



Appeal Decision

Site visit made on 28 February 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Appeal Ref: APP/E2205/W/24/3351385

Balcony Farm, Haycross Lane, Woodchurch, Ashford, Kent TN26 3TF

- 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 Mark Thompson against the decision of Ashford Borough Council.
 - The application Ref is PA/2022/2033.
 - The development proposed is the demolition of agricultural buildings and the erection of 5 detached single storey dwellings with associated landscaping and biodiversity enhancements
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (“the Framework”) was published in December 2024 after the appeal was submitted. In the interests of fairness both main parties have been given the opportunity to comment on the revised document and any made have been taken into account in my decision.
3. The Council granted Prior Approval¹ by notice dated 6 October 2021, ref. 21/01490/AS, for the change of use of existing agricultural barns and land within their curtilage to form three smaller and two larger residential dwellings with associated operational development (“the Class Q scheme”). The appellant refers to this as a fallback scheme and this is reflected in my main issues below.
4. I have omitted the superfluous reference to the appeal proposal being a resubmission of an earlier refused planning application.

Main Issues

5. The main issues in this appeal are:
 - Whether the appeal site would be in a suitable location for housing, with particular regard to the Council’s spatial strategy and proximity to services and facilities.
 - The effect of the proposed development on the character and appearance of the area.
 - If there is any harm, whether this is outweighed by other considerations, particularly whether there is a fallback position for an alternative proposed development.

¹Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Reasons

Whether a suitable location for housing

6. Policy SP2 of the Ashford Local Plan 2030, Adopted February 2019 (“the ALP”) sets the strategic approach to housing delivery with development in the rural areas being of a scale consistent with a settlement’s accessibility, infrastructure and availability of services. Windfall housing will be permitted where consistent with the spatial strategy and other policies in the plan.
7. ALP Policy HOU5 allows for residential windfall development in the countryside where adjoining or close to the built-up confines of named settlements listed in the Policy, and where a site is, amongst other criteria, within easy walking distance of basic day to day services, and/or has access to sustainable methods of transport to access a range of services; where it is possible to maximise the use of public transport, cycling and walking to access services, and provided the development is of a high quality design, sympathetic to the landscape and consistent with local character and built form. Elsewhere in the countryside, this policy allows residential development subject to other criteria, including reusing buildings and homes for essential rural workers.
8. The appeal site is occupied by a group of agricultural poultry shed buildings that are set amongst a spacious rural landscape of fields and woodland blocks. Development in the area consists of a scattered pattern of buildings, including a few sporadic dwellings and non-residential buildings, mostly along the B2067. Based on the appellant’s evidence the appeal site lies approximately 1.5 miles from Woodchurch where there is a post office, doctor’s surgery, village store and public house, and some 3 miles from Tenterden where there are supermarkets, shops, doctors’ surgery, leisure centre, restaurants and a church.
9. Journeys to either settlement would either be northwards along generally narrow country lanes, or along the wider B2067, which I saw on my visit was generally subject to a regular flow of traffic travelling at speeds broadly consistent with the national speed limit. Whilst just a snapshot in time, I have no substantive evidence to demonstrate that the traffic conditions I observed in the area were abnormal.
10. Those highway routes are largely devoid of cycle lanes, footpaths or streetlights, and would likely be perceived as unsafe by walkers and perhaps all but the most ardent and able cyclists. Given the distances of travel involved, I consider that walking and cycling between the appeal site and the services/facilities in those settlements would be an unattractive option for the occupants of the proposed development. This would be especially so during the hours of darkness and inclement weather, and for less able persons. No details of public transport provision between the appeal site and those settlements are before me in evidence.
11. For these reasons, future occupants of the proposed development would not be within easy walking distance of basic services. The services and facilities that future occupants are likely to visit frequently would not be readily accessible from the appeal site by walking, cycling or alternative sustainable modes of transport. Consequently, future occupiers of the proposed development would be heavily reliant upon private vehicles to meet their travel needs. That opportunities to maximise sustainable travel will invariably be different between urban and rural areas does not alter my conclusion on this issue.

12. The Council considers that the proposed dwellings would constitute isolated homes in the countryside within the terms of Framework Paragraph 84, and would not meet any of the exceptions for such homes, including those listed in ALP Policy HOU5 and the Framework. The appellant has advanced no substantive evidence to the contrary and given the location and context of the appeal site, and its separation from the nearest identifiable settlements, I find no basis to reach a different view on this matter.
13. Consequently, I conclude on this main issue that the proposed development would not be in a suitable location for housing, with particular regard to the Council's spatial strategy and proximity to services and facilities. It would therefore conflict with ALP Policies SP2 and HOU5, insofar as they seek to promote sustainable patterns of development by directing development to locations where services and facilities are available and accessible by sustainable modes of transport.

Character and appearance

14. Development in the area around the appeal site generally consists of a scattered pattern of rural buildings, mostly agricultural buildings, some commercial premises, and a few sporadic dwellings of individual appearances that tend to occupy spacious and verdant plots alongside the B2067. These buildings are set within an undulating landscape of expansive pastoral open fields and dense woodlands that define the character and appearance of the area as essentially spacious and rural.
15. The appeal site is occupied by a closely spaced row of poultry sheds of similar size and appearance that are clearly visible in close distance views from the road and nearby public footpath. Despite their sizeable massing as a group, the poultry sheds are low rise buildings with a simple and functional agricultural aesthetic, set amongst hardstandings with little paraphernalia around them. Consequently, the appeal site is visually consistent with the rural, pastoral character and appearance of the area and contributes positively to it.
16. The proposed single storey dwellings would be confined to land covered by those existing sheds. They would be no taller and their combined massing would be considerably less than the existing poultry sheds. Nonetheless, the proposed development would have an overtly domestic appearance, consisting of residential bungalows spread across the land with more complex forms, including gabled wings and projections, and several window openings. Domestic paraphernalia and parked vehicles, which could not be controlled by the planning system, would be expected to accumulate within gardens and on driveways, and there is likely to be a need for boundary treatments that would reinforce the domesticated residential character of the proposed development.
17. Although there are residential buildings in the area, these are few in number and set in a scattered pattern within an essentially rural landscape, largely devoid of buildings. In contrast, the appeal development would comprise a comparatively denser group of dwellings of similar scales, forms and designs. They would create a residential enclave of bungalows of a suburban aesthetic that would contrast jarringly with the rural character and appearance of the appeal site and area. As such, the appeal proposal would result in a visually harmful urbanising effect that would erode the rural character and appearance of the area. This would be particularly obvious in short distance views from the road and the nearby public footpath.

18. The proposed landscaping scheme, together with cladding the walls of the dwellings in 'softer' timber weatherboarding, would not fundamentally alter the scale, form and suburban aesthetic of the proposed development. The proposed soft landscaped buffer would be expected to take several years to become fully established and I am not satisfied on the evidence before me that it would be sufficient to provide an impenetrable buffer to views of the proposed development, particularly in short distance views from the road and public footpath. Whilst it may be the appellant's intention for the landscaping to grow thick and tall, future occupiers may seek to prune and thin out planting, and I am not aware of any mechanism before me that would prevent this from occurring.
19. For these reasons, I conclude on this main issue that the proposed development would cause significant harm to the character and appearance of the area, with particular regard to its location in the countryside. Therefore, it would be contrary to ALP Policies SP6, HOU5 and ENV3a insofar as they require development to demonstrate regard to existing features that contribute to local landscape character, including the pattern and distribution of settlements, and to be sympathetic to the landscape and consistent with local character and built form. I have not been referred to any guidance or policy within the Woodchurch Village Design Statement that the appeal proposal would conflict with. However, this does not alter my conclusion on this main issue.

Other considerations

20. Even if I was to accept the appellant's position that there is a realistic prospect of the Class Q scheme being granted approval again by the Council, thus establishing a genuine fallback scheme, it does not follow that the appeal proposal would be granted planning permission as a consequence. The Class Q scheme would have delivered the same number of homes as the appeal proposal and in conflict with the Council's spatial strategy for housing growth. However, the Class Q scheme would have comprised simpler building forms with a limited number of window and door openings. Wider glazed doors would have been positioned on less visible elevations facing away from the road, and towards modest gardens set behind the dwellings in views from the road.
21. There would have been clear space between the rows of Class Q dwellings, giving a relatively spacious layout and allowing views across the countryside from the road. I have no basis on the evidence before me to find that the Class Q scheme's internal and external living space would have provided unacceptable living conditions for future occupiers.
22. Even without soft planting these characteristics would have given the Class Q scheme a considerably simpler, calmer, and functional aesthetic than the appeal scheme, reflective of the existing rural, agricultural character and appearance of the appeal site and area. By comparison, the appeal scheme would see more complex and overtly domestic styled bungalows spread further across the appeal site with larger gardens likely to result in a greater extent and visibility of accumulated domestic paraphernalia. Together, the appeal scheme would appear as an enclave of bungalows of a suburban aesthetic that would have a greater and markedly worse visual impact on the character and appearance of the area than the Class Q scheme. Consequently, the Class Q scheme is of very limited relevance and weight to my considerations in this appeal.

23. The Council is currently unable to demonstrate a 5 year supply of housing land, albeit undisputed evidence suggests that it has not failed the Housing Delivery Test. I have not been provided with any evidence to suggest the extent of the current shortfall against the 5 year housing requirement. Even if the shortfall was acute, the appeal proposal would make a modest but valuable contribution to boosting housing supply and it could include affordable housing, albeit there is no mechanism before me to secure it. Economic and social benefits would accrue through construction and future occupation, with future occupiers likely to spend money in the local economy. There would also be an enhancement in biodiversity, albeit unquantified in scale and with no mechanism to secure its retention and maintenance, generating a modest environmental benefit. Together, these benefits weigh moderately in favour of the appeal proposal.
24. There is little evidence to suggest that contributions to infrastructure such as schools and library provision, and diverting a public right of way, would do any more than mitigate the development's pressure on that infrastructure. As such, they are neutral factors that weigh neither in favour nor against the development.
25. The Framework's definition of previously developed land (PDL) excludes land that is or was last occupied by agricultural buildings and therefore the appeal proposal would not benefit from its support for reusing PDL. The appeal scheme would not harm highway safety and it would be built to comply with relevant space standards. However, an absence of harm in these respects does not weigh in favour or against the proposed development.

Planning Balance and Conclusion

26. The proposed development would harm the character and appearance of the area, and it would not be in a suitable location for housing, harmfully undermining the Council's spatial strategy for housing growth. These harms and the resultant policy conflicts set out above are sufficient to bring the development into conflict with the development plan when read as a whole.
27. The appeal proposal's conflict with the development plan, as part of a genuinely plan led system, carries significant weight against the grant of planning permission. The benefits of the proposed development are insufficient to outweigh its conflict with the development plan and its markedly worse effect on the character and appearance of the area than the Class Q scheme, which is of very limited weight in its favour.
28. As the Council is currently unable to demonstrate a 5 year supply of housing land, Framework Paragraph 11.d)ii., would apply and planning 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.
29. The appeal proposal would deliver housing and the policies in the Framework seek to deliver a sufficient supply of homes. However, it would do so in conflict with the Framework's locational objectives for housing growth, which seek to avoid isolated homes in the countryside and promote sustainable development in rural areas. It would also conflict with the Framework's objectives of managing patterns of growth to prioritise sustainable modes of transport to access services, facilities and employment, and locating development where it would help to reduce greenhouse gas emissions.

30. The Framework also requires developments to be sympathetic to local character and landscape setting, including the countryside, which has intrinsic character and beauty. I have found that the appeal proposal would cause significant harm to the character and appearance of the area, contrary to those policies of the Framework.
31. The appeal proposal's contribution to boosting housing supply, including affordable housing, would be valuable but modest in scale. Modest economic, social and environmental benefits would be delivered through construction and occupation of the development, and the delivery of a biodiversity enhancement, consistent with those objectives of the Framework.
32. Taking all the above into account, the appeal proposal's adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.
33. For the reasons given above, the proposed development would be contrary to the development plan as a whole. There are no other material considerations, including the Class Q scheme and provisions of the Framework, to outweigh this finding. Therefore, the appeal should be dismissed.

G Sylvester

INSPECTOR