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# Appeal Decision

Site visit made on 28 August 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 September 2025

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**Appeal Ref: APP/E2205/W/25/3366568**

**Newlands Farm, Charing Heath Road, Charing, Kent TN27 0AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss Christina Law against the decision of Ashford Borough Council.
  - The application Ref. is PA/2024/0809.
  - The development proposed is for a retrospective carport with store, change of use from agricultural to residential and laying of hardsurfacing.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. At my site visit, I saw that the development has been completed, and I note that the application has been submitted retrospectively.
3. Evidence from the appellant is inconsistent regarding the use of the land; it is argued that “the site is *not* used for agriculture. The appellant’s family have owned and occupied the property since 1990, and the land has never been farmed and used for agricultural purposes.” However, the description on the application form clearly refers to a change of use from agricultural to residential.
4. In the absence of a lawful development certificate I cannot be satisfied that the site comprises residential land. Within the context of this appeal under section 78 of the Act, it is not my remit to formally determine the lawful use of the site or structure. If the appellant wishes to ascertain a lawful use, an application can be made under section 191 of the Act.
5. Moreover, the appellant avers that “it may be argued that the carport could equally be used for agricultural purposes, as a tractor and agricultural machinery shelter, as it could for sheltering a domestic vehicle.” Even if this is true, the proposal before me is for a domestic carport, and accordingly I have dealt with the appeal on this basis.
6. The appellant has provided an Arboricultural Impact Assessment as part of the grounds of appeal, and the Council has confirmed that this issue is no longer being pursued as a reason for refusal.

## Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

8. The appeal site is a detached, two-storey house accessed by a driveway from Charing Heath Road. The locality to the southwest of Charing village is mainly rural in nature and consists of residential properties set in wider open countryside of fields and woodland.
9. Policies SP1, SP6, HOU8 and ENV3(a) of the Ashford Local Plan 2030 (LP) and the Council's Supplementary Planning Guidance Note 9 "Domestic Garages and Outbuildings in Urban and Rural Areas" (SPG) seek to, amongst other things, create the highest quality design which is sustainable, responds to the prevailing character of the area and does not cause harm, has particular regard to landscape features, expresses a coherent design form appropriate to the context of existing built development and does not result in an intrusive form of building that undermines the dominance of the landscape.
10. The result of the proposal is to extend residential development into the adjacent agricultural land. The new domestic curtilage juts out into the adjoining field, creating an unnatural distortion in the boundary between the two different land uses. The location of the car port beyond the existing residential garden, by its very nature, leads to an adverse, urbanising impact on the rural land. To my mind, this would not contribute to protecting the intrinsic value and setting of the countryside as outlined in Local Plan policy.
11. I appreciate that the subject site is not prominent, being partially screened by trees and hedgerows, and is not in an Area of Outstanding Natural Beauty. The car port is smaller and subservient to the existing buildings on the site, vehicles would be sited within and not outside on the driveway, no objections have been raised with regard to external materials, the proposal creates income for the builders and suppliers required to construct the structure, and bat boxes could be installed to the benefit of biodiversity locally. Nevertheless, these matters do not outweigh the harm I have identified above. Furthermore, I am aware from historic images provided by the appellant that a previous building existed on the plot. However, this has been removed and therefore does not add weight in favour of the scheme.
12. Overall, the factors advanced above do not counterbalance the in-principle harm that arises to the rural character and appearance of the area. In my view, to allow this appeal would be to set aside countryside strategy as the primary method of directing development within this part of Ashford Borough. In the absence of any overriding justification, it would potentially lead to similar arguments being made for other residential sites in close proximity to agricultural boundaries, which would diminish the relevance of countryside strategy, and would be the antithesis of sustainable development.
13. I therefore conclude that the proposal would result in harm to the character and appearance of the area. It would be contrary to Policies SP1, SP6, HOU8 and ENV3(a) of the LP, the SPG and the Framework for the reasons set out previously.

## Conclusion

14. Having regard to the foregoing and in respect of all other issues, the appeal is dismissed.

*C Hall*

INSPECTOR