
Appeal Decision

Site visit made on 5 November 2025

by **A Knight BA PG Dip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/E2205/W/25/3371396

Woolpack Corner Farm, Woolpack Corner, Benenden Road, Biddenden, Kent TN27 8BU

- 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 A Fleck against the decision of Ashford Borough Council.
 - The application Ref is PA/2025/0687.
 - The development proposed is the stationing of cabin to provide farm office and rural workers accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for stationing of a cabin to provide farm office and rural workers accommodation at Woolpack Corner Farm, Woolpack Corner, Biddenden, Kent TN27 8BU in accordance with the terms of the application Ref PA/2025/0687, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have amended the description of development from the appeal form to omit reference to the proposal being retrospective, as that is not an act of development.
3. The application form confirms that the development has started, and I was able to see this during my site visit. I note objections to the retrospective nature of this proposal. However, and regardless of its status on site, my assessment of the proposal is based on its merits as set out in this appeal.

Main Issues

4. The main issues are:
 - Whether the site is in a suitable location for the proposed development having regard to local and national planning policies and access to services and facilities; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Location

5. The appeal site (the site) is on a turkey farm (the farm) located some 1km outside the village of Biddenden, near a cluster of dwellings at the junction of Benenden Road and Tenterden Road.
6. The roads connecting the site to Biddenden are largely unlit and lack pavements or dedicated cycle lanes. The Council report states that the site has no access to public transport, though elsewhere in the evidence there is reference to the site being close to the number 12 bus route, along with an indication that whilst there is no bus stop nearby, the bus has been known to stop anyway if it is safe to do so. A public right of way (PROW) skirts along the boundary of the site and connects to a further PROW leading to the centre of Biddenden. These PROWs are unlit and their surfaces range in quality.
7. The National Planning Policy Framework (the Framework) describes the purpose of the planning system as being “to contribute to the achievement of sustainable development”, an aim containing an environmental objective of mitigating and adapting to climate change. This includes moving to a low carbon economy achieved, in part, by the promotion of walking, cycling and public transport. Paragraph 164 requires new development to avoid increased vulnerability to the range of impacts arising from climate change.
8. Policy SP1 of the Ashford Local Plan (2019) (the Local Plan) seeks to direct development to accessible and sustainable locations, and to promote access to sustainable transport modes. Policy SP2 sets out the Council’s housing delivery strategy, and makes allowances for windfall housing development subject to compliance with other pertinent policies.
9. Chief amongst these other policies, for the purposes of this appeal, is Policy HOU5. The first part of this policy supports residential windfall development in the countryside where it is close to a listed settlement, Biddenden included, and where six further criteria are satisfied. These include the site being within easy walking distance of basic day to day services in a settlement, and/or having access to sustainable transport. Insofar as the location of the proposed development is concerned, the Local Plan and the Framework are broadly aligned.
10. The second part of Policy HOU5 addresses proposals for other residential development in the countryside, i.e. that which does not meet the requirements of the first part of the policy.
11. The Council considers that the location of the site fails to satisfy the first part of Policy HOU5. The appellant, however, has drawn my attention to a previous permission¹ in which the Council approved the permanent stationing of a residential lodge at the farm, having found no conflict with Policy HOU5. The rationale for that decision included previous decisions at nearby sites, in which the local area was found to be a sustainable location.
12. Amongst these previous decisions was one delivered at appeal² regarding a new dwelling on land east of Chestnuts, a site very close to the farm. The Inspector

¹ Application Ref 22/00478/AS

² Appeal Ref: APP/E2205/W/20/3255381

found no conflict with Policy HOU5, having considered an earlier decision by the Council to allow a dwelling at Silver Birches, another nearby site. This decision was, itself, based on the absence of conflict with Policy HOU5.

13. To my mind, the unlit, secluded, and partly unmade nature of the PROWs may, along with the distance to Biddenden, discourage walking and cycling, particularly in poor weather or after dark. If a bus service exists, then I have little evidence it is regular and reliable. At the same time, the network of PROWs appears to be a well-established feature of the area; they are clearly signposted, connect the appeal site reasonably directly to Biddenden, and are safe from vehicular traffic. These features would go some way to offsetting the drawbacks I have identified.
14. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I am also mindful that the prospect of shared journeys, which was a factor in some of the previous decisions listed above, appears marginally greater in respect of the appeal scheme. This is because it would introduce additional staff accommodation for farm workers on a site already containing housing of that type, so that occupants of the farm are likely to be known to each other.
15. Moreover, consistency is an important aspect of the planning system, and the previous decisions are material in my determination. They have been made relatively recently against the same Local Plan policies, and I have little evidence that pertinent local circumstances and conditions have changed. Indeed, I have been provided with very little to explain why the Council has taken a different approach in respect of the appeal scheme to that which it took recently on neighbouring sites, including one at the farm.
16. Considering all of the above, I find that the appeal site is in a suitable location for the proposed development having regard to local and national planning policies and access to services and facilities. Given this, insofar as location is concerned, the second part of Policy HOU5 need not be considered.

Character and appearance

17. Having considered the landscape character of the site, including its position within the Clapper Hill Wooded Farmlands Landscape Character area, the Council accepts that the appeal scheme development would result in relatively minor localised visual harm. Indeed, it has found the scheme to be visually unacceptable largely as a result of the location of the site, which I have found to be suitable. Nevertheless, the visual impacts of the development are assessed below.
18. The site is near to a cluster of dwellings and other buildings at the junction of Benenden Road and Tenterden Road. As such, whilst the location is broadly rural it is not undeveloped. This is the context in which the appeal scheme cabin (the cabin) is seen. Whilst the cabin is visible from Benenden Road, it is seen over a reasonably long distance, and direct views are partially interrupted by established planting along the main access path into the farm.
19. The farm is essentially rural in character, with a series of open paddocks and fields around it. Even so, the core of the farm, including the appeal site, consists of a range of hardsurfaces, mobile homes, the approved dwelling, and a tall barn. The front part of this developed core is visible from the road, making the functional, working element of the farm a prominent part of its character.

20. The cabin is a relatively modest building that incorporates traditional materials and details. In these respects, it is not particularly prominent nor out of keeping with the farm or the wider area. Whilst the cabin brings the extent of built development at the farm slightly closer to the road, the distance between the two remains sufficient to ensure that the contribution of the farm to local character remains much the same. Furthermore, where the cabin can be seen from the road outside the farm, it is largely against the backdrop of the tall barn. As such, it does not obstruct a view of open fields, and is not out of keeping with the established, developed element of the farm's character.
21. The cabin includes an area of external decking which faces the road. At the time of my visit there were some items of domestic paraphernalia visible. Given the modest size of the decking, however, this did little to impinge upon the character of the farm, particularly as experienced from the road. Appropriate landscaping would mitigate the effect further still. Overall, the appeal scheme does not harm the character and appearance of the area, and I find no evident conflict with Local Plan Policies SP6, HOU5, and ENV3a in that respect.

Conditions

22. The standard time limit condition is not required as the development has already commenced. I have imposed condition 1 for the avoidance of doubt and in the interests of certainty. Whilst the proposed use of the cabin for agricultural workers for only part of the year has played little part in my reasoning above, that is nevertheless the description of development upon which consultation has taken place. I cannot presume that, had the application been for non-restricted residential use, responses to consultation would not have raised different issues. For this reason, I have imposed conditions 2 and 3 to ensure the cabin is used as outlined in the description of development.
23. Condition 4 is required to ensure that the visual amenity of the site and area is maintained. In respect of Condition 5, paragraph 55 of the Framework states that planning conditions should not be used to restrict national Permitted Development (PD) rights unless there is clear justification to do so. In this instance the accommodation is not permanently occupied and is not to be a main place of residence. Allowing the cabin to benefit from PD rights would be inappropriate in such circumstances as those rights are intended to 'allow householders to improve and extend their homes' according to the pertinent technical guidance.

Conclusion

24. For the reasons given above, the appeal is allowed.

A Knight

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the approved plans: Existing Cabin Floor plan & Elevations 4991/02; Existing cabin block plan and site location plan 4991/100; Planning Statement farm office; Existing Block and Site Location Plan.
- 2) The occupation of the cabin hereby permitted shall be solely limited to seasonal workers as defined within Schedule 2, Part 5 of the General Permitted Development Order 2015 (as amended) and solely working on Woolpack Corner Farm in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990).
- 3) The cabin shall only be occupied from 01 June to 01 February in each calendar year. Outside of these dates the cabin shall be used as the farm office only and at no time shall it be used as any person's sole or main place of residence.
- 4) Within 3 months of the date of the decision a landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved landscaping/tree planting 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 unless the Local Planning Authority give prior written consent to any variation.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A to E of Part 1 and Class A of Part 2 Schedule 2 of Schedule 2 of that Order or any Order revoking and re-enacting that Order.

Schedule Ends