



Appeal Decision

Site visit made on 13 April 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2023

Appeal Ref: APP/E2205/W/22/3296518

Coldharbour Farm, Knock Hill, Stone TN30 7JX

- 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 A Jempson against the decision of Ashford Borough Council.
 - The application Ref 20/01743/AS, dated 11 December 2020, was refused by notice dated 19 January 2022.
 - The development proposed is provision of a mixed agricultural and tourism office, together with a single holiday let accommodation above to Barn B.
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Decision

1. The appeal is allowed and planning permission is granted for provision of a mixed agricultural and tourism office, together with a single holiday let accommodation above to Barn B at Coldharbour Farm, Knock Hill, Stone TN30 7JX in accordance with the terms of the application, Ref 20/01743/AS, dated 4 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 161-01, 161-02, 161-03, 161-10, 161-11, 161-12.
 - 3) The part of the building annotated on plan 161-11 as 'self catered holiday let' shall be used as holiday accommodation which shall exclude any occupation as a sole or main place of residence by any person.

Preliminary Matters

2. The description of development above is taken from the application form. I have omitted the latter part which refers to an alternative scheme.
3. During my site visit I observed that works had been carried out in the location of Barns B, C and D. There were a number of differences between the development on the site and that shown on the existing and proposed drawings before me, in particular relating to the height of the building and elevational treatments. Notwithstanding these works, my decision is based on the drawings submitted with the appeal.

Main Issue

4. The main issue is the effect of the development proposed on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site occupies a hill top position which provides long views to the north and south. Together with the public footpaths which cross the site, the existing buildings on the site are visible from a range of near and far reaching views across the landscape. The surrounding character comprises an undulating landscape of arable land and grassland, divided in part by hedgerows and tree belts. The AONB Management Plan identifies a key characteristic of the landscape to include a high density of farmsteads with loose courtyard and dispersed plan-types, tending to be relatively modest.
6. The appeal site forms part of a cluster of existing development associated with a historic farmstead and which comprises buildings and structures of varying scale and design used in connection with both the agricultural and tourism functions of the site. This includes buildings of domestic character and timber clad barns set around areas of hard surfacing and parking. The wider site also includes a shepherd's hut and log cabin set further to the north east.
7. I note the Council's concerns that Barn B was approved in 2011 on the basis of agricultural need¹. There is not detailed evidence before me of the Council's assessment at that time, the conditions of its approval nor evidence that the proposal was otherwise considered harmful to the landscape. In any event, the main parties do not dispute that the 2011 permission was implemented in part and, as such, the construction of Barn B in accordance with those approved plans remains a legitimate fall back position for the appellant. The passage of time since 2011 does not necessarily suggest that Barn B would not otherwise be constructed and overall I ascribe the fall-back position substantial weight.
8. Beyond the envelope of that fall-back position, the proposal would include the introduction of features of residential character to the south east facing elevation of Barn B and to its front and rear roofslopes. Those on the south east elevation would face onto the central courtyard and, due to the landscaping and re-graded land to the east, the ground floor level alterations would experience limited visibility beyond the courtyard itself.
9. The roof level alterations may experience visibility in longer views, however, by reason of their scale and position, and given the varied character of buildings across the wider site described above, I do not find they would cause harm nor appear visually incongruous in this setting. Given the presence of rooflights and first floor level glazing on the other buildings within the group to the south, even if the roof level openings were lit at night, they would similarly read as a part of this group of buildings.
10. Overall, the proposal would not cause harm to the character or appearance of the area but would sit comfortably within the character of the wider site, and would conserve and enhance the landscape character through reinforcing the character of this mixed use cluster of development. The proposal would comply with Policy ENV3b of the Ashford Local Plan adopted 2019 which relates to the purpose of conserving and enhancing the natural beauty of the AONB, and Policy EMP11 which encourages sustainable growth of tourism.
11. The proposal would also adhere to the objectives of the National Planning Policy Framework (the Framework) insofar as it relates to AONBs at paragraph 176

¹ Ashford Borough Council Ref: 10/01421/CONA

and supporting the rural economy at paragraph 84. I do not find conflict with the objectives of the AONB Management Plan.

Other Matters

12. Some of the roads leading to the appeal site are narrow and steep in nature. However, given the extent of accommodation proposed together with the existing uses on the site, and in the absence of substantive evidence to the contrary, the proposal would not have an unacceptable impact on highway safety. The site has adequate space to accommodate off-street parking for the occupants of the additional holiday let proposed. Similarly, there is not evidence to suggest that noise and disturbance arising from the proposal would cause unacceptable harm to the living conditions of those residents nearby, particularly given its distance from them.
13. Given the location of the proposal and existing buildings and hard surfaces, I do not have any strong reason to find harm to biodiversity, nor do I find a reason to require justification for the proposed office use. I note concerns for the prominence of tourist uses at the site and the incremental development which has occurred over time. However, this decision relates only to the appeal scheme before me and has been considered on its own merits.

Conditions

14. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
15. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition is necessary to ensure the self contained accommodation is occupied only for the intended purposes of holiday lets and I do not have evidence of a reason to restrict the ground floor use beyond what is shown on the plans.
16. Given the abundance of existing areas for parking and refuse storage on the site, I do not consider it would meet the test of necessity for these to be controlled by condition. As I have imposed a condition requiring the holiday let to be provided for this purpose, I do not find it necessary to also require the completion of an associated log book.

Conclusion

17. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is allowed.

C Shearing

INSPECTOR