



Appeal Decision

Site visit made on 24 June 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/U2235/W/25/3361014

Orchard Place, Heniker Lane, Sutton Valence, ME17 3EE

- 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 Mr M Head against the decision of Maidstone Borough Council.
 - The application Ref is 24/503557/FULL.
 - The development proposed is demolish three existing commercial buildings and erection of a rear extension and side canopy to one existing commercial building.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues in this case are: i) the effect of the relationship of the proposal on the existing buildings and the character of the countryside; and ii) the effect of the proposed development on the living conditions of the occupiers of the adjacent dwelling

Reasons

3. Orchard Place is an established commercial site, located within the countryside. It gains access from Heniker Lane. The site is long and narrow from the access, but widens out considerably at the southern end where the proposed development would take place. The southern end of the site has buildings to the west and south, gaining access from Headcorn Road. These buildings are in the form of 2 houses, a site once used for a kennel business that has since been redeveloped and is now fully residential, and a filling station/garage. The 2 houses, 'Braemar House' and 'Braemar Oak' are to the west of the site, the latter being just the other side of the boundary in the vicinity of the proposed building.
4. Although the appeal site is within the countryside, the part that is the subject of the development proposal is adjacent to urban development and is a long standing commercial enterprise. For these reasons, the policies dealing with development in the countryside must be treated with caution as to their applicability in relation to the proposed development in this particular part of the site. Indeed, the officer's report indicates that the proposal does not necessarily cause excessive harm, and it would support the commercial use established on site. In addition, the materials are deemed satisfactory.

5. However, the scale of the proposal, the existing shed being 16m long, the proposal would effectively double this length. The council considers this scale of bulk and mass, having a height of 5.4m and width of 9.7m, to be such as to harm the intrinsic character and appearance of the countryside. I do not agree with this assessment, since the site of the enlarged shed is situated in the corner of the site, with the extension being largely screened by the existing building. In addition, 3 existing commercial buildings would be demolished. The desirability of recognising sites that meet local business and community needs in rural area adds a reason in favour of the proposal.
6. Turning to the second part of the refusal reasons, concerned with residential amenity, the closest dwelling to the proposed extension is 'Braemar Oak' to the West. The proposed extension to 'Shed 1' would extend right to the boundary close to the rear elevation of Braemar Oak. Because the boundary relative to the shed is at a slight angle, the proposed extension would be approximately 1.7m from the boundary at the northern corner, and approximately 2.5m from the boundary at the southern corner. This is closer than the buildings to be demolished, but the existing fence of the boundary is about 3m high. Since the proposed roof would be approximately 5.4m high, continuing the existing height of the shed, it would stand some 2.5m above the fence. The proposed flat roofed canopy that would run back on the northern side of shed 1, to meet and integrate with existing shed 2, would be a little lower at about 4.5m, as measured from the plans.
7. The existing situation is that the development close to the boundary has a limited effect on the outlook from the rooms at the back of Braemar Oak and its garden. The present outlook is of an unsightly high fence with a little vegetation. This outlook would be considerably impaired by the close proximity of the top of the shed extension. Braemar Oak has a reasonable size rear garden, but it is wide rather than deep. The shed extension and the canopy would extend for almost the full width of the rear boundary with the appeal site, and the materials and colour (green corrugated metal sheeting) of the shed extension would be visually unattractive from a residential perspective.
8. The result would be a deterioration in the already somewhat impacted outlook from the house, to an extent that I consider to be unacceptable. I note that the appeal site has been in a commercial use for many years and that it predates the construction of Braemar Oak and the ownership of the present household. However, that does not justify ignoring the effect of a large building being erected essentially right up to the common boundary. Nor does the grant of a permission for a commercial building in the vicinity of the site that is quoted (ref: 09/1249) lead me to a different conclusion.
9. Consistency in decision making is important, but there is nothing before me to indicate that my decision on this appeal would be inconsistent with the decision to which reference is made. I am determining this appeal on the individual merits of the matters before me. Consistency does not mean that a permission granted for a development in the same general use must be granted elsewhere. Nor do I regard paragraph 200 of the National Planning Policy Framework (2024) (NPPF) to mean that the effects on a later development from a development at a previously established business must be ignored.
10. I also note what is said in terms of a possible fallback position in relation to the provisions for permitted development under Part 7, Class H of the Town and

Country Planning (General Permitted Development) (England) Order 2015, but they would not apply here. Further, the RICS guidance on how gross external floor area is to be measured is not necessarily relevant to a decision on a planning application

11. For the above reasons, I conclude that the appeal proposal would cause an unacceptable level of harm to the living conditions of the occupiers of the adjacent dwelling Braemar, due to the effect on the outlook to the rear. For that reason the proposal would be contrary to policies LPRSP9, LPRSP11, LPRSP15, LPRQD4 and LPRCD6 of Maidstone Borough Council's Local Plan Review (2024).

Terrence Kemmann-Lane

INSPECTOR