



Appeal Decision

Site visit made on 30 April 2024

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/G2245/W/23/3327149

Barn east of Winkhurst Green Road, Ide Hill, Kent TN14 6LD

- 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 Juice Motors Ltd against the decision of Sevenoaks District Council.
 - The application Ref 22/02879/FUL, dated 17 October 2022, was refused by notice dated 10 February 2023.
 - The development proposed is described as '*Change of use from agriculture to Land Rover restoration firm*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the appeal site lies within the Green Belt, as the development has involved the re-use of a building of permanent and substantial construction, the Council considered that it satisfied exception d), paragraph 155 of the National Planning Policy Framework (the Framework), and did not therefore consider the use to be inappropriate development within the Green Belt for the purposes of the Framework.
3. However, a proviso of such is that such a use should preserve the openness of the Green Belt. In this instance, whilst there would be need for a small degree of associated parking outside the barn, I note the comments and photographic evidence submitted by interested parties. This would suggest that the use and its associated activities has not been, nor could practicably be, contained within the barn itself.
4. Nonetheless, I will limit my assessment to the wording of the sole reason for refusal set out in the Council's decision notice.
5. A further constraint is that the site also lies within the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB). AONBs were renamed in November 2023, and are now known as National Landscapes. However, in accordance with paragraph 182 of the Framework, these designated areas are still afforded the highest status of protection, as per the advice on AONBs within the Framework.
6. At my site visit I noted that the barn was empty, and it was indicated to me that the business had outgrown the barn and, as such, the firm had vacated the site the previous week. However, as the appeal has not been withdrawn it

still falls on me to determine it in relation to the development plan and any other material considerations that arise.

Main Issues

7. These are as follows:

- 1) the effect of the development on the character and appearance of the area, with particular regard to the site's location within the AONB; and
- 2) the effect on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

8. The Countryside and Rights of Way Act 2000 states that Councils should conserve and enhance AONBs, as the reason for designation is due to their distinctive character and natural beauty. It is acknowledged, though, that human settlements and development may lie within, and the current appeal represents a case in point.
9. I note that the use was granted a planning permission (21/00738/FUL) in May 2021 subject to a time limitation condition of eighteen months. This expired on 28 November 2022. It would appear from the case report that the Council, at the time, considered that, if the use could be contained within the barn, it would limit any impact on the AONB, and it would also represent the diversification of the rural economy. Nonetheless, the temporary permission was so that the Council could monitor the effect on the character and amenities of the area.
10. The motor vehicle restoration use did, though, grow in the last few years and it is understood that additional employees were taken on. This, along perhaps with local occupiers raising objections to the manner in which the use was operated, forced the Council to re-think the acceptability of the use in this location. Indeed, the fact that the business has recently relocated reinforces the Council's decision to refuse planning permission for the use's continuation.
11. It appears that the deciding factor was the considered increased commercialisation of the site which has led to unrestricted parking around the site and also the external storage of waste materials. In the circumstances, despite the appellant commenting it is a low key use which supports the viability of the existing agricultural farming unit of some 600 hectares, I must agree that the level and spread of activity has been harmful to the predominantly rural nature and the area's remoteness.
12. Accordingly, it follows that the character and appearance of the AONB would be unduly harmed by the use's continuation, conflicting also with the aims and requirements of policy EN5 of the Council's Allocations and Development Management Plan (DMP).

Living conditions

13. There are two residential properties in proximity to the barn; Old Forge Cottage to the north, and to the south, The Smokery, which is closest. The appellant comments that planning permission was refused solely on the objections received from a neighbouring occupier, but from reading the case report this

was not the case. It does appear that the occupier made representations objecting to the use's continuation, and provided photographic evidence to support his case but, living close to the barn, he was best placed to monitor the use and the manner in which the business was being operated. Amongst other things reference was made to works being undertaken outside the building and also beyond the hours permitted by way of condition on the temporary planning permission.

14. There were also objections raised by the Parish Council who referred to nuisance caused to neighbouring properties by cars being tested on the surrounding country lanes. The appellant disputes that vehicles are road tested, saying instead that traffic movements are only those from vehicles being brought to and leaving the site, along with deliveries of materials.
15. Despite the attempts at rebutting the evidence and claiming otherwise I disagree with the appellant's claim that the motor vehicle restoration use meets both local and national policy. Although the Framework does encourage the diversification of agricultural and rural based businesses it also, in paragraph 135(f) looks to protect local amenity for existing and future occupiers. In this connection I find that there have been occasions when the use has been less than neighbourly, and the propensity exists for this to be repeated with restrictive conditions imposed on any planning permission granted likely to be breached.
16. I therefore conclude that the use would be harmful to the living conditions of neighbouring occupiers, and this conflicts with DMP policy EN2.

Conclusion

17. I have found harm on both main issues, and the appeal is therefore dismissed.

Timothy C King

INSPECTOR