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# Appeal Decision

Site visit made on 30 August 2024

**by B Pattison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 October 2024**

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**Appeal Ref: APP/U2235/W/24/3337645**

**Caring Stud, Caring Road, Leeds, Maidstone, Kent, ME17 1TH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr C Plumley, Interesting Developments Ltd against the decision of Maidstone Borough Council.
  - The application Ref is 23/503791/FULL.
  - The development proposed is the conversion of the existing kennels at Caring Stud, to a 3-bedroom property, conversion of outbuildings to provide ancillary residential development, change of use of land to provide private amenity, parking and landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have had regard to the Written Ministerial Statement (WMS) and draft National Planning Policy Framework published on 30 July 2024. I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would be material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework. Any references to the Framework hereafter in this decision are to the latest version.
3. Since the Council issued its decision on the planning application, the new Maidstone Borough Local Plan Review 2021-2038 (MLPR) was adopted on 20 March 2024. As such, I have taken it into account in my decision. In regard to this appeal the Council has clarified the relevant MLPR policies reflected in the reasons for refusal are LPRSS1, LPRSP9, LPRSP15, LPRQD4 and LPRQD5. The appellant, within their final comments, has provided comments on these policies.

## Main Issues

4. The main issues are:
  - Whether the existing buildings are suitable for residential conversion having regard to the relevant development plan policies;
  - The effect of the proposal on the rural character and appearance of the area including the landscape character; and

- Whether the proposed dwelling would be in a suitable location having regard to local policies concerned with housing in rural areas and the accessibility of the site to services, employment opportunities and facilities.

## **Reasons**

### *Whether the existing buildings are suitable for residential conversion*

5. The appeal site comprises kennels, outbuildings and a canine hydrotherapy centre. The hydrotherapy centre and outbuilding which would be converted to residential use are single storey timber clad buildings with gently pitched roofs which have a utilitarian appearance. The site is within the Len Valley Landscape of Local Value which is described as being characterised by the River Len, historic mills and a network of pools with remnant orchards.
6. Policy LPRQD5 of the MLPR allows for the conversion of rural buildings subject to specific criteria, particularly in relation to their re-use and adaptation for residential purposes. Specifically, residential conversion will only be permitted where they involve the optimal use of heritage buildings or where the conversion of other buildings would provide a suitable re-use of buildings which contribute to landscape character or which exemplify the historical development of the Kentish landscape.
7. The main parties agree that the buildings on site do not have any heritage value. Of the circumstances under which 'other buildings' can meet the terms of the policy it is implicit that such buildings should contribute to landscape character in a positive way. Otherwise, all rural buildings would be included. The existing buildings are functional and the main parties agree they have a low quality appearance.
8. They are positioned to the eastern part of the site, behind mature landscaping which lines the road. From that perspective, they can be glimpsed and are not readily visible from public vantage points on Caring Road. Neither are they especially visible in views from the north or west. However, due to their low quality appearance the existing form and design of the buildings cannot be considered to contribute to or reinforce the pleasant, verdant character of the Len Valley Landscape of Local Value.
9. Furthermore, if taken literally any structure erected within the rural parts of the Borough could be taken to be part of the historical development of the Kentish landscape. However, the policy is selective in terms of the buildings where residential conversion is permissible. Whilst the buildings may reflect the role that stables and kennels play in rural life, they are not unusual and are typical of many rural buildings found across Kent. Consequently, the buildings' built forms have no specific characteristics which exemplify the historical development of the Kentish landscape.
10. In respect of the requirement under Policy LPQD5 of the MLPR for any adapted building to be of a permanent, substantial and sound construction, I have not been directed to any definition within that policy of what constitutes 'permanent', 'substantial' or 'sound'. This is therefore a matter of judgement based upon the evidence before me.
11. A structural assessment has been provided in support of the proposal. This has been produced by a structural engineer with the specific purpose of assessing

the building's potential for conversion to residential use. Within the report, it is concluded that the buildings are structurally sound and would not require major reconstruction in order to convert them to a residential use. There is nothing to indicate that the findings of that assessment are invalid and I therefore have no reason to come to an alternative conclusion. There is no doubt that certain works, including new cladding, replacement windows and roofs would be required in order to make the existing building habitable. However, it has been sufficiently demonstrated within the evidence before me that the existing building would be capable of conversion without major or complete reconstruction.

12. However, I have found that the proposal would not accord with the criteria of Policy LPQD5 relating to landscape character and historical development of the Kentish landscape. Consequently, the proposal would undermine the approach of the MLPR in restricting residential conversions in the countryside.

#### *Character and appearance*

13. The existing structures are modest in scale, and the conversion would retain the buildings' existing form and bulk. Whilst the proposed vertical cladding and profiled metal roofing would be modern materials they draw inspiration from the Kentish vernacular and would not harmfully erode the buildings' original character. Glazing is not a traditional rural building material, however the contemporary glazing would harmonise with the more traditional form of the buildings.
14. I acknowledge concerns raised in respect of domestic paraphernalia associated with the proposed use of the building. This, like the existing canine paraphernalia at the site, which includes the extensive kennels which would be removed as part of the proposal, would not be readily visible from nearby public vantage points, would generally be moveable and would not have a harmful effect on the character and appearance of the surrounding countryside. The site boundaries would be marked by post and rail fencing and 1.8 metre close boarded fencing, and retained trees which are typical of the rural character of the area. Bearing in mind the degree of containment of the site, the overall effect on the landscape resulting from the domestic garden area would be very limited.
15. As a result, I do not find overall conflict with Policies LPRSP9, LPRSP15, LPRQD4 of the MLPR, the Maidstone Landscape Character Assessment (2013) or the provisions of the Framework insofar as they require, amongst other matters, development to be of high-quality design respecting local, natural and historic character and not to cause significant harm to the character and appearance of the countryside.

#### *Suitable location*

16. The site is located outside any settlement boundary as defined in Policy LPRSS1 and LPRSP9 of the MLPR. Policy LPRSP9 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in significant harm to the rural character and appearance of the area.
17. The site is not within comfortable walking distance of shops or community facilities and there are no local bus services servicing the site. Whilst cycling

would be an option available to future occupiers, the surrounding roads are hilly, narrow and largely unlit. Consequently, I consider this is not likely to be an attractive option for the majority of people, particularly outside daylight hours and in inclement weather. Occupiers of the new dwelling would therefore be largely reliant on the private car.

18. However, the scale of the proposal, which would be a three bed dwelling, is unlikely to attract a significant number of vehicular movements. It seems to me, the site's lawful use as a kennels and canine hydrotherapy centre with car parking could attract a similar or greater number of vehicular movements. Consequently, it is unlikely that there would be a significant increase of vehicular movements as a result of the proposal.
19. Due to the site's location outside of an existing settlement there would be a tension with Policies LPRSS1 and LPRSP9. However, whilst the Framework is clear that sustainable transport should be promoted, it does recognise at paragraph 109 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making. Furthermore, Policies LPRSS1 and LPRSP9 do not require proposals to demonstrate ease of access to local services with sustainable transport options.
20. Whilst not included within the reasons for refusal, the submitted evidence refers to Policy LPRHOU1. This outlines that in exceptional circumstances, the residential redevelopment of previously developed land in the countryside will be permitted subject to a number of criteria including whether the site is accessible by sustainable modes to identified settlements or provides bespoke working from home space. Whilst I have found that the appeal site would not be accessible by sustainable modes to existing settlements, the proposal would provide a bespoke working from home space in the form of a large office area, with a toilet and kitchenette, located within the outbuilding which would be converted.
21. As a result, I do not find overall conflict with Policy LPRSS1 of the MLPR. Neither do I find conflict with the principles of the Framework which seek to avoid isolated homes in the countryside and to promote sustainable development in rural areas where housing should be located where it will enhance or maintain the vitality of rural communities.

## **Other Matters**

22. The appellant has identified development plan policies and Framework paragraphs relating to matters including making the best use of land, which it is contended that the proposed development would accord with. The Framework also outlines that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. However, the Framework also gives substantial weight to the value of using suitable brownfield land within settlements for housing, rather than land in the countryside as is the case with this proposal. Consequently, this tempers the weight given to these factors.
23. I have found that the proposal would not cause harm to the rural character and appearance of the area, and the appellant suggests that there would be a modest enhancement in local character. The proposal would also remove a potential 'bad neighbour' use. Whilst this may be the case, in Maidstone a

more rigorous approach has been taken to the conversion of rural buildings as detailed within MLPR Policy LPQD5. Therefore, national policy does not justify a departure from the provisions of the development plan. Paragraph 84 of the Framework supports the re-use of redundant or disused buildings where proposals would enhance their immediate setting. However, the Framework does not state that permission must be granted in those circumstances. In addition, I note that the buildings were in use at the time of my site visit and were not redundant or disused.

24. Due to the screening of the site and as they are structurally sound, the existing buildings are not sufficiently harmful to the rural landscape character, or in such a dilapidated state that there is a case for accepting their conversion purely to bring about visual improvements.
25. The proposal would provide a high quality family sized home which meets internal and external space standards, whilst there would be energy and material savings associated with the conversion of the buildings. However, the absence of other planning harms are only neutral factors and the contribution of one home, which is a modest addition to the local housing stock, leads me to consider that the public benefits would be limited.
26. The addition of a single household would, in a small way, contribute to the social vitality of the local community and the viability of local businesses. It has been put to me that a planning condition would secure appropriate biodiversity enhancements, and the proposal is suitable on ecological grounds. Due to the small scale of the proposal these factors are afforded limited weight.
27. Two representations from interested parties were submitted which raised no objections in principle to the proposal. However, they did raise concerns in relation to the potential for additional traffic, construction noise, car parking, access and safety implications in the area during construction, as well as the potential for future use of the site for holiday accommodation. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.

## **Conclusion**

28. Whilst no harm would be caused to the character and appearance of the countryside, the existing building does not meet the criteria for residential conversions in Policy LPQD5 of the MLPR. Therefore, the proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this finding. Therefore, I conclude that the appeal should be dismissed.

*B Pattison*

INSPECTOR