



Appeal Decision

Site visit made on 26 June 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2024

Appeal Ref: APP/U2235/W/23/3333644

Smith's Hill Farm, Smith's Hill, West Farleigh, Kent ME15 0PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Bellamy against Maidstone Borough Council.
 - The application Ref is 23/503104/FULL.
 - The development proposed is the demolition of existing dwelling and adjacent barn, removal of the sand school and a further two outbuildings and their replacement with a single self-build dwelling - part two-storeys / part single storey.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and adjacent barn, removal of the sand school and a further two outbuildings and their replacement with a single self-build dwelling - part two-storeys / part single storey at Smith's Hill Farm, Smith's Hill, West Farleigh, Kent ME15 0PG in accordance with the terms of the application, Ref 23/503104/FULL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was not determined by the Council within the prescribed period. I note that, had it made a decision on the proposal, the Council would have refused planning permission. I have had regard to the parties' submissions in establishing the main issue which I set out below.
3. The Maidstone Borough Local Plan Review 2021-38 (the LPR) was adopted in March 2024 and is now part of the development plan for the appeal. Consequently, Policies DM1, DM30, DM32 and SP17 of the Maidstone Borough Local Plan, listed on the decision notice and within the Council's submission, have been superseded. Accordingly, I have made my assessment against the relevant policies of the LPR, including Policies LPRSP9, LPRSP15, LPRQ&D4, and LPRHOU11. Both parties have had the opportunity to comment on these policies as part of the appeal process.

Main Issue

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

Reasons

5. The appeal site comprises a dwelling, barn and two outbuildings nestled within a bucolic rural valley. The site is served by a long access drive which leads downhill from Hunt Street, a narrow country lane. The existing buildings

- combine with neighbouring residential and agricultural buildings to form a tight cluster of development in an area of open paddocks and fields.
6. The access from Hunt Street offers the clearest views of the appeal site. From here, the far side of the valley forms a pleasant backdrop, though a line of existing mature, evergreen trees immediately behind the appeal site buildings interrupts that view.
 7. The cowl and roundel of a neighbouring historic oast house along with the gables of an old farmhouse are prominent features alongside the appeal site buildings, and give an attractive, traditional character to the overall cluster of development. A pair of modern, open-sided barns in front of the appeal buildings integrate well into the setting due to the natural fading of their timber cladding, producing a vernacular feel in those structures.
 8. In contrast, the existing appeal site buildings display neither traditional nor vernacular styles and materials. The dwelling has a prefabricated character, exemplified by a visible void beneath the building and the prominence of uniform, interlocking components in its walls. The barn is made using simple but modern, mass-produced sheet materials giving it a generic, industrial look, unrelated to the setting.
 9. The external materials used in the house and barn have bright colours causing them to stand out against the darkness of the evergreen treeline behind them, and the mellow tones of the neighbouring oast house and farmhouse.
 10. As a result, the existing appeal site buildings contribute little of value to the traditional, vernacular appearance of the cluster of development to which they belong, and little therefore to the otherwise positive contribution the cluster makes to the setting.
 11. The proposal would replace the appeal site buildings with a new dwelling of a slightly smaller footprint and volume, but with a taller ridge height. Stylistically, the proposed dwelling would imitate a barn conversion, incorporating black timber walls and a pitched, tiled roof commonly associated with rural barns.
 12. The proposed dwelling would incorporate materials which, due to their muted colours and natural appearance, would blend into the dark mass of the tree line behind the site and complement the historic buildings alongside it. By replacing prefabricated and industrial style buildings with one possessing a more vernacular style, the development would better respond to the distinctive characteristics of its setting. The proposed building would be well designed, and notwithstanding the slight increase in height, it would be no more prominent than the existing buildings on the site. In my view, it would constitute a visual enhancement in this setting.
 13. Whilst the proposed dwelling would be taller than the existing buildings, the tree line is, in turn, taller than the proposed dwelling. Against that backdrop the increased height would be reasonably inconspicuous. Since the dwelling would be on far lower ground than Hunt Street, views of the far side of the valley would remain largely unaffected. The tree line would also serve to screen the development from the far side of the valley.
 14. I appreciate that the site is in the Farleigh Greensand Fruit Belt which, as per the Maidstone Landscape Character Assessment (2013) (The MLCA), is in good

condition, of high sensitivity, and possesses a special landscape quality worthy of conservation. The appeal proposals would conserve the open, undulating feel of the area as they comprise the replacement of existing buildings with a narrower, less voluminous building of better design and appearance. Given the backdrop and screening effects of the tree line described above, the proposals would not interfere with the longer views across the landscape, particularly from Hunt Street towards Tonbridge Road. In these ways the proposals accord with the pertinent aims of the MLCA.

15. I acknowledge that the loss of an agricultural building has the potential to alter the appearance of the site from part-agricultural to wholly domestic, but the barn-style design of the new dwelling would combine with the prominent remaining open-sided barns to create an effect only modestly less rural in appearance, and no less suited to the countryside setting overall.
16. I accept that residential development carries with it the prospect of domestic paraphernalia and external lighting which are difficult to control effectively through the planning system, and that these may affect the rural character of the area. Given that the appeal site already includes a dwelling, however, I do not consider that the appeal proposals would harmfully increase the likelihood of such prospects, and have afforded only modest weight to such concerns, therefore.
17. Overall, I conclude that the proposed development would not harm the character and appearance of the area, and would comply with Policies LPRSP9, LPRSP15, LPRQD4, and LPRHOU11 of the Maidstone Borough Local Plan Review (March 2024), which require development to incorporate high quality design, enhance the local character of the area, and cause no more harm than existing buildings it replaces, and also comply with the similar aims of the National Planning Policy Framework (NPPF).

Conditions

18. The Council has provided a list of suggested planning conditions in the event that the appeal is allowed, and which the appellant has accepted. I have considered the suggested conditions against paragraph 57 of the NPPF, and advice contained in the Planning Practice Guidance.
19. In addition to the standard condition specifying the approved plans, which provides certainty, conditions requiring the agreement, implementation and maintenance of a landscape scheme are necessary in the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. I have used an amended form of wording to that proposed by the Council, removing the obligation to leave the dwelling unoccupied until approved planting is completed. That would be an unreasonable imposition as the completion of the dwelling may fall outside of the planting season.
20. A condition requiring the enhancement of biodiversity is necessary to protect and enhance the ecology and biodiversity on the site, and a condition regarding low-carbon sources of energy is necessary to ensure an energy efficient form of development in support of the aims of Policy LPRQ&D4.

Conclusion

21. For the reasons given above the appeal should be allowed.

A Knight

INSPECTOR

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Schedule of conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos:
 - Proposed Floor Plans and Elevations - drawing no. 875 P05
 - Proposed Floor Plans and Elevations - drawing no. 875 P06 B
 - Proposed Site Plan - drawing no. 875 P02
 - Proposed Site Sectional Elevations - drawing no. 875 P03
 - Site Location Plan - drawing no. 875 P01
 - Existing Floor Plan, Roof Plan & Elevations - drawing no. 875 P10
 - Existing Floor Plan, Roof Plan & Elevations - drawing no. 875 P11
 - Existing Floor Plans and Elevations drawing no. 875 P08 B
 - Existing Floor Plans and Elevations drawing no. 875 P07 B
3. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a 5 year management plan.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.
6. The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been

submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter.

SCHEDULE ENDS