



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: 3 December 2024

Appeal Ref: APP/U2235/W/24/3342052

Crabtree Oast House, Cradducks Lane, Staplehurst, Kent TN12 0DR

- 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 David Sayner against the decision of Maidstone Borough Council.
 - The application Ref is 23/505482/FULL.
 - The development proposed is the conversion of garage into 1no. dwelling, including erection of a part two storey, part three storey side extension. Erection of a first floor rear and side extension to existing Oast House and changes to fenestration. Erection of 2no. detached dwellings and 4no. garages with associated access, drainage and landscaping.
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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 However, this has now been replaced by policies of its Local Plan Review (LPR) (2024). Accordingly, I have referred to these replacement policies in my decision as policies in the 2017 Local Plan have now been superseded.
3. The Council referred to Policy DM31 of its 2017 Local Plan, which related to the conversion of a rural farm building, in its first reason for refusal. This policy has now been replaced by Policy LPRQD5 of the LPR. However, as the proposed development does not represent a conversion of a rural farm building the scheme does not fall to be assessed against the requirements of Policy LPRQD5. It has not therefore been decisive in my considerations.

Main Issues

4. Accordingly, the main issues are:
 - The effects of the proposal on the character and appearance of the surrounding area; and
 - Whether the site represents an appropriate location for the proposed dwellings having particular regard to access to services and facilities.

Reasons

Character and appearance

5. The appeal site is located within the countryside. The existing dwelling on site is characterised by its striking oast roundel, which is a feature within the surrounding countryside. Whilst there is a dispute between the main parties regarding its age, it is an attractive building that makes a positive contribution to the character and appearance of the area. It is set within a small building group and the informality of the layout of the other buildings, and the extent of soft landscaping all contribute positively to the rural qualities of the site.
6. An exception to this, is the car breakers yard, which is enclosed behind fencing and vegetation. It is an unkempt feature with parts of vehicles filling the site and is a significant detractor within the site but due to its low height is well concealed from the wider area.
7. The proposal would result in a layout with four dwellings arranged formally around the access drive and turning head. The resulting formality in the layout, size and appearance of the new dwellings would, in combination, appear an overtly suburban grouping. This would fail to harmonise with the prevailing rural qualities of the countryside.
8. The introduction of a replica oast roundel on Plot One would reflect features found locally including on site. However, the arrangement of this plot would contribute to the formality of the design with it mirroring the existing oast roundel on the other side of the access drive to create a contrived formal entrance into the grouping.
9. Not all aspects of the proposal are harmful and there are also positive elements of the scheme, particularly from the removal of the car breakers yard significantly tidying up the site. However, there is no substantive evidence to suggest that the appeal scheme is the only design means of securing such benefits, limiting the weight I afford this matter. Moreover, the proposal, taken as a whole, would recast the site in an overtly suburban guise that would significantly diminish its rural qualities. Whilst the harm would be localised there would nonetheless be harm.
10. I therefore find that the proposed development would have a harmful effect on the character and appearance of the surrounding area. As such, I find conflict with the requirements of Policies LPRSP9, LPRSP15, LPRQD4 and LPRHOU1 of the LPR, when taken together and in so far as they relate to this main issue. These seek, amongst other things, high quality design having regard to the type, siting, materials and design, mass and scale of development and where the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.

Access to services and facilities

11. The appeal site has a vehicular access from Cradducks Lane that provides access to Staplehurst via Headcorn Road. Staplehurst is defined as a Rural Service Centre in the LPR. It is very close to the appeal site and is a very short drive away even though the appeal site is in the countryside.
12. Given the close proximity to Staplehurst, future occupiers would be able to cycle to the settlement and considering the particularly short drive I find that the site is accessible to the Rural Service Centre. I have reached this conclusion even though occupiers would be unlikely to walk the route due to

the lack of footpath and street lighting and accepting that weather conditions and lighting would influence the level of cycling through the year.

13. I therefore find on this main issue that the site represents an appropriate location for the proposed dwellings having particular regard to access to services and facilities. As such, I find no conflict with Policies LPRSS1 and LPRHOU1 of the LPR, when taken together and in so far as they relate to this matter. These accept, amongst other things, in exceptional circumstances, the residential redevelopment of previously developed land in the countryside, which meet several criteria. This includes, if the site is, or can reasonably be made, accessible by sustainable modes to Maidstone Urban Area, a Rural Service Centre or Larger Village or provides bespoke working from home space.

Other Matters

14. There would be associated environmental, economic, and social benefits from the proposal, having regard to the importance that the government places on boosting the supply of housing and making effective use of land, including on previously developed land. However, there is no substantive evidence that the scheme before me is the only means of securing these or similar benefits, limiting the weight I afford them.
15. The appeal site lies near the grade II listed building, known as Crabtree Farmhouse. The Council has not identified any harm to the setting, and thus significance of this listed building and I have no reason to disagree. The absence of harm in relation to this, or any other considerations, weigh neither for nor against the proposal.
16. I have been referred to other examples of developments in the area that were approved by the Council. However, I do not have the full details of these schemes and the circumstances that led to their approval. In any case, it will be seen from my decision that my concerns are not the location of the appeal site, relative to services and facilities but the specific design, layout and number of dwellings proposed in this location. In this regard, I have considered the appeal proposal on its own merits.
17. Concerns regarding the processing of the application, including matters relating to pre application advice, are not matters for my consideration and weigh neither for nor against the proposal.
18. The Council has highlighted the depth of the garden areas in relation to the requirements laid out in Policy QD7 of its LPR. However, as I am dismissing the appeal on other grounds, I have not pursued this matter further.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
20. For the above reasons, the appeal is dismissed.

Mr R Walker

INSPECTOR