
Appeal Decision

Site visit made on 14 November 2024

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

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/U2235/W/24/3337095

Former Telephone Exchange, Ashford Road, Hollingbourne, Kent ME17 1PF

- 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 Mrs Anna Al-Shawi against the decision of Maidstone Borough Council.
 - The application Ref is 23/501579/FULL.
 - The development proposed is a change of use of former telephone exchange (Sui Generis) to an office (Class E(g)), including erection of a single storey side extension (resubmission of 22/505768/FULL).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of former telephone exchange (Sui Generis) to an office (Class E(g)), including erection of a single storey side extension (resubmission of 22/505768/FULL) in accordance with the terms of the application, Ref 23/501579/FULL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.
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 LPRSP9, LPRSQD4 and LPRSQD5. The appellant has provided comments on these policies.
4. I have taken the description of development in the banner above from the Council's decision notice as it more accurately describes the proposed development than that included on the application form.

Main Issue

5. The main issue is the effect of the proposal on the rural character and appearance of the area.

Reasons

6. The appeal site comprises a small single storey brick building, within a narrow, rectangular plot, which has direct access via a vehicular crossover onto the A20 Ashford Road. It is surrounded by open fields and is located in the open countryside, with sporadic development in the wider area.
7. The existing building is a small, functionally designed building. It is set back a significant distance from the road. This, combined with mature vegetation along the site's boundaries prevents it from being a prominent feature within the landscape.
8. Policy LPRQD5 of the MLPR allows for the conversion of rural buildings subject to specific criteria set out within parts 1.i – 1.vi of the policy. Part 1. iii of the policy requires that any alterations proposed as part of the conversion compliment the landscape and building character in terms of materials used, design and form.
9. The submitted evidence indicates that the volume of the proposed extension would be more than 50% of the existing building. However, it would be set back from the building's principal elevation fronting the highway, would have a small floor area and would be easily accommodated within the appeal site. Its ridge height would be lower than the existing building and the proposed bricks and tiles would match the existing building. Overall, it would complement the host building's form and would remain visually subservient to it. In coming to this conclusion I have taken into account that there would be a small gap in hedge planting adjacent to the proposed extension.
10. The landscape plan¹ indicates that new hedgerows would be introduced along the majority of the site's boundaries. This would provide some softening and filtering of the site from surrounding viewpoints including the local public right of way. A proposed parking area for two vehicles and turning head would be located near the front of the site. As there is insufficient space for planting to screen the eastern edge of the parking area it would be visible in views from Ashford Road and surrounding vantage points.
11. The parking area would be constructed with grasscrete, which allows grass to grow through it, and would have a less urbanising effect than a tarmac surface. I acknowledge that the parking of vehicles has the potential to have some urbanising effect, however in this instance, only two vehicles would be parked on what is a relatively small area, and at certain times of the day. There are a number of examples of highly visible car parking areas on this stretch of Ashford Road, for instance at the Park Gate Inn and residential properties opposite. For this reason, the proposed parking area which would be related to an existing building would not be an unusual feature and would not cause harm to the landscape character.
12. Part 2 of Policy LPRQD5 states that proposals for commercial uses must ensure that the traffic generated by the new use would not result in the erosion of roadside verges, and is not detrimental to the character of the landscape. During my site visit I experienced the A20 to be a very busy road, which does not have roadside verges which would be affected by the proposal. Given the small size of the appeal building and parking area, comings and goings to the office would be limited, and would not have a tangible effect on the character of the area.

¹ Drawing reference: 200/P01

13. It seems to me that the use of lighting within the site is likely to be limited to the hours which the office is in operation. Furthermore, a condition is proposed requiring a detailed scheme of lighting, which would enable the Council to control the extent of external lighting within the appeal site.
14. I acknowledge that the appeal site is not within an urban area or designated settlement which office development is directed towards. However, paragraph 88 of the Framework states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through conversion of existing buildings.
15. Overall, the proposal would comply with Policies LPRSQD4 and LPQD5 relating to the conversion of rural buildings and the effect on landscape character. Therefore, it would not undermine the approach of the MLPR in restricting conversions in the countryside. The proposal would also comply with the aims of Policy LPRSP9 of the MLPR which outlines that proposals in the countryside will not be permitted unless they accord with other policies in the plan and will not result in significant harm to the rural character and appearance of the area.
16. I have been referred to the Maidstone Residential Extensions Supplementary Planning Document (2009). However, the introductory text to this document confirms that it provides guidance for people wanting to extend or alter their home, and my attention has not been drawn to any words in it that are relevant to proposals for commercial buildings. The document has therefore not been determinative in my reasoning on the issue.

Other Matters

17. Interested parties queried whether there would be sufficient space to turn a car within the site and raised concerns about the predicted servicing trips to the site. The submitted evidence includes swept path analysis of the site which demonstrates how vehicles could turn and exit the site in a forward direction. Consequently, I have been provided with no substantive evidence which would prompt me to disagree with the Council's conclusions on highways safety which was that there would be no unacceptable harm in this respect.
18. In relation to concerns about insulation and energy, the submitted evidence indicates that the new and existing structure will be internally lined with insulation to improve thermal performance. The proposal would also involve the installation of a ground source heat pump.
19. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as the impacts on sewage services and highways impacts during the construction phase for water and electricity connection. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters.

Heritage Asset

20. There is a Grade II listed building (LB) at Oakfield House to the north west of the appeal site, a detached building that sits within spacious grounds. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to

give special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses.

21. The significance of the building derives from its architectural value. With regards to this appeal, the open, landscaped grounds of the property provide the immediate setting to the LB, and contribute positively to its significance. However, the Ashford Road and the appeal property, given its significant separation distance, have a neutral effect. The intervisibility between the appeal property, and the listed building is limited by mature, tall trees. The appeal site is located beyond both the garden and an intervening field, a considerable distance, which is over 100 metres from the LB. Given the proposal's small size and as its appearance would also be softened by the intervening greenery, it would not harm the setting or significance of the LB.

Conditions

22. The Council has provided conditions that it suggests should be applied in the event that the appeal is allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance and have amended the wording of some without altering their fundamental aims.
23. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
24. In the interests of protecting the rural character and appearance of the area I have imposed conditions relating to external materials, landscaping, tree protection and refuse storage.
25. Conditions relating to boundary treatments, lighting and requiring a scheme for the enhancement of biodiversity are necessary in the interests of character and appearance, wildlife and biodiversity.

Conclusion

26. The appeal scheme would accord with the development plan, when read as a whole and the Framework. Having considered all material considerations and other relevant matters raised, I therefore conclude that the appeal is allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001. P01 Site Location Plan; 002. P01 Existing Block Plan; 010. P01 Existing Ground Floor and Roof Plans; 020. P01 Existing Front and Side Elevations; 021. P01 Existing Rear and Side Elevations; 102. P03 Proposed Block Plan (07.09.2023); 110. P02 Proposed Ground Floor and Roof Plans (07.09.2023); 120. P02 Proposed Front and Side Elevations (07.09.2023); 121. P01 Proposed Rear and Side Elevations; 200. P01 Landscape Plan (07.09.2023); Material Schedule (07.09.2023)
- 3) No development shall take place until details of tree protection measures in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the Local Planning Authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the Local Planning Authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority. The approved tree protection measures shall be implemented and adhered to throughout the entire construction period until all equipment, machinery and surplus materials have been removed from the site.
- 4) The development shall not be constructed above damp proof course level until written details, and samples of all facing materials and external surfacing materials, including those to be used for all hardsurfacing, parking and turning areas, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials.
- 5) The development shall not be constructed above damp proof course level until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
 - a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012);
 - b) 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;
 - c) provide details of new on-site planting in a planting specification (location, spacing, species, quantity, maturity);
 - d) provide landscape implementation details and a timetable; and
 - e) provide a 5 year landscape management plan.

- 6) The approved landscaping shall be in place at the end of the first planting and seeding season following first occupation of the approved building. 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.
- 7) The development shall not be constructed above damp proof course level until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority with the details including gaps at ground level to allow the passage of wildlife. The development shall be carried out in accordance with the approved details before the first occupation of the building and maintained thereafter.
- 8) The development shall not be constructed above damp proof course level until details of satisfactory facilities for the storage of refuse on the site and a suitable refuse collection point have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the first occupation of the building and maintained thereafter.
- 9) The development shall not be constructed above damp proof course level until a scheme for the enhancement of biodiversity on the site has 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 building structure by means such as swift bricks, bat tube or bricks and measures on the wider site such as habitat piles. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter.
- 10) No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
 - a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1);
 - b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'; and
 - c) include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter.