The Planning Inspectorate

Appeal Decision

Site visit made on 8 November 2022

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:29th November 2022

Appeal Ref: APP/V2255/D/22/3299339
Broadoak Farm, Broadoak 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 21/506568/FULL, dated 7 December 2021, was refused by notice dated 7 March 2022.
- The development proposed is a new detached garage for residential use ancillary to the main dwelling house.

Decision

1. The appeal is allowed and planning permission is granted for a new detached garage for residential use ancillary to the main dwelling house at Broadoak Farm, Broadoak Road, Milstead ME9 0RS in accordance with the terms of the application, 21/506568/FULL, dated 7 December 2021, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: GR/PA/01, BF/PL/02, BF/PL/03, BF/PL/04, BF/PL/05, BF/PL/06, BF/PL/07 and BF/PL/08.

    3) The materials and finishes to be used in the construction of the external surfaces of the development hereby permitted shall match those in the main dwelling.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and that of the surrounding countryside.

Reasons

3. The appeal property is a detached farmhouse of some age that has undergone some recent significant extensions. It is situated on a large plot outside of the boundaries of any defined built up area as is located in the countryside. It is accessed from Broad Oak Lane via an extensive private

driveway that was recently allowed on appeal[1] and that terminates in a significant area of hard standing to the front of the house.

4. The proposal is for a detached garage with parking in the basement, accessed via a vehicle lift, and would provide parking for approximately 4 cars. Within the roof space the proposal would provide additional living space ancillary to the main dwelling, which the appellant indicates would be used as a home office.

5. The proposal would occupy an existing area of hardstanding adjacent to gates to a rear yard and an existing extension to the appeal dwelling that appears to be used as a holiday let. Above ground the hipped roofed 'L' shaped proposal would have a footprint of approximately 11.5 x 16 Metres on its longest sides, with 5.2 metres to the ridge of its roof, significantly below that of the main house. The proposal would be designed to reflect the local rural vernacular for farm buildings in the area, matching materials used in the host property.

6. The siting, scale and design of the proposal appears to respond to the reasons for dismissal of a previous appeal[2] for a proposal for a larger and more utilitarian designed garage and helicopter hanger on agricultural land adjacent to the appeal site. The siting of the more modest proposal would result in it defining the area of hard standing as a more enclosed space, giving something of an impression of a traditional farmyard, sympathetic to the rural character of its surroundings.

7. Given the siting and scale of the proposal in relation to the substantial and extended farmhouse, and its complementary traditional design and materials, I find that the proposal would appear as a subservient addition to the host property and would not appear as unduly prominent or detract from the setting of the house or its rural appearance.

8. The appeal site is within an area defined as an Area of High Landscape Value (AHLV) as defined in the Swale Borough Local Plan (2017) and, due to its elevated position, does have some visibility within the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB). Having regard to Paragraph 176 of the National Planning Policy Framework (the Framework), I have given great weight to the requirement for development within the setting of an AONB to be sensitively located and designed to avoid or minimise adverse impacts on the designated area.

9. Given the proposal's position on the appeal site, its scale and design, partial topographical screening from wider views in the area and the distance of the proposal from the AONB, it would sit as a complementary addition to the existing house and would be neutral in terms of its effect on the setting of the AONB. Likewise, for these reasons, I find that the proposal would be complimentary to the rural character of the proposals surrounding and local area and would not have any adverse effect on the AHLV.

10. Consequently, I do not find that the proposal would result in any significant harm to the character and appearance of the existing house or that of the local area, including to the AHLV or to the setting of the AONB.

[1] Appeal Ref: APP/V2255/W/19/3221986
[2] Appeal Ref: APP/V2255/W/20/3261059

Other Matters

11. Concerns have been raised by third parties with regard to the effect of helicopters on the wellbeing of horses and their riders in the local area and that other developments that are not part of the proposal appear to have been carried out. However, the provision of facilities for helicopters and other identified developments on the appeal site do not form part of the proposal to which this appeal relates, and I have, therefore only given this very little weight in my considerations.

Conditions

12. I have had regard to the conditions suggested by both the Council and the appellant should this appeal be allowed. The Council have suggested a condition that would remove permitted development rights under the GPDO[3]. However, the proposed development would result in a detached garage adjacent to a detached dwelling, similar to a significant number of such properties. In line with paragraph 54 of the Framework, I do not find that there would be clear justification to remove these rights.

13. Along with the standard condition relating to the timing of implementation, I have added conditions to ensure design quality. These require that the proposed development is carried out in accordance with the approved plans and that materials to be used match those of the host dwelling.

Conclusion

14. The appeal is allowed.

Victor Callister

INSPECTOR

[3] The Town and Country Planning (General Permitted Development etc.) (England) Order 2015 (as amended)