
Appeal Decision

Site visit made on 6 October 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/E2205/W/20/3254231

**Land adjoining the north side of Hallmark Farm, Ashford Road,
St Michaels, Tenterden TN30 6SP**

- 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 The Trading Post Kent Ltd against the decision of Ashford Borough Council.
 - The application Ref 19/01781/AS, dated 20 December 2019, was refused by notice dated 16 April 2020.
 - The development proposed is described as a farm shop on the land adjacent to Hallmark Farm and change of use from agricultural land to A1 and A3 class of use.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposal on the character and appearance of the area between St Michaels and High Halden.
 - The effect of the proposal on the vitality and viability of Tenterden and St Michaels and the surrounding village centres, and the aims of sustainable development.

Reasons

Character and Appearance

3. Ashford Local Plan Policy SP1 states the strategic objective of conserving and enhancing the natural environment including landscapes and creating high quality design. High quality design is the aim of Policy SP6 and Policy SP7 states that development on non-allocated sites outside built-up confines will be permitted only where its impact, individually or cumulatively, would not result in coalescence or merging of two separate settlements, or the significant erosion of a gap. Policy ENV3a sets out criteria for development regarding landscape character and design. New employment premises in the countryside are to be integrated sensitively into the context as stated in Policy EMP5
4. The site is presently an agricultural field and the access from the highway has been formed as permitted in July 2018 under reference 18/00739/AS. The land is gently sloping away from the A28 road and is open to the far side. The south boundary is shown to be the masonry wall along the side of the adjoining

large dwelling and the north boundary adjoins the curtilage of another dwelling where work was in progress at the time of the site inspection.

5. The wider landscape contains sporadic built form and varied boundary treatments along the road, with a hinterland of agricultural fields. The entry to the golf course and hotel is prominent to the south-west, and roadside development becomes more visually established a short way to the south entering St Michaels and again to the north on the way into High Halden. The conclusion formed at the site inspection and travelling to both these named places, is that there is still an identifiable gap through a lessening of the density of development and the numerous places where agricultural or undeveloped land abuts the road. The area appears as the type of location whose character and appearance Policy SP7 seeks to protect.
6. The proposed development would consist of a 'Grasscrete' parking and turning area and a low building set close to the northern boundary with the dwelling. The remainder of the site would be open and the appellant refers to the possibility of food production being introduced on site or nearby. The 'Grasscrete' would retain in part the look of open land, but the parking of vehicles would erode that impression at times. The remaining open land could retain an agricultural character and appearance, or that of a market garden depending on outcomes, but the building would appear as an intrusion into the rural landscape and despite its proposed low form, and position relative to the dwelling, would further consolidate the sporadic items of built form along the road.
7. The parking and likely activity together with the outside seating would introduce a commercial as opposed to an agricultural or rural character to a significant part of the site and length of the roadside setting, and the likely increased use of the entry onto the main road and any associated signage would further consolidate this change.
8. To conclude, the proposed use and associated building, car parking and activity would significantly erode the gap that is presently discernible, and which appears vulnerable to such further erosion. The result would be a definite and prominent further risk of the currently separate identities of St Michaels and High Halden merging, contrary to the aims of Policy SP7. The development would cause harm to the character and appearance of the area between the more built up frontages, and would not accord with Policies SP1, SP6 and ENV3a. The requirement of Policy EMP5 to integrate into the site context would not be achieved and the existence of commercial activity associated with the adjoining site to the south does not assist in this respect.

Vitality and Viability

9. Local Plan Policy SP1 aims to focus development on accessible and sustainable locations which utilise existing infrastructure and Policy SP3 is the strategic approach to economic development and seeks to maximise town centre employment opportunities, while promoting rural employment. Provision is to be made under Policy SP4 for additional floorspace of convenience and comparison retail within Tenterden Town Centre through small scale development and changes of use.
10. Although the Council's Reason for Refusal refers to Policy EMP9 and a sequential test, the appellant points out that paragraph 88 of the National

Planning Policy Framework, within the section on ensuring the vitality of town centres, states that the sequential approach should not be applied to applications for small-scale rural offices or other small-scale rural development. It is reasonable to consider the appeal proposal under the reference to 'other development' in the context of this section of the Framework, and it is small scale. The supporting text to Policy EMP9 states that it does not apply to small scale retail and service provision, which is permitted in accordance with Policy EMP10, which concerns provision in local centres and villages, but the site is in neither of these locations.

11. That same paragraph 88 featured in the July 2018 version of the Framework and the Local Plan was adopted after that in early 2019, so it is unclear why there is an apparent divergence over the need for the test in this type of application. The appellant has nevertheless undertaken a sequential assessment which has found no suitable premises. There is a suggestion that premises may be available further afield but that this would not suit the business model proposed.
12. In this connection, the Council have commented on the description of the development, as it is considered not to be associated with a farm, so that it should be considered as just a shop, albeit selling local farm produce. The appellant has stated that the intention is to source produce locally and possibly grown on site and that the proposal represents diversification and an enhancement of rural employment opportunities.
13. The other connected part of this Main Issue is the Council's view that without justification for the location, there would be an over-reliance on the use of private vehicles, contrary to policies which seek to promote sustainable development. The location of farm shops close to or on the holding would not be unusual and the presence of the proposed eatery would enhance the shopping experience.
14. Both of these considerations carry weight, and support for a prosperous rural economy is a stated aim in section 6 of the 2019 Framework. However, the harm that has been identified in the previous main issue is real and serious, and there is no substantial evidence other than ownership, of the need for the enterprise to be located in this site within the vulnerable gap.

Conclusions

15. The need for a sequential test appears contradictory, but in any event the appellant has failed to find suitable premises higher up the sequence. As to the accessibility aspect of sustainable development, the presence of a farm shop in a rural location would not be unusual and often aids farm diversification and rural employment. However, the area of land along the A28 between St Michaels and High Halden is valuable in preventing the coalescence or merging of the two separate settlements, and the appeal proposal would bring about a real and harmful erosion of a gap that is already vulnerable through sporadic development. The building and car park would consolidate that sporadic development to the detriment of the character and appearance of the area.
16. Turning to the 3 overarching objectives of sustainable development stated at paragraph 8 of the Framework, there would be some economic benefit but this is not land in the right place and would not be so readily able to make use of existing transport as would a town centre site. The social objective could be

furthered through access to fresh produce, and the social interaction at the eatery, but that could be pursued within town centres in a more inclusive way for people without access to their own transport. The environmental objective would be poorly served through the harm identified and this latter is conclusive in the conclusion that for the reasons given above the appeal should be dismissed.

S J Papworth

INSPECTOR