



Appeal Decision

Site visit made on 3 December 2018

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th December 2018

Appeal Ref: APP/V2255/W/18/3205056

Building at Keycol Farm, Keycol Hill, Keycol, Kent ME9 7LG

- 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 J Smith against the decision of Swale Borough Council.
 - The application Ref 17/506345/FULL, dated 3 November 2017, was refused by notice dated 4 April 2018.
 - The development proposed is demolition of pole barn attached to northern elevation and conversion of a former agricultural building into two dwellings with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the planning application form although I note it is expressed differently on other documents.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

4. The main issues raised in respect of the appeal are: -
 - (a) whether or not the site would be suitable for a residential development given its location outside the built-up area;
 - (b) the effects of the proposed development on the vitality of the rural economy;
 - (c) the effects of the proposed development on the character and appearance of the countryside; and
 - (d) accessibility in regard to services and facilities.

Reasons

Location

<https://www.gov.uk/planning-inspectorate>

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5. The Local Plan has defined the built-up area. Policy ST3 of the Bearing Fruits 2031: the Swale Borough Local Plan 2017 (the Local Plan) resists development outside of the built-up area boundaries unless supported by national planning policy, amongst other matters. The appeal site, whilst not spatially isolated from other existing developments, falls beyond any built-up area boundary identified by the Local Plan. Any residential development beyond the boundary established by the Local Plan would therefore conflict with the aim of providing homes in accordance with the Borough's identified and agreed settlement hierarchy.
6. I conclude that the appeal site would not be a suitable location for new housing, given its location outside the built-up area boundary. The proposal would be contrary to Policies ST1, ST3, CP3 and DM3 of the Local Plan that seek to provide new homes in accordance with the settlement hierarchy. Whilst I accept that the proposal would contribute two dwellings to the Borough's supply of housing, the Council has adopted its Local Plan and in doing so has an adequate supply of future housing sites in place.

Rural economy

7. Policy DM3 of the Local Plan relates to the rural economy and resists residential development where it would reduce the potential for rural employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable. The aim of the policy is to promote a strong rural economy and community through the expansion of business and enterprise in the rural area. This policy therefore requires the suitability of the site/building for employment and/or community re-uses to be ruled out prior to considering its suitability for residential re-use.
8. The supporting text of Policy DM3 advises that *"Even if the site or building is currently vacant, evidence will need to show that it is neither viable nor likely to become viable and that alternative employment uses have been robustly tested. This will also include the applicant having marketed the enterprise or the property for its commercial/community use for a reasonable period in a manner and at a price that reflects that use"*.
9. The applicant argues that the site would not be practical for an economic or community use as these would have a negative impact on the occupiers of neighbouring residential properties. It is suggested that the multi-vehicle traffic generated by other uses would be unneighbourly and the single track access would be unsuitable for HGVs. It is promoted that residential use would create the least vehicle movements and disturbance to neighbouring occupiers.
10. No other potential uses for the site have been identified by the appellant despite the appellant indicating that the building is structurally capable of re-use. Although the building has been vacant for some time, based upon the evidence before me I have no clear indication that other potential commercial/community uses have been explored in order to determine whether the assertions relating to vehicular traffic and impact upon the living conditions of neighbouring occupiers can be substantiated. Furthermore, I have not been presented with any substantive evidence that the site/building has been marketed for employment or community uses. Therefore, I cannot conclude that the building would not be suitable for an economic or community use or that the viability of an alternative use of the site/building has been robustly

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tested. The fact that the building has been vacant for some time and not been put to an economic use does not justify its change to residential use.

11. Consequently, as no substantive evidence has been put forward that might discount alternative uses of the site/building or that would clearly demonstrate that the site/building is only suitable for residential purposes, I cannot be certain that the site/building would not be desirable or suitable for re-use for employment or community purposes.
12. The proposal would therefore conflict with the aims of Policies ST1, ST3 and DM3 of the Local Plan as it has not been sufficiently demonstrated that there would be no demand for rural employment and/or community facilities in this countryside location or that the site/building is unsuitable for such uses.

Character and appearance

13. The Council's Supplementary Planning Guidance (SPG) 'the Conservation of Traditional Farm Buildings' identifies that residential uses can have more impact upon the rural landscape than other uses due to the creation of domestic gardens, parking, garaging and other outdoor paraphernalia.
14. The appellant advocates that the proposal would tidy up the area and reduce the amount of hardstanding at the site. However, the creation of extensive new residential curtilages with the domestic paraphernalia that they could host would considerably urbanise the appearance of the appeal site. This would cause substantial visual harm to the rural character of this existing countryside location.
15. I accept that the removal of the pole barn would constitute a reduction in built form at the appeal site and could off-set the volume of any domestic outbuildings erected by future occupiers. Whilst the appellant considers this would be a visual improvement to the openness of the countryside I consider this would only make a minor contribution to it.
16. The appellant directs me to paragraph 79 of the Framework that offers support for the re-use of redundant or disused buildings in the countryside but paragraph 79 also imposes a requirement to enhance the immediate setting. For those reasons set out above I have found that the creation of residential curtilage would be harmful to the rural character of this location.
17. The appellant suggests the possibility of removing permitted development rights by planning condition to prevent the future occupiers erecting domestic outbuildings and sheds within their outdoor curtilages. Paragraph 55 of the Framework indicates that planning conditions should be reasonable. I refer to the advice in the Planning Practice Guidance which state that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. Furthermore, I do not consider that it would be reasonable to prevent occupiers from having such facilities to store household items. As such, I do not consider such a condition would be reasonable here.
18. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the countryside. The proposal would, therefore, conflict with Policies ST1, ST3, CP3 and DM3 that seek, amongst other matters, development not to harm the rural character of the area.

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Accessibility

19. The appeal site is approximately 1 kilometre from Newington where services can be accessed. I am mindful of the provisions of the Framework that resist development that would generate private travel and that promote walking, cycling and the use of public transport. Although the A2 is served by pavements, it is a busy road and this would not encourage walking or cycling to Newington or services and facilities further afield. However, I saw bus stops either side of the road in close proximity to the site access. The appellant indicates that buses would provide links to Gillingham, Rainham, amongst other urban areas.
20. In the context of its rural location where accessibility is not normally as good as that of urban areas, I consider that the proposal development would have reasonable access to facilities and services without being solely dependent on private car. Notwithstanding this, occupiers may opt to use their private vehicles for travel. However, the movements by the occupiers of two households would be relatively low.

Other Matters

21. The appellant suggests that the site constitutes previously developed land (PDL). There is some disagreement between parties as to the previous use of the site and whether or not it satisfies the definition of PDL. Nonetheless, even if this site were to be considered as PDL, development plan policies also require the development to protect and enhance the countryside. I have found that the proposal would not achieve this.

Planning Balance and Conclusion

22. Paragraph 78 of the Framework promotes sustainable development in rural areas and indicates that housing should be located where it will enhance or maintain the vitality of rural communities. The provision of housing in general has the potential to support rural services and community facilities but I have not been directed to services or facilities close by, other than a café, that could be supported by the proposal. In any event, the contribution of two new households would not make a significant contribution to rural vitality.
23. Weighing all the relevant considerations in the planning balance, I conclude that the proposal is contrary to the existing settlement policy for the area. I do not consider there is substantive evidence before me that would clearly demonstrate that the building would not be suitable for employment or community uses or that would indicate that the building is only suitable for residential purposes. I have also found that the residential use of the site would be harmful to the character and appearance of the countryside. The adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. Therefore, due to the conflict with the development plan and the identified harm to the environment, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR