



Appeal Decision

Site visit made on 3 February 2026

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2026

Appeal Ref: APP/E2205/W/25/3376208

Mainey Farm, Pluckley Road, Maltmans Hill, Smarden, Kent, TN27 8RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Stephen Matthews against the decision of Ashford Borough Council.
 - The application reference is NOT/2025/1086.
 - The development proposed is the conversion of three agricultural buildings into six dwellings.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the conversion of three agricultural buildings into six dwellings in accordance with the terms of the application reference NOT/2025/1086 and the details submitted with it, including drawings numbers DD/000/1901, DD/000/1902, DD/000/1903, DD/000/1904, DD/000/1905, DD/000/1906 and DD/000/1907 and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Stephen Matthews against Ashford Borough Council. This is the subject of a separate decision.

Main Issue

3. The main issue is whether the operations necessary to convert the buildings go beyond the extent of works permitted under the terms of Class Q (c) and Q.1 (j) of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reasons

4. The appeal site comprises three separate agricultural or former such buildings and land associated with each, all located near to one another on a farm in the same ownership. The buildings are functional in appearance; one (Building 1) is in use for keeping various livestock, another (Building 2) as a workshop and the largest of them (Building 3) is a long building formerly used for keeping pigs but now partially derelict with trees growing from parts of the upper storey.
5. The proposal is to change Buildings 1 and 2 each into a dwelling and Building 3 into four, installing insulated roof panels, window and door openings, an internal leaf of insulated blockwork, floor insulation and screed, and electricity connections,

re-cladding the roof to Building 2, removing a part-collapsed wall from Building 3 and laying out gardens and parking for each dwelling.

6. The application that led to this appeal was a resubmission of one previously refused. That application was submitted with a Structural Report of a survey of each of the buildings, which also contained discussion of the extent of any structural works necessary to effect the proposed conversion. In refusing, the Council noted that the Structural Report was based only on visual inspection.
7. Consequently, the Structural Report submitted with the resubmission includes results of trial pits around the buildings, together with calculations on the existing and proposed load bearings for the walls and the roofs. A further report by a different firm of structural engineers was submitted with the appeal, which generally validated the approach taken by the previous engineers.
8. Nonetheless, the Council maintains that the building operations necessary to convert the buildings go beyond the extent permitted under the terms of Class Q (c) and Q.1 (j) of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
9. The Council's case is confined to its officer's report on the application, concluding that the overall extent of deterioration, particularly cracking to a wall of Building 3, means substantial re-building would be needed. However, I found deterioration to be limited to parts of Building 3, a conclusion borne out by the Structural Report. Only part of the cracked wall supports a floor slab and appears repairable. The rest encloses pigsties and would be removed under the proposal.
10. It is unclear from the officer's report why the proposed internal walls would need to be loadbearing, given that there is little in the way of proposed new upper structure beyond lightweight roof panels. Similarly, I have no evidence that additional roof structure or support would be required or of any need for significant new structural elements to the rest of the buildings to effect conversion. Roof coverings, whilst substantial in area, are often replaced on existing dwellings.
11. Consequently, the replacement of asbestos roof panels, addition of insulation and re-cladding are all modest interventions to prevent pollution and bring the energy performance of the buildings up to residential standards. Indeed, few agricultural buildings could be converted to dwellings without such work. Whilst assumptions are made about ground bearing pressure, these are reasonable, given the soil data and lack of movement during the lifetimes of the buildings.
12. For the above reasons, I conclude that the operations necessary to convert the buildings fall within the extent of works permitted under the terms of Class Q (c) and Q.1 (j) of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the proposal is permitted development subject to the conditions in the attached schedule.

Other Matters

13. The conditions set out in paragraph Q.2(1)(a) to (g) relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance, and the provision of adequate natural light in all habitable rooms. The Council raises no concerns as to

any of these prior approval matters, subject to conditions in relation to highways, contamination, design and external appearance.

14. Interested parties, including Smarden Parish Council, point out that the national speed limit (and not 40mph as stated at paragraph 2.5 of the submitted Transport Technical Note) applies to the junction of Pluckley Road and Romden Road, from which the wider site gains access, and which is heavily used by tractors. However, the Council is content that the transport and highways impacts of the development are acceptable and so this is not a matter before me.

Conditions

15. The conditions suggested by the Council are related to the subject matter of the prior approval. In those circumstances, it is reasonable and necessary for me to impose them, so that the proposal would have an acceptable layout, access and appearance, and protection is provided from the effects of contamination during construction and occupation. I have added the standard time limit and a drawings list, amended the contamination condition for enforceability and deleted a sewage disposal condition, which would duplicate the Building Regulations.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

S Simms
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this prior approval.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
 - Site Layout no. DD/000/1901
 - Plot 1 - Animal Barn Plans, Sections and Elevations no. DD/000/1902
 - Plot 2 - Workshop Plans, Sections and Elevations no. DD/000/1903
 - Plot 4 to 6 - Animal Barn Plans no. DD/000/1904
 - Plot 4 to 6 - Animal Barn Elevations no. DD/000/1905
 - Plot 3 - Animal Barn Plans, Sections & Elevations no. DD/000/1906
 - Plot 3-6 - Animal Barn Section DD-DD no. DD/000/1907
3. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.
4. 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 before the development is occupied. 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.
5. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied. The walls and fences shall then be erected before the dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.
6. Prior to the occupation of the dwellings hereby approved, details of the vehicle parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be provided in accordance with the approved details and retained thereafter for use by occupiers and visitors to the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown, or in any position that would prevent vehicular access to the reserved parking and turning areas.
7. Any contamination that is found during construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development there shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

[SCHEDULE ENDS]