



DIP NA/11/1110

## Appeal Decision

Hearing held on 28 February 2012

Site visit made on 28 February 2012

by **J M Trask BSc(Hons) CEng MICE**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 March 2012

**Appeal Ref: APP/U2235/A/11/2165050**

**The Beast House, West Street, Hunton, Maidstone, Kent ME15 0SA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs A Bishop against the decision of Maidstone Borough Council.
- The application Ref MA/11/1110, dated 29 June 2011, was refused by notice dated 22 September 2011.
- The development proposed is the change of use and conversion of a former agricultural building to a live/work unit.

### Decision

1. The appeal is allowed and planning permission is granted for the change of use and conversion of a former agricultural building to a live/work unit at The Beast House, West Street, Hunton, Maidstone, Kent ME15 0SA in accordance with the terms of the application, Ref MA/11/1110, dated 29 June 2011, subject to the conditions in the attached schedule.

### Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues in this appeal are whether the site is in a sustainable location, the effect of the proposed development on the countryside, and whether there are benefits that outweigh any harm identified under the other main issues.

### Reasons

4. The existing structure was part of a farmstead which included a farmhouse and oasthouse. The building was damaged in storms more than twenty years ago and has largely been rebuilt. Planning permission has been granted for the conversion of the other buildings within the farmstead to residential use and two new dwellings have also been constructed.

### Sustainable Location

5. The appeal site is on the edge of a small group of buildings which is towards the edge of the scattered community of Hunton. Hunton has limited facilities and while there is a school, church, village hall, village club and thriving community, there are no shops, doctor's surgery, post office or pub and little

evidence of employment opportunities. However, the nearest centre with a range of facilities is Yalding which is about one mile away, a reasonable walking or cycling distance. The road is narrow and unlit but there is a bus route along West Street which links Maidstone to Goudhurst and provides an early morning service into Maidstone, followed by others until early afternoon with services in the other direction towards Yalding starting later in the morning but continuing until early evening.

6. The proposal is for a live/work unit and so there would be no need for the owner of the business to travel to work and the proposed dwelling would be small with only two bedrooms and unlikely to be occupied by a family with several children. The bus service would be adequate for other journeys for shopping and healthcare and while some journeys for social or leisure purposes may be undertaken by car these would be limited.
7. My attention has been drawn to the recent Appeal Decision Ref APP/U2235/A/11/2159563, relating to a site in the area, where my colleague found that the site did not represent a particularly sustainable location. However, in that case there were other considerations, including that the proposal was for solely residential purposes, the site was on the other side of Hunton, considerably further from Yalding, school availability was an important consideration and the decision was based on a much reduced bus service.
8. The site has planning permission for use as residential holiday accommodation. While residential use is generally more intense than holiday use, in this case the work element of the proposal would reduce the environmental impact of the development.
9. Access by public transport would be adequate, the site is reasonably close to the facilities available in Hunton and Yalding and, having taken account of the live/work aspect of the proposal and the limited size of the proposed residential unit, on balance I conclude the appeal site is in a reasonably sustainable location for this type of proposal.
10. Other aspects of sustainable development such as social and economic effects have not been disputed by the Council but the policies referred to by the Council include for the conservation of the physical and natural environment and I shall consider this in terms of the effect on the countryside before concluding on the position of the proposal in relation to development plan and other policies.

### ***Countryside***

11. The appeal site is outside the development boundary and so is defined as being in the countryside for planning purposes. Development in the countryside is strictly controlled and Planning Policy Statements (PPS)3: Housing, 4: Planning for Sustainable Economic Growth and 7: Sustainable Development in Rural Areas emphasise the need to protect the countryside for its own sake. This national guidance is reflected in Maidstone Borough-Wide Local Plan Policy ENV28.
12. The Council does not have a specific policy relating to live/work units but considers the proposal should be tested against Policies ENV45 and ENV44 which relate to the re-use of rural buildings for residential use and for other purposes respectively. The local plan policies pre-date PPS4 which encourages the re-use of existing buildings in the countryside for economic development where the benefit outweighs the harm so I shall consider the effect of the

proposal on the countryside in terms of the restraints applied by the local plan policies and then in terms of the balance between harm and benefits.

13. The Council accepts that the building would be suitable for re-use for tourist accommodation under the provisions of Policy ENV44, as confirmed by the existing planning permission. However, Policy ENV45 for residential conversions is more restrictive and requires, among other things, that the existing building contributes towards the character of the countryside or exemplifies the historical development of the Kentish countryside.
14. The Beast House was probably built in the early 19<sup>th</sup> century and was part of the dispersed farmstead that included the oast house and farmhouse. The building itself has been substantially rebuilt but retains the original Kentish ragstone plinth and is of a similar form and scale as the original building. While there is now a house on the site of the original barn/stables and the terrace of houses was replaced by new dwellings in the 1950's, the farmhouse is in use as dwelling and the oast house roundel is currently being renovated and extended for residential use.
15. Previous applications for planning permission to convert the Beast House were refused and the assessments by the Council and in subsequent Appeal Decisions referred to the fact that the building was not listed, that it was in a semi-derelict state and then rebuilt in a mixture of modern materials. There has also been reference to the ubiquity of buildings of this type. However, the continued presence of the former farmhouse and oast house have now been secured and further evidence on the age of the building and the relative rarity and importance of the group of buildings has been highlighted in the Heritage Assessment submitted by the appellant, and confirmed in the evidence from Mr Edwards at the Hearing. This evidence concludes that the dispersed multi-yard type of farmstead, such as this one, is characteristic of the Weald and has particular significance in terms of the local distinctiveness of the southern part of the Maidstone district.
16. There have been some unsympathetic changes to the group, but the Beast House is a prominent roadside feature that is visually related to the oast house and is an important element of the farmstead, defining the western edge. In addition it screens the 1950's dwellings from public view and its retention is important in securing the agricultural character of the group of buildings. The proposal would also address the uncharacteristic replacement roof covering and brick pillars and result in a building more representative of the original form than would be the case if the permitted conversion were carried out.
17. I conclude that the Beast House has historical landscape significance. This view, and the application, is supported by the Campaign to Protect Rural England as well as the parish council and local residents. The existing building contributes towards the character of the countryside and therefore the proposal complies with local plan Policy ENV45. The proposal would result in no noticeable harm to the character and appearance of the countryside, indeed there would be benefits as it is likely that if this appeal were dismissed the Beast House would be allowed to fall into disrepair as the conversion to holiday units has been found to be unviable and no other viable use has been found. I therefore conclude that, despite the strict control exercised over development in the countryside; this is a case where the site specific circumstances indicate that the proposal would meet the objectives of national policy in relation to the countryside.

### **Conclusions on Main Issues**

18. I have found the appeal site is in a reasonably sustainable location and the existing building contributes to the character of the countryside. Thus the proposal does not conflict with Policy ENV44 or Policy ENV45 of the local plan and so constitutes an exception to the normal restriction on development in the countryside and is in accord with the aims of local plan Policy ENV28 and national guidance including PPS1: Delivering Sustainable Development and PPS5: Planning for the Historic Environment, as well as those referred to above. The proposal also complies with South East Plan Policies BE6; Management of the Historic Environment, CC1; Sustainable Development, CC6; Sustainable Communities and Character of the Environment and RE5; Smart Growth.

### **Other Matters**

19. My attention has been drawn to Appeal Decision Ref APP/U2235/A/10/2142930 where my colleague found that the encouragement for live/work units expressed in PPS4 should not outweigh the guidance on occupational dwellings in the countryside in PPS7. However, that proposal was for a new building and I am not aware of the full circumstances of that case. In any event, each proposal falls to be considered on its own merits in terms of how a particular proposal would affect its immediate environment.

20. A number of benefits related to the provision of a work area have been identified but in the light of my decision I do not consider these further. Other recent planning permissions including those at Gudgeon's Oast and Tutsham Farm have also been cited but it is clear that the individual circumstances of those cases differ from this proposal. I have also taken into account all other matters raised, but none carry sufficient weight to alter my conclusions on the main issues.

### **Conditions**

21. I have considered the conditions suggested by the Council having regard to Circular 11/95 The Use of Conditions in Planning Permissions. Control of details of materials, boundary treatments, landscaping and further development is necessary in the interests of the character and appearance of the area and I shall impose these conditions subject to minor modifications to aid clarity.

22. In addition, as discussed at the Hearing, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Also conditions to ensure the retention of the work space in the development are required as this contributes to the acceptability of the proposal in terms of sustainability. A construction method statement is necessary to protect the local environment and a parking area should be provided and retained in the interests of highway safety.

23. Details of the proposed drainage system are shown on the drawings and the Council confirmed that it no longer considers conditions in respect of this, the removal of rubble by hand, lighting details and relating to flood risk are necessary. I have no reason to disagree.

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

*J M Trask*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Alan Bishop MRTPI	Appellant
Robert Lewis	Barrister
Bob Edwards BSc PGDip IHBC	Heritage Advisor
MIFA	

### **FOR THE LOCAL PLANNING AUTHORITY:**

Geoffrey Brown MPhil MRTPI	Planning Officer, Maidstone Borough Council
Mike Parkinson MRTPI IHBC	Heritage Advisor

### **INTERESTED PERSONS:**

Cllr John Wilson	Local Councillor
Roger Sawtell	Chairman Hunton Parish Council
Patricia Nichols	Local resident

## **DOCUMENTS**

- 1 Appeal Decision Ref: T/APP/2225/A/73/9835/G5
- 2 Appeal Decision Ref: APP/U2235/A/08/2074898
- 3 Appeal Decision Ref: APP/U2235/A/11/2159563
- 4 Planning Permission Ref: MA/08/2479 and drawing Ref PO1a
- 5 Footpath map

**Schedule of Conditions: 1 to 12**  
**Appeal Ref: APP/U2235/A/11/2165050**  
**Application Ref MA/11/1110**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until written details or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping using indigenous species, which shall include a land survey and tree survey in accordance with BS 5837 (2005) "Trees in Relation to Construction Recommendations" with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. Development shall be carried out in accordance with the approved scheme.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G shall be carried out without the permission of the local planning authority.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans Nos: 778/LA, 778(897)-1 & 2A except in respect of any details required by the conditions in this schedule.
- 8) The business floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use.
- 9) The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision

equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

- 10) The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) No plant and machinery used for demolition and construction shall be operated on the premises before 0800 on Mondays to Saturdays nor after 1900 on Mondays to Fridays and 1300 on Saturdays, nor at any time on Sundays or Bank Holidays;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials;
  - iv) storage of plant and materials used in constructing the development;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction; and
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 12) The building shall not be occupied until the area shown on the drawings has been drained and surfaced and that area shall not thereafter be used for any purpose other than the parking of vehicles.