



Appeal Decision

Site visit made on 8 October 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/E2205/W/24/3336510

Little Odiam Farm, Lower Road, Stone, Kent TN30 7JH

- 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 Malcolm Gomez against the decision of Ashford Borough Council.
 - The application Ref is PA/2023/0554.
 - The development proposed is demolition of 1no. former poultry building and part demolition and part conversion of 2no. remaining former poultry buildings to provide 2no. dwellings with access, parking, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of 1no. former poultry building and part demolition and part conversion of 2no. remaining former poultry buildings to provide 2no. dwellings with access, parking, landscaping and associated works at Little Odiam Farm, Lower Road, Stone, Kent TN30 7JH, in accordance with the terms of the application, Ref PA/2023/0554, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales are referred to as 'National Landscapes'. Therefore, where relevant in this decision, I have referred to the High Weald National Landscape (HWNL). However, this does not change the legal status of this AONB, relevant local or national policy, or statutory requirements for consideration of the effect of development on the designated landscape.
3. The Council published an updated Housing Land Supply Position Statement in September 2024, while the appeal was under consideration. The appellant has had the opportunity to comment, and I have taken this updated evidence and the parties' comments on it into account.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular regard to whether it would conserve and enhance the natural beauty of the High Weald National Landscape, and
 - whether the proposal would be a suitable location for housing, having regard to the Council's spatial strategy and the provisions of the National Planning Policy Framework (the Framework).

Reasons

Character and Appearance

5. The appeal site contains a group of modern poultry sheds, behind a loose knit collection of dwellings along Lower Road. The poultry sheds are large two storey structures of blockwork and steel frame construction, with timber cladding to the upper elevations and metal sheeting to the roof. Around and between the buildings there are some substantial metal silos and there were also several other items stored outdoors at the time of my site visit.
6. The natural beauty of the HWNL derives amongst other things from the survival of a Medieval pattern of small, irregular fields, narrow lanes and interconnected hedgerows and woodland. Villages and hamlets are generally small, dispersed and well integrated with the rural landscape. The pattern of settlement also includes pockets of wayside cottages interspersed with fields.
7. The appeal site is within a gently rolling landscape of small fields and woodland which reflects these characteristics. The surrounding rural lanes are narrow and enclosed by hedgerows and there is a cluster of roadside dwellings along Lower Road, of varied design and materials.
8. Although the HWNL is a farmed landscape, the appeal site does not appear, based on the evidence, to be a historic farmstead and it does not include traditional Wealden farm buildings. Nor is the poultry unit characteristic of the livestock grazing or small-scale horticultural uses which are among the typical agricultural practices described in the HWNL Management Plan¹. The poultry sheds are of a typical modern agricultural design, scale and materials. While buildings of this nature are not uncommon within farmed landscapes, they are nevertheless large, utilitarian structures which do not make a positive contribution to the small-scale, largely grazed landscape of the HWNL.
9. There are limited public views of the site, due to its position behind the existing dwellings, the enclosed nature of the lane, and the rolling topography. However, the two smaller buildings can be seen along the access drive and the largest building and one of the metal silos are quite conspicuous from Lower Road to the east. They have become more exposed following removal of a group of conifer trees, which the Tree Survey² identifies as having been damaged. Even if there was still continuous boundary planting, the scale of this largest building and the silo, in combination with their elevation above the road, would make them prominent within the immediately surrounding landscape.
10. The proposed development would significantly reduce the level of built development on the site. The largest and most conspicuous shed would be removed, along with some unsightly paraphernalia, notably the metal silos. The other two buildings would also be reduced in size. While the retained elements would still be substantial in comparison with some of the nearby cottages, the significant reduction in the scale and prominence of the buildings and other structures would materially enhance the surrounding landscape.
11. A generous amount of new planting, including native species, is proposed along the exposed eastern boundary, significantly reinforcing the existing

¹ The High Weald National Landscape AONB Management Plan 2024-2029

² Invicta Arboriculture Pre-development Tree Survey and Report March 2022

patchy vegetation. Although in general planting should not be relied upon to hide new development, in this case the buildings are already present within the landscape and the increased soft landscaping, in a form suitable to the surrounding landscape, would enhance their immediate setting.

12. The nearby dwellings are in a variety of styles, with only some displaying traditional detailing and local vernacular materials. The proposed timber cladding and metal roof sheeting would reflect, but upgrade, the existing external materials on the poultry sheds. While there would be a significant number of window and door openings, the existing elevations do not have an uninterrupted exterior, being punctuated by several vents and projections, so the introduction of new openings is not inherently inappropriate given the nature of the particular buildings to be converted.
13. Domestic paraphernalia would be introduced. However, the site adjoins several existing dwellings in generous gardens, which are an established feature of the surrounding landscape. The areas in domestic use would be contained within parts of the site already used in association with the keeping of poultry. These are currently contained within areas of elevated land and boundary hedgerows to the south and west and the new planting to the east would provide additional enclosure, as described above. The proposed gardens and parking areas would not encroach into the surrounding field pattern. Taking all these factors into account, the external indicators of residential use would be reasonably well-defined and would not appear alien or intrusive within the surrounding landscape.
14. While the existing dwellings largely front the lane, they are not on a particularly consistent or regular building line. Furthermore, since the buildings to be converted already exist, they are an established component in the pattern of built development. Using them for alternative purposes would not curtail or diminish the longer views over the open countryside to the north. There is also no indication that the site is otherwise likely to be cleared of buildings and restored to an undeveloped state.
15. Overall, the proposal would conserve the landscape of the HWNL, by respecting the existing pattern of small fields and hedgerows and enclosing the additional residential activity and paraphernalia within an area which relates acceptably to the existing pattern of development. There would be little effect on wider views. Taking account of the significantly reduced scale of built development and increased tree and hedge planting, at a localised level the natural beauty of the HWNL would be enhanced.
16. For the reasons given above, I conclude that there would be no harmful effect on the character and appearance of the area and that the natural beauty of the HWNL would be conserved and, at a more localised level, enhanced. As such, the proposed development would not conflict with relevant requirements in Policies SP1, SP6 and ENV3b of the Ashford Local Plan 2030, adopted 2019 (ALP) which require, amongst other things, that development is of high quality design, responding positively to factors including character, distinctiveness and sense of place, and conserves and enhances landscape character and the natural beauty of the HWNL.

Spatial Strategy

17. Both parties agree that the appeal site is isolated, being well outside the boundary of the nearest settlement as defined in the ALP. Notwithstanding its relationship with the existing housing on Lower Road, I concur with that view. Therefore, paragraph 84 of the Framework is relevant. This says that development of isolated homes in the countryside should be avoided, unless certain defined exceptions apply. Policy HOU5 of the ALP similarly directs housing in the countryside to sites adjoining or close to existing settlements. However, both the Framework and Policy HOU5 allow for isolated homes in the countryside where the development would re-use redundant or disused buildings and enhance its immediate setting.
18. According to the appellant, the poultry sheds no longer meet required standards for food production and it would be unviable to undertake the level of work required to bring them back to operational standard. The Council's Officer Report also describes the buildings as redundant, and no substantive evidence has been submitted to the contrary.
19. The structural report³ describes the overall condition of the buildings as relatively poor, identifying various defects which would require remediation. Nevertheless, the perimeter walls are described as robust, with minimal effects from possible roof spread, and the buildings are assessed as being viable for conversion, with appropriate remedial works. The application is for conversion of the existing buildings and the Council considered it on that basis. Likewise, while I have noted the scepticism expressed by an interested party, I have considered the proposal on the basis that it would be for conversion of the existing buildings, since that is the development which is before me.
20. I have concluded above that the proposal would enhance its immediate setting, through removal of much of the existing building mass and introduction of enhanced landscaping. Therefore, this requirement in Framework paragraph 84c and Policy HOU5 is met.
21. The nearest services and facilities are generally around two or more miles away in the nearest villages. Future occupiers would be largely reliant on travel by car, given the distance along narrow lanes, without pavements or street lighting, where there is no convenient access to public transport. Therefore, the proposal would not provide a choice of sustainable transport modes, as sought in the strategic objectives in Policy SP1 of the ALP.
22. However, the Framework recognises that opportunities to maximise sustainable transport vary between urban and rural areas. In this particular case, the level of increased car-reliance would be limited, given the small scale of the proposal. Given that the proposal also satisfies the requirements of Framework paragraph 84c and the equivalent requirement in Policy HOU5, it would be consistent with both the Framework and the development plan when considered as a whole.
23. Therefore, based on the circumstances of this particular proposal, involving re-use of existing redundant buildings, I conclude that the development would be a suitable location for housing, having regard to the Council's spatial strategy and the provisions of the Framework.

³ Bellamy Wallace Partnership, Report for Structural Aspects of Proposed Conversion of Existing Farm Buildings, March 2022

Other Matters

24. The Council accepts that it lacks a five year supply of housing land, with the supply standing at just under 4.4 years according to the Housing Land Supply Position Statement published while this appeal was under consideration. The proposed dwellings would be substantial five-bedroom homes and would not contribute to affordable housing needs. Nevertheless, the modest contribution to the supply of housing weighs in favour of the proposal.
25. There would be some additional traffic along Lower Road and the surrounding rural lanes. These are narrow with limited passing places and are used by agricultural traffic, which can make passing oncoming vehicles challenging and damage the soft verges. However, given that only two additional dwellings are proposed, and the site has an established use which will have also attracted some degree of agricultural vehicle movements, the level of additional traffic would be inherently limited. The Council did not allege any harm to highway safety, taking account of use of the existing access which is already in use for agricultural purposes. Access for emergency services would not be materially affected. Given the limited amount of additional traffic, I am not persuaded that there would be an unacceptable risk to walkers, cyclists or horse riders, compared to the existing situation.
26. While the proposed dwellings will be visible from some neighbouring properties, the existing buildings are similarly visible and the dwellings would not be unduly overbearing, intrusive, or otherwise detrimental to living conditions. There would inevitably be some disruption during demolition and construction, but this would be of finite duration and can be adequately managed through the conditions set out below.
27. The application was supported by ecological evidence including a bat survey, which concluded that the buildings were not being used as a bat roost. Sufficient measures to control external lighting, which can affect bats and other protected species, and otherwise safeguard biodiversity are included in the conditions below.
28. Suitable arrangements would be required for connection of utilities and foul and surface water drainage, which can be secured through conditions and/or compliance with the Building Regulations. Having regard to the extent of the existing buildings and hard surfaces, some of which would be removed, there is no substantive evidence that the site could not be adequately drained or that any existing issues with run-off onto the highway would be exacerbated.
29. The Council's arrangements for consultation on the planning application are not a matter for this appeal.

Conditions

30. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have omitted one of the recommended conditions, as explained below, and have amended others for consistency and clarity. I have also imposed some additional conditions, for the reasons given. Where the conditions depart materially from those proposed by the Council, both main parties have had the opportunity to comment, and the appellant's agreement has been obtained to imposition of pre-commencement conditions, where necessary.

31. I have included a condition requiring compliance with the approved plans in the interests of certainty. These include the submitted Tree Protection Plan and Tree Constraints Plan, although a subsequent condition requires that these are updated.
32. While foul water drainage is also covered by other legislation, specific concerns have been raised by interested parties about the effectiveness of the non-mains drainage. Therefore, I have imposed a condition to secure appropriate foul water drainage measures. A pre-commencement condition is necessary to ensure that suitable arrangements can be made, in accordance with other relevant regulatory regimes, before the development proceeds.
33. I have also imposed pre-commencement conditions to secure approval of construction management measures and protection of trees, so that the development can proceed from the outset of initial demolition works without unacceptable harm to living conditions within nearby properties or to trees which make a positive contribution to the landscape. An updated tree protection plan is necessary, since the one submitted with the application pre-dates removal of trees along the eastern boundary and amendments to the proposed layout and number of dwellings.
34. I have imposed conditions requiring approval of the external materials and boundary treatments, in the interests of the character and appearance of the area.
35. Conditions to secure compliance with the proposed landscaping scheme, inclusion of biodiversity enhancements and suitable external lighting, are necessary to further the aims of conserving and enhancing the natural beauty of the HWNL. I have, however, modified the Council's suggested wording to refer to the planting plan already submitted and the ecological enhancement measures in the Preliminary Ecological Appraisal, as these include sufficient detail to support implementation of suitable soft landscaping.
36. Having given positive weight to the benefit of demolishing the largest of the existing poultry sheds, and the metal silos, a condition requiring prompt demolition and removal of those existing structures is justified. I have therefore imposed a condition to secure these enhancements to the character and appearance of the area.
37. I have imposed a condition requiring provision and retention of vehicular access and parking, in the interests of highway safety and provision of a well-functioning development, given the likely level of car use. I have modified the Council's suggested wording to ensure that these facilities are provided promptly, and prior to occupation of the development. However, I have not included a requirement for electric vehicle charging points, as this is now covered by the Building Regulations.
38. I am mindful that the Framework states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. In this case, the reduced level of built development has been a factor carrying significant weight and there is also a risk that extensions or alterations on the more exposed eastern side of the site could be visually prominent and harmful to the character and appearance of the area. That being the case, I have imposed a condition removing permitted development rights for alterations and enlargements to the proposed dwellings, outbuildings within the

new residential curtilages, or additional means of enclosure, which I consider meets the relevant tests in this particular case.

39. Finally, as requested by the Council's Environmental Protection Team, I have imposed a condition setting out the steps to be taken should unexpected contamination be identified. Other necessary measures identified in their consultation response would be incorporated in the Construction Method Statement required under an earlier condition.

Conclusion

40. For the reasons given, the proposed development would accord with the development plan when read as a whole. No other considerations indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal is allowed.

Jane Smith

INSPECTOR

Schedule of Conditions

- 1) The development shall be begun before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - P214-PL11 Existing and Proposed Site Plan and Location Plan
 - P214-PL12 Rev A Proposed Ground and First Floor Plans
 - P214-PL13 Rev A Proposed Elevations and Roof Plan
 - P214-PL16 Materials Schedule
 - 0258-L001 Rev A Planting Plan (Ginger Landscape)
 - TPP001 Rev A Tree Protection Plan (Invicta Arboriculture)
 - TCP001 Rev A Tree Constraints Plan (Invicta Arboriculture)
- 3) No development shall commence until a strategy to deal with foul water drainage has been submitted to, and approved in writing by, the local planning authority, and the dwellings hereby permitted shall not be occupied until the approved foul water drainage works have been completed in accordance with the approved strategy and relevant Building Regulation requirements and treated effluent discharge requirements as set by the Environment Agency (where applicable).
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - measures to control the emission of dust and dirt during construction;

- a scheme for recycling/disposing of waste resulting from demolition and construction works, including arrangements for the removal and disposal of Asbestos Containing Materials, as identified in the Ensure Asbestos Report dated May 2022;
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the demolition and construction period for the development.

- 5) No site clearance, preparatory work or development shall take place until an updated scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 6) Written details and samples of all materials to be used externally shall be submitted to and approved by the Local Planning Authority in writing prior to commencement of works above slab level and the development shall be carried out using the approved external materials.
- 7) Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping (Ginger Landscape drawing no. 0258 L001 Rev A) shall be carried out in the first planting and seeding seasons following the occupation of the dwellings hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) Prior to development above slab level, to ensure that integral features can be accommodated, details of how the development will offset biodiversity loss/enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. The submitted details shall include:
 - A description of proposed management measures to ensure the existing vegetation/proposed native planting (as per the planting plan (0258 L001 Rev A) by Ginger Landscape) is successful at providing a biodiversity enhancement for the site; and
 - Details of proposed biodiversity enhancements, taking account of the recommendations in section 4.10 of the KB Ecology Preliminary Ecological Appraisal dated 10 March 2022 and including habitat boxes for bats and breeding birds (boxes for birds to target S41 priority species/red/amber listed species). Any boxes included for wildlife will

be building integrated and/or Woodstone/woodcrete boxes to ensure durability (where these boxes are available for a particular species).

The approved measures will be implemented and retained thereafter.

- 10) Prior to occupation, a lighting design plan for biodiversity will be submitted to and approved in writing by the local planning authority. The plan will:
- Identify areas/features on-site where disturbance could occur to bat breeding/roosting sites and/or foraging/commuting route, and;
 - Show how and where external lighting will be installed (through the provision of appropriate lighting locations and technical specifications as a minimum) so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan, and these shall be maintained thereafter in accordance with the plan.

- 11) The dwellings hereby permitted shall not be occupied until the existing poultry shed to the east of the proposed dwellings, and the existing metal silos within the site boundary, have been demolished and all materials resulting from the demolition removed from the site.
- 12) The area shown on drawing nos. P214-PL11 and P214-PL12 as vehicle parking spaces and turning shall be provided prior to the first occupation of the dwellings hereby permitted and thereafter retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 no development shall be carried out within Classes A - E of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the local planning authority.
- 14) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

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