



Appeal Decision

Site visit made on 30 January 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/U2235/W/24/3345696

Land off Long Lane, Boughton Monchelsea, Kent ME17 4BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Wilson against the decision of Maidstone Borough Council.
 - The application Ref is 23/504738/PNQCLA.
 - The development proposed is described on the application form as 'the change of use of agricultural to residential under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council made its decision on 5 Jan 2024. On 21 May 2024, Statutory Instrument 2024 No 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the General Permitted Development Order (GPDO). However, as the decision was made before 21 May 2024, transitional arrangements apply. I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force at the time the original application. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
3. Class Q(a) of Part 3 of Schedule 2 of the GPDO permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Class Q(b) of the GPDO permits building operations reasonably necessary to convert the building referred to in (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.
4. Where the proposed works are found to be permitted under the above provisions, it is subject to the condition under Paragraph Q.2(1) that before beginning the development, an application must be made to the Local Planning Authority for determination as to whether prior approval is required for matters including transport and highways impacts, location and siting and design or external appearance.
5. The Council considers the proposed works would fail to comply with the limitations set out in paragraphs Q(a) and (b), in particular relating to the extent of curtilage proposed as described at Paragraph X of the GPDO.

Main Issue

6. The main issue is whether the proposed works would constitute permitted development under Schedule 2, Part 3, Class Q of the GDPO, with particular regard to curtilage and design and appearance.

Reasons

7. There is no dispute in respect of the building's existing (and historic) use. However, Paragraph X of the GDPO sets out a definition of curtilage, as: "(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building; whichever is the lesser".
8. The submitted plans indicate the position of the building together with a considerable 'property boundary'. Several other buildings are included within that boundary, together with areas of open land. I consider the associated land included with the appeal site to go beyond that allowed under the definition of curtilage, set out within Paragraph X. Fundamentally, not all of the land included in the appeal scheme could reasonably be described as being *immediately* beside or around the agricultural building or closely associated with and serving the purposes of the agricultural building. It would also be larger than the area occupied by the agricultural building. Consequently, the proposed development would fail to accord with Class Q(a).
9. In addition to the above, the Council considers the proposed works would harm the external appearance of the building, and therefore the character and appearance of the area. Based on the plans before me, and having regard to Q2(1)(f), in respect of the design and external appearance of the building, I concur. All elevations of the building would be finished in brickwork, in place of the existing metal cladding, and multiple domestic window openings would be inserted across the front and rear facades. Although the existing building is not highly visible from the surrounding area, it retains a typically utilitarian and agricultural character through its traditional materials and limited number of openings. The inclusion of multiple domestic window openings, of a large size and with no connection to any existing openings, together with the introduction of a large expanse of brickwork, would appear overtly domestic and incongruous here, and would sit uncomfortably in this rural location. From that perspective, the proposed works would have a harmful effect on the external appearance of the building.
10. Accordingly, for the reasons given above, I conclude that the proposed works would fail to constitute permitted development under Schedule 2, Part 3, Class Q of the GDPO. Even were I to find matters relating to curtilage acceptable, the proposed works would harm the external appearance of the building, a consideration under Class Q2(1).

Other Matters

11. My attention is drawn to other rural conversion schemes. Although there is limited detail before me, these appear to relate to a range of different sites and proposals. In any case, the characteristics of each site and location are different. The circumstances that applied to these other cases, and the planning balance there,

are not directly comparable to those before me. Accordingly, these other cases do not provide reason to alter my findings on the main issue.

12. I note the appellant's supporting documents in respect of permitted development rights, including various news articles. I have set out under Preliminary Matters that there are transitional arrangements in place which I have adhered to in making my decision. I also note comments from the appellant relating to the determination of planning applications on planning merits only and acknowledge concerns raised in respect of the application process. These concerns would be best dealt with by a costs application. The lack of objection from the Parish Council, or any other party, is neutral in my determination of the appeal.
13. I appreciate that there has been storm damage to the building, and that repair works are required. However, this does not provide reason to alter my findings on the main issue.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

A Price

INSPECTOR