



Appeal Decision

Site visit made on 28 May 2025

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/U2235/W/24/3354013

Land adjacent The Old Stable, Dunn Street Road, Bredhurst, Kent, ME7 3ND

- 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 Mrs D Foulds against the decision of Maidstone Borough Council.
 - The application Ref is 24/502333/FULL.
 - The development proposed is the change of use of stables to Use Class E (Commercial, Business and Service uses)
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of stables to Use Class E, at Land Adjacent The Old Stable, Bredhurst, ME7 3ND in accordance with the terms of the application, Ref 24/502333/FULL, and the plans submitted with it, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area including the Kent Downs National Landscape;
 - Whether the site lies in a sustainable location and the effect on highway safety; and
 - The effect on protected species, particularly bats.

Reasons

Background

3. The appeal site lies in an area of countryside beyond the village of Bredhurst. The site contains a single storey building, set back from Dunn Street Road, which was previously used as a stable but is now vacant and much of the building is overgrown with ivy and the like. The site lies within the Kent Downs National Landscape (KDNL). I note that the Council has refused planning permission for the conversion of the building into a dwellinghouse.

Effect on character and appearance and KDNL

4. In considering this issue I have applied the duty under the LURA¹ to seek to further the statutory purposes of the protected landscape of the KDNL.

¹ Levelling-Up and Regeneration Act 2023

5. Maidstone Local Plan Review (MLPR) Policy LPRQD5 deals with the conversion of rural buildings in the countryside. This is relevant to the appeal proposal as the site lies outside of any settlement. The policy sets out five criteria which a proposal for conversion should meet to be acceptable.
6. In terms of criterion (i), at the moment the former stable building does not have much of a visual impact on the local landscape partly because of the degree of vegetation growing over it. Nevertheless, the front of the building is constructed in good brickwork with a timber clad gable end. The main building also has brick elevations with a corrugated metal roof of a dark colour although the lower part of the building to the rear and the lean-to has blockwork elevations and a roof sheeting of a corrugated material.
7. Although some minor parts of the existing building are of poor quality external materials, overall, I am satisfied that the building is small in scale and its overall appearance as a simple rural building takes account of and is not inappropriate or harmful to its landscape setting in the KDNL.
8. In terms of criterion (ii) on the construction of the building, I note that the proposal is accompanied by a report prepared by a Chartered Surveyor who concludes that the building is capable of reuse without requiring complete reconstruction as the building is permanent, substantial and of sound construction. This assessment reflects my own views of the state of the building as I walked around and within it.
9. For (iii) the alterations proposed are minor, mainly related to the insertion of small windows and new doors at the front within the existing timber doors opening. The rear lean-to would be enclosed with a new blockwork wall to replace the stable doors but this should not be prominent outside of the site as the wall would be set back underneath the existing canopy. These alterations maintain the character of the building and its appearance in the landscape.
10. Criterion (iv) is met as there would be adequate parking provision for the new use. The submitted scheme shows 5 parking spaces being provided and I agree with the appellant that the space in front of the building can provide more if necessary. However, in order to maintain the rural character of the area the parking and turning space should not be too regimented.
11. In respect of (v) the site is relatively small and the proposal does not involve other structures or the subdivision of the space although the site would benefit from proper hedge planting along the north-eastern boundaries.
12. Criterion (vi) is not relevant to this appeal scheme.
13. In addition to the main criteria within the policy conversion for non-residential purposes is subject to two additional elements. In respect of 2(i) there is no evidence that the use would result in traffic generation that would result in the erosion of road side verges, and 2(ii) does not apply as the general Class E use does not relate to sleeping accommodation.
14. Overall I find that the proposal meets the terms of Policy LPRQD5. Moreover there is no conflict with Policies LPRSP15 or LPRQD4 on design aspects.
15. I have also had regard to the policies in the National Planning Policy Framework (NPPF) on supporting a prosperous rural economy. This advises in paragraph 88(a) that planning decisions should enable the expansion and growth of all types

of businesses in rural areas including through the conversion of existing buildings. This support is not qualified by requiring an enhancement of the immediate setting of the site as applies to the conversion to a home as set out in paragraph 84 of the NPPF.

Sustainable location and parking

16. I have already found under part (iv) of Policy LPRQD5 that the site can provide adequate parking for the use proposed and there is no evidence of the use leading to the erosion of verges. Despite the lack of a Transport Assessment, it is unlikely that the traffic generation from the proposed use would result in severe residual highway safety or capacity impacts. Moreover, the tests set out in the Local Plan Review and the NPPF do not require a test of a site being in a sustainable location for the re-use of an existing building to be acceptable. I also note that the highway authority do not object to the proposal. Given these factors I have not identified any conflict with LPRSS1, LPRTR2 or LPRTR4.

Effect on biodiversity and protected species

17. The Council considers that a full BNG metric is required as the proposal involves an area of grassland which exceeds the 25m² *de minimus* exemption set out in Regulations. However, following my observations at the site visit I am satisfied that the area referred to is part of an area of hardstanding which was previously used for parking for the stables. However, it now has weeds growing through it and it should not be classed as grassland. I therefore find that a full BNG metric is not necessary in this case.
18. The Preliminary Ecological Appraisal and Bat Survey and Mitigation Strategy undertaken on behalf of the appellant found that the building is at least used as a day roost by a single soprano pipistrelle bat. Therefore it is necessary that the mitigation and enhancement proposed in the Appraisal and the Strategy be implemented as part of the development. This can be conditioned.
19. On this basis the requirements of policy LPRSP14(A) and LPRSP15 regarding the protection of the natural environment would be satisfied.

Planning balance

20. On the main issues I have found that the proposed change of use to a business use would accord with the specific Local Plan Review policy on the conversion of the existing rural building for non-residential purposes. Moreover the details of the conversion would provide for adequate parking on site and not be likely to result in an unacceptable impact on the local highway network or highway safety. While a full BNG metric is not required the specialist evidence submitted indicates that the bat roost and other elements of biodiversity can be mitigated and enhanced by work required by conditions.
21. I have placed great weight on the conservation and enhancement of the landscape and scenic beauty of the KDNL. The proposal to make use of the building for business purposes would achieve this and without an appropriate use within the building, it is likely to deteriorate and become a negative feature in the landscape rather than a positive one.

22. Overall I am satisfied that the proposal accords with the development plan and national guidance when these are both read as a whole and this accord is not outweighed by any other factor. This indicates that the appeal should be allowed.

Conditions

23. The Council recommends that 6 conditions be imposed which I will consider under the same numbering. In addition to the statutory condition on the commencement of the development (No.1), it is necessary in the interest of clarity and to maintain the appearance of the area that the plans that are approved are listed and the development should be undertaken in accordance with them (No.2) . Condition No.3 is necessary to ensure that adequate parking is kept available for the use and to avoid parking on the highway to maintain highway safety and I will impose it. External lighting also needs to be controlled in the interests of maintaining the rural character of this part of the KDNL and I will impose condition No.4. As mentioned above, the mitigation and enhancement of biodiversity is necessary as part of the proposal and I will impose condition No.5 although amend it to refer to the specialist evidence already submitted. Finally, I will impose conditions 6 and 7 which are necessary to maintain the appearance of the area and the soft screening of the site and parking area to minimise the visual effect of the use permitted.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 3097.040.A Existing Floor Plan
 - 100-01 Site location plan/ block plan
 - 3097.050.A Existing Elevations
 - 100_02 Proposed Floor Plan and Elevations
 - 100_1 Class E Site Plan
 - 3097.020.A Existing Block Plan
 - Preliminary Ecological Appraisal Report
 - Bat Survey and Mitigation Strategy Report
 - Building Survey
 - Planning Statement
- 3) The areas marked as vehicle parking and 'plants' on approved drawing 100_1 (Class E Site Plan) shall be retained as annotated for the lifetime of the development for vehicle parking for the occupants of the approved development and as landscaped areas.
- 4) No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained, and operated in accordance with the approved scheme.
- 5) Prior to first use of the building measures taken for the on-site enhancement of ecology shall be in place that are in accordance with details that have previously been submitted under the Preliminary Ecological Appraisal and Bat Survey and Mitigation Strategy. The scheme shall provide for the mitigation and enhancement of ecology through integrated methods into the design and appearance of the building structure (where possible) by means such as swift bricks, bat tube or bricks and additionally through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. All features shall be maintained permanently thereafter.
- 6) At the end of the first planting season (October to February) following first use of the approved building landscaping shall be in place that is in accordance with a landscape scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall:
 - a) be designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012);
 - b) show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed;
 - c) provide details of additional native screening planting;
 - d) provide a planting schedule (including location, planting species and size);
 - e) provide implementation details and a 5 year management plan.

- 7) All planting, seeding, turfing or other landscaping specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the approved development. Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the first occupation of the building for business use, are removed, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

End