



Appeal Decision

Site visit made on 4 January 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2024

Appeal Ref: APP/U2235/W/23/3323879

Yew Tree Stables, Grange Lane, Sandling, Maidstone

- 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 P McDonagh against the decision of Maidstone Borough Council.
 - The application Ref 23/500451/FULL, dated 26 January 2023, was refused by notice dated 31 March 2023.
 - The development proposed is the conversion of existing stable block to independent dwelling incorporating change of use from equestrian to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. The parties have had the opportunity to comment on this as part of their appeal submissions. I have had regard to the revised Framework in my decision.
3. On 22 November 2023 all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas. For the sake of consistency and legibility with the evidence submitted I have referred to the Kent Downs AONB other than Kent Downs National Landscape in my decision.

Main Issues

4. The main issue is the suitability of the site for the proposal, having regard to local and national policy for the location of housing, with reference to the character and appearance of the area.

Reasons

5. The site is located within the countryside and comprises a stable block and a portion of its surrounding field. The area has a rural character, due to the limited presence of development, open fields and trees. In the vicinity, the pattern of development is focused in the area to the north of Grange Lane.
6. Visually the stable block appears functional and contains a limited area of hardstanding to the front. It appears typically rustic, lightweight and insubstantial, and the site exhibits a pleasant rural informality and openness. From Grange Lane, distant views are afforded to the stable block through the

boundary treatment and across the surrounding field. These attributes lead the stable block to read as an isolated rural building which seamlessly assimilates into the wider landscape.

7. Within the countryside, Policy DM31 of the Maidstone Borough Local Plan 2017 (LP) permits the re-use and adaptation of rural buildings, subject to certain criteria relating to layout, landscape and building character. It also requires buildings to be capable of conversion without major or complete reconstruction.
8. The proposed design would comprise extensive glazing, a material that would depart from the utilitarian character of the existing building. Despite retaining the existing access point to the site, the formalised amenity areas, long driveway, hardstanding and inevitable paraphernalia such as bin storage and domestic vehicles, would exert a clear residential character upon the environs of the building. Consequently, the proposal would cause harm to the building and to its immediate setting. Given the logical extent of domestic use, it is unlikely that a landscaping scheme would successfully mitigate against the harm to the character of the area associated with the proposal. Screening would also be contrived insofar as it would reduce the sense of openness within the field.
9. The wider landscape, which forms part of the foreground of the Kent Downs AONB, is assessed as being in poor condition. I have not been made aware of any key views towards or from the AONB where the site would be prominent. Nevertheless, the proposal would provide a residential plot with an overly suburban and domestic appearance, which would fail to successfully assimilate into the wider landscape and harm the rural character of the area. On this basis, there would be harm to the AONB setting as a result of the proposal.
10. I have not been provided with substantive evidence to demonstrate that the building is structurally sound. As such, I cannot be clear that the building would be capable of conversion without major or complete reconstruction.
11. Policy DM31 further states that proposals for the re-use and adaptation of existing rural buildings for residential purposes will not be permitted unless every reasonable attempt has been made to secure a suitable business re-use for the building.
12. There is limited evidence before me to demonstrate that a new commercial enterprise in this location would be unviable. Consequently, I cannot be clear that the appellant has reasonably attempted to secure a suitable business re-use for the building. Equally, I am not persuaded that any other alternative commercial use of the building would inevitably lead to an unacceptable increase in vehicular traffic and activity. These are matters required to demonstrate accordance with DM31 and thus cannot be left to a condition.
13. My attention is drawn to Policy DM5 of the LP, albeit it does not form part of the reasons for refusal. Despite being well located in relation to Maidstone, the proposal would be harmful to the wider landscape and character of the area, thereby failing to represent a significant environmental improvement to the site.
14. The appellant suggests that the proposal would constitute the development of previously developed land (PDL). Even if I were to agree that development was

on a brownfield site, this would not change my conclusion that the proposal would be harmful to the character of the area.

15. My attention is drawn to other dwellings that have been granted elsewhere in the Borough. However, I have very limited information regarding these applications, with no specific details of the circumstances and considerations that led to their approval. As such, I cannot make any useful comparison between the proposal and these schemes.
16. On the evidence before me, I therefore conclude that the site would be unsuitable for the proposal, having regard to local and national policy for the location of housing, with reference to the character and appearance of the area. The proposal would conflict with the relevant aims of Policies SS1, SP17, DM1, DM5, DM30 and DM31 of the LP, where these policies support high quality design that protects the rural character of the Borough, enhances local distinctiveness and reinforces landscape character. The proposal would fail to accord with the Framework, which supports development that is sympathetic to local character, including the surrounding landscape setting.

Planning Balance and Conclusion

17. The appellant has suggested that Paragraph 11d) of the Framework applies to the scheme. However, there is no compelling evidence before me to that effect.
18. The proposal would be acceptable in relation to other matters, including trees, provision of adequate accommodation and it would respect the living conditions of the nearest neighbours. However, these are neutral factors that neither weight for or against the development.
19. The proposal would deliver modest biodiversity enhancements. The site is a small one, so it would offer a degree of certainty of being brought forward. Further, it would contribute towards the housing stock within the Borough and would support the Government's objective of significantly boosting the supply of homes. However, the social and economic benefits associated with a single dwelling would be small. Taken together, these benefits attract limited weight in favour of the appeal proposal and would not outweigh the harm that I have identified.
20. Overall, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight to indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR