



Appeal Decision

Site visit made on 11 March 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2024

Appeal Ref: APP/E2205/W/23/3331797

Greenway, Coldbridge Lane, Egerton, Kent TN27 9BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Barry Ash against the decision of Ashford Borough Council.
 - The application Ref is PA/2023/1380.
 - The development proposed is the conversion of existing workshop into a three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023 the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement. The revised Framework is a material consideration which should be taken into account from the day of publication. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposed development on ecology.

Reasons

Character and appearance

4. Policy HOU5 of the Ashford Local Plan 2030 (2019) (ALP) states that development in the countryside will only be permitted if the proposal is for specific types of development. Of particular relevance is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting. There is no dispute that the appeal site is in the countryside.
5. The appeal site comprises an existing building to the side of the garden of Greenway. The building has an overtly domestic appearance, commensurate with its intended use as a workshop associated with the host property. The site

forms part of a larger field enclosed by mature trees and hedges, which is typical of the surrounding area.

6. The proposal is for the change of use of the existing building and includes the enclosure of part of the field to form the curtilage of the dwelling. The appellant states that the building was intended to be used in association with the dwelling at Greenway. The Council has not disputed the claim that the building has been disused for several years.
7. The physical changes to the site are limited but would include upgrading the access drive and the plans show space for at least two cars to park. In addition, part of the field would be incorporated into the site to form the garden for the proposed dwelling. These elements would urbanise the site and while the removal of certain permitted development rights could control structures such as outbuildings being erected, it would not prevent other forms of domestic paraphernalia.
8. The existing building has a domestic appearance, and the proposed rear dormers and additional ground floor windows would accentuate this. These alterations, in addition to the works to the access and the enclosure of the site would result in a further domestication of the site, which would be harmfully at odds with its scenic countryside character. Consequently, the proposal would not actively enhance the immediate setting.
9. I conclude that the proposal would harm the character and appearance of the area. The development would therefore conflict with Policies SP1, SP6, ENV3a and HOU5 of the ALP which collectively seek high quality design which enhances the immediate setting and responds to the prevailing character of the area and to landscape characteristics. The scheme would also conflict with the Framework, which requires proposals to be sympathetic to local character.

Ecology

10. Part of the site is used in association with the dwelling at Greenway. The appellant states that it is unlikely that there are protected species on the site or that would be affected by the proposal. Nevertheless, the site is in a rural location where there are natural features including mature trees and hedgerows that may provide suitable habitat for protected species.
11. In this context, it would be expected that a formal ecological or habitat assessment would be undertaken to determine the presence or not of protected species at the site or in the immediate area. There is no convincing evidence before me which clarifies whether there are protected species present on the site or in the near vicinity and how the proposal would affect them.
12. I conclude that it has not been satisfactorily demonstrated that the proposal would not have a harmful effect on ecology in the area. The development would therefore conflict with the Framework, which states that if significant harm to biodiversity cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

Other Matters

13. The Council consider that the proposal would have an appropriate access and would not harm the living conditions of occupants of neighbouring properties. I

find no reason to take a different view. Nonetheless, the absence of harm is a neutral factor and therefore does not weigh in favour of the proposal.

14. The appellant has indicated that the development would incorporate energy and water efficiency measures, including solar panels and electric vehicle charging points. However, I note that these elements are minimum requirements of planning policy and are therefore neutral factors.

Conclusion

15. The proposal would not accord with the development plan as a whole. There are no other considerations that indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR