



Appeal Decision

Site visit made on 17 February 2026

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2026

Appeal Ref: APP/E2205/C/23/3335089

Mai Barn, Romden Road, Smarden, Ashford, Kent TN27 8QZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Janice Taylor against an enforcement notice issued by Ashford Borough Council.
 - The notice was issued on 10 November 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a single-storey extension (shown located in the approximate position on the attached Plan B).
 - The requirements of the notice are to:
 - (i) Demolish and remove permanently from the Land the single-storey extension (shown located in the approximate position on the attached Plan B).
 - (ii) Reinstate the roof of the converted barn dwellinghouse (Mai Barn) to its condition immediately prior to the addition of the unauthorised single-storey extension, using materials to match the existing.
 - (iii) Remove permanently from the Land all materials, waste and debris resulting from compliance with steps 5(i) to 5(ii)(above).
 - The periods for compliance with the requirements are:
 - (i) Six months after this notice takes effect
 - (ii) Seven months after this notice takes effect
 - (iii) Eight months after this notice takes effect
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). 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 enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. Since the Council issued the enforcement notice, the National Planning Policy Framework (the Framework) has been updated (in December 2024) and I have therefore had regard to this more recent version.

Background and Main Issue

3. Planning permission was originally granted for the conversion of the barn to residential accommodation in August 1994¹. Condition 6 of the permission removed rights to construct further extensions to the property with deemed permission, commonly known as “permitted development rights.” Permission was refused in October 2020² for a retrospective proposal for the erection of an oak

¹ Council ref: 94/00520/AS

² Council ref: 20/01225/AS, Inspectorate ref: APP/E2205/D/21/3266605

framed garden room. A subsequent appeal was dismissed in August 2021 (the 2021 decision) due to the adverse effect of the proposal on the character and appearance of the host property and that of the local area.

4. A subsequent application and appeal incorporating dark staining to the timber frame and the removal of the roof lantern was again refused permission by the Council and dismissed at appeal in February 2023 and November 2023³ respectively (the 2023 decision). The dark staining of the weatherboarding and roof lantern did not resolve the effects of the garden room on the traditional character of the barn.
5. The structure that remains in situ is the same as that for which permission was refused in the 2021 decision. Therefore, the main issue is the effect of the proposal on the character and appearance of the host property and the area.

Reasons

6. The appeal site comprises a traditional Kentish timber weatherboarded barn which has been converted to a dwelling. Despite the conversion to residential use, many of the elements of the former barn have been retained in the building and it is an attractive example that makes a significant contribution to the character of this area of countryside. The Council considers the building to be a non-designated heritage asset and both previous Inspectors in the 2021 and 2023 decisions concurred with this assessment. Likewise, I have no reason to disagree with this stance as the un-extended, converted barn adds considerable charm to this area of attractive countryside.
7. The style and form of the extension does not harmonise with that of the converted barn, the comparatively ornate form does not reflect that of the traditional barn style, the roof point connection cuts into the eaves and roof slope of the barn resulting in a discordant impression. Whilst I note that the honey tone colour of the framing has softened with age, it is still a quite striking feature compared to the very muted tones of the original barn.
8. Paragraph 216 of the Framework explains that when considering proposals that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I accept that, as a non-designated heritage asset, the significance of the barn is low and the harm to it is also at the low end of the spectrum. Even so, there is still harm as the building remains an important traditional feature in the Kent countryside.
9. It has already been established in previous decisions that the garden room has had a detrimental effect on the converted barn and on the surrounding area of the countryside. This is contrary to policies SP1, SP6, HOU8, ENV3a and ENV13 of the Ashford Local Plan 2030 insofar as the development is not of a high-quality design and causes significant harm to the character and appearance of the local area, and does not conserve or enhance designated landscapes or have regard to the significance of non-designated heritage assets.

³ Council ref: PA/2022/2390, Inspectorate ref: APP/E2205/D/23/3321294

Other Matters

10. The appellant has suggested that the Council, in the enforcement notice, and previous Inspector in the 2021 decision, failed to identify the significance of the heritage asset. However, the Council is not obliged to identify the significance of a heritage asset in an enforcement notice. Equally, I find that reading both Inspector's previous decisions provides sufficient clarity in setting out its significance.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

N Bowden

INSPECTOR