



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: 18 March 2025

Appeal Ref: APP/U2235/W/24/3347917

Lodge Farm, Goudhurst Road, Marden, Tonbridge, Kent TN12 9NW

- 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 Walbax Ltd against the decision of Maidstone Borough Council.
 - The application Ref is 24/500626/FULL.
 - The development proposed is described as the 'demolition of existing agricultural barn and erection of 2no. Chalet Bungalows, together with associated access, parking, landscaping and biodiversity/footpath enhancements'.
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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 The decision notice refers to policies from both, but given the MBLP has been superseded, this decision will only refer to the policies cited from the MBCLPR.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. 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 Issue

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

Reasons

5. The appeal site is located on Goudhurst Road close to the settlement of Marden but beyond the settlement boundary. There is an immediate difference in the density of development beyond the settlement boundary whereby built form is limited and the road is characterised by verdant hedgerows resulting in a rural character. Beyond the settlement boundary, development is limited to the neighbouring Branns Farmhouse and a small number of dwellings further along the road. These properties face Goudhurst Road and have gardens extending to the rear.

6. The appeal site contains a dilapidated agricultural barn positioned against the boundary closest to Branns Farmhouse. The plot is rectangular, and the barn is set back from Goudhurst Road. A public right of way runs along the northern boundary and leads to the open agricultural land to the rear. Except for the barn, the site is verdant and undeveloped. The undeveloped nature of the site positively contributes to the scenic rural character and appearance of the countryside.
7. The proposed dwellings would result in two building lines, one behind the other. This would be uncharacteristic of the existing single building line fronting Goudhurst Road, with buildings to the rear of these dwellings being limited to ancillary buildings/sheds. Whilst the neighbouring Branns Farmhouse has a large outbuilding and stables to the rear, these buildings are not visible from the road and are ancillary to the use of the farmhouse. As such the layout of this site is not comparable to the appeal scheme and therefore this site does not justify a second building line.
8. Despite the proposed bungalows sitting comfortably within their plots, the proposal would unacceptably urbanise the site. This is because the proposal would negatively affect the sites verdant nature by increasing built form and the proposed dwellings spanning the width of the plot. The use of the plot as two separate planning units with associated domestic paraphernalia, roadways, lighting etc would add to the urbanisation of the site. Whilst each property would have a clearly defined area and dedicated biodiversity enhancement area, the extent of proposed hard surfacing is greater than that proposed in the extant permission. In addition, whilst the approved scheme has a larger domestic curtilage, it is likely that two dwellings would attract more domestic paraphernalia across the site compared to one.
9. Whilst the Council's reason for refusal does not relate to the principle of the development, policy LPRSP9 of the MBCLPR, states that proposals will not be permitted unless they accord with other policies in the plan and do not result in significant harm to the rural character and appearance of the area. The appeal scheme does not lie within a designated landscape area, but it is within an identified character area (Staplehurst Low Weald). The supporting text in policy LPRSP9 identifies the Low Weald as having distinctive rural landscape features e.g. field patterns, hedgerows, ponds and streams. As a result, the addition of further built form on this plot would be uncharacteristic of the rural character of the identified character area.
10. Reference is made to the fallback position of the extant permission¹ for a two storey, four-bedroom detached dwelling on site. There is a real prospect that this could be erected and as such it is a material consideration in my assessment. Whilst the approved dwelling is taller and has a greater bulk and mass compared to each proposed bungalow, cumulatively the proposal results in a significant increase in both the volume and footprint of development on site compared to both the existing barn and approved dwelling. As a result, the proposal would significantly increase the development across the site and unacceptably urbanise the plot. Accordingly, the fallback position is a less harmful alternative and therefore carries little weight as a consideration in the scheme's favour in this respect.

¹ 20/504096/FULL

11. Whilst one bungalow would be positioned behind the other, both would be visible from Goudhurst Road. Accordingly, the increase in the level of development on site would be visible from the street scene, and this would not be negated by the 1.5 storey form of the bungalows and their lower eaves. This is due to the proposed dwellings occupying most of the width of the plot and being positioned closer to the highway compared to the approved scheme.
12. Unlike the extant permission and existing barn, proposed plot two is built in close proximity to the public right of way and the bungalows extend further into the plot. As a result, the proposal would further erode the verdant character and appearance of the countryside and be visible along a longer section of the public right of way when compared to the extant permission and existing situation.
13. Despite being designed as high-quality modern barn style buildings to echo the form of the existing barn, the dwellings due to their layout and scale would fail to respond positively to the local character of the area.
14. Reference is made to the permitted development rights that would apply to the extant scheme. Whilst this could result in minor development being undertaken, such alterations, would have far less impact compared to the development of the site for two chalet bungalows.
15. Whilst the scheme would result in the removal of the dilapidated barn and its replacement with two contemporary buildings, it would negatively erode its verdant, rural and undeveloped character which positively contributes to the character and appearance of the countryside. As such the proposal would not visually improve the appearance of the site.
16. For the reasons above, the proposed development would have an unacceptable effect on the character and appearance of the surrounding countryside. It would therefore be contrary to policies LPRSP9, LPRSP15 and LPRQD4 of the MBCLPR. These policies amongst other things require development to respond positively to, and where possible enhance, the local, distinctiveness and character of the area and avoid significant harm to the rural character and appearance of the area.

Other Matters

17. Whilst the appeal scheme would provide two 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. Whilst there could be a greater shift for further housing in the future, this is not the case now.

Conclusion

18. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it, accordingly the appeal is dismissed.

V Goldberg

INSPECTOR