires proposals to create high quality design including through the provision of adequate residential amenities for future occupiers.

Character and appearance

10. There would be extensive elevational changes at the rear of the building but at the front, just the addition of a single door to the side extension. In the context of the street scene, the building currently appears as the back wall to a garage, and this appearance would little change as a result of the proposal. But the character of the building would now be a dwellinghouse. Its siting would align with other dwellings on this side of Clapper Lane, but as a dwelling it would appear incongruous in relation to its small size, its form and setting in a plot of limited size in comparison with the more substantial and attractive dwellings to either side. Whilst the existing dwellings are of mixed design and size, they present conventional patterns of full depth windows to habitable rooms facing the street whereas the proposal would still appear as a garage with ancillary windows facing the street.

¹ Technical Housing Standards – Department for Communities and Local Government (March 2015)

11. The proposal would conflict with Policies DM1 and DM30 of the MBLP which require proposals to create a high quality public realm, responding positively to local character, and for alterations to buildings in the countryside to relate sympathetically to the rural area.
12. The appellant points out that the conversion of an existing building in the countryside to residential accommodation is an exception to the policy of constraint. However, Policy DM5 on the residential development of brownfield sites in the countryside does not include residential gardens whilst Policy DM31 in relation to the conversion of rural buildings requires the form and design to reinforce the landscape character.

Planning balance

13. The proposal would result in the benefit of one small home with parking within a residential enclave outside recognised settlements. It would make a modest contribution towards the general need for additional homes. As the Council can demonstrate a five year supply of housing land, the tilted balance at Paragraph 11(d) of the Framework does not apply.
14. The benefit of one additional small home would be outweighed by harm arising from its location, the poor standard of living accommodation proposed and to the character and appearance of the area from the size and appearance of the dwelling. The proposal would be contrary to Policies in the development plan in these respects. There would also be conflict with Policy PW2 of the Staplehurst Neighbourhood Plan that requires an assessment of the impact of new development on the visual setting of the site and its surroundings in the countryside. There are no material considerations that lead me to conclude that the decision on the appeal should be taken other than in accordance with the development plan.
15. I have noted the representations in favour of the proposal citing improved security for occupiers of the industrial units at the rear of the site, but this limited benefit would not outweigh the harm arising from the main issues.

Conclusion

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

Rory MacLeod

INSPECTOR