



Appeal Decision

Site visit made on 7 October 2025

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 October 2025

Appeal Ref: APP/M2270/C/24/3356322

Land at Part Ordnance Survey Plot 0005, (known as Apple Pie Farm), Cranbrook Road, Benenden, Cranbrook, Kent TN17 4EU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”).
 - The appeal is made by Mr Skaidruis Maslianikas against an enforcement notice (“the notice”) issued by Tunbridge Wells Borough Council.
 - The notice was issued on 24 October 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the laying of a concrete hard standing and the erection of a timber framed building on the land.
 - The requirements of the notice are to: (1) Break up the concrete hard standing; (2) Demolish the timber framed building; (3) Remove all resultant rubble, materials and rubbish from the land following compliance with Steps (1) and (2); and (4) Remove all building materials including but not limited to: grab bags, window panels, tarpaulin, timber posts, pipework and bags of sand/rubble from the land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Reasons

2. The main issues in this appeal are:
 - Whether the building and hard standing conserve and enhance the character of the rural landscape within the High Weald National Landscape (“the NL”).
 - Whether an exception to the general restraint of development within the countryside is justified.

The character of the rural landscape

3. Paragraph 189 of the National Planning Policy Framework (“the Framework”) requires that great weight is given to conserving and enhancing landscape and scenic beauty of the NL, which has the highest status of protection in relation to these issues.
4. The appeal site is outside of Benenden, in a part of the NL designated as Character Area 4, Cranbrook Fruit Belt, in the Tunbridge Wells Borough Landscape Character Assessment. The area is typified by flattened topography incorporating some large-scale land uses, with elements of fruit belt, forested plateau and wooded farmland.

5. Particularly valued elements of the area's character include the pattern of dispersed farmsteads and hamlets, and locally distinctive buildings, forming part of a settlement pattern typical of the High Weald landscape. The High Weald National Landscape AONB Management Plan 2024 - 2029 identifies that pressure from new development is eroding the historic settlement pattern and the rural landscape's intrinsic sense of naturalness.
6. The hard standing and the timber framed building are isolated, unrelated to any village, hamlet or farmstead within the area's settlement pattern. The building is part constructed, exposing a shipping container that would be enclosed by the completed building. The drawings of the intended complete building confirm that it would have mainly blank elevations, broken by a door and 3 windows with low sills that would reach the eaves, with a flat roof with solar panels mounted on it. It stands close to a site boundary marked by a low hedge and there are small deciduous trees to its rear and side. Nevertheless, the building would be glimpsed from the adjacent land when vegetation is in leaf, and it would be more readily seen in winter.
7. Accordingly, the building and the hard standing enabling its construction are not sympathetic to local distinctiveness and do not have a minimal impact on the landscape character of the locality. They fail to respect the context of the site, do not conserve and enhance the landscape and scenic beauty of the NL and the parish, and do not preserve the interrelationship between the natural and built features of the landscape.
8. Appropriate facing materials and landscape planting could be secured by condition, although the latter is not suggested by the Council. However, they would not overcome the harm I have identified arising from the form and location of the building and hard standing.

Is an exception to the general restraint of development within the countryside justified?

9. The land was part of a larger holding that has been divided into plots. I can understand that erecting a building could be attractive to someone buying a plot if existing buildings within the farmstead were not available to them, but that has not been confirmed in this case.
10. The appellant sought a determination as to whether the building required prior approval to be erected for agricultural or forestry use¹ and stated it would be used to store tools and a shipping container, to rest, and as an office as needed. No existing or proposed agricultural operation was identified at that time. The appeal documents refer to an intended "agricultural and/forestry use", but this is not explained.
11. The floor plans of the building indicate an intention to use a relatively small part of it as a chicken coop, and I saw some beehives nearby when I visited. Those are the only indications of any existing or proposed agricultural activity on the land, and neither has been shown to generate a need for the building or the hard standing.
12. A rural business need for the building and hard standing has therefore not been demonstrated. Consequently, a justification for an exception to the development plan's approach of restraining development in the countryside has not been shown

¹ 24/02999/AGRIC refused 17 December 2024.

to exist and the development cannot draw support from paragraph 88 of the Framework.

Conclusion

13. For the reasons given, the building and hardstanding are contrary to saved policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4 and 14 of the Tunbridge Wells Borough Local Development Framework Core Strategy Development Plan Document, policies BD1 and LE1 of the Benenden Neighbourhood Development Plan 2020 - 2038 and Part 15 of the Framework. No material considerations to indicate that the deemed planning application should be determined other than in accordance with the development plan have been identified and the building and hard standing are therefore unacceptable.
14. I therefore conclude that the appeal should not succeed. I shall uphold the notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Mark Harbottle

INSPECTOR