

Appeal Decision

Site visit made on 18 September 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/E2205/W/19/3230956

Mayfield, Smallhythe Road, Tenterden, Kent TN30 7LU

- 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 Daniel Charlesworth against the decision of Ashford Borough Council.
 - The application Ref 18/00983/AS, dated 3 July 2018, was refused by notice dated 14 December 2018.
 - The development is a timber framed garden building and removal of existing asbestos roofed timber garden building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I saw from my site visit that the shed, subject of this appeal, has been built. The shed reflects the drawings that were considered by the Council at application stage and I have determined the appeal on this basis.
3. The appellants have stated that the land is a residential garden. This matter is disputed by the Council and some of the neighbouring properties. I am aware that the appellants have made an application for this matter to be determined under section 191 of the Town and Country Planning Act 1990 (the Act). This is separate application that will be determined on a different basis from the section 78 appeal before me.
4. The appellants' statement stated that since the determination of the application, the Ashford Local Plan 2030 (2019) (the LP) has been adopted, which the Council have confirmed. Accordingly, Policies GP12 & TRS2 of the Ashford Borough Local Plan 2000; Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008 and Policy RS17 of the Tenterden and Rural Sites Development Plan Document have been superseded. They have been replaced by Policies SP1, SP6, and ENV3b of the LP, which I have based my decision on.

Main Issues

5. The main issues are (i) whether the building is in a suitable location; and (ii) its effect on the character and appearance of the High Weald Area of Outstanding Natural Beauty (AONB).

Reason

6. The appeal site is an open area of land which is field-like in appearance which lies adjacent to the rear gardens of several detached properties on Smallhythe Road. Access to the field can be gained via the rear garden of Mayfield as there is no fence dividing the garden from the field. It is also fenced off from the other gardens and has a mature hedgerow on the other boundaries. There are two other single storey wooden outbuildings on the land of different sizes. The larger one is in the north-eastern corner of the field and the smaller one is to the rear of 'Mayfield' and the adjacent dwelling, 'Little Oak'.
7. The development is a large single storey wooden shed which is located immediately to the rear garden of 'Little Oak' and adjacent to the smaller outbuilding.
8. Policy SP1 of the LP requires that developments must conserve and enhance the Borough's natural environment and Policy SP6 requires developments to be of high-quality design and respond positively to the character of the area. The use of the shed for domestic purposes located within the countryside is a location where developments of this nature are restricted. Consequently, the appeal proposal is an unacceptable form of development in the open countryside.
9. The site also lies within AONB and the open character of the appeal site contributes to the rural setting. The glazed doors and windows to the front and one of the side elevations gives the shed a domestic appearance which is incompatible with this setting. The appearance of the shed also jars with the existing outbuildings in the field which have no such openings and are of a traditional rural design.
10. Whilst it sits behind the hedgerow which forms the rear boundary of 'Little Oak', the shed is still visible from the garden. It would be of detriment to the intrinsic value of the AONB as it does urbanise the site, contrary to the more open landscape qualities.
11. I am mindful that the materials used will weather over time and further minimize the visual impact. The appellants have also stated that the number of openings could be reduced. However, these would not address the harm caused by its size. The appellants have stated that the building is needed to store domestic items associated with the family and that the shed provides a safe storage facility. Whilst I understand these personal circumstances, I am unaware why the other buildings could not accommodate this function. I also acknowledge that the appellants argue that the shed does not cause any harm to immediate neighbours.
12. I have had regard to the Ashford Borough Council 'Domestic Garages and Outbuildings in Urban and Rural Areas' Supplementary Planning Guidance Note 9. I am mindful that this document contains guidance concerning character and appearance, and I have already highlighted the harm in this regard.
13. I conclude that the development is a large incongruous feature which is an unacceptable domestication and urbanisation of the site to the detriment of the character and appearance of the open countryside and the intrinsic value of the AONB. The development conflicts with Policies SP1, SP6, and ENV3b of the

Ashford Local Plan 2030 (2019) which seek, amongst other things, to conserve or enhance the Borough's natural environment.

Conclusion

14. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Neil Smith

INSPECTOR