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## Appeal Decision

Site visit made on 9 December 2024

**by Elizabeth Lawrence BTP MRTPI**

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

**Decision date: 31 December 2024**

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**Appeal Ref: APP/U2235/D/24/3347390**

**Belmont, New Road, Langley, ME17 3NE**

- 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 Alastair Brass against the decision of Maidstone Borough Council
  - The application Ref is 24/500084/FULL.
  - The development proposed is described as erection of single storey detached garage for housing a car collection and associated extension to existing driveway.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. In their appeal statement the appellant refers to paragraphs 8 & 209 of the National Planning Policy Framework 2021 (Framework 2021). The Framework 2021 was replaced in 2023 and again in December 2024 by the National Planning policy Framework 2024 (the Framework). Whilst the content of paragraph 209 has not changed, it is now numbered 216. I confirm that in this decision I refer to the 2024 Framework.
3. In their decision Notice the council refers to various policies in the Maidstone Local Plan 2017, which have been updated and renumbered in the Maidstone Borough Local Plan Review 2021 -2038 (LPR), which was adopted in March 2024. As the LPR Judicial Review period following the adoption of the LPR has now passed, in this decision I have only referred to the updated policies in the LPR, which are also referred to in the decision notice.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and the countryside.

### Reasons

5. The appeal site is located in the countryside just outside the main built-up area of Langley. Immediately to the east of the appeal site is New Road, with a nursery and garden centre beyond. To the north and west is Rumwood Court and its expansive landscaped grounds, together with a row of dwellings which front onto Sutton Road. To the west of Rumwood Court is a new housing

- development and on the south side of Sutton Road the land is currently being developed for housing.
6. Rumwood Court is Grade II listed and comprises a timber framed C16th manor house that has been extended and altered over the years. It sits in extensive landscaped gardens and is currently occupied as flats. The dwelling (Tile Barn) located diagonally opposite the appeal site is also Grade II listed. It comprises a C16th timber framed house with a C19th façade and occupies a wide plot that fronts onto Sutton Road.
  7. Belmont comprises a large “Tudorbethan” timber framed family house with modern extensions to one side and the rear, along with a large detached garage to the front. The dwelling’s original front and side (south) elevations appear unaltered. Although the modern additions and detached garage are clearly visible alongside the original dwelling, they are modest in height and form and are constructed from materials that respect/complement the original dwelling. Although only recently identified as a non-designated heritage asset this does not take away from the need to have regard to the significance of Belmont and any harm that would be caused by the proposal.
  8. The existing dwelling occupies a large plot which includes areas of lawn divided by hedging and trees and the whole plot is enclosed by hedges and trees. Whilst Belmont was previously accessed off Sutton Road, it is currently accessed from the north, via a private drive off New Road.
  9. The character and appearance of the main part of the house and its spacious grounds are of local historic interest. They complement Rumwood Court and contribute to the local historic interest of the immediate area. Together, the extensive landscaped grounds occupied by Rumwood Court, Belmont, various other properties along New Road/Honey Lane and the sports grounds make a strong contribution to the distinctive character and appearance of this edge of settlement area of countryside.
  10. The proposal is for a large outbuilding to accommodate the appellant’s personal collection of classic cars. In principle this is a use that can be considered as incidental to the occupation of the host dwelling. Whilst most incidental domestic buildings are modest in size, there are larger outbuildings. Where they need planning permission, they need to be assessed in accordance with the prevailing planning policies and having regard to all other matters.
  11. LPR policy LPRENV1 requires proposals to conserve and where possible, enhance the significance of designated and non-designated heritage assets and their settings. Paragraphs 215 & 216 of the Framework, state that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. The effect of a proposal on the significance of a non-designated heritage asset should be taken into account and a balanced judgement made having regard to the scale of any harm or loss and the significance of the heritage asset.
  12. Collectively and amongst other things LPR Policies LPRSP9, LPRSP15 & LPRQD4 state that proposals should satisfy other policies in the LPR. Proposals should create high quality design and respond positively to 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. Proposals

should maintain or where possible enhance the local, natural and historic character of the area and impacts on the landscape should be appropriately mitigated. Paragraph 135 of the Framework has similar objectives and paragraph 131 of the Framework states that good design is a key aspect of sustainable development. LPR Policy LPRHOU11 states that outbuildings should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain acceptable in the countryside.

13. The Maidstone Local Development Framework Residential Extensions Supplementary Planning Document (SPD) provides guidance on the appropriateness and assists the appraisal of proposals. SPD Paragraphs 5.2 – 5.33 deal specifically with garages and outbuildings. They advise that such buildings should not have a detrimental impact on the space surrounding buildings or the character and openness of the countryside. The scale of buildings should reflect their function and they should not compete with the host dwelling. Their form and detailing should be in keeping with existing and surrounding properties.
14. The proposed outbuilding would be sited close to Sutton Road, a pair of semi-detached houses to the west and an area of more formally landscaped gardens within the curtilage of the appeal property. Due to its combined height, width and materials the rear and side elevations and the roof of the proposed building would be industrial/commercial in form and appearance. It would be out of keeping with its domestic setting; would appear overly large and dominant alongside the adjacent pair of semi-detached dwellings; and would have an enclosing impact on the rural gap just to the north of Sutton Road, between the adjacent semi-detached dwelling and New Road.
15. The southern boundary to the appeal site includes a tall, mature Laurel hedge, a row of mature cedar trees and the eastern boundary comprises a mixture of deciduous and evergreen shrubs and trees. Whilst this provides a good screen around the property the proposed building would be glimpsed through and over the existing planting. I acknowledge that the appellant would likely wish to retain a good boundary screen around the property. However, as stated by the council there would be no guarantee in the future that the existing trees and shrubs would or could be retained in a condition and at sufficient height to adequately screen the proposed outbuilding, in the long term. This is not something that could be reasonably and adequately secured through the imposition of a condition.
16. The metal clad walls and roof of the proposed outbuilding would be clearly visible over the adjacent manicured hedge from the formal garden area to the east and northeast, where they would materially detract from the setting to the host dwelling.
17. The larch cladding on the front elevation of the proposed building would be seen against the backcloth of trees and shrubs and would better reflect the buildings garden setting. However, due to its combined height, width, design and materials/finish the proposed roof would appear highly prominent, bulky, unduly tall and industrial/commercial in character and appearance. It would materially detract from the immediate setting to the host dwelling.
18. For these reasons the proposed outbuilding would unacceptably harm the character and appearance of the host property and its countryside setting and would detract from the historic significance of Belmont. It would conflict with

the above policies and the environmental objective of sustainable development. This harm would outweigh the benefits for the appellant and their family that would result from the proposed building. Also, given the nature of the harm caused it is not something that could be adequately addressed through the imposition of conditions.

19. The proposal also includes the partial reinstatement of the original driveway to the property. The new driveway would be partially screened within the garden by an existing hedge and would be well screened from Sutton Road and New Road. Accordingly, this aspect of the proposal does not add to my concerns regarding the proposed building.
20. Neither the proposed building or extended driveway would be visible in views to or from Tile Barn or Rumwood Court. Accordingly, I find that the proposal would not impact on the significance of either of these listed buildings.
21. Finally, the appellant referred to other outbuildings designed to accommodate classic car collections, although no details regarding their settings, locations, external design and materials are provided. Whilst they serve to demonstrate that such outbuildings can be found acceptable, proposals still need to be assessed on their individual merits and in light of the prevailing planning policies.
22. I conclude on the main issue that the proposal would unacceptably harm the setting to the host dwelling and the area of countryside in which it is situated. Accordingly, it would conflict with LPR Policies LPRSP9, LPRSP15, LPRHOU11, LPRENV1 & LPRQD4, the objectives of the SPD and paragraphs 131 and 209 of the Framework.

#### *Personal circumstances*

23. I have had regard to the rights of the appellant's family under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Article 8 affords the right to respect for private and family life and home, including the best interests of children. It is a qualified right, and interference may be justified where that is lawful and in the public interest. The concept of proportionality is crucial.
24. I can appreciate why the appellant would want to keep their classic car collection at home, although little evidence has been submitted regarding the need for the vehicles to be stored on-site. Even should such a need be demonstrated, the need for a building of this mass, height, materials and external appearance has not been demonstrated. Accordingly, I attach little weight to the provision of the proposed classic car storage building as a consideration in favour of a grant of permission.
25. Dismissing the appeal could interfere with the appellants' rights under Article 8, due to the potential implications of moving house. However, the interference would be in accordance with the law and in pursuance of well-established and legitimate aims: the protection of the character and appearance of the existing dwelling and the countryside.

#### **Conclusion**

26. Having regard to the conclusion on the main issue and all other matters raised the appeal is dismissed.

*Elizabeth Lawrence*

INSPECTOR