



Appeal Decision

Site visit made on 6 December 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/U2235/W/22/3302068

Pollyfields Farm, Hermitage Lane, Detling ME14 3HL

- 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 S Thomas against the decision of Maidstone Borough Council.
 - The application Ref 21/505961/FULL, dated 16 November 2021, was refused by notice dated 25 January 2022.
 - The development proposed is change of use and conversion of existing barns to create a single family dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Officer's report makes reference to protected species. However, this was not a reason for refusal on the decision notice. I have therefore dealt with this in the 'other matters' section of this appeal decision.
3. The following drawings were submitted with the appeal:
 - Proposed Site Layout (dwg: 101 RevA)
 - Proposed Elevations and Garage Elevations (dwg: 105 RevA)
 - Proposed Roof Plan (dwg: 104 RevA)
 - Proposed Elevations (dwg: 105 RevB)
 - Proposed Ground Floor Plan (dwg: 102 RevA)
4. Given the minor amendments to the drawings, my acceptance of them would not prejudice any party. I have therefore determined the appeal on that basis.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for the proposal having regard to local and national policy, and the accessibility of the site to services and facilities;
 - the effect of the proposal on the character and appearance of the area, including the Kent Downs Area of Outstanding Natural Beauty (AONB);
 - whether it has been demonstrated that a reasonable attempt has been made to secure a suitable business re-use for the existing buildings on site.

Reasons

Suitability of Location

6. Policy SS1 of the Maidstone Borough Local Plan (2017) sets out the spatial strategy and the settlement hierarchy. The appeal site is situated within a rural location. The proposal would be located outside any defined development boundary and, therefore, would be within an area of open countryside. Consequently, the proposal conflicts with the locational strategy of the development plan.
7. There is no bus stop served by a regular bus service in the immediate vicinity of the appeal site. Furthermore, walking to facilities and services including bus services and railway stations would entail use of unlit roads with no pavements. The unlit nature of these routes and the lack of verges would limit the prospect of future occupants of the proposed development using them to regularly access a range of services and facilities year-round. In addition, the roads are narrow with no cycle lanes.
8. The absence of a welcoming environment for pedestrians and cyclists is likely to cause conflict with the movement of motor vehicles, which would potentially be travelling at greater speeds. This conflict is likely to deter travelling by foot or bicycle and, in turn, encourage travelling by private car.
9. Whilst there are Public Rights of Way near to the site, such as PRoW KH61 and PRoW KH8, these routes are unlit and unsurfaced, which would limit their use during hours of darkness and are unlikely to be suitable for all users.
10. Therefore, the proposal would result in a high level of reliance on the private motor vehicle by future occupants of the proposed dwelling. Whilst electric vehicular transport could be used by future occupants, this is not likely to result in replacement of reliance on the private vehicle by alternative modes of walking, cycling or public transport. Even if I were to agree with the appellant that there would be a reduction in vehicle movements, this would not overcome my concerns regarding the absence of an appropriate environment for pedestrians and cyclists.
11. For the reasons above, essential services and facilities, and public transport, would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access essential services and facilities, due to the lack of safe pedestrian and cycle routes and having limited options for alternative modes of sustainable transport.
12. As such, the proposal would fail to accord with Policies SS1 and DM1 of the Maidstone Borough Local Plan (2017) (Local Plan). Amongst other things, these policies seek to ensure development is directed towards sustainable areas within the borough. In addition, the proposal would also fail to accord with the National Planning Policy Framework (Framework) in respect of achieving sustainable development.

Character and Appearance, AONB

13. The appeal site contains three outbuildings arranged in a U shape, consisting of a stable building, a cow shed, and a workshop building. The site is bordered to the west by an arable field, with a private dwelling and its grounds to the

north, and paddocks and pasture fields to the east and south. Hermitage Lane provides vehicular access to the site.

14. The appeal site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB). It is broadly characterised by the typical open, expansive and rolling downland, ancient woodland and dry valleys, arable fields on the plateaux, small villages and isolated farmsteads scattered widely, which accentuates its rural character. The rural outbuildings on the appeal site contributes positively to this rural character.
15. Paragraph 176 of the Framework requires that I must give great weight to the conservation and enhancement of the landscape and scenic beauty of an AONB.
16. The proposal would replace the existing workshop building with a new building of a smaller footprint and a similar height to the existing. Therefore, the overall scale of this proposed new building would be smaller than what is there now.
17. In addition, the cowshed building would remain with only its external appearance being altered. As such, its scale and massing would not be increased. The proposed external works to the cowshed building would be sympathetic to the original building and would not harm its appearance.
18. The proposed development would increase the bulk of the existing stable building at first-floor level and alter the roof shape at the southern end of the building. However, these changes would be modest in scale and would respect the general roof form of the main part of the existing building. Furthermore, the stable building's footprint would remain the same. The use of matching construction materials would contribute to the development being seen as a natural extension to the host building rather than an incongruous new feature. Consequently, the proposal's scale and massing would be in keeping with the original building and it would sit comfortably within its rural surroundings.
19. Furthermore, the proposed development would be seen within the context of the existing buildings and the adjacent residential properties. Consequently, the proposal would not have the effect of extending built development into an area of open land nor of eroding the countryside.
20. The proposed link connection between the main building and the cowshed would appear discrete due to the close proximity of the two buildings and their orientation. Views would also be partially screened by the existing outbuildings and the adjacent hedgerow. The additional floorspace created by the link would be minimal.
21. With regard to fenestration, I note that the revised plans remove one dormer window over the staircase and provide a rooflight to ensure the staircase has suitable daylight. The proposed rooflights would be set against the building structure and would only be visible from the PRow KH61 and when glimpsed from the road.
22. In addition, the glazing on the flanks of the proposed dormers have been removed and are replaced by a solid flank elevation that would reflect a more traditional agricultural building. Although the proposal would include sections of full height glazed windows that would give it a domestic appearance, this would not be dissimilar to the existing fenestration on the eastern elevation of the neighbouring Pollyfields Barn building.

23. Whilst glazing is not a traditional rural building material, the contemporary glazing would harmonise with the more traditional materials and would not erode the building's original character. The large panes of glazing would have a minimal look that would accentuate the surrounding building and preserve its traditional form. Thus, the glazing would not appear visually obtrusive.
24. On balance, the traditional form and overall scale of the buildings would not be significantly altered. Furthermore, the proposal's design and materials would maintain the rural character of the original buildings.
25. The proposal would not appear prominent in views from outside the site, due to the site's fairly flat topography and partial screening from existing built form. Whilst there would be public views from Scragged Oak Road and the PRoW KH61 to the east of the site, the impact would be moderate and would be mitigated by the proposed planting. In addition, the existing mature vegetation along the roadside boundaries would help to obscure views from Scragged Oak Road.
26. Given the siting and scope of the development and its immediate residential context, I find that there would be no adverse impacts to the character and appearance of the area or the AONB, and that as such its landscape and scenic beauty would be conserved.
27. Therefore, for the reasons above, the proposal would accord with Policies SS1, SP17, DM1 and DM30 of the Local Plan for this main issue. These policies, amongst other things, seek to conserve and enhance the landscape and scenic beauty of the AONB, and to ensure that developments are of high quality design and respond to the local character of the area. In addition, the proposal would not conflict with the Framework in so far as it seeks to ensure developments respect and enhance the AONBs.

Re-use of existing rural buildings

28. Part 3 of Policy DM31 of the Local Plan states that proposals for the re-use and adaptation of existing rural buildings for residential purposes must ensure that every reasonable attempt has been made to secure a suitable business re-use for the building.
29. The appellant has previously operated the site as a livery business, which closed in 2019 due to the business suffering consistent financial losses. The appellant has submitted marketing evidence which confirms that the livery business is no longer successful due to a variety of factors including local competition from other livery businesses with newer facilities, rising costs, and a requirement for a new waste system. The appellant also states that the buildings are in a run-down state and require significant investment.
30. The marketing evidence demonstrates that the site has been marketed since 26 February 2021 for around 15 months. During this marketing period, no enquiries of any kind were made about the appeal site. The marketing letter provided with the appeal also states that whilst the site was marketed as an equestrian facility, this would not prohibit enquiries for other uses such as office, industrial or tourism uses. However, no such enquires were received.
31. Consequently, the applicant has demonstrated that every reasonable attempt has been made to secure a suitable business re-use for the existing buildings. I also note from the Council's statement of case, that they are now in agreement

with the appellant in respect to this main issue. As such, the proposal accords with Policy DM31 of the Local Plan for this main issue.

Other Matters

32. The appellant has submitted a Preliminary Ecology Statement. This statement demonstrates that the proposal would cause no adverse impact on local ecology and protected species. Although a matter of note, it does not outweigh my findings in respect of the first main issue.
33. The appeal site is located near to Pollyfields farmhouse, a Grade II listed building. I am required to have regard to the preservation of the setting of this building. However, given that I am dismissing the appeal, the proposed development would not result in a change to the way in which this heritage asset is experienced. Therefore, I do not need to give this matter further consideration.
34. The proposal would involve the utilisation of underused and dilapidated barns. It would also use passive design measures, energy efficient equipment and renewable technologies. However, these modest benefits would not outweigh the harm identified.
35. The proposal would make a small contribution to the local housing supply, albeit a very limited one to which I therefore attach limited weight.
36. The proposal would not be detrimental to the living conditions of any neighbouring occupiers. Nevertheless, a lack of harm in this regard does not weigh in favour of the proposal.

Planning Balance

37. Although there would be some benefits to the proposal, as set out above, these benefits would attract only limited weight and would not outweigh the harm identified.
38. Whilst a lack of harm has been found in regard to the character and appearance of the area, including the AONB, and the re-use of existing rural buildings, these matters are outweighed by the harm arising from the location of the development. Thus, overall, the modest benefits are insufficient to outweigh the harm I have found in regard to poor accessibility to local services and facilities and the reliance on private motor vehicle.

Conclusion

39. The proposal would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR