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# 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: 10<sup>th</sup> July 2023**

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**Appeal Ref: APP/U2235/W/22/3309610**

**Boughton Service Station, Heath Road, Boughton Monchelsea ME17 4JD**

- 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 Robinson against the decision of Maidstone Borough Council.
  - The application ref. 22/502627/FULL, dated 24 May 2022, was refused by notice dated 27 September 2022.
  - The proposed development is a hand wash car facility and erection of new acoustic enclosure.
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## Decision

1. The appeal is allowed and planning permission is granted for a hand wash car facility and erection of new acoustic enclosure at Boughton Service Station, Heath Road, Boughton Monchelsea ME17 4JD in accordance with the terms of the application ref. 22/502627/FULL, dated 24 May 2022, subject to the following conditions:
  - 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: 2630/3A, 2630/4B, 2630/4C
  - 3) The development hereby permitted shall not be open to the public other than between the hours of 08:00 to 18:00 Monday to Saturdays; and 09:00 to 17:00 on Sundays and public holidays.
  - 4) Prior to the first use of the development hereby permitted, the mitigation specified in the Pace Consulting acoustic report (reference PC-22-0019-RP1 Rev C ) shall be installed in full and the measures shall be retained thereafter.
  - 5) Prior to the first use of the development hereby permitted a management plan, to include hours of operation and deliveries, installation of external lighting and control of noise from plant and machinery, shall be submitted in writing to the local planning authority for approval. The management plan shall be carried out in accordance with the approved details prior to the first use of the development and retained thereafter.
  - 6) Prior to the first use of the development hereby permitted a bound surface for the first 5 metres of the access shall be installed in full and retained thereafter.

## **Main Issue**

2. The main issue is the effect of the development on the character and appearance of the surrounds, including the Cock Street Conservation Area (CA).

## **Reasons**

3. The appeal site relates to an area of land on Heath Road, lying adjacent to a petrol station with associated buildings and hardscaped areas. It is used for car washing purposes and the site boundary is proximal to, but not within, the CA.
4. Although the appeal site is not within the CA, I have considered the effect of the proposal on views into and out of it. At my site visit, I observed that there is a dense, mature line of evergreen trees running along the western boundary of the petrol station forecourt, which provides significant screening of the land from the direction of the Cock Inn. The car washing facility and acoustic enclosure would lie on the opposite side of the filling area from the CA border, and would set back from the public highway behind an area for the parking of vehicles.
5. The enclosure would be of lightweight glass construction, and of relatively modest proportions in comparison to the adjacent petrol station canopy and associated elements, including external lighting. Overall, given its position relative to the CA and its overall scale, I consider that the effect of the proposal would not be unduly detrimental on the significance of the heritage asset.
6. The Council's Committee report states that the area was previously used to store vehicles, and to my mind the impact of the scheme before me is reduced further having regard to this context. I am also aware that the scheme would provide for the needs of a business in the countryside, which is supported by Policy SP21 of the Maidstone Borough Local Plan October 2017 (LP), and no objections were raised by the Authority's Conservation Team; these matters weigh additionally in favour of the proposal.
7. Consequently, I am of the view that the scheme would cause no adverse harm to the character and appearance of the surrounds, including the CA. It would meet Policies SP17, DM1 and DM8 of the LP and Policies LRE1 and LRE2 of the Boughton Monchelsea Neighbourhood Plan (2021), which seek to secure new development of acceptable scale and appearance. It would also be consistent with the advice in the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development, and it is desirable for new proposals to make a positive contribution to local character and distinctiveness.

## **Conditions**

8. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, the approved plans are listed for certainty.
9. Conditions limiting hours of opening to the public, implementation in accordance with the acoustic report and general site management details are required in the interests of the amenity of the area. A bound surface is necessary within the site for highway safety purposes. I have not been

provided with any robust reasons why conditions relating to vehicle parking and contamination are necessary or reasonable.

### **Conclusion**

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

*C Hall*

INSPECTOR