



Appeal Decision

Site visit made on 7 May 2025

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/E2205/W/24/3350761

Mill Pond Farm, Readers Bridge Road, Tenterden, Kent TN30 6TQ

- 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 Reeves against the decision of Ashford Borough Council.
 - The application reference is PA/2024/0552.
 - The development proposed is proposed demolition of existing dwelling and associated agricultural buildings, change of use of land, erection of a replacement dwelling, with associated landscaping enhancement and biodiversity gains.
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Decision

1. The appeal is allowed and planning permission is granted for proposed demolition of existing dwelling and associated agricultural buildings, change of use of land, erection of a replacement dwelling, with associated landscaping enhancement and biodiversity gains at Mill Pond Farm, Readers Bridge Road, Tenterden, Kent TN30 6TQ in accordance with the terms of the application, Ref PA/2024/0552, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the Council's determination of the application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated it on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The site lies within the High Weald Area of Outstanding Natural Beauty, which is a National Landscape (NL). I have, therefore, had special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA) and the duty imposed upon me by the Levelling Up and Regeneration Act 2023 (the LURA) to seek to further the purposes of protected landscapes.
4. During the course of the appeal, the appellants submitted a plan entitled "Residential Curtilage Diagram" (Drawing No 4276) with the intent of mitigating the effect of the site on the character and appearance of the site and the surrounding area. Having regard a recent judgement¹ I find that the amendments fundamentally alter the proposal before me and parties who may have an interest in the proposal have not had the opportunity to provide comment. I have not, therefore, accepted the revised plan on the basis that unfairness would result were I to do so.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Main Issue

5. The proposal was refused on two grounds, the second relating to the effect of the proposal on the biodiversity of the area, with particular regard to Great Crested Newts. During the appeal, the appellants have submitted additional information in regard to this matter, and the Council have confirmed that they no longer wish to defend the second reason for refusal.
6. The main issue in this appeal, therefore, is the effect of the proposal on the character and appearance of the site and the local area.

Reasons

Character and appearance

7. The appeal site (the site) lies amongst a small cluster of buildings at the end of a concrete accessway serving a number of properties. There is no dispute between the parties that it lies outside of any settlement boundary identified within the development plan and is thus, for planning purposes, in the countryside.
8. The site lies on the side of a valley. It is well screened from the west and south-west by the lie of the land and existing tree planting, whilst from the north it is screened by other built form. However, it would be visible in views from the south-east across the valley, and a public footpath² runs through woods and down the valley side.
9. The site lies some 300 metres outside the boundary of the High Weald National Landscape. It is within the Clappers Hill Wooded Farmlands Borough Landscape Character where the objective is to conserve the landscape. Public right of way AB5 crosses the accessway referred to above to the north of the application site and runs towards and through the woodland to the east.
10. The buildings within the site comprise a modest single storey dwelling, a pigsty and two substantial barn-like buildings (the farmyard buildings). To the immediate north of the site are a number of buildings of agricultural character, with a dilapidated appearance. To the southwest Squirrels Cottage and its associated outbuildings completes the cluster. Outside of this group lie fields and woodlands.
11. The proposal would demolish the existing bungalow, the pigsty and one of the barn-like structures. These would be replaced by a single substantial one- to one-and a half storey dwelling incorporating the second barn-like structure, set around a central courtyard. The proposal would extend built form and residential activity into the parcel of open agricultural land to the south-east of the existing group.
12. The proposed dwelling would be finished in timber shingles and board marked concrete with timber cladding for the walls and corrugated metal for the roofs. This would give the building a rustic appearance, not out-of-keeping with that of nearby agricultural buildings.
13. Policy HOU5 of the Ashford Borough Council Local Plan 2030 (2019) (the LP) seeks to restrict residential development in the countryside unless certain criteria are satisfied. The policy allows the replacement or the re-use of redundant or

² Council Ref: AB5

disused buildings which would lead to an enhancement to the immediate setting, or the replacement of an existing dwelling.

14. For a replacement dwelling, Policy HOU5 also requires that the requirements of Policy HOU7 of the LP are met. These require that the dwelling replaces one that has a lawful residential use; the design does not result in significant harm to the overall character and appearance of the area taking into account the surrounding built form and the existing street-scene; is suitable in terms of its scale, bulk, massing and the materials used; that it can be suitably accessed; and, that it would not materially harm any neighbouring uses including the living conditions of nearby residents.
15. As the proposal is located in the setting of a Protected Landscape, it also needs to be demonstrated that it is justifiable in regard to protection afforded such a valuable natural resource.
16. There is no disagreement between the appellants and the Council that the proposal has the benefit of a suitable access and would not materially harm the living conditions of nearby residents. The proposal replaces an existing bungalow, which would be demolished, but the new dwelling would be built outside of the existing footprint of the bungalow, or its garden and would be substantially larger than it. I can see no requirement, in policy terms, for the replacement dwelling to occupy the footprint of the dwelling that it replaces. How close a building would need to be to constitute a replacement is a matter of fact and degree. In this case, the replacement dwelling is within the footprint of the group of buildings occupying the site and their immediate neighbours.
17. As regards size, I again see no in principle reason within the policy why the new dwelling could not be larger than that which it replaces. The proposal would result in the loss of one dwelling and its replacement by another, with no nett increase in the number of dwellings in the countryside.
18. Whilst the replacement dwelling would, by virtue of its scale and design have a different visual impact on the area, this falls to be a matter to be considered within the criteria set within Policy HOU7.
19. The site and the surrounding area have a rustic appearance reflecting the agricultural setting of the site. However, the site forms part of a group of buildings in residential and agricultural use, and the area, generally, has an air of activity about it, with some comings and goings. It is, however, set in a verdant, peaceful landscape with a general appearance of settled rurality.
20. Whilst the proposed dwelling would be significantly greater in size and bulk compared to the bungalow that it would replace it would be set in the location of the substantial buildings, largely replacing them whilst retaining some parts of the structure of Barn B. Overall this would offset the visual impact of the scale of the building to a significant degree. In terms of appearance the choice of the palette of materials would maintain a rural, agricultural aesthetic, very much reflecting the layout of a farmyard. It would not appear visually out of place amongst the nearby rural buildings.
21. The proposal would, however, move the focus of residential activity, with associated paraphernalia, away from the location of the existing bungalow to the area of the farmyard buildings. There would be a degree of increased urbanisation

of the land around the farmyard group. However, I have noted that this general area is already subject to a degree of activity. Further, much of the activity associated with the residential use will likely be contained within the courtyard. Whilst the number of individuals living on the site may increase due to the increase in accommodation, the number of households would not be increased. When considered against the activity of the existing residential uses, the extension of disturbance and activity in this area would not result in a significant impact on the locality.

22. In wider views the building would only be prominent in views from the southeast, including from the public footpath and, in these views, the building would be softened by existing planting. This would be augmented by the planting of native hedgerows.
23. By its proximity to the National Landscape, the proposal has potential to impact on its setting. Section 85(A1) of the CRWA places a statutory duty upon me to have regard to the purpose of conserving and enhancing the natural beauty of the NL. The site is not located within the High Weald National Landscape but, being around 300m to the north of its boundary at its closest point, is within the area where its setting could be impacted. The site is separated from the National Landscape by intervening dense woodland, and, to a degree, undulating landform. As a result, the proposal would not have adverse impact on the setting of this National Landscape and in so doing it would conserve its scenic beauty.
24. Bringing these matters together I find that the proposal would not result in significant harm to the overall character and appearance of the area taking into account the surrounding built form and the existing street-scene and that it is suitable in terms of its scale, bulk, massing and the materials used.
25. In conclusion I find that the proposal would not have a harmful effect on the character and appearance of the site and would therefore accord with the aims of Policies SP6, HOU5, HOU7 and ENV3a of the LP in as much as these seek to protect the countryside from unsuitable development for its intrinsic character and beauty and ensure that development responds positively to the character, distinctiveness and sense of place of its setting.

Other Matters

26. I am aware of concerns raised by a local resident that the site may be used, in future, by an increased number of households, either by conversion or subdivision of the buildings within the site. Any additional, separate dwellings within the site would require a separate planning permission, which would be determined on its own merits.
27. Similarly, the resident raises concerns that the existing bungalow could be retained. Whilst the operative description of the development is for demolition of the bungalow and provision of a replacement dwelling, given that the two buildings occupy separate footprints, it is not physically necessary to demolish the bungalow to build the replacement dwelling. I have therefore, included a condition to secure demolition, and I will return to this matter below.

Conditions

28. I have had regard to the various conditions suggested by the appellants and the Council.
29. Condition 1, limiting the time within which the development must commence, is necessary to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning Compulsory Purchase Act 2004, and to prevent the accumulation of unimplemented planning permissions.
30. Condition 2, which identifies the approved plans in accordance with which the development must be built, is necessary to provide certainty in what this permission authorises.
31. Condition 3 sets out what is required for submission of materials, finishes and other details, in the interests of visual and neighbour amenity and so that any development will accord with the aims of the Local Plan and the Framework.
32. Condition 4 restricts the use of ancillary accommodation within the site so as to safeguard the character of the area.
33. Condition 5 is necessary to secure the provision of a charging point for an electric vehicle so as to satisfy current national policy aimed at improving air quality and encouraging the use of lower emission private vehicles and thereby control climate change.
34. Conditions are necessary to control the provision of parking, including bicycles, and ensure that vehicles entering the site can turn and leave in forward gear so as to protect residential amenity and safeguard users of the public highway. This is achieved by Conditions 6 and 7.
35. To safeguard and enhance the visual amenity of the area and the aims of the Framework, Condition 8 is necessary in order that details of landscaping and protection measures for planting are secured.
36. Condition 9 is needed to regulate and control the development of the land in the interests of protecting the character and amenities of the locality.
37. It is necessary to establish that an appropriate scheme can be provided to drain the site of surface water and that such a scheme would accord with the aims of the Framework in managing risk of flood. This is secured by the imposition of Condition 10. As this may dictate elements of the detailed design, the scheme needs to be identified prior to the commencement of works on site and the necessity for this condition and its wording has been agreed with the appellants.
38. To safeguard public health and to ensure and prevent the discharge of pollution in accordance with the aims of parts 8 and 15 of the Framework, Condition 11 will secure an appropriate foul drainage design.
39. Conditions 12, 13 and 14 are necessary so as to ensure that the proposal minimises damage to, and maintains and improves, biodiversity, in accordance with Policy ENV1 of the LP and part 15 of the Framework. As measures to protect Great Crested Newts would need to be identified and in place prior to the

commencement of works on site, Condition 14 and its wording has been agreed with the appellants.

40. As I have indicated above, there are concerns that, as the bungalow and its replacement occupy separate footprints it is not physically necessary to demolish one to create the other. There being no increase in the number of independent dwellings and minimal increase in built form underpin the justification for the replacement dwelling. I have, therefore, added a condition, Condition 15, securing demolition of the bungalow before its replacement can be occupied.
41. I have amended some of the requested wording of the Council's conditions for clarity.

Conclusion

42. For the reasons given above the proposal accords with the development plan and so the appeal should be allowed.

I A Dyer

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
2. The development shall be carried out in accordance with the approved plans/documents below:

Location Plan 4276 01 B	28 March 2024
Proposed Block Plan 4276 10 D	4 April 2024
Proposed Ground Floor Plan 4276 11 H	28 March 2024
Proposed First Floor Plan 4276 12 F	28 March 2024
Proposed Roof Plan with PV Location 4276 17	28 March 2024
Elevation (Front) 4276 13 E	19 March 2024
Elevation (Rear) 4276 14 C	19 March 2024
Proposed Sections 4276 15 C	19 March 2024
Proposed Sections 4276 16 B	19 March 2024
3. Prior to above ground works taking place, details (including source/manufacturer and colour) and samples (where required) of all materials to be used on the external surfaces of the buildings, including but not limited to brick, tiles and cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved and retained for the lifetime of the development.
4. The detached garage and studio hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling hereby permitted.
5. Prior to the first occupation of the dwellings, at least one All Electric Vehicle charger point per dwelling shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles. Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehiclehomechargescheme-approved-chargepoint-model-list>.
6. The areas shown on the approved drawings as parking spaces and the turning space to serve these spaces shall be provided, surfaced and drained before the first occupation of the dwelling to which it relates. All car parking and turning space shall be retained for that use thereafter whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification).
7. Prior to the first occupation of the development, bicycle storage shall be provided and thereafter be retained solely for that purpose.

8. The development hereby permitted shall not be occupied until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The said scheme shall include hard and soft landscaping; samples of the materials to be used to form hardstandings; written specifications for planting; schedules of species, sizes and proposed numbers/densities where appropriate; and details of all fences, railings, boundary walls and minor artefacts. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the completion of the development. 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.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A, B and E of Part 1 and Class A of Part 2 of Schedule 2 of that Order.
10. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.
11. The dwelling shall not be occupied until sewage disposal works have been completed in accordance with the relevant Building Regulation requirements and treated effluent discharge requirements as set by the Environment Agency (where applicable). These shall be implemented prior to the occupation of the dwelling and retained thereafter in accordance with these details.
12. Prior to occupation a lighting plan which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. The plan shall show how and where external lighting will be installed and provide commentary regarding how the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23: Bats and Artificial Lighting at Night' have been considered in the lighting design. It shall clearly demonstrate that areas to be lit would not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.
13. Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity, plus an establishment and management plan for native planting, will be submitted to, and approved in writing by, the local planning authority. This will include details of native and wildlife-friendly planting, integrated bat, and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved measures will be implemented and retained thereafter.
14. Development works (including site clearance) shall not in any circumstances commence unless the determining authority has been provided with evidence that the full Great Crested Newt District Level Licence conservation payment has been made to Natural England and a District Level Licence issued by Natural

England pursuant to The Conservation of Habitats and Species Regulations 2018 authorising the development to go ahead.

15. Prior to the first occupation of the replacement dwelling hereby approved, the existing bungalow, Millpond Farm, as shown on Location Plan 4276 01 B shall be demolished and all resultant materials removed from the site.

END OF CONDITIONS