



Appeal Decision

Site visit made on 22 November 2022

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

an Inspector appointed by the Secretary of State

Decision date: 29 December 2022

Appeal Ref: APP/U2235/W/22/3293789

Scragged Oak Farm, Scragged Oak Road, Hucking ME17 1QU

- 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 J Best against the decision of Maidstone Borough Council.
 - The application Ref 21/504104/FULL, dated 23 July 2021, was refused by notice dated 22 September 2021.
 - The development proposed is conversion of an existing stable building to a self-contained single-storey three-bedroom dwelling with associated parking and amenity.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the appeal property is suitable for the development proposed, having regard to local and national policies concerned with the location of new development and the effect on the character and appearance of the local area.

Reasons

3. The appeal site forms part of a collection of residential and holiday lets as well as buildings in equine use and is an isolated group of buildings and structures known as Scragged Oak Farm. This is set within the open countryside within the Kent Downs Area of Outstanding Natural Beauty (the AONB) and is located at the end of Scragged Oak Road, a country lane that connects with Church Lane and ends at the private drive to Scragged Oak Farm.
4. Having regard to Paragraph 176 of the National Planning Policy Framework (2021) (the Framework), I have given great weight to the requirement for development to conserve and enhance, wildlife, cultural heritage, landscape and scenic beauty in AONB's.
5. The appeal property is a large stable building that sits to the rear of the Grade II listed farmhouse. The farmhouse is of architecturally traditional vernacular style and contributes significant rural beauty to the character and appearance of the local area. This is a heritage asset to which I have a statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must have special regard to preserving the setting of a listed building.

6. There are also single storey holiday let properties to one side of the appeal property, which give the impression of simple agricultural buildings. The group of buildings at Scragged Oak Farm is surrounded by fields against which the group, including the appeal property are read and which form the wider backdrop and setting. The proposed dwelling would be situated outside of the defined boundaries of any developed area. For these reasons the proposal would result in the appearance of an isolated residential development in the countryside that would be contrary to Policy SS1 of the Maidstone Borough Local Plan (2017) (the MBLP) and Paragraph 80 of the Framework, which collectively seek residential development in urban areas or other defined settlements.
7. The appeal property was converted to stable use from a building in agricultural use, which appears to have been constructed in accordance with the Permitted Development Rights for agricultural buildings that would have been in place at the time of its erection. The proposal, therefore, constitutes a brownfield type of development.
8. The appeal property is a large and relatively contemporary concrete portal framed building with lapped timber cladding and a low pitched metal roof with polycarbonate rooflights. A concrete block lean-to element of the appeal building, which has an even shallower pitched metal roof, faces onto a concrete yard. Although mostly timber clad and constructed for rural agricultural use, its scale and existing appearance as a purely functional large utilitarian portal frame building with concrete block lean-to, fails to contribute to the character or appearance of the wider landscape of the local area.
9. The proposal is to convert the existing stable building into a single storey three bedroom dwelling. This would involve the replacement of the existing metal roof with a vernacular clay tile roof, with recessed roof light openings. Windows would be set into the side of the existing stable building facing towards the Listed farmhouse. The concrete block lean-to would be reclad with lapped timber cladding to match that of the main stable building along with glazed double doors.
10. The Council have indicated that the existing stable building would not be capable of residential conversion requiring the degree of intervention indicated by the appellant, although the Council has not provided any further information as to why this would be the case in purely technical terms. Although large simple barn form of buildings can be successfully converted to residential use. The existing stable building, for the reasons given above, does not contribute to the character or appearance of the wider landscape of the local area. I find that the proposed alterations to facilitate the residential conversion would maintain its scale and much of its existing appearance as a large utilitarian portal frame building and would not alter this situation. The proposal would therefore fail to meet the requirements of policy 31 of the MBLP in this regard.
11. Although the design of the conversion of the appeal property to a dwelling would involve the alteration and additions as set out above, I find that, due to its scale, utilitarian appearance and imposed residential design features as a dwelling, the proposal would result in the introduction of an urbanising feature, which would be incongruous within its countryside setting. Along with the use of the remaining part of the appeal site as residential curtilage with residential parking and garden area, this would be harmful to the rural character and

appearance of the local area of countryside and would be harmful to the landscape and scenic beauty of the AONB. This would be apparent from public footpaths that pass near to the appeal site and from wider views afforded from the wider open countryside.

12. For these reasons, I find that the proposal would not satisfy policies SS1 and Policy SP17 of the MBLP, policies SD1, SD2 and SD9 of the Kent Downs AONB Management Plan 2014 2019 (second Revision) (2014) and paragraphs 8, 80, 130, 174 and 176 of the Framework. Amongst other matters these collectively seek development that does not result in harm to the character and appearance of the local area and that the landscape and scenic beauty of the AONB should be conserved or enhanced. Further, the proposal would also not accord with policies DM1, DM30 and DM31 of the MBLP. These collectively seek development that is of high quality design that does not result in harm to the character or appearance of the area, maintaining or enhancing local distinctiveness; as well as residential conversion that provides suitable reuse of buildings which contribute to landscape character, or exemplify the historical development of the Kentish countryside,
13. As the proposal would not result in any change to the bulk and massing of the existing stable building, with only minimal changes to the façade directly facing the Listed farmhouse, I do not find that the proposed change of appearance would be so significant that it would result in any greater harm to the setting of the Grade II listed farmhouse.
14. The proposed development does not appear to be within walking distance of local services and bus routes to local developed areas, villages or town centre. Whilst cycling is arguably a potential option for the occupiers of the proposed dwelling, given the distances involved, they would also be heavily reliant on the use of the car and other vehicular servicing.
15. It is also arguable as to whether the proposal has the potential to result in a slight reduction in vehicle journeys for those accessing the location. However, the proposal would add to vehicular movement more generally, as those using the existing stables would have to access stabling services elsewhere.
16. I find that the appeal site's location away from the developed areas and services, and its limited access to wider public transport would result in a residential development that would reinforce the over reliance on the car and unsustainable traffic movements. The proposal does not, therefore, commend itself as an exceptionally sustainable form of development in this regard.
17. For these reasons the proposal would not accord with the aims of sustainable development as set out in the National Planning Policy Framework (2021), which seeks to prioritise safe access by walking, cycling and public transport to minimise car travel. Albeit this is true of much existing isolated development in the countryside and that use of the private car in some capacity will be of greater necessity for many developments in rural locations.
18. The proposal would, therefore, be contrary to Policies SS1, SP17, DM1 and DM5 of the MDLP which collectively seeks to ensure that brownfield development in the countryside can reasonably be made accessible by sustainable modes of transport to Maidstone urban area, a rural service centre or larger village and forms a sustainable development.

Other Matters

19. The appellant has drawn my attention to approved barn conversions in the Council area, one for use as a dwelling and one for an equine clinic, where the Council did not raise concerns over locational sustainability with regard to transport. These would have been determined on their own individual merits, and I have likewise done the same in my consideration of this appeal.
20. The appellant has argued that the conversion of the stable building and the creation of the proposed dwelling is essential to their ongoing holiday-let business at Scragged Oak Farm. Whilst it is understandable that the appellant seeks to provide what they consider to be more suitable family accommodation, this appears to constitute a personal benefit, rather than an essential need associated with the ongoing on-site management and security of the holiday let properties. A need that is currently met by the existing dwelling on the site. Further, the appellant has not demonstrated that the proposed conversion of the stable building is the only way that the appellants expressed need for more suitable family accommodation could be met. The appellant's stated intention to reuse the Grade II Listed farmhouse as additional holiday-let accommodation, is also not part of the appeal proposal that is before me.
21. Whilst I acknowledge that the appellant appears to have sought to respond in their proposal to the reasons for refusal for a previous application¹ for demolition of the existing structure and erection of a new dwelling, I have considered the proposal on its own individual merits.
22. The proposal would result in a single residential dwelling on a brown field site. Although the Council are meeting their required housing delivery target, these targets are not a defined maximum, and the addition of a new home is a positive public benefit, albeit, as a single dwelling it is one to which I can afford only limited weight. Whilst the appellant has drawn to my attention the review of the Local Plan that is currently underway, the existing housing policies set out in the MDLP remain extant and I can only afford limited weight to policies in the plan currently under review.

Conclusion

23. Given the benefits of a single additional dwelling, its concomitant limited effect on the local rural economy and that benefit to climate change through the re-use of the existing building would be limited due to the extent of other works required for its conversion, I have given moderate weight to the public benefits that would arise from this proposal. Within this context the lack of harm that I have identified to the setting of the Grade II listed farmhouse is neutral. Overall, I consider that the benefits of the proposal do not outweigh the harm I have identified.
24. For the reasons given above, having regard to all other matters raised and with paragraph 11 of the Framework in mind, the appeal should be dismissed.

Victor Callister

INSPECTOR

¹ Planning Ref: 20/503600/FULL