



Appeal Decision

Site visit made on 13 October 2021

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th October 2021

Appeal Ref: APP/E2205/W/21/3270332

Former Pig Research Unit, Amage Road, Wye, TN25 5DF

- 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 Ian Larrassey against the decision of Ashford Borough Council.
 - The application Ref 20/00528/AS, dated 24 April 2020, was refused by notice dated 18 September 2020.
 - The development proposed is demolition of 2no. existing agricultural buildings and conversion of 1no. remaining building to 1 no. dwelling with associated access, parking and landscaping/garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. Following receipt of additional reports and appraisals, the Council has conceded its reasons for refusal relating to whether the existing building is capable of conversion, the effect on protected and notable species and the longevity and health of protected trees. The structural condition report from 2011 refers to the floor to eaves height and the lack of a damp course but this does not alter the finding that the building is suitable to be converted to a domestic property without structural improvements to the existing fabric.
3. Therefore the main issues are:-
 - The effect on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty (AONB) with reference to whether the proposed development would lead to an enhancement to the immediate setting; and
 - Whether the proposed dwelling would be suitably located having regard to local development plan policies.

Reasons

4. The appeal site is part of a larger pig research unit which has closed and was previously associated with Wye College. It is located along a narrow sunken lane at the foot of the downs with the scarp slope, open fields and sporadic development alongside it. The National Planning Policy Framework confirms that the AONB has the highest status of protection and that great weight should be given to conserving and enhancing landscape and scenic beauty.
5. The application plans show two buildings to the rear (referred to as Buildings 5 and 6) to be removed and the building closest to the road frontage (Building 7)

- would be converted to a dwelling. The wider site has an extensive planning history. However, of most relevance is that planning permissions have been given for two new dwellings to the west and south west to replace agricultural buildings. The construction of the new house on Plot 1 is well advanced.
6. Policy HOU5 of the Ashford Local Plan 2030 establishes that residential development in the countryside will only be permitted if, amongst other things, it is for the re-use of redundant or disused buildings and would lead to an enhancement to the immediate setting. The appellant maintains that compared to the overall site in its original state there would be an enhancement due to a significant reduction in built form.
 7. However, the question of whether there would be an enhancement should be considered in the light of what has already been permitted. To that end, the permissions for the new houses show that all other buildings and the associated hardstanding on the wider site would be removed. This is required by condition and includes Buildings 5, 6 and 7. Indeed, Buildings 5 and 6 have already been demolished.
 8. Therefore the removal of these buildings cannot reasonably be 'counted' as benefits linked to the proposed development since this has already taken place. Moreover, the proposal would retain a building that is due to be removed. This would alter the balance of considerations that was undertaken before permissions were given for new builds at Plots 1 and 2 as departures from the development plan. The removal of Buildings 5, 6 and 7 was to allow that area to be landscaped and the creation of a spacious plot size which is characteristic of the locality. If Building 7 were to remain and be converted an important part of the rationale for accepting the new houses would be lost.
 9. Furthermore, the permission for Plot 2 shows an existing entrance to be closed and retained as a passing place along the lane with the gap infilled by planting. The proposal is for a wide shared entrance with Plot 2 to be formed in this location which would 'open up' this otherwise well enclosed site to inward views of the proposed converted dwelling and its parking area. The appellant maintains that the existing entrance has planning permission but that is not what is shown on the site and planting plans for permission 19/01742/AS. No subsequent permissions have been referred to.
 10. The numerical density of development would be low and the converted building would be single storey and have a rural appearance. Other than via the access it would generally be well screened by existing tree belts. Any views from public footpaths and from the ridge of the North Downs would be at some distance. Compared to the approved landscaping scheme internal planting is indicated along the shared boundary with Plot 2 but this would have limited wider benefits. There is an offer to provide green roofs but no mechanism to secure this for the permitted dwellings. It is a matter of conjecture as to whether this would be an area where domestic paraphernalia associated with Plot 2 would have been located. None of these matters would give rise to any significant degree of enhancement against the agreed 'baseline'.
 11. Therefore, when compared to what has been permitted and the situation on the ground, the proposal would not, of itself, lead to an enhancement of its immediate setting. Indeed, the retention of Building 7 would erode the setting of the house permitted on Plot 2 and undermine part of the justification for allowing two new houses contrary to local policy. There would therefore be

negative consequences for the character and appearance of the AONB contrary to Local Plan Policy ENV3b and Policy WNP8 of the Wye Neighbourhood Plan.

12. Furthermore, as it does not accord with Policy HOU5, the proposal would not be acceptable windfall development in the countryside. The additional dwelling would not be in line with the strategic objective in Local Plan Policy SP1 of focussing development at accessible and sustainable locations as it would be well outside Wye. In addition, because it would be beyond the village envelope the proposal would be at odds with Neighbourhood Plan Policy WNP1a. The proposal would therefore not be suitably located having regard to local development plan policies.

Other Matters

13. The appeal site is within the Stour Upper sub-catchment and therefore the proposal could have a likely significant effect on water quality within the designated areas at Stodmarsh. The drainage strategy comprises soakaways for surface water and a foul package treatment plant with all treated effluent discharged into the chalk below. However, as the appeal is to be dismissed, there is no need for further consideration to be given to the provisions of the Conservation of Habitats and Species Regulations.
14. The technical note claims that redevelopment of the site would remove nitrates and phosphates from the Stour catchment which would improve water quality. However, the former use of the site ceased over 10 years ago and it is unclear what improvement, if any, would directly result from the proposal. Therefore, this matter does not outweigh the harm to the AONB identified.

Conclusion

15. The proposed development would not accord with the development plan and there are no material considerations that indicate the appeal should be decided otherwise. Therefore, for the reasons given, it does not succeed.

David Smith

INSPECTOR