



Appeal Decision

Site visit made on 27 November 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/G2245/W/25/3373180

Watstock Farm, Wellers Town Road, Chiddingstone Hoath, Kent TN8 7BH

- 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 J Boormaars (Welbos Ltd) against the decision of Sevenoaks District Council.
 - The application Ref is 25/00994/FUL.
 - The development proposed is conversion of surplus agricultural barn to a new detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council is preparing a new Local Plan, but according to the evidence provided it has not yet progressed beyond consultation under Regulation 18¹. That being the case, it remains at an early stage, and I have given it little weight.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies,
 - the effect of the proposal on the openness and purposes of the Green Belt,
 - whether the proposal would result in deterioration of irreplaceable habitat, with particular regard to its relationship with ancient woodland,
 - the effect on European Protected Species, with particular regard to bats, and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt: inappropriate development

4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of several specific exceptions apply. Those include, in

¹ Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012

paragraph 154(h)(iv), re-use of buildings provided that the buildings are of permanent and substantial construction, as long as the development preserves the openness of the Green Belt and does not conflict with purposes of including land within it. Neither party has suggested that any of the other exceptions in the Framework are applicable.

5. In the Council's Allocations and Development Management Plan (ADMP), Policy GB7 sets out requirements for the re-use of a building within the Green Belt. They include that the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.
6. The application proposes conversion of an agricultural barn to a dwelling. While both the Framework and ADMP use the term 're-use' rather than 'conversion', there is no dispute that paragraph 154(h)(iv) and Policy GB7 are relevant in principle. Notwithstanding the different terms used, I am likewise of the view that in this context 're-use' is equivalent to 'conversion' (as applied for), since the building could not realistically be re-used for residential purposes without conversion.
7. The building in question is a modern, steel portal framed barn, with profiled metal cladding to all four walls and fibre cement roof sheeting. According to the structural report², the portal frames are supported on pad footings and there is also an internal ground-bearing concrete slab. The building is around 20 years old, and the structural report advises that all structural members appear to be in very good condition. There were no obvious indications to the contrary during my site visit, when I was able to view both the interior and exterior. The building appears well maintained and in good general order. As such, based on the evidence before me, as it stands, it appears to be of permanent and substantial construction.
8. Nevertheless, while the current version of the Framework does not explicitly state that the building must be capable of conversion without major or complete re-construction, paragraph 154(h)(iv) refers to 're-use' of an existing building. Replacement of an existing building is subject to different criteria, defined in paragraph 154(d). As such, when paragraph 154 is read as a whole, it draws a distinction between re-use and replacement of an existing building in the Green Belt, and the criteria which should be applied. The wording may differ from earlier national policy statements, but the effect is similar.
9. The distinction between re-use/conversion of a building and a re-build, or 'fresh build' was considered in the Hibbitt case³, which established the principle that the point at which a particular proposal amounts to a fresh build, rather than a conversion, is a matter of judgement for the decision-maker. The Hibbitt case related to the application of permitted development rights⁴ and not to an application for full planning application. However, in the recent South Oxfordshire appeal decision cited by the Council⁵, the Consent Order quashing an earlier decision drew on the Hibbitt judgement, so it is evident that the Court had concluded the same principles should be applied to an application for planning permission. While the South Oxfordshire case was not in the Green Belt, it did relate to a similar

² MdP Designs Structural Assessment dated May 2024

³ Hibbitt v SSCLG [2016] EWHC 2853

⁴ As defined in Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

⁵ Appeal Ref APP/Q3115/W/23/3317169, decision date 22 October 2024

scenario, in which the relevant policies in the development plan and Framework related to conversion of an existing building, as opposed to a fresh build.

10. Consequently, although I have concluded that the building in this case is of permanent and substantial construction, in order to determine whether it benefits from the provisions of Framework paragraph 154(h)(iv) it is also necessary to consider whether the proposal amounts to re-use or a fresh build.
11. According to the structural report, the steel portal frame can be retained and incorporated in the proposed dwelling and would be capable of supporting the new standing seam metal roof, on the existing purlins, albeit potentially with some reinforcement. However, the new external walls would require construction of new foundations, likely to be up to 2.5m deep, due to the characteristics of the clay subsoil and the proximity of nearby trees. New foundations would also be required to support internal, loadbearing walls, to support the first floor, as well as a suspended ground floor in place of the existing concrete slab.
12. That being the case, while the structural frame could be retained and serve some purpose by supporting the new roof, the dwelling as a whole would rely on new foundations, of a substantially greater depth and extent than the existing pad footings. Even if the existing footings are retained, the structural report states that they may need underpinning to meet building regulations. As well as being themselves new fabric, the external walls, some internal walls and the ground and first floors would be supported not by the existing steel frame but by the new foundations. That would, to my mind, be tantamount to a fresh build, reliant on significant new structural elements and gaining only modest help from the existing frame. The building elements which would be re-used would be so minimal as to exclude the proposal from the scope of Framework paragraph 154(h)(iv).
13. While an alternative approach might allow for more of the existing fabric to be retained and re-used, that is not the proposal which is before me. The extent to which the proposed external treatment would deliver a higher quality dwelling is a separate consideration from whether the proposal as presented would amount to inappropriate development in the Green Belt.
14. According to the brief summary provided of the Vine Cottage appeal decision, while there is a reference to underpinning, the ground slab was to be retained. There is no reference to new foundations or load-bearing walls. Therefore, based on the evidence provided, the alterations were materially different to the current proposal.
15. The Council has permitted re-use of other buildings at Watstock Farm, including some which appear to be of similar form and construction. However, those decisions pre-date the South Oxfordshire appeal decision, which has had a bearing on the approach taken by the Council. While consistency in decision-making is important, material considerations must also be taken into account. The current proposal has been considered both by the Council and by me in light of the considerations which are currently applicable.
16. For the reasons given above, I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies. It would not benefit from the provisions of paragraph 154(h)(iv) in the Framework, which relate to re-use of an existing building. It would also conflict with Policy GB7 of the ADMP, as summarised above.

Green Belt: openness and purposes

17. The appeal site is within a small cluster of buildings which includes existing dwellings, notably the Grade II listed Wat Stock farmhouse, as well as some holiday lets in converted stable buildings. Residential re-use of other nearby buildings has been approved, with conversion of Scotland Barn being under construction. As such, although the surrounding countryside has an open character, the building relates closely to an established cluster of built development, including existing residential uses.
18. The barn is close to many of the other buildings, in a well-defined area between the private access road and two ponds. There is already vehicular access, including concrete aprons outside two roller shutter doors, as well as a larger area of compacted hoggin, forming a loose hardstanding around two sides of the building. The rest of the appeal site includes areas of modified grassland, as well as hedges, trees and scrub alongside the access road.
19. The outer envelope of the dwelling would replicate that of the existing building, so the level of built form would not have any greater effect on openness. The proposed garden along one side of the dwelling would be of limited extent and only slightly larger than the existing concrete and hoggin hardstandings. Parking would be within an area which already provides vehicular access. Therefore, the areas where domestic paraphernalia and other external indicators of residential use are likely to be present are both limited in extent and in locations which are likely to have been used for purposes such as parking and storage when in agricultural use. The landscaping and biodiversity proposals include new areas of mixed scrub, which would help to confine domestic activity to the areas shown on the plans, as well as providing some natural screening.
20. Although the first reason for refusal alleged that there would be harm to openness, the Officer Report had concluded that it was unlikely that the proposed use would have a materially greater impact than the current use does on the openness of the Green Belt. I concur with that conclusion.
21. Taking into account the established cluster of dwellings and other buildings, the proposal would not conflict to any material degree with the purpose of safeguarding the countryside from encroachment. The other four purposes of the Green Belt as defined in the Framework are of little relevance at this location.
22. In conclusion, while the proposed development would be inappropriate development in the Green Belt by definition, it would preserve openness and would not conflict with the purposes of including land in the Green Belt. The weight which should be attached to the Green Belt harm is a matter to which I return in the final balance below.

Ancient Woodland

23. The building is close to an area of ancient woodland (AW), which takes in land around the ponds. At the time of my site visit, part of this area was planted with young trees and lower lying vegetation, with the nearest mature trees being a little further away, around the smaller pond. Nevertheless, there is no dispute that the area so identified on the plans has the status of AW.

24. AW is defined in the Framework as an 'irreplaceable habitat', reflecting that its complex and significant biodiversity value cannot readily be restored or replaced if harmed. Paragraph 193 of the Framework states that development resulting in loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons justifying the development and a suitable compensation strategy exists. Examples given of 'wholly exceptional' reasons include infrastructure projects where the public benefit would clearly outweigh the loss or deterioration of habitat. While the benefits of this proposal are considered further below, the provision of a single additional dwelling does not, of itself, amount to a wholly exceptional reason for purposes of paragraph 193.
25. Protection of AW is a matter of policy, as distinct from the legal protection given to individual protected species. Nevertheless, it is a matter of considerable importance.
26. Natural England (NE)'s response to the application did not purport to provide bespoke advice on the effect on AW. Instead, it made clear that the Council should have regard to paragraph 193 and standing advice published by NE and the Forestry Commission. The Forestry Commission also signposted the standing advice. That advice includes that a buffer zone of at least 15 metres should be maintained between the boundary of the woodland and proposed development. It also identifies a range of potential direct and indirect effects on AW from development. As well as ground disturbance and direct damage to the woodland habitat, risks include increased dust, noise and light pollution and disturbance from people and domestic pets. Maintenance of a buffer zone is designed to reduce those risks.
27. The lack of reference to AW in the KCC Ecological Advice Service response to the application is of limited relevance, since that advice focussed on protected species. Relevant technical concerns were raised by the Council's Arboricultural Officer, drawing on NE's standing advice. The updated Ecological Advice Service response to this appeal also substantially defers to the Arboricultural Officer on this matter.
28. There is no dispute that the existing building, much of the existing hardstanding and other areas of the appeal site are already within 15m of the AW boundary. It is also self-evident that there would have been ground disturbance and removal of soils within that area when the building was constructed. It appears highly unlikely that any seed bank within the upper layer of topsoil would have survived the formation of the floor slab, foundations and hardstandings. Use of the building by heavy agricultural machinery may also have contributed to compaction of soils under and around the building. However, there is no evidence of any below ground investigations having been undertaken to verify the assumption that conditions below the building are now inhospitable for root growth. Furthermore, since additional foundations are required, there would be intrusive development within the buffer zone. While the degree of additional disturbance affecting soil conditions or root systems may well be limited, that has not been convincingly evidenced.
29. The reduction in hardstanding and establishment of soft landscaped surfaces might be of some benefit to the underlying soils. However, that area would largely be devoted to a residential garden, which is likely to be a focus for domestic activity and noise in close proximity to the AW habitat. It could also result in unsuitable plant species being introduced and harmful garden chemicals being used, with adverse consequences for biodiversity. That does not accord with the standing

- advice for maintaining a buffer zone, which includes avoiding development, including gardens, within that zone.
30. Introduction of mixed scrub could be of benefit to the woodland edge. There is also reference to an intention for improved habitat management within the AW itself. But the AW is outside the appeal site and there is no mechanism before me by which its enhanced management could be secured.
 31. Conditions could be imposed to control construction-related disturbance or pollution. Improved control over artificial lighting could also be introduced and the Officer Report indicates some acceptance by the Council that concerns about the effect of artificial illumination on dark skies and the AW habitat could be addressed by that means. However, while that would provide greater control over external lighting than there is at present, there would be multiple window openings. Compared to typical agricultural use, the building would be more consistently occupied day and night, increasing the likely use of artificial lighting. As such, while there would be some advantage from greater regulation of lighting, there is little guarantee that the overall effect of light pollution would be reduced.
 32. A better-defined boundary could be introduced, with future occupiers made aware of the need to avoid encroachment. However, no substantive evidence has been presented that agricultural use of the building has previously resulted in harmful encroachment. Nor is there any specific evidence that a theoretical alternative future use of the building, such as through exercise of permitted development rights, would cause such harm. Therefore, on the face of it, the need for a better-defined boundary arises primarily from the proposed residential use and would merely mitigate the effect of the development and not offer a net benefit.
 33. The other occupied properties offer some natural surveillance, the building itself appears secure, and no specific evidence of fly-tipping or anti-social behaviour in the vicinity has been presented. Other direct and indirect effects identified in the standing advice are also less obviously relevant. Nevertheless, based on the evidence before me, it has not been convincingly established that deterioration of the irreplaceable habitat would be avoided, with particular concerns arising from the additional ground disturbance and formation of a domestic garden within the buffer zone. Furthermore, it has not been convincingly demonstrated that a betterment to the AW would be secured, by means of the proposed conditions or otherwise.
 34. Again, the Council acknowledges that it has reviewed and strengthened its approach to AW protection, following the introduction of a Secretary of State referral mechanism in January 2024 for proposals affecting irreplaceable habitats. Consequently, there is some apparent inconsistency with other approved changes of use granted by them, notably at Scotland Barn, which is also close to parcels of woodland. Nevertheless, the current proposal would be particularly close to the AW boundary and the presence of other existing or potential sources of disturbance in the vicinity does not justify further harm.
 35. For the reasons given, based on the evidence before me, I am not satisfied that the proposal would avoid deterioration of irreplaceable habitat, with particular regard to its relationship with ancient woodland. That would conflict with Policy SP11 of the Sevenoaks Core Strategy 2011 (CS) which requires that the biodiversity of the District will be conserved, with no net loss, with the supporting text specifying that AW should be afforded a high level of protection. It would also conflict with Policy

EN1 of the ADMP, which requires amongst other things that any potential harm to biodiversity should be avoided or mitigated. Paragraph 186 of the Framework, as cited in the reason for refusal, is not relevant. However, the proposal would conflict with the requirements for protection of irreplaceable habitats in paragraph 193 and with the NE and Forestry Commission standing advice.

European Protected Species

36. An Ecological Assessment (EA)⁶ was provided with the application which, amongst other things, identifies that the site provides suitable foraging and commuting opportunities for bats. The surrounding woodland is known to support rare bat species. More specifically, the large Oak tree next to the building (T1) provides suitable bat roosting habitat and a bat was present during one of two aerial inspections undertaken. While the evidence indicates it is unlikely to have been one of the rarest species, all species of bat are classified as European Protected Species (EPS)⁷ and damage or destruction of their breeding or resting places is an offence unless undertaken under a mitigation licence granted by Natural England.
37. On the understanding that tree T1 is to be retained, the EA advised that a mitigation licence was not considered to be necessary. However, it also stated that, if any pruning is required to enable the construction process, an ecologist should be consulted to determine whether a mitigation licence is required. Subsequent to the EA, an Arboricultural Impact Assessment was undertaken, which does advise that some pruning of T1 is necessary⁸. There is no clear evidence of further ecological advice having been sought at that point, to clarify whether the proposed pruning would involve damage or disturbance to a degree which necessitates a mitigation licence being granted. Nor is there any evidence before me of any proposed measures to mitigate any effect of the tree works on roosting bats, which might form the basis of any licence conditions, or whether a licence is likely to be granted.
38. While mitigation licensing is a separate regime, decision-makers are required to consider the effect of development on EPS before granted planning permission. That includes considering whether any potential harm would be adequately mitigated and whether or not the proposed development is likely to be licensed. The evidence before me does not adequately allow that judgement to be made.
39. The ecological evidence indicates that effects on Great Crested Newts could be addressed through mitigation licensing, either at a site-specific level or through the District-level Licensing Scheme. While the exact mechanism is unresolved, there is no substantive evidence that effects on this or other protected species could not be adequately mitigated. Other ecological measures, including the approach to biodiversity net gain are considered further below.
40. Nevertheless, for the reasons given above, I am not satisfied that harm to EPS would be avoided, with particular regard to bats. In this respect, the proposal would conflict with Policy EN1 of the ADMP which requires amongst other things that proposals which affect a site's existing biodiversity should be designed in a way that avoids or mitigates any potential harm. It would also conflict with requirements in the Framework and relevant legislation which ensure that adverse impacts on protected species are adequately considered through the planning process.

⁶ Greenspace Ecological Solutions Ecological Assessment dated 26 September 2024

⁷ Schedule 2, Conservation of Habitats and Species Regulations 2017

⁸ Hallwood Associates Arboricultural Impact Assessment 31 January 2025, updated 25 June 2025

Other Considerations

41. According to the appellant's evidence, the Council's most recent published housing land supply figures indicate a supply of around 2.4 years when calculated against local housing need. My attention has also been drawn to a Statement of Common Ground for a recent appeal in which a slightly lower supply figure was apparently agreed by the Council, although little detail has been provided. There is also a substantial shortfall in housing delivery, based on the most recent Housing Delivery Test result of 44%. As such, the appellant's evidence indicates a substantial shortfall in both supply and delivery, and the Council has not argued otherwise. Little weight can be given to the potential for the emerging Local Plan to increase the supply or delivery of housing, since it remains at an early stage.
42. The development would provide a family home, making a small contribution towards the current shortfalls. It could be delivered quickly, being a single dwelling on a small site. The existing building was substantially empty at the time of my site visit and farming operations have apparently been consolidated at a neighbouring farm, so there would be some benefit from bringing a currently under-utilised site back into use.
43. There would be some economic benefit through the construction process and expenditure by future occupiers, which may also help to support the vitality of rural services and facilities. However, the economic benefits would be inherently limited, since only a single dwelling is proposed. While the site is within a small cluster of existing and proposed dwellings, it is outside any village or readily identifiable rural community, and housing in this location does not, in principle, attract any clear support from the Council's spatial strategy or the Framework's approach to rural housing. Payment of the community infrastructure levy is to mitigate the effects of the development and is not a net benefit.
44. In addition to the potential harm to AW, the Council has questioned the baseline assessment for biodiversity net gain (BNG). Nevertheless, there is no dispute that BNG meeting statutory requirements could be secured, relying on offsite measures or BNG credits if necessary. At least some level of ecological enhancement would be provided on site, with the proposals including scrub and hedgerow planting, log piles, bird and bat boxes. Following the introduction of statutory BNG, any such benefits are somewhat routine in nature. Nevertheless, the provision of ecological enhancements is a benefit carrying some positive weight.
45. Following refusal of an earlier application, the design was modified to address alleged harm to the rural character of the area and the landscape and scenic beauty of the High Weald National Landscape. The Officer Report concludes that the design approach would now, on balance, be acceptable subject to conditions. Taking into account the established cluster of buildings, and the evidence that a similar design approach has been adopted on nearby permitted schemes, I have no reason to disagree that the effect on the character and appearance of the area would be acceptable. However, the existing building is typical of its type, subdued in appearance and generally well screened by the boundary trees. It is neither unsightly nor intrusive within this rural landscape. Therefore, in my judgement, the proposal would conserve, rather than enhance, landscape and scenic beauty.
46. No harm was alleged to the setting of nearby Grade II listed Wat Stock house, the significance of which derives from the survival of architectural detailing typical of a

rural dwelling with 15th century origins and later alterations. The setting of the listed building includes the historic and modern farmstead, as well as the surrounding fields. The proposed development would continue a recent history of residential uses being established within the former farmstead, with designs drawing on the agricultural characteristics of the buildings. It would not undermine the wider rural setting, and I am satisfied that the proposal would preserve the setting and significance of the designated heritage asset.

47. The dwelling would provide a generous living environment for future occupiers, and no harm has been alleged to living conditions for occupiers of neighbouring properties. Nor is there any evidence of harm arising in terms of other matters, such as flood risk, highway safety or provision of parking. Nevertheless, those are neutral factors, weighing neither for nor against the development. The extensive policy summary in the appellant's evidence also takes in some matters which are not relevant to this proposal, such as provision of affordable housing and renewable energy in the Green Belt, and I have focussed on the other considerations which are most pertinent to the development before me.

Green Belt and Planning Balance

48. The Framework states that substantial weight should be given to any harm to the Green Belt including harm to its openness. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
49. Although I have concluded that the proposal would preserve openness and not conflict with the purposes of including land in the Green Belt, the proposed dwelling would be inappropriate development in the Green Belt by definition. There would also be other harm, since it has not been convincingly established that deterioration of the irreplaceable habitat would be avoided and there is a lack of clear evidence that harm to bats can be avoided or mitigated. The risks to irreplaceable habitat and protected species are in themselves matters weighing significantly against the proposal.
50. While the appellant claims betterments would be secured in visual and ecological terms, for the reasons given above the evidence does not convincingly support that claim. The effect on the National Landscape and listed building is neutral. Where benefits would be secured, they are inherently constrained by the limited scale of the development. Even in the context of the substantial shortfall in housing supply and delivery, they collectively carry no more than modest weight. Consequently, the other considerations do not clearly outweigh the substantial weight which is given to the harm by reason of inappropriateness, and the other identified harm. I therefore conclude that the very special circumstances necessary to justify the development do not exist.
51. Due to the Council's housing land supply and delivery position, paragraph 11d of the Framework is applicable. However, the absence of very special circumstances to justify the development, together with the lack of evidence that deterioration of irreplaceable habitat would be avoided, amounts to a strong reason for refusing the development based on the application of policies in the Framework that protect areas or assets of particular importance. Therefore, paragraph 11di is applicable

and the proposal does not benefit from the presumption in favour of sustainable development as defined in paragraph 11.

Conclusion

52. The proposal conflicts with the development plan and the other material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR