



Appeal Decision

Site visit made on 10 January 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/U2235/W/21/3287251

The Bungalow, Green Lane, Yalding, Kent TN12 9RB

- 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 Andrew O'Brien against the decision of Maidstone Borough Council.
 - The application Ref 21/504491/FULL, dated 13 August 2021, was refused by notice dated 19 October 2021.
 - The development proposed is described as the 'construction of cattle shed/storage barn'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted plans indicate a new access across part of the field to serve the proposed building. Nonetheless the description of development cited on the application form and decision notice relates to the building only. The appeal is determined on that basis, being the development expressly sought by the appellant and determined by the Council.

Main Issues

3. The main issues are a) whether the proposed development is necessary for the purposes of agriculture; and b) the effect of the proposal on air quality and ecology.

Reasons

Necessary for Agriculture

4. Policies SP17 and DM36 of the Maidstone Borough Local Plan 2017 (Local Plan) are broadly supportive of proposals for new agricultural buildings and structures that are, amongst other things, necessary for the purposes of agriculture.
 5. The appeal site itself comprises just the single field. There is no indication that it is part of a larger agricultural holding or operation. Although it is stated that the proposed building is required to store hay and provide overnight accommodation for cattle, there is no evidence or information regarding the size of the operations, the number of cattle or how this equates to the size of the proposed building. Accordingly, given the information before me, I have no basis on which to find the proposed building is necessary for the purposes of agriculture.
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6. Policies in the Local Plan also require development to be designed to be sympathetic to its context and, in the countryside, to be sited unobtrusively or be located adjacent to other buildings wherever possible.
7. The proposed building would have the characteristics and appearance of a functional rural building and be sited close to the bungalow and shared boundary. The building's siting and appearance would comply with the broad objectives of Local Plan policies. Whilst such a building would not be an alien feature within a rural landscape there would be some visual harm from its erection. However, this harm is not justified given the lack of any demonstrable agricultural need for the building.
8. Overall, as I am unable to find that the proposed development is necessary for the purposes of agriculture, it is contrary to policies SP17, DM1, DM30 and DM36 of the Local Plan. These policies, amongst other things, support proposals in the open countryside which are necessary for the purposes of agriculture but also seek to protect the character and appearance of the area. The decision notice refers to Policy DM4 of the Local Plan. However, this appears to relate to heritage assets and so is not relevant to my decision.
9. The proposal would also be contrary to the National Planning Policy Framework, both in terms of its aims of promoting appropriate development in rural areas and ensuring developments are sympathetic to local character, including landscape setting.

Air Quality and Ecology

10. The proposed building would be sited close to the adjacent bungalow. There is also a dwelling across the road from the appeal site although it would be further away from the proposed building. Given the proximity of residential properties, and regardless of any connections between the bungalow and the proposed building, the potential effects of the proposal must be fully understood and considered.
11. The lack of information regarding the existing agricultural operations on site and how the proposed building might affect these operations in the future make it difficult to clearly assess the extent, if any, to which air quality might be affected and in turn the living conditions of nearby residents. Similarly, the effect of the development on the site's ecology remains unknown.
12. I have considered whether these matters could be addressed by suitably worded conditions, were the development acceptable in all other respects. However, I have no information or basis on which to conclude that any potential adverse effects could be suitably controlled or mitigated by planning conditions.
13. As such, based on the evidence before me, both the effect of the proposal on air quality and the site's ecology remain unknown. Therefore, the proposal would be contrary to Policy DM3 of the Local Plan which, amongst other things, seeks to retain a high quality of living environment and to control pollution.

Other Matters

14. The appellant points to the absence of objection and I note that the Parish Council has expressed its support for the proposed development. However, this in itself does not mean that the current scheme is acceptable and does not in

any event absolve me from making an assessment as to its effects in regard to the main issues of the case.

15. The appellant points me towards emerging local planning policies in support of the proposal. However, without any detailed information before me as to the nature of the agricultural operation, I cannot be sure that the proposal is reasonably necessary and so accords with adopted as well as any emerging policies.

Conclusion

16. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR