



Appeal Decision

Site visit made on 8 April 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/U2235/W/24/3355252

3 Blue House Cottages, Charlton Lane, East Sutton, Kent ME17 3DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mus Tary (Bemkat Ltd) against the decision of Maidstone Borough Council.
 - The application Ref is 24/500969/OUT.
 - The development proposed is outline planning application for the demolition of outbuildings and erection of a single storey 3 bed dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline form with all matters reserved for future consideration.
3. A revised National Planning Policy Framework (the Framework) was published in December 2024. The updated Framework does not raise any new matters that are determinative to the outcome of this appeal.

Main Issues

4. The main issues are (i) whether the location of the development would be in a suitable location having regard to the policies of the development plan, and (ii) the effect of the proposal on the rural character and appearance of the area.

Reasons

Location

5. The appeal site is garden land associated with No 3 Blue House Cottages. Blue House Cottages are a row of terraced properties located to the west of Charlton Lane. Access to the appeal site is via a track off Charlton Lane, leading into the garden area where the dwelling would be situated. The site is classified as countryside according to the Maidstone Borough Council Local Plan Review 2021-2038 (the Local Plan). Both parties acknowledge that the site is previously developed garden land in the countryside.
6. Part 2 of Policy LPRHOU1 of the Local Plan states that in exceptional circumstances, residential development on previously developed land in the

countryside that meets the criteria of Part 1 of Policy LPRHOU1 will be permitted. Part 2 also requires redevelopment to (a) comply with policy requirements outlined elsewhere in the Local Plan, and (b) ensure the site is accessible by sustainable transport to specified larger settlements in the borough or includes working from home space. All parts of Policy LPRHOU1 need to be met for exceptional circumstances to exist to justify new residential development in the countryside.

7. Part 1 (a) stipulates that development on previously developed land is permissible only if the site has poor environmental value. Despite the presence of small garden buildings, the site remains largely verdant with various shrubs and plants that contribute to the rural character of the area, indicating it is not devoid of environmental value. Additionally, there is no evidence before me that objectively demonstrates otherwise and that the site has poor environmental value.
8. I note reference to the relative condition to other land nearby such as a golf course, commercial development and caravan site. However, Policy LPRHOU1 is clear that it applies to the site as opposed to the condition of the surrounding area. The environmental status of nearby sites and land is, therefore, a neutral factor in this appeal that weights neither for nor against the proposed development.
9. To conclude, the site has not been demonstrated to be of poor environmental value and the proposal is, therefore, contrary to Part 1 (a) of Policy LPRHOU1. Consequently, the appeal proposal also does not comply with the first requirement of Part 2 of Policy LPRHOU1. Although I acknowledge that it could be possible for Part 2 (b) to be met by including home working space in the scheme, the policy specifies that all requirements must be fulfilled for a new dwelling to be permitted in the countryside. As such and for the reasons stated, exceptional circumstances have not been demonstrated to justify the location of the proposed dwelling in the countryside and the proposal is contrary to Policy LPRHOU1 of the Local Plan.

Character and appearance

10. Policy LPRSP9 provides the overarching policy approach for managing development in the countryside including requiring that development does not result in significant harm to the rural character and appearance of the area. Whilst the site is garden land, it is located within countryside and, therefore, development on it is required to meet Policy LPRSP9 alongside other relevant policies in the Local Plan.
11. The character of the area is rural with development comprising a mix of commercial and leisure uses interspersed with sporadic dwellings. A key character feature of the area near to and around the appeal site is that dwellings are laid out in a linear form fronting and facing onto adjacent roads.
12. I acknowledge that the proposal has been submitted in outline with all matters reserved and that the indicative layout plan illustrates how a single storey dwelling could be accommodated within the appeal site.
13. It is evident, however, that a dwelling on the site would introduce built form into a garden area that is situated behind the existing Blue House Cottages terrace. This is a pattern of development that would denude the verdant nature of the existing site and result in an increase in urban form in the countryside at odds with the established street scene character of the area, where the adjacent terrace is arranged linearly facing onto the road.

14. Furthermore, the plot size would be smaller than those on the directly adjacent terrace as well as result in the reduction of the garden area available for No 3. The existing plot sizes form an established part of character that enhance and support the intrinsic rural appearance of the area. The appeal proposal's incongruously small and uncharacteristic plot size would, therefore, be out of character with the existing pattern and grain in the immediate vicinity of the appeal site. This would result in unacceptable harm to the rural character and appearance of the countryside.
15. I acknowledge that the development of the site would respect topography, is in an area of moderate landscape sensitivity and the reserved matters would provide control over the final detailed design. However, these would be standard requirements for any development in the countryside and do not provide justification for the harm identified.
16. In conclusion, the size and position of the plot would result in an uncharacteristic and incongruous form of development that would result in significant harm to the rural character and appearance of the countryside. This is contrary to Policies LPRSP9, LPRSP15, LPRHOU1 and LPRQD4, all of which seek to protect the intrinsic character and appearance of the countryside. The appeal proposal would also not be consistent with Paragraph 135 of the Framework, which requires development to be sympathetic to local character.

Other Matters

17. The site is near to the Blue House, which is Grade II* listed. Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Paragraph 212 of the Framework confirms that great weight should be given to conserving the significance of a designated heritage asset.
18. In this case, I understand from the limited information before me that the significance of the listed building derives from its 15th Century origins and architectural detailing. In view of the proximity of the site in relation to the Blue House and mature vegetation between the respective sites that provide screening, I conclude that there would be no perceptible harm to the setting of the listed building or its special significance from the appeal scheme.
19. Objections were received highlighting concerns with the reliance on the private car, loss of parking and rear garden access. However, as I have found the proposal unacceptable for other reasons, I do not need to consider these other matters further in this decision.

Planning Balance and Conclusion

20. I have found that exceptional circumstances do not exist to justify the proposed dwelling in the countryside and the proposal is, therefore, contrary to Policy LPRHOU1 of the Local Plan. I have also found that the proposal would result in unacceptable harm to the rural character and appearance of the area contrary to several other policies in the Local Plan.
21. I note that the appellant contends that LPRHOU1 is out of date and not consistent with the Framework, which seeks to optimise previously developed land to meet

housing needs. However, the Local Plan was adopted as recently as March 2024. The updated Framework does not fundamentally change the national policy position to the extent that it has rendered the Local Plan out of date so soon after it was adopted. The updated Framework also maintains in Paragraph 187 the importance of planning decisions recognising the intrinsic beauty of the countryside, which my decision in this case is consistent with.

22. I also understand that the Council can demonstrate a five-year supply of housing. This means that Paragraph 14 of the Framework and presumption in favour of sustainable development is not engaged in this appeal. I am satisfied, therefore, that the Local Plan is up to date and the policies within can be given full weight in this appeal.
23. For the reasons stated, the appeal proposal would harm the rural character and appearance of the countryside in conflict with several development plan policies. There are no material considerations advanced that outweigh the conflict with the Development Plan and the appeal is dismissed.

N Perrins

INSPECTOR