



Appeal Decision

Site visit made on 22 June 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/U2235/W/22/3313301

Hill Top Farm, Shingle Barn Lane, West Farleigh ME15 0LP

- 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 Paul Merriman against the decision of Maidstone Borough Council.
 - The application ref. 22/501811/FULL, dated 6 April 2022, was refused by notice dated 1 August 2022.
 - The proposal is for the erection of a single storey dwelling (following the approval of 20/503182/FULL and 19/505751/PNQCLA).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are a) whether the proposed development would be in a suitable location and with regard to access to services and facilities; and b) the effect of the proposal on character and appearance of the area.

Reasons

Suitability of location

3. The appeal site relates to an area of land off Shingle Barn Lane containing an agricultural building. The surrounding area is rural in character with sporadic dwellings of varying size and design along the public highway.
 4. Although the site is located in the countryside where new residential development would normally be resisted, my attention is drawn to the planning history, and in particular the extant approval for a single storey dwelling on the land (Council reference 20/503182/FULL). There is no suggestion that this scheme could not be implemented, and as such to my mind it represents a significant material consideration in favour of the appeal.
 5. The construction of the extant development would have much the same impact in location and travel terms as the appeal proposal. Taking a judicious approach, I am therefore satisfied that the scheme would be compliant with policies SS1, SP17 and DM1 of the Maidstone Borough Local Plan October 2017 (LP), relating to development on land outside the urban boundaries and rural settlement confines. The proposal would also be consistent with the National Planning Policy Framework (the Framework), which identifies that housing in rural areas should maintain or enhance the vitality of rural communities and promote sustainable transport.
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Character and appearance

6. The fallback position established by the existing permission is also of weight in my reasoning on this matter. Nonetheless, I note that the appeal proposal before me is considerably larger and taller than the initial prior approval scheme, and the full permission approved subsequently.
7. The plans to 20/503182/FULL show a relatively modest, rustic bungalow of simple form with diminutive window and door openings and a shallow pitched roof. By contrast, the increase in the footprint, mass and bulk of the appeal proposal would result in a building that would appear more prominent in the context of the site. The larger expanses of glazing and stark roof profiling would introduce visually domineering and incongruous elements that would appear discordant within the rural setting.
8. I appreciate that the layout of the new dwelling would be spacious to meet the needs of future occupants, there would be no adverse effects on the living conditions of the residents of neighbouring houses, there are no parking, highway safety or ecological issues, the elevations would be constructed using appropriate materials and solar panels can be installed on the roof slopes. However, these matters do not counterbalance the overall harm to the site and surrounds that I have identified above.
9. I therefore consider that the proposal would result in harm to the character and appearance of the area. It would be contrary to Policies SS1, SP17, DM1 and DM30 of the LP, which seek to secure new development of acceptable scale and appearance. It would also be inconsistent with the advice in the Framework, which states that good design is a key aspect of sustainable development.

Conclusion

10. Based on the foregoing and all other matters advanced, the appeal fails.

C Hall

INSPECTOR