



Appeal Decision

Site visit made on 4 April 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/U2235/W/22/3305272

Grays Meadow Farm, Caring Lane, Leeds, Kent ME17 1TJ

- 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 Kevin Gray of Steadline Limited against the decision of Maidstone Borough Council.
 - The application Ref 22/501154/FULL, dated 4 March 2022, was refused by notice dated 4 May 2022.
 - The development proposed is described on the application form as 're-use of an existing agricultural/former stable building as a holiday-let.'
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural/former stable building to 1no. holiday let, with associated external alterations, access, parking and landscaping and enclosure of part of existing canopy at Grays Meadow Farm, Caring Lane, Leeds, Kent ME17 1TJ in accordance with the terms of the application Ref 22/501154/FULL, dated 4 March 2022, subject to the conditions appended to this decision.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the change of use of an agricultural/former stable building to 1no. holiday let, with associated external alterations, access, parking and landscaping and enclosure of part of existing canopy. The Council dealt with the proposal on this basis and so shall I. Furthermore, the appellant's appeal form uses this same description of development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises a parcel of land located to the east of Caring Lane. It accommodates an existing L-shaped stable-style building, an area of hardstanding and open grassland.
5. The surrounding area has a predominantly rural character and countryside setting, largely comprising agricultural land with narrow lanes edged by dense hedgerows and mature trees. A number of established houses and farmsteads exist along Caring Lane, with built form becoming gradually more consolidated to the north. Surrounding properties vary in style, period and scale. However,

these are typically built using traditional materials, including brick, tile and timber.

6. Policy SP17 of the Maidstone Local Plan (LP, 2017), amongst other objectives, restricts development in the countryside unless it accords with other LP policies and so long as it would not result in harm to the character and appearance of the area. LP Policy DM31 requires that proposals for the re-use and adaptation of existing rural buildings are of a form, bulk, scale and design which takes account of and reinforces landscape character. It is also a requirement that such development relates to a building which is of permanent, substantial and sound construction, capable of conversion without major or complete reconstruction.
7. The existing structure is reasonably modest in scale, finished in timber with a corrugated metal roof. These materials are commonly used within the surrounding area. The building is set to the western part of the site, behind mature landscaping which lines the road. From that perspective, the structure can be glimpsed but is not readily visible from public vantage points. I am aware that I visited the site during early spring when most of the vegetation remained dormant. I have no doubt that later in the year vegetative growth here would further limit views of the appeal site. Overall, the existing building is of a form, bulk, scale and design which assimilates appropriately with its rural surroundings. Whilst the relatively self-contained nature of the site does not contribute to the landscape character of the surrounding area in any substantial way, neither does it detract from it. It has an essentially neutral effect.
8. The proposed development would result in minimal changes to the external appearance of the existing building, and the site more generally. The number and style of openings to the front of the building would remain similar to the existing arrangement, with some larger replacement windows proposed to the rear. Although I acknowledge concerns raised in respect of any domestic paraphernalia associated with the proposed use of the building, this, like existing agricultural paraphernalia at the site, would not be readily visible from nearby public vantage points, would generally be moveable and would not have a harmful effect on the character and appearance of the surrounding countryside. Ultimately, I have no evidence before me that demonstrates that the proposed development would fail to be in keeping with the landscape and building character in terms of materials, design and form.
9. In respect of the requirement under LP Policy DM31 for any adapted building to be of a permanent, substantial and sound construction, there is no definition within that policy of what constitutes 'permanent', 'substantial' or 'sound'. This is therefore a matter of judgement based upon the evidence before me and my observations on site.
10. From those observations and the submitted plans, I note that the building is enclosed on all sides, built over a concrete base. Accordingly, the structure could reasonably be described as a substantial and permanent structure. Its use for equestrian purposes does not reduce its permanence, as contended by the Council. A structural assessment has been provided in support of the proposal. This has been produced by a structural engineer with the specific purpose of assessing the building's potential for residential re-use. Within the report, it is concluded that the existing building is structurally sound and would

not require major reconstruction in order to convert it to a residential use. There is nothing to indicate that the findings of that assessment are invalid and I therefore have no reason to come to an alternative conclusion. There is no doubt that certain works would be required in order to make the existing building habitable. However, it has been sufficiently demonstrated within the evidence before me that the existing building would be capable of conversion without major or complete reconstruction.

11. I note the Council's comment that it would be under considerable pressure to allow similar equestrian buildings to be converted elsewhere if this proposal was allowed. However, there is no substantive evidence before me of any proposed development of a similar nature and therefore no indication that there is a reasonable likelihood that this would occur. In any event, each application and appeal must be determined on its individual merits and site circumstances.
12. Overall, I conclude that the proposed development would have an acceptable effect on the character and appearance of the surrounding area, having a neutral impact on the landscape setting, in accordance with the relevant provisions of LP Policies SP17 and DM31. These policies, when taken as a whole, seek to ensure only appropriate development takes place in the countryside and protects landscape character. This is in a similar vein to the National Planning Policy Framework insofar as good design and conserving and enhancing the natural environment are concerned.

Other Matters

13. I note the representations made by occupiers of neighbouring properties. Matters relating to character and appearance and precedent have been explained above.
14. There is no dispute between the Council and appellant in respect of the effects of the proposed development on highways, noise and disturbance or biodiversity. Based on the information before me, with no evidence to substantiate claims that the proposed development would result in harm in those respects, I have no reason to disagree with those findings. In respect of further development on the site, this is not before me. I am assessing the proposal based on what has been submitted. Any unauthorised works would be a matter for the Council. Accordingly, these matters do not lead me to an alternative conclusion on the main issue.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition requiring compliance with the relevant plans. This is required for certainty.
16. I have imposed a condition requiring that the external surfaces of the development match the existing building and that details of landscaping are provided for approval. These are required in the interests of the character and appearance of the area.
17. Following my reasoning above, a condition is necessary to restrict the occupation of the unit in order to support the tourism industry and prevent its occupation as a permanent dwelling. Further, a condition restricting the days of occupation is included for clarity. A condition requiring the provision of works

set out in the submitted ecological appraisal is imposed in the interests of ecology and biodiversity.

Conclusion

18. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

INSPECTOR

CONDITIONS SCHEDULE

- 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: P.2735.010.A Site Location Plan; P.2735.030.A Proposed Block Plan; P.2735.060.A Proposed Floor and Roof Plans; P.2735.070.A Proposed Elevations; Preliminary Ecological Appraisal (dated 1 March 2022).
- 3) The external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Before the development hereby permitted is first brought into use details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include: a specification of tree and plant types, sizes, numbers and siting; soil specification; seeding and turfing treatment; wood piles; colour and type of material for all hard surface areas and method of laying; and a scheme of landscape maintenance and management.

The landscaping works shall be carried out in accordance with the approved details before the development is first brought into use. The completed scheme shall be maintained in accordance with the approved scheme of landscape maintenance and management.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from completion of the development, shall be replaced in the next planting season with others of a similar size and species.

- 5) Before the development hereby permitted is first brought into use the ecological enhancement measures shall be carried out in accordance with the Preliminary Ecological Appraisal (dated 1 March 2022) and P.2735.030.A Proposed Block Plan, and thereafter retained.
- 6) The development hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all future occupants, and this information shall be made available at all reasonable times upon request to the local planning authority.
- 7) The holiday accommodation hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days.

End of schedule