



Appeal Decision

Site visit made on 5 January 2021

by **C Osgathorp BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/U2235/W/20/3247775

Land off Park Lane, Park Lane, Wormshill ME9 0UA

- 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 Simon Gambling against the decision of Maidstone Borough Council.
 - The application Ref 19/504590/FULL, dated 6 September 2019, was refused by notice dated 20 December 2019.
 - The development proposed is erection of poultry shed and associated storage barn with mobile home for establishment of organic egg enterprise.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty.

Reasons

3. The appeal site is within the Kent Downs Area of Outstanding Natural Beauty (the AONB) where the statutory purpose of designation is to conserve and enhance natural beauty.
4. Policy SP17 of the Maidstone Borough Local Plan 2017 (the Local Plan) sets out that agricultural proposals will be supported which facilitate the efficient use of the borough's significant agricultural land, provided any adverse impacts on the appearance and character of the landscape can be appropriately mitigated. It also says that great weight should be given to the conservation and enhancement of the AONB.
5. Policy DM3 of the Local Plan states that development proposals should protect positive landscape character from inappropriate development and avoid significant adverse impacts as a result of development. Policy DM30 says that outside settlement boundaries proposals which would create high quality design will be permitted providing, amongst other things, that the development would maintain or, where possible, enhance local distinctiveness including landscape features. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character. Policy DM36 states that proposals for new agricultural buildings will be permitted, subject to criteria including that the building would be adjacent to an existing group of

- buildings in order to mitigate against the visual impact of development. Where an isolated location is essential, the site should be chosen to minimise the impact of the building on the character and appearance of the countryside.
6. My attention has also been drawn to the Maidstone Landscape Character Assessment 2012 (the LCA), as amended, which indicates the site as being within the Wormshill, Frinsted and Otterden Downs and Dry Valleys Landscape Character Area. The LCA identifies key characteristics, including gently undulating landform of dry dip slope valleys and ridges, many large woodland tracts, chalk grassland pasture in dip slope valleys, arable fields on ridges, scattered villages and farmsteads, and narrow winding lanes mostly lined with hedgerows.
 7. The LCA sets out that the pattern of arable fields, chalk grassland pasture, woodland tracts and scattered settlements form a coherent pattern and there are few visual detractors. It notes that there are a few run-down farm sheds in the area, but they generally add to the remote feeling of the landscape. The LCA rates the condition of the landscape to be good. Furthermore, the LCA identifies that, amongst other things, the chalk grasslands pasture, arable fields, parkland trees and the scattered nature of settlements are distinctive features. It states that the landform and tree cover combine to allow moderate visibility within the area and the sensitivity of the landscape is summarised as moderate.
 8. The appeal site comprises a field in the countryside, which is accessed through a narrow track that leads from the end of Park Lane. It is in an isolated rural location and there are only a small number of buildings in the vicinity. The site is undulating, and the boundaries consist of trees and low-level hedges. The environs of the appeal site largely conform with the characteristics set out in the LCA and it makes a positive contribution to the landscape quality of the AONB.
 9. The appeal scheme includes the erection of a poultry shed with 2 feed silos, which would be served by a long access track. There would also be a general storage building and a mobile home towards the northern end of the site. Whilst I acknowledge the appellant's comment that the poultry shed would need to be positioned centrally to the grazing area, the proposed buildings would be widely spread on the appeal site in a haphazard and incoherent arrangement, which would not respect the pattern of development in the area. The wide spread of the buildings would exacerbate the visual impact of the built form on the landscape and it would significantly erode the openness of the site.
 10. The proposed poultry shed, at around 123 metres wide, 8.8 metres deep and 4.2 metres tall, would be a substantial building that would cut across the site in an isolated position. Whilst the building would be sited in a dip in the landform, this would not adequately mitigate the visual impact of the proposal. I have had regard to the appellant's Landscape and Visual Appraisal, which indicates that the proposal would not be visible in a number of wider views due to vegetation and landform. The boundary trees and hedges provide some screening, however the extent of this would be reduced in winter months when vegetation is not in leaf. In this respect, based on my site observations the proposed buildings would be visible from public footpaths KH177 and KH224 and fields to the north-east. I appreciate that there would be scope for

additional planting, however this would take years to become established and could not be relied upon to screen the proposed development in perpetuity.

11. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the AONB. The proposal would therefore be contrary to Policies SP17, DM3, DM30 and DM36 of the Local Plan, which, amongst other things, seek to protect positive landscape character and give great weight to the conservation and enhancement of the AONB.
12. Whilst I recognise that the intention of the Kent Downs AONB Management Plan 2014-2019 (the Management Plan) is to manage change rather than prevent it, the proposal would not conserve and enhance the natural beauty of the landscape. The proposed development would therefore conflict with the aims of the Management Plan and the LCA. Furthermore, the proposal would not accord with paragraphs 127 and 172 of the National Planning Policy Framework (the Framework) which require that development is sympathetic to local character, including the surrounding landscape setting, and that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Other Matters

13. The harm to the landscape character of the AONB must be balanced against the benefits of the proposal. I recognise that the Management Plan refers to livestock farming as important to retain the special character of the AONB, yet there has been a significant decline. Amongst other things, the Management Plan states that the AONB will retain the principally farmed character for which it is valued. The use of the land for grazing would be beneficial in this respect. Furthermore, paragraph 83 of the Framework supports the sustainable growth and expansion of all types of business in rural areas and the development and diversification of agricultural and other land-based rural businesses. The proposed development would provide jobs and contribute to the rural economy, which is a benefit that attracts significant weight.
14. Nevertheless, the scale and siting of the proposed buildings would appear visually intrusive in the landscape and would therefore cause harm to the character and appearance of the AONB. In the context of the Framework's advice that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB, I find that the benefits of the proposal would not outweigh the harm that I have identified.
15. I have had regard to the appeal decision submitted by the appellant and the reference to other poultry units in the AONB. However, there is limited information of those proposals before me and I have nevertheless determined the appeal scheme on its own merits.

Conclusion

16. For the above reasons, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR