



Appeal Decision

Site visit made on 21 January 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2025

Appeal Ref: APP/U2235/W/24/3347483

Millfield Meadow, Holm Mill Lane, Harrietsham, Kent ME17 1LB

- 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 Millfield Construction Ltd against the decision of Maidstone Borough Council.
 - The application Ref is 24/500149/FULL.
 - The development proposed is described as 'redevelopment of Site for the conversion of an Office Building into 2no. dwellings and the erection of 2no. bungalows and 3no. dwellings (7no. Units)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Maidstone Borough Council Local Plan Review 2021- 2038 (MBCLPR) was adopted in March 2024 and now supersedes the policies in the Maidstone Borough Local Plan 2017 (MBLP). The decision notice refers to policies from both, but given the MBLP has been superseded, this decision will only refer to the policies cited from the MBCLPR.
3. The Council refers to Policy LPRSS1 of the MBCLPR. A copy was not provided, I have therefore viewed the online version of the MBCLPR.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB's) in England and Wales became 'National Landscapes' (NLs). I have therefore made reference to NLs in my Decision and specifically referred to the Kent Downs AONB as the Kent Downs NL.
5. The Levelling-up and Regeneration Act 2023 amended the duty on relevant authorities in respect of their functions which affect National Landscapes. Relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. This replaces the previous duty to 'have regard to' their statutory purposes. Since this appeal was lodged, updated government guidance in the Planning Practice Guidance (PPG) and the publication of the 'Guidance for relevant authorities on seeking to further the purposes of protected landscapes has been published. The parties were asked for comments on this guidance in so far as it is relevant to the appeal. Neither party provided comments.
6. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issues

7. The main issues are:

- whether the conversion of the office building is acceptable, having regard to the Council's spatial strategy;
- the effect of the proposed development on the character and appearance of the surrounding countryside and the effect on the setting of the Kent Downs NL; and
- whether the proposal would be a suitable location for housing, having regard to the Council's spatial strategy and the provisions of the Framework.

Reasons

Office Conversion

8. Policy LPRQD5 of the MBCLPR refers to the conversion of rural buildings and specifies that conversions for residential purposes are permitted subject to meeting nine criteria. It is alleged that the proposed conversion fails to comply with three of these, namely 1(i), 3 (i) and 3 (ii).
9. Criterion 1 (i) requires the building to be of a form, scale and design which takes into account and reinforces landscape character. The site is located within the Kent Downs NL and the countryside. Despite its use as a commercial yard, the prevailing character of the wider landscape is pastoral. The office building is timber clad, with a slate pitched roof and is domestic in character. Whilst the building would not be extended, due to its domestic character, it is not a form of building which reinforces the pastoral nature of the landscape.
10. Criterion 3 (i) requires every reasonable attempt to be made to secure a suitable commercial re-use of the building. The appellant refers to alternative commercial uses not being wanted and therefore an alternative use being unviable. However, it has not been demonstrated with sufficient evidence that any marketing exercise or efforts to secure an alternative commercial use have been undertaken, nor is there evidence that alternative commercial uses are opposed.
11. Criterion 3 (ii) requires the building to be converted to either be a heritage asset, a building that contributes to the landscape character or exemplifies the historical development of the Kentish landscape. Whilst of a substantial quality the office building neither positively contributes to the landscape character or exemplifies the historical development of the Kentish landscape. This is because it is a modern building with a domestic character which is at odds with the rural landscape of the Kent Downs NL.
12. For the reasons given above, the conversion of the office building is unacceptable, having regard to the Council's spatial strategy. It is therefore contrary to criteria 1(i), 3 (i) and (ii) of policy LPRQD5 of the MBCLPR.

Character and Appearance

13. The site is located in the setting of the Kent Downs NL and beyond any settlement boundary and is therefore within the countryside as defined in the MBCLPR. It has a lawful use as a builder's yard and contains an office building, separate dry store structure and area of hardstanding. Except for these buildings, the site is largely undeveloped and has a low profile with parts of the site used to store roofing materials on pallets.
14. The site is bound by agricultural fields, a paddock and the spacious plots of detached dwellings on Holm Mill Lane. These result in the area having limited built form and a verdant nature, these characteristics positively contribute to the character and appearance of the countryside.
15. Policy LPRHOU1 of the MBCLPR refers to development on brownfield land. It details that in exceptional circumstances, the residential development of previously developed land in the countryside will be permitted provided it complies with several criteria. These include the site having a poor environmental value, the density of proposed housing reflecting the character and appearance of the locality and meeting the policy requirements set out elsewhere in the development plan.
16. The proposal would result in seven dwellings in close proximity to one another in a cul-de-sac formation. Whilst the site has a poor environmental value, the proposal would fail to reflect the spacious plots of detached dwellings which are characteristic of the area and would unacceptably urbanise the site. Despite there being residential and commercial development in the vicinity, these sites are few in number and sporadic, consequently the site does not feel like it is on the edge of a settlement. Given that the proposal has been found to be contrary to LPRQD5 of the MBCLPR and the density and arrangement of the proposal would fail to reflect the character and appearance of the locality, the scheme would fail to accord with the criteria within policy LPRHOU1.
17. Whilst part of the proposal seeks to convert an existing building, which in isolation would have little visual impact on the wider rural area, the proposed five additional dwellings and associated landscaping would unacceptably urbanise the site. Whilst two of the properties would be bungalows and the proposed materials and design of the dwellings would be acceptable, this would not address the harm arising from the quantum of development and its cul-de-sac arrangement. It is noted that the proposal would not extend beyond the existing brown field site, but the scheme is neither located adjacent to existing buildings nor unobtrusively located and well screened to reflect the spacious rural appearance of the landscape.
18. Whilst the scheme proposes soft landscaping and the retention of important trees and hedgerows to promote biodiversity and the removal of existing detracting factors, this would not justify the introduction of uncharacteristic substantial built form into a largely undeveloped site in the countryside.
19. The site lies in the setting of the Kent Downs NL, which is afforded the highest status of protection, as explained in paragraph 189 of the Framework. Given the harm identified to the character and appearance of the area, the proposal would also negatively affect the landscape and scenic beauty of the NL due to the increased built form and urbanisation of the site.

20. For the reasons above, the proposal has an unacceptable impact on the character and appearance of the surrounding countryside and the setting of the Kent Downs NL. It would therefore be contrary to policies LPRSP9, LPRSP15, LPRQD4 and LPRHOU1 of the MBCLPR. These policies amongst other things require the mass and scale of development to maintain or enhance local distinctiveness and for proposals to avoid significant harm to the rural character and appearance of the area.

Location

21. The site is located beyond any settlement boundary and is therefore within the countryside as defined in the MBCLPR. Policy LPRSS1 of the MBCLPR seeks to focus new residential development firstly in the urban area of Maidstone, then rural service centres and lastly specifies larger and smaller villages. This approach has been taken to direct development to areas of the borough that have been found to be the most sustainable locations for new development.
22. The site is located approximately 1km east of the centre of Harrietsham which is identified in the MBCLPR as a rural service centre. Harrietsham can be reached on foot walking along the lit footpath alongside the A20. In addition, a bus stop is located less than 100m from the site which regularly runs to Ashford Town Centre. Whilst the appellant acknowledges that future occupiers would likely use private motor vehicles as the primary form of travel, the location of the site cannot be said to be far removed from basic services and facilities and there are multiple sustainable ways to access them.
23. For the reasons above, the proposal would be located in a suitable location for housing, having regard to the Council's spatial strategy and the provisions of the Framework. It would therefore be compliant with policies LPRSS1 and LPRHOU1 of the MBCLPR. These policies amongst other things seek to ensure that a site is, or can reasonably be made, accessible by sustainable modes to Maidstone Urban Area, a Rural Service Centre or Larger Village.

Other Matters

24. Reference is made to the site being within the setting of a listed building. Holm Mill House is a Grade II listed property that is located at the junction of Holm Mill Lane and Greenway Lane. Due to the access to the appeal site being located further along Greenway Lane, the appeal site is not readily visible from Holm Mill House and therefore the proposal would not affect the setting of the listed building.
25. The appellant has had informal discussions with the Council, however, pre-application discussions are informal and would not influence any future decision the LPA may make once a proposal has been subject to the formal planning process.

Planning Balance and Conclusion

26. The proposed conversion of the office building is unacceptable, having regard to the Council's spatial strategy and the proposal would cause harm to the character and appearance of the surrounding countryside and the setting of the Kent Down NL. Substantial weight is afforded to these conflicts.

27. The proposal would tidy the site and include environmental enhancements, these would not justify the scale and arrangement of the residential development proposed. These factors therefore attract limited weight.
28. Whilst the proposed development would result in appropriate living conditions for future occupiers in respect of the site being accessible by sustainable modes of transport to a rural service centre, the harm identified above brings the scheme into conflict with the development plan taken as a whole.
29. The proposal would deliver seven additional dwellings in the Borough. Given the Council have an identified five-year housing land supply (7.19 years), the proposal is not required for local housing supply.
30. Taking all of the above into account, 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.
31. For the reasons given above the appeal should be dismissed.

V Goldberg

INSPECTOR