



Appeal Decision

Site visit made on 24 April 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/E2205/W/24/3349264

Homestall Farm, Ashford Road, High Halden, Kent TN26 3BS

- 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 J Wilson against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/0799.
 - The development is the change of use of land to a commercial vehicle depot and open storage yard. Proposed new vehicular access and 1.8m high gate.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site appeared to be in use as a commercial vehicle depot at the time of my site visit. However, the development is not complete as the proposed vehicular access and gates/walls have not been constructed. Therefore, I have determined the effects of the appeal development on the basis of the proposed drawings.
3. A lawful development certificate¹ (LDC) for the use of half of the appeal site closest to the road for open storage of vehicles and materials for commercial use was granted by the Council in January 2024. I will return to the LDC later in this decision.
4. In determining this appeal, I have had regard to my duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the LBCA"), to pay special attention, and have regard to, the desirability of preserving the settings of listed buildings.
5. The Government published a revised National Planning Policy Framework ("the Framework") in December 2024. However, as the policies relevant to the substance of this appeal are not materially different to those in the previous document, I have not deemed it necessary to seek the parties' views on it.

Main Issues

6. The main issues in this appeal are:
 - the effect of the appeal development on the character and appearance of the area, and
 - whether it preserves the setting of the Grade II listed building known as Homestall Farmhouse.

¹ PA/2023/1923

Reasons

Character and appearance

7. The appeal site is situated amongst predominantly residential properties on both sides of Ashford Road. Whilst there is some variation to the pattern of dwellings, most are set within spacious plots, often behind front hedgerows interspersed with trees. Even accounting for the planning permissions granted for housing development further away from the road than the appeal site, and 2 dwellings² on land to its east, the pattern of development is generally loose knit.
8. The spacious plots and open land around and between buildings provides intermittent views out of the area and across the wider pastoral landscape of undulating arable fields and small woodlands. Together, these attributes give the area of the appeal site a verdantly semi-rural character and appearance. The hardstanding, agricultural machinery and farm buildings at Moat Farm are typical of a farmstead and visually consistent with the area's character and appearance.
9. The appeal development's hardstanding covers a relatively large area of land. It is reasonable to suppose that a commercial vehicle depot and open storage yard would include the parking of large commercial heavy goods vehicles (HGVs) and trailers, together with the outside storage of items such as plant, machinery, goods and materials to varying heights. The precise visual effects of any combination of these elements would be expected to change over time, such as in response to an operator's requirements.
10. The evidence before me, including aerial photographs in the Heritage Statement (HS), indicate that before the hardstanding was constructed, the appeal site's predominantly open and vegetated state would have reflected the character and appearance of the appeal site and area. By comparison, the elements intrinsic to the appeal use, together with the harsh expanse of the hardstanding surfacing, have an industrial aesthetic that is visually intrusive and contrasts harmfully with the established character and appearance of the area.
11. Boundary fences and the relatively tall hedgerows that are growing along the appeal site's northern and eastern boundaries provide substantial screening of its hardstanding in views from Ashford Road. However, as the evidence suggests that HGVs can be around 4.5 metres in height and outdoor storage could be around 4 metres high, I am not satisfied that parked vehicles and outside storage would be fully screened by the hedgerows in views from Ashford Road.
12. The Ashford Landscape Character Assessment 2009, seeks to improve the appearance of light commercial development along A roads, which it regards as visual detractors, through screen planting. The existing hedgerows could be allowed to grow taller and additional planting could be provided, including along other boundaries of the appeal site. However, I am not aware of any mechanism that would prevent a future occupier of the appeal site from thinning or reducing the height of hedgerows and increasing the visibility of elements intrinsic to the use. Furthermore, the requirements of the relevant national and local planning policies that are before me in evidence are not confined solely to developments visible from a vantage point accessible to the public.

² PA/2023/2259

13. The proposed vehicular access and gates/walls would result in an obvious gap in the boundary hedgerow that would harmfully erode and diminish the hedgerow's positive contribution to the verdantly green character and appearance of the area. It would also have an engineered appearance. The gap would allow the hardstanding and the elements intrinsic to the appeal development to be seen from Ashford Road when the gates are open.
14. Whilst such views would likely be fleeting and relatively localised, they would nonetheless increase the visibility of the use and its visual harm. I am not aware of any mechanism that would require the gates to be closed when the access is not being used.
15. Several examples of broadly similar gated vehicular accesses to other properties along Ashford Road are brought to my attention. However, I am not aware that those examples replaced hedgerows. In the absence of full details of the vehicular access approved in 2003, and the landuse it would have served, I cannot be satisfied that it is directly comparable to the proposal before me. Those examples are therefore of limited relevance and weight to my considerations in this appeal.
16. Open storage of machinery and paraphernalia on the hardstanding around the agricultural buildings at Moat Farm opposite are clearly visible. Some farms may keep HGVs and would be served by them from time to time. However, the appeal site has the character and appearance of a commercial vehicle depot as opposed to a typical farmstead. Therefore, Moat Farm does not set a visual context for the appeal development or justify its harmful visual effects.
17. Taking all the above into account, the appeal development is harmful to the character and appearance of the area, contrary to Policies SP1, SP6, EMP3, ENV3a and ENV5 of the Ashford Local Plan 2030, Adopted February 2019 ("the ALP"), insofar as they seek to ensure that development, including extensions to employment premises in the rural area, integrates sensitively into its context, respects local character and distinctiveness, including protecting landscape features such as hedgerows.

Setting of the Grade II listed Homestall Farmhouse (HF).

18. Based on the evidence before me, including the listing description and the appellant's HS, the significance of HF, insofar as it relates to this appeal, is derived partly from its age, materials and traditional architecture, and partly from its surroundings. The wider surroundings of HF will have evolved over time, including nearby housing developments and the erection of outbuildings within its grounds.
19. Nonetheless, HF is set within relatively spacious grounds. These comprise largely of open and manicured lawns that merge into a surrounding rural landscape, including the nearby pond and the generally open fields beyond that have recognisably pastoral elements. Those spacious grounds and pastoral agricultural surroundings reinforce the historic functional and physical relationship between HF and agriculture, thus contributing positively to its setting and significance as a designated heritage asset.
20. The evidence suggests that prior to the appeal development being established, the appeal site's predominantly open and vegetated state would have been consistent with the open and green setting to HF, including the surrounding pastoral landscape. Therefore, the appeal land would have made a positive contribution to

the historic physical and functional relationship between HF and agriculture, and thus to its setting and significance as a designated heritage asset. This would have been the case irrespective of whether the appeal land was agricultural or garden land, physically separated from HF by boundary hedgerow/fences or located outside of the historic farmstead.

21. The appeal development does not physically affect the fabric of HF. The elements intrinsic to the appeal use would include moveable HGVs and storage that could change over time. Nonetheless, the appeal development has intruded onto land close to HF, where it has eroded the largely open and spaciouly green pastoral surroundings in which HF is experienced and appreciated, replacing it with a development of an industrial character and appearance.
22. Consequently, the appeal development has harmfully eroded the historic functional and physical relationship between HF and how it is experienced in the wider pastoral surroundings. It has therefore caused harm to the setting and significance of HF as a designated heritage asset.
23. The modern outbuilding to HF that stands between it and the appeal development would prevent intervisibility between them in a limited range of views. New hedgerows could be planted to reinstate historic boundaries. However, neither would fundamentally change the physical relationship between the appeal development and HF, nor meaningfully mitigate its harmful effect on the setting and significance of HF.
24. The proposed new access would avoid the need for vehicles associated with the appeal development to share the existing access with HF, and be driven along land between its front elevation and Ashford Road. However, those vehicle movements would be transient in nature and largely confined to land close to the road. Any benefit arising from the proposed access's segregation of vehicular traffic would therefore be small. It would be outweighed by the harm caused to the setting and significance of HF by the appeal development, which covers a larger area of land closer to HF.
25. For these reasons, the appeal development is harmful to the setting and significance of HF as a designated heritage asset. Even if I were to agree with the appellants that the appeal development does not harm the settings and significance of the Grade II listed buildings of Durrants Court and Black Cottage, located further away to the west, it would not alter my conclusion on this main issue.
26. I conclude on this issue that the appeal development fails to preserve the setting and special interest of HF as a designated heritage asset. It therefore conflicts with Section 66(1) of the LBCA, and ALP Policies SP1, EMP3 and ENV13 insofar as they seek to ensure that development, including extensions to employment premises, preserves or enhances heritage assets. The harm caused to the significance of HF would be 'less than substantial' in terms of the Framework.
27. Even if the harm was at the lower end of 'less than substantial', I am nonetheless required by Framework Paragraph 212 to give great weight to the conservation of a designated heritage asset. Paragraph 215 of the Framework requires me to weigh this harm against the appeal development's public benefits. I shall return to this matter in the heritage and planning balance.

Other Matters

28. The appellants have no intention to increase the number of vehicles and trailers that are kept at the appeal site. Vehicles would be no more than 4.5 metres high. Materials would be stored to no higher than 4 metres. The appellants suggest that these factors, and HGV parking and storage on the appeal site can be controlled by conditions. The Framework sets out that conditions should only be imposed where they are, amongst others, precise and enforceable.
29. A plan showing the areas of the appeal site for parking and storage is not before me. Without such a plan, I am not satisfied that conditions could be drafted with sufficient precision, and thus enforceability, to control parking and storage. For example, there would be ambiguity as to what might constitute the rear of the site, as distinct from the front or sides.
30. Even if I was able to impose the conditions suggested by the appellants, I am not satisfied that they would prevent the use from being visible from Ashford Road. Whilst the boundary hedgerows were in leaf at the time of my site visit and HGVs were parked against the rear site boundary, I was still able to see the upper parts of the cabs of some of the HGVs through a gap in the hedgerow close to the building adjacent to the existing access. Longer vehicles parked against the rear boundary could extend some distance towards the site frontage.
31. I am not aware of any mechanism to ensure that hedgerows are retained at their current height and thickness. Furthermore, the proposed vehicular access would create a gap through which views of the appeal development from the road could be obtained, thus tempering any beneficial effects of controlling the use, particularly the areas for HGV parking and storage.
32. Moreover, any beneficial effect of controlling the height of open storage, including on the LDC land closest to the road frontage, would be heavily outweighed by the development's harmful effect on the setting and significance of HF. This would include the potential concentration of HGV parking on the part of the appeal site closest to HF. None of the suggested conditions would alter the extent of the hardstanding.
33. The lawful use of the LDC land is a fallback position. However, because the appeal development encompasses a significantly larger area of land that extends closer to HF than the LDC land does, I find that it causes a greater degree of harm to its setting and significance than the LDC fallback position. Consequently, as the appeal development is worse than the fallback position it is of limited relevance and weight to my considerations in this appeal.
34. The appeal development would make a positive contribution to the rural economy, including through employing workers and supporting businesses and jobs in related industries and supply chains. The planting of native hedgerows would be expected to provide a modest benefit to biodiversity, albeit this has not been quantified in the evidence before me.
35. The Local Highways Authority raises no objection to the appeal development and there is no substantive evidence to suggest that it finds the use of the LDC land to be harmful to highway safety. There is limited evidence to suggest that the sharing of the existing vehicular access between the appeal development and HF causes harm to the living conditions of nearby occupiers or conflict between the residential

and commercial traffic. In this context, the benefits of the appeal development in providing greater space for the loading and manoeuvring of vehicles, together with the segregation of commercial and residential traffic, are benefits of limited weight in its favour.

36. The appeal development provides a secure facility to store vehicles and machinery next to the appellant's home. However, there is limited evidence to substantiate the frequency and severity of security issues that triggered relocation to the appeal site, or the efforts made by the appellants to search for alternative premises. These considerations are therefore of limited weight in favour of the appeal development.

Heritage and Planning Balance

37. The benefits of the appeal development are a material consideration that attract weight of a high order in its favour, consistent with the support for business development in ALP Policies SP1, SP3 and EMP3. Even if conditions could control the appeal development, including to reduce visibility of the use of the LDC land from Ashford Road, it would still result in significant harm to the character and appearance of the area, contrary to the requirements of ALP Policies SP1, SP6, EMP3, ENV3a and ENV5, that are set out above.
38. The appeal development extends closer to HF than the LDC land and causes a greater degree of harm to its setting and significance than the use of the LDC land alone. The totality of the appeal development's public benefits, which include controlling the use of the LDC land, reinstating historic boundaries by hedgerow planting and avoiding the need for vehicles to be driven along land between HF's front elevation, would be insufficient to outweigh the less than substantial harm to the setting and significance of HF as a designated heritage asset.
39. The public benefits would not amount to clear and convincing justification for the harm that would be caused to HF. This is a matter of considerable importance and great weight should be given to conserving HF as a designated heritage asset. The harm to the setting and significance of HF brings the development into conflict with Section 66(1) of the LBCA, and ALP Policies SP1, EMP3 and ENV13, the requirements of which are set out above.
40. Together, the appeal development's harmful effects and policy conflicts are sufficient to bring it into conflict with the development plan when read as a whole. The conflict with the development plan carries significant weight against the grant of planning permission and is sufficient to outweigh the benefits of the appeal development.
41. Those benefits accord with the Framework's economic objectives and support for effective use of land for business growth, including in rural areas. However, its harms are contrary to the policies in the Framework requiring developments to be sympathetic to local character and landscape setting, and to conserve heritage assets in a manner appropriate to their significance. The appeal development is not sensitive to its surroundings and would not amount to the sustainable growth and expansion of a rural business, contrary to Framework paragraphs 88 and 89.

Conclusion

42. The benefits of the appeal development broadly align with the support for business growth and expansion, including in rural areas. However, it is harmful to the character and appearance of the area, and to the setting and significance of HF as a designated heritage asset. On the evidence before me it is more harmful than the fallback position and its harms cannot be made acceptable through planning conditions.
43. The appeal development's harms are important matters that bring it into conflict with ALP Policies SP1, SP3, SP6, EMP3, ENV3a, ENV5 and ENV13, and the development plan as a whole. There are no other material considerations, including the provisions of the Framework, to outweigh this finding and indicate that the appeal should be decided other than in accordance with the development plan. I conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR