



Appeal Decision

Site visit made on 5 February 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/U2235/W/23/3316169

1 Chart View, Chart Hill Road, Chart Sutton, Maidstone, Kent ME17 3EX

- 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 Craig Miller against the decision of Maidstone Borough Council.
 - The application Ref 22/504936/FULL, dated 11 October 2022, was refused by notice dated 21 December 2022.
 - The development proposed is described as the erection of day room and pool house as ancillary use to the existing Gypsy/Traveller site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw at the site visit that the layout of appeal site is different from that shown on the submitted plans with fencing being erected, additional buildings and a much changed arrangement of buildings on the site. I have determined the appeal on the basis of the submitted plans.
3. In addition, whilst the Council in determining the application for planning permission did not refer to the effect of the proposal on the setting of the adjacent listed building, in my consideration of the appeal I have also had regard to the statutory duty under section 66(1) of the Act.

Main Issue

4. The main issue is the effect of the appeal scheme on the character and appearance of the area.

Reasons

Character and Appearance

5. The appeal site is located in the open countryside and within the Low Weald Special Landscape Area (SLA). I saw at the site visit that the key characteristics of the area included a broad and shallow valley, native hedgerows adjacent to the roads and mixed agricultural uses, alongside often dispersed and sporadic settlements.
6. Policies SP17, DM15 and DM30 of the Maidstone Local Plan (2017) are referred to in the decision notice and, amongst other matters, seek to protect the character of the countryside, conserve and enhance the landscape and, with specific regard to the provision of Gypsy Traveller accommodation, support

provision that would not result in significant harm to the landscape and rural character of the area.

7. The Officer's report describes the site as an "approved Gypsy Traveller site with mobile caravans stationed on site with associated hard and soft landscaping". I saw at the site visit that land adjacent to the appeal site also appears to be a Gypsy Traveller site, currently subject to construction work.
8. The submitted plans show the appeal site as accommodating an existing mobile home, with two hatch boxes indicating the location of two further "35ft mobile homes previously approved".
9. The two proposed buildings are described as being set out on a brick plinth with weatherboarding above and slate roof tiles. This corresponds with the submitted plans. The proposed buildings would be limited in height, being single storey under a hipped roof, but are nonetheless shown as being of a considerable size and scale in themselves and in comparison to the mobile homes shown on the submitted plans. The proposed buildings would substantially increase the built development on the site.
10. The appellant confirms that the day room would "serve the three mobile homes (one existing, two previously approved)"¹ and as such removes the need for three separate buildings. Nonetheless, I have no substantive evidence before me that would lead me to conclude that this approach results in a reduction in the size, scale or built form of the proposed development.
11. Turning to the building indicated on the submitted plans as accommodating a pool and associated facilities, this building is also of a significant size and scale in itself and is located to the rear of the site adjacent and parallel to the boundary with the fields.
12. The submitted evidence shows that the rear of the site is readily visible from the adjacent Public Right of Way, the boundary treatment here is not as established, and thus forms a less effective screen, than the mature established hedges to the Chart Hill Road boundary.
13. I have considered the potential to attach a condition to any permission resulting from this appeal to provide enhanced landscape screening to the boundaries of the site. However, screening can only mitigate negative impacts, rather than removing impacts altogether and I have no substantive evidence before me to demonstrate that such planting could effectively screen the appeal scheme from views from the rear of the site.
14. As such, I find that the appeal scheme would add significant additional development of considerable scale and massing resulting in a clear urbanising effect that would be at odds with the countryside location of the appeal site.
15. To conclude, for the reasons detailed above I find that the appeal scheme would cause significant harm to the character and appearance of the area contrary to policies SP17, DM15 and DM30 of the Maidstone Local Plan.

Other Matters

16. The submitted evidence refers to the presence of a Grade II* listed building, Rabbits Cross Farmhouse, in the vicinity of the site. Mindful of the statutory

¹ 2. Planning Proposal, SJM Planning Statement

duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting.

17. The special interest and significance of this asset largely stem from its architectural interest and historic interest, to which its age, surviving historic fabric, historic use as a farmhouse and also in part, from its siting in an established agricultural countryside setting.
18. Given the clear separation of the proposed development and the listed building by the road and established tall hedges, I consider that the setting of this designated heritage asset would be preserved and the contribution it makes to the asset's significance would not be harmed. I note the Council had no concerns in this regard either and it does not appear that Historic England was notified of the development², although I do note that the application was advertised in the local press as an application that may affect a listed building or setting. The proposal would therefore meet the requirements of the Act; the provisions in the Framework regarding the conservation and enhancement of the historic environment. The lack of harm does not add weight in favour of the proposal, it merely has a neutral effect on the overall balance.
19. Dayrooms are a common feature on many Gypsy and Traveller sites and often assist residents in meeting their day to day amenity needs. This is a material consideration that weighs in favour of the appeal scheme and I afford it some weight but it does not outweigh the harm I have identified previously.

Conclusion

20. For the reasons given above and having regard to all other material considerations I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR

² Under Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) Historic England must be notified on development which the local authority think would affect the setting of a Grade I or Grade II* listed building.