



Appeal Decision

Site visit made on 2 December 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2019

Appeal Ref: APP/E2205/W/19/3235852

Swift Farm, Smarden Bell Road, Smarden TN27 8PP

- 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 Raspberry Homes against the decision of Ashford Borough Council.
 - The application Ref 19/00523/AS, dated 8 April 2019, was refused by notice dated 9 August 2019.
 - The development proposed is the conversion and the re-use of an existing self-contained 3-bedroom annexe into a standalone 3-bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and re-use of an existing self-contained 3-bedroom annexe into a standalone 3-bedroom dwelling at Swift Farm, Smarden Bell Road, Smarden TN27 8PP in accordance with the terms of the application, Ref 19/00523/AS , dated 8 April 2019, and the plans submitted with it, subject to the conditions set out in Annex A.

Main Issues

2. The main issues are whether the proposal is:
 - an acceptable windfall development in the countryside and;
 - a sustainable form of development with regard to day to day services.

Reasons

Windfall development in the countryside

3. Swift Farm is located in open countryside and approximately 3km from the village of Smarden which offers some local services including a primary school, public house, Post Office and a Butchers. There are some larger settlements relatively nearby such as Pluckley and Headcorn, which are both approximately 6km away, and include train stations. The nearest major settlement is Ashford which is approximately 16km distant and is likely to provide the majority of services such as a hospital, secondary schools, doctors, and a range of larger day to day shops.

4. The appeal site is accessed via a narrow un-made track near to the brow of a bridge that crosses the railway line which runs parallel to the appeal site. The track opens into a parking and turning area associated with the host dwelling, Swift Farm, which is partially shielded from the railway track by tall trees. To the side garden/paddocks of the host dwelling there is a modest single-storey, detached timber out-building which appears to have been used at one time as ancillary accommodation related to the main farm building. Indeed, from my site inspection I observed that the existing plans reflect what is 'on the ground' for example, a kitchen, bathroom, bedrooms and other facilities relied upon for day to day living, and the activities of a residential dwelling. To the rear of the outbuilding there are adjoining paddocks which transition into the countryside beyond. The proposal is to convert the out-building into a 'stand-alone' 3-bedroom residential dwelling with parking that would share access with Swift Farm.
5. The criteria for permissible 'Residential Windfall Development in the Countryside', as set out in HOU5 of the Ashford Local Plan 2019 (ALP), comprises of two elements; whether a proposal is adjoining or close to the existing built up confines of a settlement, and secondly whether a proposal for residential development is acceptable for at least one of a number of specific criteria. The main parties agree that the appeal site is not adjoining or close to the built confines of Smarden, and from the evidence before me the proposal does not provide an essential need for a rural worker, does not enable the future of a heritage asset or have any exceptional quality or innovative design. However, Policy HOU5 also says that residential development in the countryside will be permitted if a proposal is for the reuse of a redundant or disused building which leads to an enhancement of the immediate setting. As such, the existing building appears to have been disused for a number of years following its disposal by the former occupants of the farmhouse who no longer have use for it as ancillary accommodation. Furthermore, following the change of ownership the building is unlikely to be used as an ancillary building associated with the main dwelling. Indeed, my opinion is reinforced by the submitted plans which show details of the proposed layout which include a lounge, kitchen, games room, bathroom with toilet and three bedrooms which demonstrate that the building would be an independent unit. However, as the reasoning cannot rest on the owners' decision alone; rather adherence to the adopted Development Plan Policies, the same criteria also requires that re-use of such buildings must lead to an enhancement to the immediate setting. Accordingly, and as agreed by the main parties, the proposed conversion would return the building to a better state of repair and provide some limited visual improvements. In combination with the imposition of a landscaping condition the proposal would result in an enhancement to the immediate setting.
6. Therefore, the proposal accords with Policies HOU5 and HOU10 of the ALP, and for similar reasons Paragraph 79(c) of the National Planning Policy Framework (the Framework), which say, amongst other things, that residential development in the countryside will be permitted if a proposal is for the reuse of a redundant or disused building which leads to an enhancement of the immediate setting.

Sustainable development

7. The proposal would result in the creation of an individual residential dwelling in the countryside which would be outside of a defined built-up boundary. The nearest settlement is Smarden which despite its limited array of services is at a relatively short distance from the numerous villages and towns surrounding the appeal site which include, but are not limited to; Pluckley, Headcorn and Ashford that offer expected infrastructure and day to day services. As such, in this particular case, the way that those services and other infrastructure are accessed, while less than ideal, is unlikely to change from the former occupants of the existing residential dwelling or other nearby residents in this countryside location.
8. Therefore the proposal meets the aims of SP1, SP2, and SP6 of the ALP which says that developments must demonstrate careful consideration of the sense of place and utilise existing infrastructure, facilities and services, and Paragraph 78 of the Framework that says development should be located where it will enhance or maintain the vitality of rural communities, especially where this will support local services.

Conditions

9. I have considered the suggested conditions against Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance and imposed the following conditions; a standard time limit condition, a condition requiring that the development is carried out in accordance with the approved plans. To protect the visual amenity of the area, a condition requiring approved samples of the external materials. Conditions are imposed to protect and enhance existing species and habitats on the site, and to enhance biodiversity. To enhance the immediate setting a landscaping condition is imposed. There is also a condition related to parking and turning to ensure adequate provision related to the approved dwelling. A condition for cycle storage to encourage sustainable modes of transport and healthy life-styles. To reduce the impact of flooding there is a condition the complies with the principles of sustainable urban drainage. A condition to ensure the correct disposal of sewage and the avoidance of pollution in the surrounding area. A condition that limits the water usage associated with the dwelling to comply with water efficiency requirements set down in the ALP, and finally a condition that restricts future development, extensions or alterations to protect the local character and amenity of the area.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed subject to the conditions set in Annex A.

J E JOLLY

INSPECTOR

Annex A – Conditions

1. The development shall be begun before the expiration of 3 years from the date of this decision.
2. The development shall be carried out in accordance with the submitted plans: 600/EX, 6001/19/1/B and 6001/19/LBP/A.
3. Written details including source/manufacturer and samples of the cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced above ground level and the development shall be carried out using the approved external materials.
4. The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (dated 1/2/2019).
5. Prior to the occupation of the dwelling, a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall have regard to the general enhancement of biodiversity and shall include wildlife friendly planting and bird boxes. The development shall then be implemented in accordance with the approved proposals and maintained for the lifetime of the development.
6. A landscaping scheme for the site (which shall include new planting and boundary treatment details for the site) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced above ground level. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five 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 a similar size and species unless the Local Planning Authority give prior written consent to any variation.
7. The areas shown on drawing no. 6001/19/LBP/A as vehicle parking and turning for the new dwelling shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these parking spaces.
8. Prior to the occupation of the dwelling, details of secure, covered cycle storage (including elevations) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
9. The development shall be built to comply with the principles of sustainable urban drainage and maintained in accordance with these details.
10. The dwelling shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

11. The development shall achieve an estimated water use of no more than 110 litres per person per day.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A - E of Part 1 and Class A of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority. 323