



Appeal Decision

Site visit made on 12 November 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/U2235/W/24/3342971

High Lees Farmhouse, Wagon Lane, Paddock Wood, Kent TN12 6PT

- 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 and Mrs B Geach against the decision of Maidstone Borough Council.
- The application Ref is 23/501498/FULL.
- The development proposed is change of use from agricultural barn to an equestrian mental health and wellbeing therapeutic programme centre with construction of first floor and creation of associated ancillary bedroom accommodation and services. Construction of a new road with access to Wagon Lane and car parking for 13 no. cars (resubmission of 22/504082/FULL)

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to policies from the Council's Local Plan (2017). However, this has been replaced by policies from its Local Plan Review (LPR) (2024) and I have referred to these replacement policies in my decision.

Main Issues

3. The main issues are:
 - Whether the proposal is an acceptable form of development having regard to its flood zone location; and
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Flood Risk

4. The proposal is linked to the existing operations on the site, which incorporates traditional agricultural uses and associated charitable work involving vulnerable groups working in agriculture and orchard care. The proposed development involves, amongst other things, a training space and sleeping accommodation. The flood risk vulnerability of these uses is classified as 'more vulnerable' by the National Planning Policy Framework (the Framework) (2023).
5. The appeal site and land owned by the appellants is located within Flood Zone 2 and 3, according to the Environment Agency's (EA's) published flood risk mapping. As such, the proposal must pass the Sequential Test (ST). This means development should not be permitted if there are reasonably available

- sites appropriate for the proposed development in areas with a lower risk of flooding.
6. The appellants indicate that the proposal does not seek an expansion of the existing operations. The appellants say that existing training takes place at the dwelling with guests staying overnight if required. However, it is unclear from the evidence before me what the capacity at the house is and where all guests stay, having regard to the size of the proposed training room and the ten bedrooms sought with a lift provided to facilitate access for all.
 7. Moreover, the appellants also inform that the proposal would reduce the need for clients to travel to and from the site daily. There are no firm details of where such clients would be travelling from or staying overnight. However, if any such clients were doing so from sleeping accommodation in a lower, sequentially preferable, flood zone, then part of the proposal would increase their exposure to flood risk through the proposed sleeping accommodation.
 8. The Council has also identified other sites registered with the 'farm garden' programme which, it considers the appellants should have assessed as potentially alternative sites in the ST. In this regard, I have no firm details before me regarding how these sites relate to the operations at the appeal site and whether they would constitute potentially alternative sites.
 9. The appellants reside at the High Lees Farmhouse and in this regard, I accept the land ownership constraints and the appellants position that the whole enterprise and animals could not simply be relocated to an area with a lower risk of flooding. Even so, there is not sufficiently detailed site analysis or evidence related to the consideration of potential alternative sites for the whole proposed development or severed parts of it. The proposal therefore fails the ST even allowing for a pragmatic approach to the availability of alternative sites.
 10. The appellants provided a Flood Risk Assessment, and the EA did not object to its contents and mitigation. However, paragraph 23 in the Planning Practice Guidance explicitly states that even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the ST still needs to be satisfied. In this regard, the EA's findings on the Flood Risk Assessment do not negate the need to pass the ST. Moreover, my conclusions on the failure of the ST alone means it is not necessary to go on to consider the Exception Test.
 11. I therefore find that the proposal is not an acceptable form of development having regard to its flood zone location. The proposal would therefore conflict with the requirements of paragraph 168 of the Framework, which says, amongst other things, that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
 12. The Council have referred to policies LPRSS1 and LPRSP15 of the LPR. These relate to the Borough's spatial strategy for housing and growth and principles of good design respectively. Neither specifically covers flood risk and, it is unclear from the evidence before me how they are determinative in relation to this proposal and the sequential test. In this regard, they have not been decisive in my assessment of this main issue.

Character and appearance

13. High Lees Farm is located within a small cluster of properties in open countryside all accessed via a drive from Wagon Lane. The existing barn and hardstanding are positioned close to this group and, where seen, form part of its grouping as a typically functional agricultural building in the countryside.
14. The proposed alterations to the building would maintain its overall form and shape. The presence of windows, roof lights, the external staircase, alterations to the entrance, light spill and associated activity from the building would all be seen within the context of the building group. The building would appear as a converted farm building. In this regard, its form and appearance set within the context of the existing group of buildings would not appear as an incongruous feature in this part of the countryside.
15. There are no indications that external lighting is necessary for the proposal, and even if there were, given that the site forms part of an existing grouping, any external lighting is not likely to be over and above what could realistically be expected within the group.
16. The parking of vehicles would also be, where seen, part of the group rather than an incursion into the soft open undeveloped parcels of land that surround it. They would be small in number and would not be of a level that would appear harmful.
17. The proposed access would be long and meandering but long access drives in the countryside are not unusual in nature. It would follow boundaries, make use of an existing opening and the number of vehicles associated with the scale of the development would not be significant. The use of gravel would not appear contrived in a rural setting, even though it would erode the natural undeveloped qualities of part of the appeal site. In this regard, I accept it would be at odds with the aspirations of the Council's Landscape Character Assessment to the extent that it seeks to avoid roads.
18. I therefore find that the proposal would not cause unacceptable harm to the character and appearance of the surrounding area. Accordingly, I do not find conflict with the requirements of Policies LPRSP9, LPRSP15 or LPRQD4, when taken together and in so far as they relate to this main issue. These say, amongst other things, that development should respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage.

Other Matters

19. The proposal would help support the existing charitable work being undertaken on site. In this regard, the proposed development would provide improved facilities for its users and this weighs in favour of the scheme and I accept that the nature of the charitable work requires a rural location. The absence of harm in relation to other considerations, including the impact on the road network, weighs neither for nor against the proposal.
20. Given the specific nature of the proposal in relation to the charitable work undertaken on site, the Council's housing supply position is not a decisive consideration in relation to this appeal.

21. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me. In this regard, I have considered the scheme on its own merits based on the evidence before me.

Conclusion

22. I have taken account of all the other matters raised, including the benefits of the proposal. However, none changes the balance of these findings and my conclusion in relation to the first main issue.

23. I therefore conclude that the appeal should be dismissed.

Mr R Walker

INSPECTOR