



Appeal Decision

Site visit made on 1 February 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/U2235/W/22/3290945

Bimbury Lodge, Bimbury Lane, Stockbury, ME14 3HY

- 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 Mrs L Twitchett against the decision of Maidstone Borough Council.
 - The application Ref 21/504233/FULL, dated 30 July 2021, was refused by notice dated 25 October 2021.
 - The development proposed is the change of use of land to bijou glamping retreat. Pitching of 4 canvas bell tents. Addition of one shepherd hut and use of existing stable block as dining area/tea room and sleeping pods.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would provide sufficient on-site parking;
 - the effect of the proposed development on the character and appearance of the area, including whether the proposal would conserve and enhance the natural beauty, distinctive character and biodiversity of the Kent Downs Area of Outstanding Natural Beauty (AONB); and,
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties, including Nimbus, Chestnut Cottage and Windy Croft, with particular regard to noise.

Reasons

On-site parking provision

1. The appeal development relates to the change the use of garden land to a glamping retreat and includes the siting of 4 bell tents and 1 shepherds hut. It is also proposed to convert the existing stable block into a bar, kitchen/dining area and tearoom, the use of which would be limited to visitors of the proposed development. Additional to this, 3 sleeping pods would be provided within the converted stable building. A total of 7 car parking spaces are identified on the submitted plan which would serve both Bimbury Lodge and the proposed glamping retreat.
2. Given the scale of Bimbury Lodge, it is reasonable to assume that 2 car parking spaces would be allocated to the occupants. On this basis, and assuming that the site was fully occupied with each of the bell tents and shepherds hut

occupied individually, rather than as part of a family group or groups, this would leave no parking provision for the occupants of the sleeping pods, who as a minimum would require one parking space.

3. The appellant submits that each bell tent would realistically accommodate 3 or 4 people. However, the submitted drawing indicates that each bell tent would have the potential to accommodate a maximum of 6 people (3 double beds). In the event that the bell tents were occupied to the maximum capacity shown, this would only exacerbate the parking shortfall demonstrated above.
4. Whilst the appellant suggests that additional on-site parking could be provided, from the limited evidence before me, I cannot be certain where this would be or indeed how it would affect the proposed site layout, including the turning area. Therefore, based upon the proposed site layout, I am not persuaded that the appeal site would be capable of absorbing any parking shortfall without compromising the identified turning space. It is therefore possible that vehicles would be unable to leave the site in a forward gear, which given the narrow access lane would be prejudicial to highway safety.
5. For these reasons, I find that the proposal is contrary to Local Plan Policy DM1. Amongst other aspects, this policy seeks to ensure that development proposals provide adequate vehicular parking. The proposed development is also inconsistent with the objectives of the National Planning Policy Framework (the Framework) with regards to the provision of adequate parking.

Character and appearance

6. For the purpose of Policy SP17 of the Maidstone Borough Local Plan 2017 (Local Plan), the appeal site lies in the Mid Kent Downs Local Character Area (MKDLCA) as identified in the Landscape Character Assessment of Kent Downs AONB. The MKDLCA is characterised by a series of wide ridges and steep sided dry valleys, extensive coppice woodlands and some large expanses of conifer woodland, large arable fields on the plateaux and tiny scattered villages linked by narrow lanes. The vicinity of the appeal site is consistent with these characteristics, with large fields located beyond the eastern site boundary and scattered buildings along Bimbury Lane, including the small cluster of dwellings within which the appeal site is situated.
7. Located to the rear of Bimbury Lodge, the appeal site comprises an area of grassed land currently used for the purpose of residential outside space. There are a number of existing outbuildings, including the stable block which is located in the far-left corner of the appeal site. Alterations to the stable block would be minimal and limited to the installation of a glazed panel which would utilise an existing opening. The proposed bell tents and shepherds hut would be of a modest scale and low profile whilst an appropriate external finish, including colour could be secured by condition. Furthermore, areas of hardstanding within the grassed area of the site would be limited to internal pathways and therefore soft landscaping would predominate.
8. Due to the location of the appeal site and the abundance of mature vegetation along the site boundaries, I consider that the proposed development would be unobtrusively located and well screened. Thus, it would not read as a harmfully dominant or incongruous form of development. A number of conditions have been recommended by the Council including the requirement for a landscaping scheme together with details of external lighting. Were I minded to allow the appeal, I am satisfied that the recommended conditions would manage the

effects of the development on the character and appearance of the landscape and secure a net gain to biodiversity.

9. For the reasons outlined above, I find that the proposed development would conserve and enhance the distinctive character and natural beauty of the Kent Down AONB. The proposal therefore accords with Local Plan Policies SP17, DM1, DM3, DM30 and DM38. Collectively, and amongst other aspects, these policies seek to ensure that development proposals are of a high-quality design, unobtrusively located and conserve and enhance the natural beauty, distinctive character, biodiversity and setting of the Kent Downs AONB. The proposal is also consistent with the aims of the Kent Downs AONB Management Plan 2014-2019 which seek to conserve the distinctiveness of the landscape and its outstanding quality and value. I also find the proposed development to be consistent with the National Planning Policy Framework, in particular the desire to conserve and enhance landscape and scenic beauty within ANOBs.
10. The Council's reason for refusal cites Local Plan Policy SS1 which relates to housing and economic development targets. However, my attention has not been drawn to any wording therein which relates to the main issue.

Living conditions

11. The Council's decision notice alleges harm to the living conditions of neighbouring occupiers, with particular regard to noise, brought about by the comings and goings of holiday makers together with on-site activities.
12. The appeal site lies within a small cluster of dwellings. The submitted block plan indicates that Nimbus lies to the north of the appeal site and is separated by intervening paddocks whilst Chestnut Cottage adjoins the southern boundary of the site. Beyond Chestnut Cottage lies Windy Croft. Notwithstanding the third-party representations, based upon my site observations, I am satisfied that there is sufficient distance between Nimbus and Windy Croft to ensure that living conditions would not be adversely affected by reasons of noise.
13. Vehicular parking for visitors of the proposed accommodation would be on an existing area of hardstanding which lies adjacent to the shared boundary with Chestnut Cottage. Based upon my site observations, it would appear that this area of ground is already used for this purpose. I recognise that the proposed development would generate an increase in vehicle movements. However, given the scale of the proposed development, I consider it unlikely that the additional movements would be significantly in excess of those associated with the existing residential use. The position of Chestnut Cottage within its plot would also maintain a reasonable buffer between the parking area and neighbouring dwelling. As such, I am not persuaded that neighbouring occupants would be disturbed by the comings and goings of visitors.
14. Moreover, the proposed indoor facilities would be contained within the converted stable block which is located in the far corner of the appeal site whilst the proposed shepherd's hut and toilet/shower facilities would be located in a similar position thus securing maximum distance between the site and adjoining property. Similarly, the proposed bell tents would be sited to the rear of the site, away from Chestnut Cottage and its immediate garden area. It is also noted that the proposed hot tubs are located on the extremities of the appeal site. For these reasons and given the scale and extent of the proposal I find that the proposal would not adversely affect the living conditions of the neighbouring occupiers or indeed disrupt the tranquillity of the area.

15. It has been put to me by third parties, that the activities of holiday makers on site, in particular social gatherings would generate unacceptable noise disturbance. Although I acknowledge the relatively quiet site location, no compelling evidence has been provided by the third parties to demonstrate that the noise generated by the proposed development would be unacceptable or indeed that parties would occur. Consistent with consultee advice, the Council has recommended that a Noise Management Plan be secured by condition. Based upon the available evidence, I am satisfied that the said condition would provide a suitable mechanism to manage sources of potential noise.
16. Consequently, I find that the proposed development would not adversely affect the living conditions of the occupiers of Chestnut Cottage with regard to noise. The proposal therefore accords with Policies DM1 and DM38 of the Local Plan, which, amongst other aspects, seek to ensure that proposals respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in excessive noise, activity or vehicle movements. The proposal is also consistent with the Framework which seeks to secure a high standard of amenity for neighbouring occupiers.

Other Matters

17. In determining the appeal, I have had regard to the comments made by interested third parties regarding precedent. However, I have determined this appeal on its own merit, in accordance with the development plan and relevant material considerations.
18. In determining the planning application, Members are not duty bound to follow the advice of its professional officers provided that there is clear evidence to substantiate their reasoning. Indeed, in my view, the Council's decision to refuse planning permission was substantially reasoned.

Conclusion

19. For the reasons outlined above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

H Wilkinson

INSPECTOR