



Appeal Decision

Site visit made on 10 September 2024

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal Ref: APP/U2235/W/24/3342000

Grove Barn, Grove Lane, Hunton, Kent, ME15 0SE

- 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 & Mrs Jeremy & Natasha Scott against the decision of Maidstone Borough Council.
 - The application Ref 23/503448/FULL, dated 17 August 2023, was refused by notice dated 12 October 2023.
 - The development is the change of use of agricultural land to residential garden, erection of a single storey side extension; creation of an improved vehicular access and removal of existing fence panels and erection of posts and rail fences.
-

Preliminary matters

1. The description of the proposed development was amended by the Council upon registration of the planning application and is as set out above. I have adopted that phrasing as it is an accurate description of the proposals.

Decision

2. The appeal is allowed and planning permission is granted for the change of use of agricultural land to residential garden, erection of a single storey side extension; creation of an improved vehicular access and removal of existing fence panels and erection of posts and rail fences at Grove Barn, Grove Lane, Hunton, Kent, ME15 0SE in accordance with the terms of the application ref 23/503448/FULL, dated 17 August 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: NS09A, NS10B, NS11, NS12B, NS13A, NS14A, NS15A, NS16A, NS17A, NS18A, NS19A & P.2850.070.A.
 - 4) 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 shall include details of all existing trees and hedgerows on the land and immediately adjacent to the land, identify those to be retained and set out measures for their protection throughout the course of development. The scheme shall include details on hard and soft landscaping, a plant specification, planting and implementation details, a maintenance schedule and a 5-year management plan.

- 5) Before the development is first occupied the landscaping works shall be carried out in accordance with the approved details and implementation programme. The completed scheme shall thereafter be managed and maintained in accordance with the approved maintenance schedule and 5-year management plan.

Reasons

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.
4. The existing dwelling is a converted barn, which was permitted following approval under the prior notification procedure in 2016 (ref. 15/510596/PNQCLA). The drawings accompanying that approval show a residential curtilage limited in extent to an area of land behind the building, with no land shown in front of the building or connecting to the highway. The proposals in this appeal seek to include a larger area of land to the rear and the side of the property as residential curtilage, along with land in front which is shown as parking and a new access to Grove Lane.
5. I saw at my site visit that the character of Grove Lane changes when walking along from the main highway of West Street. The eastern end of the lane sees a short terrace of housing and properties fronting the lane, with short front gardens and areas of hardstanding. There is a notable gap of open fields and the appeal property is then seen, where it is set back from the lane across open land. There is a raised ragged stone wall running westwards from the property, and open land again beyond that. There are views through the site to fields behind. The land surrounding the property is close-cut rough grass.
6. Westwards and opposite the appeal site are substantial houses which stand in large garden areas, with those domesticated gardens, access points and driveways clearly visible when walking along the lane. This character continues until the lane serves as a footpath further to the west.
7. The proposed extension would be set back from the existing front elevation of the building, with a lower ridge line and would not be as wide as that property. These matters show a scale and siting of extension that would not be over-dominant to the host property and appear as a subordinate addition, with the use of timber cladding further ensuring the extension appears as a clear later, and subordinate, addition to the original brick building.
8. The barn would therefore not be overwhelmed by the addition, but would remain a well-proportioned building that responds positively to the host property and local area, with suitable use of materials. The extension is well-designed and does is visually acceptable in the countryside. These are matters required by Policies LPRSP9, LPRSP15, LPRQD4 and LPRHOU11 of the Maidstone Borough Local Plan Review 2024. The modest increase in the size of

the building would not be imposing upon the wider area, which sees large buildings on substantial plots.

9. I have been provided with information that demonstrates the barn was originally considerably larger, but was damaged by fire in 1987 and partly demolished. This reinforces my opinion that the extension as now proposed would not be excessive for the building or the land on which it stands.
10. The submitted drawings show an extended curtilage that would align with the ragged stone wall extending from the property. No means of enclosure is shown on that boundary – I can appreciate that the wall and the change in levels would suffice to delineate the change – and views would remain across this part of the site, albeit modified with the proposed extension to the side. Views across the curtilage area would also remain largely open, due to the use of post and rail fence (to replace existing close-boarded fencing in part) and hedgerow.
11. The front of the site is shown as not being within the enlarged curtilage, and the building would remain being seen across the open land. The exception to this observation is the proposed new access drive. I recognise from the drawings this has been kept to a minimum size to allow for passing of vehicles and sufficient parking in front of the property, which I note occurs already due to the current access being from the shared footpath to the east. Subject to the use of suitable materials for the surfacing of this access (which can be secured through a planning condition) this driveway would be suitable for the site, and it would reflect the character of other access drives I saw in the vicinity.
12. The new position of the access drive would lead to the removal of the existing shared use with the footpath. There would also be new planting along that eastern boundary, and together these matters would lead to an enhancement to the appearance of the area and useability of the footpath.
13. It is my finding that the size of this enlarged curtilage would not be excessive for the dwelling and, together with the size and design of the extension, the building would remain of the character and appearance of a former barn that sits within a modest curtilage. The proposals would therefore not conflict with the development plan policies referred to earlier.
14. On the main issue it is my overall conclusion that the proposed development would be appropriate changes to the building and its plot, which would not be harmful to the character and appearance of the area and hence be consistent with the policies of the development plan.

Other considerations

15. I am informed the land which is proposed to become residential curtilage is classified as Grade 2 agricultural land. Policy LPRENV2 of the LP allows for the change of use of such land if there would be no harm to the character and appearance of the countryside and there would be no loss of the best and most versatile agricultural land.
16. The land in question adjoins the garden of Southover to the west, an access track/footpath to the east, Grove Lane to the south, and to the north is divided from the adjacent field by a fence and row of trees. The land is currently roughly mown and has a clear association with the dwelling rather than any

adjoining agricultural land, as it lies between the dwelling's site boundaries and directly adjoining the property. In my judgement the land is not used as the best and most versatile agricultural land, and has little potential for such use. I have not seen any persuasive evidence to demonstrate otherwise. I have commented earlier that the change of use to residential curtilage would not be harmful to the character and appearance of the area, and hence there is no conflict with Policy LPRENV2.

17. The location and scale of the proposed extension is distant enough from adjoining properties to ensure no impact on the living conditions of existing residents.

Conclusion and conditions

18. The appeal is allowed. In the event of the appeal being allowed the Council stated that the 'standard' conditions should be attached, by which I understand they mean conditions requiring matching materials and specifying approved plans. The proposed extension only uses matching materials in part and, as the materials are specified in the submitted plans, I have modified the condition to require compliance with those details to ensure a suitable appearance to the extension. The condition specifying all plans is necessary in the interests of precision.
19. The Council have also suggested conditions requiring the submission and implementation of a landscaping scheme. The need for more detail is reasonable and necessary given the drawings show an intention to provide new planting along the boundaries, which is important to the approved scheme but there are not full details. I have added the requirement to refer to the need to approve details of hard landscaping. I have further modified these conditions in the interests of precision, enforceability and relevance to the development for which planning permission was sought.
20. A further condition is suggested requiring the submission of a scheme for the enhancement of biodiversity. This is not supported by reference to any planning policies, and the wording is imprecise in what is required to satisfy such a condition. No outline measures regarding biodiversity were included in the planning application to the Council, and I cannot see any reference to a requirement for such measures in any consultation response or the Officer's Delegated Report on the application. I therefore consider such a condition would not be necessary or relevant to the development being permitted, nor is it precise, and hence is not reasonable to attach since it conflicts with the Planning Practice Guidance: Use of Planning Conditions.

C J Leigh

INSPECTOR