



Appeal Decision

Site visit made on 21 January 2025

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2025

Appeal Ref: APP/E2205/W/24/3346540

Corran, Tenterden Road, Biddenden, Kent TN27 8BL

- 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 J Steward against the decision of Ashford Borough Council.
 - The application reference is PA/2024/0096.
 - The development proposed is change of use and conversion of garage and store to new dwelling. Removal of mobile home.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and conversion of garage and store to new dwelling and removal of mobile home at Corran, Tenterden Road, Biddenden, Kent TN27 8BL in accordance with the terms of the application, Ref PA/2024/0096 and subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 12 December 2024. In this case, the most relevant parts of the Framework remain broadly the same. As a result, I have not sought comments on this matter and I am satisfied that no party has been prejudiced by my approach.

Main Issue

3. The main issue is whether the proposed development would accord with development plan policies regarding the location of housing.

Reasons

4. The appeal relates to a detached garage/workshop, which lies adjacent to a detached dwelling. The appeal site lies within the countryside and the Biddenden and High Halden Farmlands Landscape Character Area. The area is rural in character and contains sporadic residential development, commercial and agricultural buildings. The appeal site lies some distance away from the nearest settlement. However, given the proximity of other development in the locality, the appeal site is not isolated in the context of paragraph 84 of the Framework.
5. Policy HOU5 of the Ashford Local Plan 2030, adopted February 2019 (the Local Plan) sets out the Council's policy regarding housing development in the countryside. This policy is split into two separate sections – the first dealing with sites that adjoin or are close to the existing built up confines of a settlement and

the second relates to sites elsewhere in the countryside. Given the distance of the appeal site to the nearest settlement boundary, the second section is applicable to this appeal. Policy HOU5 sets out a number of exceptions where residential development would be acceptable within the wider countryside. One of these is the re-use of a redundant or disused building that would lead to an enhancement to its immediate setting.

6. In this case, the proposal would result in the conversion of an existing building that is no longer required for vehicular parking. Limited external alterations are proposed to the building. The proposal would remove an existing mobile home, which the Council considers would be a 'very limited enhancement' to its immediate setting. Policy HOU5 of the Local Plan does not specify the level of enhancement required to fulfil the requirements of this policy, neither does it specify that the enhanced area needs to be visible from the public realm. I find that the removal of the existing mobile home and the replacement of an area of hardstanding, with soft landscaping would make a positive contribution to the character and appearance of the area; thus, resulting in an enhancement to the immediate setting.
7. In respect to proposals that seek to re-use existing buildings, Policy HOU5 does not require the development to be located where it is possible to maximise the use of public transport, cycling and walking to access services. This part of the policy only applies to new residential development, which would be adjoining or close to the existing built up confines of settlements.
8. For the reasons given above, I conclude that the proposal would accord with development plan policies regarding the location of housing. Accordingly, the proposal would comply with Policies SP1 and HOU5 of the Local Plan. These policies among other things support the re-use of existing buildings where it would lead to an enhancement to the immediate setting and make the best use of previously developed land.
9. The Council raises no objections to the proposal on design grounds, as a result, I do not find that Policy SP6 of the Local Plan is applicable to this main issue.

Conditions

10. In the interests of certainty, conditions specifying timescales and that the development shall be carried out in accordance with the approved plans are required.
11. To ensure that the development respects the character and appearance of the area and in the interests of biodiversity, conditions requiring details of hard and soft landscaping, biodiversity enhancement measures, external lighting and boundary treatments are necessary.
12. A condition securing electric vehicle charging points is not necessary, as this is required under separate legislation. There is no clear justification before me to demonstrate why it is necessary to remove permitted development rights and as a result such a condition would fail to comply with Paragraph 55 of the Framework.

Conclusion

13. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

A James

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 4315 SLP: Site Location Plan; 4315 A2/B: Proposed Plans and Elevations; and 4315 BP2/A: Block Plan – Proposed.
- 3) Prior to the first occupation of the development hereby approved, details of hard and soft landscaping and biodiversity enhancement measures shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in full within 12 months from first occupation of the dwelling. The approved biodiversity enhancement measures will be retained thereafter.

Any trees or other plants which within a period of five 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 a similar size and species.

- 4) Prior to the first occupation of the development hereby approved, the mobile home shall be permanently removed and the land restored in accordance with the landscaping scheme approved under condition 3.
- 5) Prior to the installation of any boundary treatment, details of any new boundary treatment indicating the type, position, height and materials and including holes for hedgehogs shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 6) Prior to the installation of any external lighting, an external lighting design plan, which has particular regard to biodiversity, including bats shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 7) The area shown on drawing number 4315 BP2/A as vehicle parking space shall be retained for the parking of vehicles only.