



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/22/3311972

Newstead Farm, Couchman Green Lane, Staplehurst, Kent TN12 0RT

- 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 M Greengrow against the decision of Maidstone Borough Council.
 - The application ref. 22/504016/FULL, dated 19 August 2022, was refused by notice dated 14 October 2022.
 - The proposal is for the demolition of existing agricultural barn and erection of 2no. residential dwellings with associated parking, landscaping and ecology enhancements.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the surrounding area; and
 - flood risk.

Reasons

Character and appearance

3. The appeal site comprises an agricultural barn at the eastern end of a long driveway in a rural area consisting of sporadic dwellings and other buildings set in wider open countryside.
 4. The Appellant has drawn my attention to an existing prior approval for three residential units at the appeal site, and it is maintained that the appeal scheme represents an improvement in design terms when compared to the potential fallback position.
 5. I am not persuaded that this would be the case. I note in particular that policy DM31 of the Maidstone Borough Local Plan October 2017 (LP) states, amongst other things, that proposals for the re-use and adaptation of existing rural buildings should incorporate alterations that are in keeping with the landscape and building character in terms of materials used, design and form. Whilst the appeal proposal is to demolish the barn rather than re-use or adapt, I am satisfied that the general approach to resultant design and form would still apply.
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6. The proposed houses would be taller than the existing barn, and in particular the addition of significantly-sized and extensively-glazed gable elements to both the north and south elevations, extending above eaves level, would introduce visually domineering and incongruous elements that would not reflect the uncomplicated and robust design of the existing building.
7. I appreciate that the scheme would have a limited effect on the public domain due to a lack of visibility. However, just because a development cannot readily be viewed from public vantage points does not obviate the obligation to ensure that it would be well designed, and does not include features that would appear discordant when compared with the simple form of the existing barn.
8. The proposed block plan demonstrates that the footprint of the new dwellings would be smaller than the existing barn, and the garden areas of the houses would not extend significantly beyond the current built limits. The parking spaces would be closely related to the properties, and a soft landscaping scheme could be conditioned to enhance the natural environment. Consequently, I consider that there would be no material harm in these respects, however this does not alleviate my concerns outlined above with regard to the design and appearance of the new units.
9. I conclude that the proposal would result in harm to the character and appearance of the surrounding area. It would be contrary to Policies SS1, SP17, DM1, DM30 and DM31 of the LP, Policy PW2 of the Staplehurst Neighbourhood Plan (2016-2031) and the Council's Landscape Character Assessment (2013), which seek to secure new development of acceptable scale and appearance. It would also be inconsistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

Flood risk

10. I note that the Environment Agency has not objected to the development on flood risk grounds, and various mitigation measures and evacuation routes have been outlined to protect future occupiers during a severe event. Bearing in mind the prior approval fallback for residential development on the site, taking a pragmatic approach I am of the view that suitable strategies have been identified.
11. The appeal scheme would be consistent with policies relating to flood risk and consequently would meet DM1 of the LP and the Framework.

Conclusion

12. Having regard to the above and all other matters raised, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR