
Appeal Decision

Site visit made on 12 December 2024

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2025

Appeal Ref: APP/E2205/W/24/3337537

Hurst Hill Farm, Pluckley Road, Hothfield, Kent TN26 1ER

- 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 and Mrs Oliver against the decision of Ashford Borough Council.
 - The application Ref is PA/2023/1178.
 - The development proposed is Demolition of existing barns (with approval for conversion under reference 21/01719/AS) and replacement with a single residential dwelling with detached car barn/yoga studio.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.

Main Issues

3. The main issues are:
 - whether or not the development would be in a suitable location having regard to its position within the countryside, its accessibility, and the overall spatial strategy for the area; and
 - the effect of the proposal on the landscape character and appearance of the area.

Reasons

Suitable location

4. The appeal site is part of a small cluster of buildings forming a farmstead, which include a residential dwelling, oast house and a series of agricultural buildings.
5. The main parties agree that the proposal would be located outside any defined settlement boundary and, consequently, would be within an area of open countryside. Policy HOU5 of the Ashford Local Plan (2019) (Local Plan) outlines that proposals for residential development adjoining or close to the existing built up confines of a number of listed settlements will be acceptable subject to meeting

specific criteria. Criteria b) and d) of the policy relate to the site's ease of access to basic day to day services and public transport.

6. The main parties disagree on the appeal site's distance from Pluckley. However, even if I were to take the appellant's calculation as correct, the occupants of the proposed dwelling would have to walk or cycle along the remote, narrow rural lanes, which are unlit and would be a less attractive route outside daylight hours. Furthermore, there are no dedicated cycle lanes or footpaths for the majority of the route. Therefore, the route is unlikely to be an attractive option for walking and cycling outside of daylight hours or during inclement weather. The nearest train station at Pluckley is located several kilometres from the appeal site which is likely to make this mode of transport an unappealing choice without the use of a car. The outskirts of Ashford are even further, and would also not be appealing for future occupiers without the use of a car.
7. For the reasons given, essential services, facilities and employment opportunities would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access essential services and facilities, due to the lack of safe pedestrian and cycle routes and having limited options for alternative modes of transport.
8. As the appeal site is set within a small cluster of buildings including another residential property, it does not appear isolated within its immediate environment. Nor is it isolated in the context of paragraph 84 of the Framework. Nevertheless, it is in a rural setting, some distance from the nearest settlement.
9. I acknowledge that the Council considered that prior approval was not required for a proposal to convert the building on the site to one dwelling under permitted development rights¹ ('the PA Scheme'). However, the conversion works have not taken place and there is not an existing dwelling on the site. Whilst I have been referred to Policy HOU7 of the Local Plan, the wording of the policy clearly applies to existing dwellings which have a lawful residential use. Accordingly, the policy is not relevant to this proposal.
10. As such, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy in the Local Plan for the proposal, having regard to local and national planning policy, and the accessibility of the site to services, facilities and employment opportunities. The proposal fails to accord with Policies SP1 and HOU5 of the Local Plan. Amongst other things, these policies seek to focus development at accessible and sustainable locations, limit development in the open countryside and minimise less sustainable forms of travel when accessing local services and facilities. For similar reasons the proposal would also fail to accord with the sustainability objectives of the Framework.
11. The Council also alleges a conflict with Policy SP6 of the Local Plan with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

¹ 21/01719/AS

Character and appearance

12. The appeal site is part of a close cluster of buildings, including a historic farmhouse, a prominent oast house to the front of the site, and modest agricultural buildings which collectively form a traditional farmstead. The farmstead, which is surrounded by gently undulating open fields and woodland, is an intrinsically rural feature which positively contributes to the rural character of the area.
13. The submitted evidence indicates that the landscape within which the appeal site is located forms part of the Dering Wooded Farmlands LCA, which has overall guidelines for the area to conserve and reinforce the rural landscape.
14. The proposal involves the demolition of an existing barn which has a traditional agricultural appearance, finished with concrete blockwork, and corrugated cladding. It has an unassuming appearance that assimilates into the rural setting of the landscape.
15. The replacement building would have a smaller floor area and volume than the existing barn. However, unlike the barn which has a gently pitched roof form, the new dwelling would have two fully expressed storeys of accommodation. Its principal elevation which would face and be clearly visible from Pluckley Road, would be wider than the existing barn. Full height glazing to the double height entrance hall facing the highway would be an intrusive and incongruous feature which would be highly visible and discordant with the character and appearance of the landscape. Whilst the house is designed to reflect the features of a barn, including through its use of facing materials, the front glazing reaching above the eaves and across the roof form would not reflect typical rural fenestration and would not sit comfortably within the agricultural context of the site. Overall, the contemporary design would have a contrasting appearance compared to the existing buildings in the immediate locality. Its design and appearance would result in an incongruous building that would visually dominate, and be out of keeping with, its immediate surroundings.
16. The large triple car garage and yoga studio would be located to the rear of the appeal site, thereby expanding the extent of residential curtilage across the site. The extent of the garden space and likely introduction of residential paraphernalia would emphasise the domestication of the appeal site, visually at odds with the character of the adjoining traditional farmstead. In coming to this view, I have taken into account that the garage would replace dilapidated agricultural buildings located to the rear of the site, and areas of hardstanding around the site would be removed and replaced with landscaping.
17. The appellant suggests that a planning condition could be imposed to increase the landscaped biodiversity areas and reduce the size of the garden. However, this alone would not mitigate the harm that the design of the new house would have on its immediate surroundings.
18. For the above reasons, the proposed dwelling would harm the landscape character and appearance of the area. The proposal would conflict with the aims of Policy ENV3a of the Local Plan which require proposals to demonstrate regard to landscape characteristics, including the setting, scale, layout, design and detailing of vernacular buildings.

Other Matters

19. The appeal site is located within the Stour River catchment, which feeds into Stodmarsh Lakes. There are several internationally protected sites within the lakes including a Special Area of Conservation, Special Protection Area, Site of Special Scientific Interest and Ramsar site. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) require that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the 'competent authority' must, before any grant of planning permission, make an Appropriate Assessment (AA) of the project's implications in view of the relevant conservation objectives.
20. Had I been in a position to otherwise allow this appeal, it would have been necessary to consider this matter within a separate AA. However, as the proposed development is unacceptable for other reasons, an AA is unnecessary as undertaking one would not change the outcome of the appeal.
21. The appellant has brought to my attention that the site benefits from the PA Scheme to convert the agricultural building on the site to one dwelling, and indicates that this is a fallback position. Even in the absence of the start of construction works, there is every prospect that the building would be converted to a dwelling should this appeal fail. The prospect of the fallback being developed is therefore greater than theoretical, and the PA Scheme represents a genuine fallback position.
22. One of the main purposes of restricting housing development in the countryside is to reduce the need to travel by private car in order to reduce carbon emissions. I have found that essential services, facilities and employment opportunities would not be readily accessible and that future occupants would be largely reliant on private vehicles. However, any harm in this regard would be offset by the fact that the existing building could be used as a dwelling under the PA Scheme.
23. I acknowledge that the fallback PA Scheme has a larger footprint and volume than the proposed replacement house. However, I have found that the replacement house would be a strident addition to the landscape, with two fully expressed storeys of accommodation, and expansive, contemporary fenestration which would not sit comfortably within the agricultural context of the site.
24. In contrast, the fallback would re-use the existing building, and would retain the position and profile of the existing barn, including its roof design. It would not have two storeys of full height glazing fronting Pluckley Road. It would also have a smaller residential curtilage. As a result, it would better reflect the agricultural appearance and integrity of the existing barn. As such, the fallback would not have the same overly domestic and harmful appearance of the proposal. While the appeal proposal has the potential to introduce new landscaping, I have found that this would not mitigate the harm that the design of the new house would have on its immediate surroundings. Therefore, whilst there may be a greater than theoretical possibility that the PA Scheme would go ahead, given it would be less harmful than the proposed house I give minor weight to the fallback.
25. I have been referred to planning permissions at New House Farm (Ref: 22/00621/AS) and Berridge Farm (Ref: 21/02220/AS). The appellant considers that these demonstrate the Council has taken an alternative approach to fallback positions in determining other similar applications. Whilst I have been provided

with the decision notices related to these permissions, the submitted evidence does not include drawings related to the planning permissions or fallback schemes. Consequently, it is not possible to compare the fallback schemes and planning permissions at those sites with the proposal before me.

26. The proposal would add to the supply of housing within the Borough and it would make a more efficient use of the site. The Framework seeks to significantly boost the supply of homes, and also outlines that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. However, the Framework also gives substantial weight to the value of using suitable brownfield land within settlements for housing, rather than land in the countryside as is the case with this proposal. Consequently, this tempers the weight given to these factors.
27. The proposal's future occupiers would make social and economic contributions, such as to local businesses. Construction of the proposal would also have economic benefits, for instance to the building industry. Nevertheless, much of this is also true of the fallback. Accordingly, I give these benefits limited positive weight.
28. It has been put to me that the scheme would provide a well-designed and energy efficient building in place of the older barn to be converted. Whilst I note the intention to install solar technology and rainwater harvesting, limited evidence has been provided to demonstrate the energy efficiency level that the proposed dwelling would achieve and this therefore limits the weight I can attribute to this matter in favour of the appeal proposal at this stage.
29. The proposal would provide an opportunity to increase the overall biodiversity of the site, through the introduction of ecological enhancements and new landscape planting. Whilst these features would be beneficial additions to the appeal site, I have limited evidence before me in respect of the overall level of biodiversity enhancement that would arise from the appeal proposal. I therefore attribute this matter limited weight in favour of the appeal scheme.

Planning Balance and Conclusion

30. The Council's submissions state that they cannot demonstrate a five year housing land supply. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. Paragraph 135 c) of the Framework sets out that planning decisions should be sympathetic to local character and history, including the landscape setting. Policy ENV3 a of the Local Plan is therefore consistent with the Framework. In view of my conclusions related to the harm to the local landscape character and appearance, the proposal conflicts with both the Framework and the development plan.
32. As described above there are benefits associated with one additional home, although its location tempers the weight afforded to this. I recognise that the windfall development would incorporate energy efficient building fabric alongside renewable technologies and would provide an opportunity to increase the overall biodiversity of the site. There would also be economic benefits related to construction and future occupiers' spending. Whilst these factors all weigh in

favour of the proposal, for the reasons outlined above the weight afforded to them is limited.

33. In my view, the adverse impacts of granting permission, related to the impacts on the landscape character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
34. For the reasons outlined above and having regard to the development plan, and all other relevant material considerations including the provisions of the Framework, the appeal is dismissed.

B Pattison

INSPECTOR