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## Appeal Decision

Site visit made on 4 February 2025

by **Mark Philpott BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> February 2025

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**Appeal Ref: APP/E2205/W/24/3347050**

**Town Barn, The Street, Smarden, Kent TN27 8NA**

- 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 S, J and S Withers against the decision of Ashford Borough Council.
  - The application Ref is PA/2023/1941.
  - The development proposed is described as 'Conversion of Unit 1 Town Barn to two residential units and erection of two detached residential units following the demolition of Units 2 and 3, utilising existing access arrangements'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The revised National Planning Policy Framework (Framework) came into force on 12 December 2024. Accordingly, I gave the appellants and the Council an opportunity to comment on any implications of this to the appeal. The 2023 Housing Delivery Test results were published on the same date. These show a slight improvement in housing delivery in the borough compared with the results from 2022, with no consequences for decision making in either case. Consequently, I did not seek further views regarding the test results.

### Main Issues

3. The main issues are:
  - the effect of the proposal on employment space;
  - the effect of the proposal on the character and appearance of the area and heritage assets; and
  - whether the proposal would provide a satisfactory standard of accommodation, with particular regard to outlook and light receipt.

### Reasons

#### *Employment*

4. The site is in the village of Smarden as designated by the Ashford Local Plan (LP). It includes 3 detached buildings. Unit 1 is the titular Town Barn. It is the largest of the buildings and located towards the front of the site facing The Street. Unit 2 is smaller and set back from the highway at the head of the vehicular access beside Unit 1. Set close to the rear of Unit 1 is the much smaller Unit 3. Hardstanding and bare ground seemingly used for parking are principally between the units, whereas

the rear of the site is mostly soft landscaped. The adjacent properties are residential, as is the majority of the wider area.

5. It was clear from my visit that Units 1 and 2 are used for the storage of classic vehicles whereas Unit 3 is an office. The appellants report that Units 1 and 2 are used to store private collections and provide no employment, albeit Smarden Parish Council refutes this anecdotally. In any case, Unit 3 was clearly in active use when I visited. The proposal seeks to convert Unit 1 into a pair of dwellings and demolish the other units to enable the construction of 2 detached dwellings towards the rear of the site.
6. Policy HOU3a of the LP supports residential development in villages subject to various criteria being satisfied. Among other things, it requires development to not displace active employment uses, unless the requirements of other LP policies are met. In this regard, LP policy EMP2 specifies that the loss or redevelopment of existing employment sites or premises in villages will not be permitted unless at least one of its criteria apply. Additionally, in order to achieve a sustainable economy over the plan period, LP policy SP3 requires industrial, commercial and business premises to be retained in line with LP policy EMP2. These are underpinned by LP policy SP1, which includes a strategic objective to provide a range of employment opportunities. Given that replacement employment uses are not proposed, only 2 of the 3 criteria of LP policy EMP2 are potentially applicable.
7. The first criterion requires it to be demonstrated that the site is no longer appropriate for the continuation of the existing or any other employment use in terms of having serious impacts on neighbouring occupiers or the environment. While the existing uses may employ few people, there is no dispute that these are employment uses. Comings and goings and activities often associated with vehicle storage such as occasional maintenance may generate some disturbance, noise and other forms of pollution and, anecdotally, complaints from residents were received about previous tenants. However, objective evidence has not been provided to demonstrate that the uses currently cause serious impacts on neighbours or the environment and, at the very least, offices are not typically held to be particularly disruptive or polluting.
8. Furthermore, though the units are somewhat tired, there are no obvious reasons to conclude that they are unfit for the current or alternate uses based on either their current condition or with reasonable investment. It is put forward that the site is constrained by parking near its access and restrictions prohibiting large vehicles entering the village, but this has clearly not prevented the units being occupied, and innumerable employment uses do not need to be served by large vehicles in order to function successfully.
9. The final criterion of LP policy EMP2 requires it to be shown that the units have remained unlet or for sale for a substantial period for all suitable types of employment or employment generating uses, despite genuine and sustained attempts to let or sell them on reasonable terms. The appellants allege that there is limited interest in employment uses at the site and it has become increasingly difficult to let the units. Fundamentally, however, the units are let and no evidence has been submitted which indicates that they have been marketed on the terms required by the policy.

10. Consequently, none of the LP policy EMP2 criteria are satisfied. The proposal would result in an unacceptable loss of employment space in conflict with that policy as well as LP policies HOU3a, SP1 and SP3, purposes of which are above.

*Character and appearance and heritage assets*

11. The scheme is supported by a robust Heritage Statement which indicates that Unit 1 is an early 20<sup>th</sup> century barn-style building on the site of an earlier barn. It has a single storey with a partial mezzanine and largely grey rendered elevations, a half hipped tiled roof supported by metal trusses, single glazed Crittall windows and double timber doors. It is prominent in The Street as a result of its scale and design, which contrasts with the surrounding properties. In some ways Units 2 and 3 exhibit similar characteristics but are comparatively utilitarian with plainer designs and sheet metal roofs and are less visible in the streetscene. Overall, the site has a prevaillingly light-industrial aesthetic.
12. The site is located within Smarden Conservation Area (CA), which encapsulates the linear form of the historic village principally along The Street. It includes a range of medieval to 19<sup>th</sup> century buildings, many of which were associated with the cloth industry. Notably, a high proportion of buildings in the immediate vicinity are timber framed and restrained to brick, white weatherboarded and tiled finishes. Insofar as it is relevant to the appeal, the special interest and significance of the CA as a whole is derived from the considerable age, variety and traditional construction of the generally well-preserved buildings within it.
13. Dragon House<sup>1</sup> is a grade II\* listed building to the west of Unit 1 that occupies a prominent position in the immediate streetscene. According to the statutory list description, it is a 15<sup>th</sup> century timber framed building with plaster infilling and a hipped tiled roof. Among other things, it includes close-studding, curved braces, corbels, bressummers including a frieze with carved decoration, and small-paned casement, oriel and dormer windows. It was purportedly also historically associated with the cloth industry. For the purposes of the appeal, its special interest and significance are derived in large part by its age, architectural qualities and prominence in the CA.
14. Library House<sup>2</sup> is a grade II listed building beside the access into the site. It is a former pair of 18<sup>th</sup> century weatherboarded dwellings under a gable-ended tiled roof and includes chimneys, casement windows and doorcases with flat hoods. Its special interest and significance are informed largely by its traditional construction and features, which are reflective of many buildings in the CA.
15. The presence of both listed buildings in The Street are important contributing factors to their special interest and significance and hence the immediate part of The Street forms part of their settings. However, the qualities of Library House can also be appreciated from Vesper Hawk Lane which runs alongside it, and thus is also part of its setting.
16. The Council contends that Unit 1 constitutes a non-designated heritage asset in the terms of the Framework. However, the appellants have provided photographic evidence indicating that it bears little resemblance to the original building aside from in its siting and relationship to The Street. The history, function and purpose of

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<sup>1</sup> List Entry Name: Dragon Cottage Dragon House; List Entry Number: 1071360

<sup>2</sup> List Entry Name: Library Cottage Library House; List Entry Number: 1071362

the original are not clear and there is no evidence that its 20<sup>th</sup> century characteristics are particularly novel or rare. In the absence of a detailed appraisal by the Council to suggest otherwise, Unit 1 is not a non-designated heritage asset. Rather, it has a neutral effect on the special interest and significance of the CA and the listed buildings, despite its different attributes to surrounding properties. This is also the case for Units 2 and 3 as their utilitarian characteristics are offset by their siting further from the listed buildings and The Street.

17. The external works to Unit 1 would principally include its cladding with white weatherboarding and additional and altered fenestration to its front and rear, with separate cart door style entrances proposed for each dwelling and rooflights and solar panels on the rear roof slope. The dwellings to the rear would have two storeys and a contemporary design.
18. The works to Unit 1 would not change its scale or massing. The windows proposed in the front elevation would be slightly larger than the existing ones but the doors would reinforce its barn-like characteristics and the number of openings there would be unaltered. The cladding would also reflect the finish of a barn as well as conform to the prevailing materiality of the locality. The resulting elevation would not therefore be jarringly domestic. Additionally, there would be little intervisibility between the rear elevation and roof slope and the listed buildings. Overall, Unit 1 would contrast no more with the listed buildings than is currently the case. It would not therefore detract from or otherwise impact the prominence or the ability to appreciate the special interest and significance of the listed buildings.
19. Glimpsed views of the dwellings proposed to the rear would be achievable from near the site's access and Vesper Hawk Lane. While their design would contrast with the listed buildings so too do Units 2 and 3. Moreover, the proposed dwellings' intervisibility and juxtaposition with the listed buildings would be less than is the case with Unit 2 as a result of being set further back. In that context, the replacement of Units 2 and 3 with the proposed dwellings would not adversely affect the interest features or settings of the listed buildings.
20. The proposal would therefore preserve the special interest and significance of the listed buildings identified. There are many other heritage assets in the locality; however, no objections are expressly raised by the Council about these, nor has it been suggested that there would be any notable enhancements to their settings. For similar reasons to those set out above, increased separation distances from the site in many cases and, ultimately, my overall decision, I see no reason to conclude other than that these would be preserved.
21. For the reasons set out above, the use of weatherboarding for Unit 1 would have a slightly positive impact on the character and appearance of the CA whereas the changes to its front fenestration and the removal of Units 2 and 3 would have neutral effects. While the extent of the proposed glazing to the rear of Unit 1 including the proposed rooflights and the solar panels would not be reflective of the CA, these would have insufficient prominence from public vantage points so as to be a concern.
22. The proposed dwellings to the rear would also have neutral effects on the character and appearance of the CA for the above reasons. More broadly, these would sit within appropriately sized plots such that they would not be disproportionate in scale, cramped or appear to overdevelop the site. Drawing this together, the

special interest and significance of the CA as a whole would be slightly enhanced. Accordingly, there would be a slightly positive impact on the character and appearance of the area in wider terms.

23. I conclude that the proposal is consistent with the intentions of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, in respect of this main issue, the proposal accords with LP policies HOU3a, ENV13, ENV14, SP1 and SP6. These seek to ensure that development preserves or enhances the borough's heritage assets, promotes high quality design and is compatible with the character of an area.

#### *Standard of accommodation*

24. The Council's concerns in respect of this issue relate to alleged potential future outlook and light impacts from mature oak trees on the dwellings proposed to the rear of the site. The trees are protected by the CA or preservation order.
25. The appellants' Pre-Development Tree Survey and Report states that the trees are of moderate quality and value, which reconciles with my observations on site. The document also indicates that they can be retained without work, subject to appropriate construction methods being used. I have no reason to disagree. The trees would be located to the south of the dwellings, near the rear boundaries of the gardens. The trees would therefore result in some shading and foreshortening of outlook. However, a considerable proportion of garden would be beside the dwellings, further from the trees. Even accommodating for future growth, the gardens would benefit from sufficient levels of outlook and light receipt. Similarly, the impacts on the dwellings would be limited due to their distance from the trees and because the rear elevations would feature a significant amount of glazing such that they would offer wide angled views beyond the trees.
26. I am content that the standard of accommodation would be satisfactory and there would not be pressure to undertake significant work to the trees in the future. From that perspective the proposal accords with LP policies HOU3a and ENV14, which specify that proposals should avoid significant adverse impacts on amenity and retain trees that contribute to the character and appearance of conservation areas.

#### **Other Matters**

27. The Council alleges that the proposal conflicts with LP policy SP2. However, this explains the strategic approach to housing delivery in the borough. The village is an appropriate location for housing and thus I find no conflict with the policy.
28. The evidence indicates there is high potential for great crested newts to be present at the site and that a derogation licence would need to be issued by Natural England for the scheme to be carried out. If I had been minded to allow the appeal, I would have needed to have considered any effects on great crested newts and other protected species and, if necessary, if a licence would likely be issued, rather than defer the matter to planning conditions as recommended by the Council.
29. The Council reports that it can only demonstrate 4.39 years supply of deliverable housing sites, but appeal derived figures have purportedly been lower. Changes to the borough's housing need as a result of amendments to the standard method set out in Planning Practice Guidance<sup>3</sup> may also impact on supply. The presumption in

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<sup>3</sup> Reference ID: 2a-004-20241212

in favour of sustainable development as set out by paragraph 11(d) of the Framework is applicable as a consequence.

### **Planning Balance**

30. In respect of the first leg of paragraph 11(d) of the Framework, the proposal is not contrary to any of its policies that protect areas or assets of particular importance. Consequently, the second leg states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination, with regard to specific paragraphs set out at footnote 9 of the Framework.
31. In the context of the Council's housing supply position, the provision of 4 energy efficient, family-sized dwellings on previously developed land to make effective use of it would be beneficial. It is also undisputed that the site would be accessible and near amenities, and there would be benefits associated with the construction process and to the vitality of the local area by the future occupiers spending on and engaging with services and facilities. I also do not doubt that wildlife enhancements and biodiversity net gain could be secured. Further, I have found there would be an enhancement to a designated heritage asset and the character and appearance of the wider area. The scheme has support from the Framework in these respects.
32. Conversely, the Framework is clear that significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development, that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, and that policies should set criteria to meet anticipated needs. LP policies EMP2, HOU3a, SP1 and SP3 provide an appropriate strategy for economic growth. While the current occupiers of the site provide a limited number of jobs, the proposal would nevertheless undermine the strategy and economic growth through the loss of employment space and by not marketing of the site for alternate employment generating uses, without adequate justification.
33. Taken together, the weight of the benefits of the development is limited by the small scale of the development and the amount of housing proposed. The loss of employment space significantly and demonstrably outweighs the benefits. Consequently, the Framework does not indicate in favour of the scheme.
34. I consider that the proposal conflicts with the development plan taken as a whole. Material considerations do not indicate that a decision should be taken otherwise than in accordance with the development plan.

### **Conclusion**

35. For the reasons given above, the appeal should be dismissed.

*Mark Philpott*

INSPECTOR