



Appeal Decision

Site visit made on 9 June 2015

by **C Thorby MRTPI IHBC**

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

Decision date: **3 July 2015**

Appeal Ref: APP/V2255/W/15/3003010

Scotts Hill, Old House Lane, Lower Hartlip, ME9 7SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, part 3, Class Q the Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Mr and Mrs Gary and Ruth Auger against the decision of Swale Borough Council.
 - The application Ref 14/501272/PNBCM, dated 24 June 2014, was refused by notice dated 20 October 2014.
 - The development proposed is change of use of an agricultural building to a dwelling house (class C3).
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Decision

1. The appeal is allowed and approval is granted under the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 for change of use of an agricultural building to a dwelling house (class C3) at land at Scotts Hill, Old House Lane, Lower Hartlip, ME9 7SP in accordance with the terms of the application Ref 14/501272/PNBCM, dated 24 June 2014 and the plans submitted with it, subject to the standard conditions set out in the Order.

Reasons

2. The main issues in this case are whether the location and siting of the building makes it otherwise impractical or undesirable for a building to change from agricultural use to a dwelling house.
3. National Planning Practice Guidance (PPG) makes it clear that the permitted development right in this class does not apply a test in relation to sustainability or location. Therefore, the appeal would not fail on this ground. It would not appear to be an impractical location for conversion, as it has its own access from a main road and there is no evidence that the conversion works necessary could not be undertaken at the site.
4. The location and siting would not be undesirable; the appeal building is small, is visible from the road and is not seen as part of the open countryside. Therefore, a residential use would not be incompatible with its surroundings. I have taken account of the footpath, but in this location the change of use to the appeal building, including a domestic curtilage, would have very little impact in the landscape. The appeal building would not be considered as an isolated house in the countryside as it is only 85 metres from a residential area, visible from a partly residential road and close to the settlement

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boundary. The decisions referred to by the Council are not relevant because they either pre-date the PPG alterations relating to class Q, are located much further away from the settlement or relate to a holiday let (with little indication of a specific distance from the village).

5. There is no intention to replace structural elements, and the design and external appearance would be appropriate, maintaining the simple, rural character of the building. There is no dispute that there would be no harmful impact on/from transport, highways, noise, contamination, flooding or design. The time limit for the scheme and carrying out the works in accordance with the plans are covered by the standard conditions imposed by the Order.
6. The appeal scheme would boost the supply of housing as sought by the National Planning Policy Framework and it would comply with national policy in seeking to protect the character and appearance of the countryside. In these circumstances, prior approval is granted.

C Thorby

INSPECTOR