



Appeal Decision

Site visit made on 10 December 2024 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2025

Appeal Ref: APP/E2205/W/24/3344782

Oakleigh Field, Pot Kiln Road, Further Quarter, High Halden, Ashford, Kent TN26 3HX

- 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 Ms Daisy Brazil against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/0217.
 - The development proposed is described as "change of use from agriculture to a mixed use for agriculture and the keeping of horses and the erection of an animal shelter. Resubmission of application PA/2023/0471".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published between the determination of the planning application and this appeal. The substantive parts of the new 2024 version do not however differ from the previous insofar as they relate to the main issues. The cases of the main parties will not therefore be prejudiced by my reference to the new version. I have proceeded on this basis.
4. There have been several previous refusals and enforcement cases on this site. However, I am satisfied that based on the information submitted this is a new scheme which is not retrospective and will be considered based on the evidence submitted.
5. The appeal form uses the description on the decision notice and has omitted the reference to a previously refused application. However, I am satisfied that the description on the application form, which I have used above, accurately describes the development to which the appeal relates.

Main Issues

6. The main issues are the effect of the proposal on a) the character and appearance of the area; and b) ecology.

Reasons for the Recommendation

Character and Appearance

7. The appeal site is an undeveloped parcel of land which is surrounded by other open areas with the nearest building some distance to the east. The land levels are generally consistent and resultantly the views of the open landscape are vast, wide and distinctly rural. Many of the open fields are separated by well-established trees with minimal views of buildings of any type. Buildings are generally clustered and contained. These features, in combination, contribute positively to the pleasant rurality of the area.
8. I have no reason to find other than that the proposed use, scale and design of the building would be commensurate with that of its setting. That said, it would be at a significant distance from any associated buildings or the nearest highway. As a result, and given the openness of the landscape, it would be visually prominent and incongruous, jarring against the unspoilt countryside. It would be viewed from all approaches and the lack of other associated buildings would emphasise its effects as an isolated structure. It would accordingly reduce the open and undeveloped rural qualities of the local landscape, to the detriment of its character and appearance.
9. The potential of additional soft landscaping would act in shielding the building; however, due to the consistent tree coverage, intervention methods such as these would be obvious and out of place in themselves. Notwithstanding whether the proposal would be located within a landscape character area or has specific landscape designations, the harm attributed to the stable building in the open landscape would not differ in either circumstance.
10. Therefore, the proposal would conflict with Policies SP6 & ENV3a of the Ashford Local Plan (ALP) 2019, Stables, Arenas and Horse Related Development Supplementary Planning Document (SPD), Landscape Character SPD and the Framework which together seek to ensure that development proposals are of a high-quality design and standard.

Ecology

11. As a rural area where there are also trees, hedges and bodies of water close by, there is a possibility that there could be habitats or species affected by either the construction or operation phases of the proposal at the appeal site. No information has been provided to investigate this matter for which, given the above, a precautionary approach should be taken. It would be inappropriate to impose conditions requiring such information since findings might affect the location, design or use of the proposed building. It therefore needs to be done in advance of a decision being made on a given scheme. In any case, I have found against the appellant on the first main issue, which would stand regardless of my findings here.
12. In the absence of anything further in this regard, I cannot be satisfied that the proposed development would satisfy the requirements of Policy ENV1 of the ALP and the Framework, which together seek to ensure that development proposals do not result in harm to the biodiversity of the area.

Conclusion and Recommendation

13. For the reasons given above, the appeal scheme would not comply with the development plan. I have been given no other compelling reason, taking into account other material considerations advanced, to deviate therefrom. I therefore recommend that the appeal should be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR