

## Information Report for Planning Committee – Appeal Decisions Received between 01 July 2021 and 31 May 2022

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### Appeals Report

This is the latest information report summarising appeal decisions received between 1 July 2021 and 31 May 2022.

The Ministry of Housing, Communities and Local Government (MHCLG) set National Performance Indicators. These National Indicators specify that no more than 40% of appeals against the Council's refusal of planning permission should be allowed. 35% of appeals were allowed within the reported timeframe and so, the Council currently sit well within the required threshold.

<b>Date</b>	<b>No of Appeal Decisions</b>	<b>Withdrawn</b>	<b>% Withdrawn</b>	<b>Dismissed</b>	<b>% Dismissed</b>	<b>Allowed</b>	<b>% Allowed</b>
01/07/2021 to 31/05/2022	46	1	2%	35	76%	10	22%

The report identifies decisions made by the Planning Committee and highlights any decisions made contrary to officer's original recommendation.

Within the reported timeframe the Planning Inspector allowed one appeal (19/00709/AS – known as East Stour Park) that was refused by Planning Committee contrary to officer's recommendation.

In cases where the Planning Inspector has allowed an appeal contrary to the Council formal decision, a summary of the Inspector's reasons for doing so have been provided

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### APPEALS SUMMARY

TABLE A – Appeals Allowed

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
21/00790/AS	Land between Woodchurch Road and Appledore Road, Tenterden, Kent	<p>a) Outline application for the development of up to 145 residential dwellings (50% affordable) including the creation of access points from Appledore Road and Woodchurch Road. Provision of open space (Save for access, matters of appearance, landscaping, layout &amp; scale reserved for consideration')</p> <p>b) Full planning permission for the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with a pavilion.</p>	<p>Officer recommendation – refuse</p> <p>Committee decision - refuse</p>	Allowed

## **Stodmarsh**

N/A – The site is located outside of the Stour catchment.

### **Brief Summary of Inspector's Reasons**

The Inspector concluded, that even though the tilted balance was already engaged with 4.54 years, the Council's calculated housing land supply position was not robust. This was largely due to not being convinced that sufficient evidence has been provided by the Council that all the sites relying upon 'strategic' mitigation, because of the need for nutrient neutrality, would come forward within the next five years.

In his decision, the Inspector proceeded to individually assess some (not all) of the sites within the housing land supply report, which were caught by Stodmarsh, and considered whether the information submitted meant that sites would come forward in the housing land supply period. Accordingly, the Inspector concluded that a housing land supply figure of 3.5 years should be used to determine the appeal.

The Inspector agreed with the Council's conclusions 'that there would be moderate to major adverse landscape effects' resulting from the development. Assessment of the other landscape effects revealed that the Inspector considered that development of the site would result in the replacement of an attractive rural setting with a more urban setting with a series of 'greenway' corridors. Concerns were also raised about the significant harm generated by the proposal to Appledore Road. Overall, the Inspector considered that the proposal would result in an adverse effect on the character and appearance of the area, contrary to policies SP1(b), HOU5(e) and HOU5(f) ii).

Although the Inspector accepted that there is significant harm from the development on character and appearance, his conclusions go on to set out that the 'adverse impacts would not significantly and demonstrably outweigh the benefits'.

The benefits referred to by the Inspector primarily relate to the contribution of housing that the scheme will bring to the borough, based on his conclusion that the five year housing land supply position is 3.5 years.

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Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
20/01368/AS	4 Cormorant Place, Finberry, Sevington, Ashford, TN25 7FT	Proposed conversion of wooden lodge into kitchen and prep area for business	Delegated refusal	Allowed

### Stodmarsh

N/A – The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).

### Brief Summary of Inspector's Reasons

The Inspector notes the Council's concern regarding odour and noise during the food preparation process. However a condition limiting the number of hours of operation and a condition restricting the business personalised to the appellant, which will cease once the use is no longer required, will mean the development would not significantly affect the living conditions of nearby occupiers. The Inspector concluded that the development complied with policies SP1 and EMP1 of the Local Plan.

The Inspector concludes the proposal would not lead to a significant shortfall in car parking and would comply with Local Plan policies EMP1 and TRA3.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
21/00776/AS	18 Tritton Fields, Kennington, Ashford, Kent, TN24 9HG	Single storey rear extension	Delegated refusal	Allowed

### Stodmarsh

N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).

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### Brief Summary of Inspector's Reasons

The inspector notes that the proposed extension would result in some overshadowing to the patio doors and nearest part of the patio, with some reduction in sunlight and daylight to these areas. However, even during the darker months of the year, this would occur for only a relatively small part of the day and the respective room and garden would still benefit from good levels of sunlight and daylight.

The Inspector concludes that the development would not cause significant loss of daylight or sunlight to habitable rooms and would not represent over-dominating development. The development would not conflict with Local Plan policy HOU8 and Supplementary Planning Guidance Note 10 (SPG10).

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
21/01176/AS	2 Subdown Cottages, The Street, Brabourne, Ashford, Kent, TN25 5LT	Proposed two storey side and rear extension	Delegated refusal	Allowed

### Stodmarsh

N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).

### Brief Summary of Inspector's Reasons

Although the site is located within a short ribbon of development the Inspector considered that the location and form of the proposed extension is acceptable. The Inspector notes that the addition would create an uneven visual appearance, but concludes the buildings are not architecturally notable, and therefore the proposal does not detract from the Conservation Area. The Inspector also comments that the materials used are of a similar appearance and would therefore preserve the appearance of the Brabourne Conservation Area and street scene, in accordance with Policies HOU8, ENV3b and ENV14 of the Local Plan.

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The Inspector considered that the proposal would not affect the setting of the AONB which lies outside of the appeal site concluding that the proposal does not conflict with Policy ENV3b.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
20/01658/AS & 20/01657/AS	Bagshot Cottage, Baddlesmere, Faversham, Kent, ME13 0LA	The erection of a single storey extension via a glazed link and associated Listed Building Consent.	Delegated refusal	Allowed

### Stodmarsh

N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).

### Brief Summary of Inspector's Reasons

The main issues were whether the proposal would preserve the grade II listed building and the extent to which it would preserve its setting.

The Inspector appreciated the Council's point that the footprint of the extension would be large; though argued it would still appear subordinate in relation to the house.

The Inspector noted the proposal would preserve the special historic and architectural interest of the grade II listed building and its setting and would therefore accord with policies SP1, SP6, ENV13, and HOU8 of the Ashford Borough Local Plan 2030 (LP) which require development to be of high-quality design, conserve and enhance heritage assets.

As the proposal would be sited on the opposite side of the plot, behind the listed building, the Inspector concluded that there would be no harm to the AONB.

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Application reference	Location	Proposal	LPA's Decision Level	Appeal Decision
19/01342/AS	Land SE of Plumtrees, Bowerland Lane, Chilham	Reserved matters application for details of layout, scale, landscaping and appearance for the erection of two detached dwellings with associated access pursuant to outline planning permission granted under 18/01569 /AS	Delegated refusal	Allowed

### Stodmarsh

The application was determined in December 2019 prior to Natural England issuing their advice. The appeal start date was received in August 2020 and the Council's statement of case was subsequently submitted to PIN's on 4th September 2020. Although the Council received Natural England's advice in July 2020, at that time it was officer's understanding that Reserved Matter's applications were exempt from having to demonstrate nutrient neutrality. Consequently, the Council's decision did not feature a related ground of refusal. The Inspector's decision dated November 2021 does not challenge this, in fact it is silent on the matter.

Members will be aware that the circumstances regarding reserved matters applications has changed. Taking into account the circumstances set out in the previous paragraph, officers are confident that this appeal decision does not set a future precedent

### Brief Summary of Inspector's Reasons

The Inspector concludes that the development would not be harmful to the character and appearance of the area. The Inspector notes that the development would not be in conflict with HOU3a, HOU10, SP6 or ENV3a of the Ashford Local Plan.

The Inspector comments that the proposed layout and parking provision could operate without harmful effects on highway safety, including to pedestrians and those accessing the nearby public rights of way.

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The Inspector concludes that the development is compliant with the development plan and NPPF.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
20/01736/AS	Chart Court Farm, Pluckley Road, Little Chart, Kent TN27 0QH	Prior approval for the formation of a new farm road.	Delegated – Prior approval refused.	Allowed

### Stodmarsh

N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).

### Brief Summary of Inspector's Reasons

The Inspector identified that the main issues were whether the development would comply with Part 6A of the GPDO and whether prior approval will be required as to the siting and means of construction of the private way.

The Inspector noted that the road would be designed for agricultural purposes albeit that the livery business may also benefit from the road's provision. The Inspector commented that the Council did not raise any concerns regarding the siting or means of construction of the road.

Whilst the Council considered that an application for full planning permission would be required as the road would be used by the livery as well as for agricultural purposes, the Inspector concluded that this is not a matter that can be taken into account. The Inspector noted the appeal decision presented by the Council to support the Council's position but went on to state that it related to a site essentially in equestrian use, whereas the appeal site is clearly predominantly in agricultural use.

The Inspector concluded that the appeal should be allowed, and prior approval should be granted.

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Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
19/01669/AS	Oakengates, Smallhythe Road, Tenterden TN30 7LN	Redevelopment to form 53 No. Apartments for Older People (Sixty Years of Age and/or Partner over Fifty-Five Years of age), Guest Apartment, Communal Facilities, Access, Car Parking and Landscaping	Officer recommendation – refuse  Committee decision - refuse	Allowed

### Stodmarsh

N/A – The site is located outside of the Stour catchment.

### Brief Summary of Inspector's Reasons

The Inspector identified that the main issues were the effect of the development on the character and appearance of the area, whether or not the proposal would preserve and enhance the character of the Conservation Area, and the AONB; and whether or not suitable provision had been made towards affordable housing and social infrastructure.

The Inspector acknowledged that the proposal would introduce a long continuous façade fronting onto Smallhythe Road. However, the Inspector considered that the myriad of roof pitches, materials and articulated surfaces would achieve a sufficient break-up of this façade to appear of a residential character and scale akin to a terrace. The Inspector commented that this would be different to, though not out of keeping with, the prevailing character of development in the area. From a townscape perspective, the Inspector concluded that the appeal development would not adversely affect the character or appearance of the locality.

The Inspector states the appeal site could and would only be seen in the context of the AONB within its position on the developed side of Smallhythe Road, sitting in between built-up uses of comparable scale. The Inspector noted that the landscape features on the frontage of the appeal site would be retained and would soften the appearance of the proposed development when seen in

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context with the edge of the AONB along Smallhythe Road. In the Inspector's view the visual separation, combined with the development appearing as a terrace of dwellings, would strictly limit the potential for harm to the AONB. The Inspector concluded that the appeal proposal would not cause adverse impacts to the landscape, the scenic beauty or the setting of the AONB.

The Inspector noted that the part of the Conservation Area opposite the appeal site consists of landscaped grounds and parkland, and that the substantial belt of trees along Smallhythe Road on the edge of the designation prevent any views into and out of the land behind it. The Inspector comments that these trees would not be affected by the proposal, leaving the Conservation Area's special landscaped character and features preserved and also that the development would not impose, encroach or cause incursion into any roadside views of the tree belt when travelling in either direction on Smallhythe Road. The Inspector concludes that the significance of the heritage asset and its appreciation from the public realm would not be adversely affected or degraded by the presence of the proposed development and so the proposed development would not cause harm to the heritage assets.

The main parties agreed that a total financial contribution of £531,591 could be provided by the appeal proposal. The Inspector noted that a signed Unilateral Undertaking (UU) contains clawback provisions for deferred contributions to the satisfaction of the Council and raised no issue with the way in which these funds were being secured.

The Inspector noted that the dispute between the main parties stems from requests from Kent County Council (KCC) for infrastructure contributions towards libraries, adult social care and community learning facilities, as well as a request from the National Health Service Clinical Commissioning Group (CCG) for contributions towards healthcare. The Inspector concluded that only the library and healthcare contributions are directly required in order to mitigate the impact of the proposed development.

The Inspector agreed with the Council that there would be no harm to residential amenity. Overall, the Inspector found the proposal to be compliant with the development plan but also went on to state that notwithstanding, the benefits of the development, including compliance with the relevant development plan policies, would clearly outweigh any adverse impacts.

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Application reference	Location	Proposal	LPA's Decision Level	Appeal Decision
20/01389/AS	Romden, Romden Road, Romden, Smarden, TN27 8RA	The provision of annexe accommodation in existing machine shed.	Delegated refusal	Allowed

### Stodmarsh

N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).

### Brief Summary of Inspector's Reasons

The Inspector identified that the main issues were whether the proposal would function as a subordinate residential annexe; and the effect on the character and beauty of the surrounding countryside.

The Inspector noted that the building would remain in appearance as a Kentish barn, reflective of the local vernacular with a larch lap walls and clay pantile roof. The Inspector commented that the limited nature of the external changes and the location of the appeal site with other annexe and outbuildings on the shared drive, would result in it appearing as a subordinate residential annexe, the use of which would be for purposes ancillary to the residential use of the main house. The Inspector was satisfied that a condition would be sufficient to control the use.

The Inspector concluded that the proposal would not appear as an independent detached residential unit without functional relationships with the main house, nor would it cause harm to the character and beauty of its countryside setting.

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TABLE B: APPEALS DISMISSED OR WITHDRAWN

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
1	20/00665/AS	Land adjacent to Orlestone Rise, Ruckinge Road, Hamstreet, Kent	Erection of 3 detached dwellings, with associated car barns and landscaping and creation of a new vehicular access	N/A – The site is located outside of the Stour catchment.	Delegated refusal
2	19/01691/AS	Land between St Christophers Church and Boughton Lodge, Faversham Road, Boughton Aluph, Kent	Erection of a five bed dwelling and formation of a new vehicular access.	This site is located in the Stour catchment (see Inspector's summary below).	Delegated refusal
2 Cont'd	<p>The appellant proposed mitigation via a pond/small wetland area. The appellant suggested the details could be secured by condition.</p> <p>The Inspector noted that although the mitigation measures may be plausible in the context of the site, they cannot be considered independently of an AA in relation to “in-combination” impacts and consultation with the statutory nature conservation body.</p>				

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
	The Inspector concluded that there was insufficient information provided to undertake AA, and so no assurance that the proposal would not be harmful to designated protected sites at Stodmarsh					
3	20/00713/AS	Bourkes Place, Egerton Road, Charing, Ashford, Kent, TN27 0AX	Part retrospective change of use of land equestrian use with associated operational development comprising of 6-bed stable block, tack room, hay loft and stationing of a mobile home as on site management/security residential accommodation.	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).		No decision made (Appeal on non-determination).
4	20/00648/AS	Rosecroft, Selling Road, Chilham, Canterbury, Kent, CT4 8BH	Erection of two storey rear extension (retrospective)	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).		Delegated refusal
5	20/00005/AS	Green Lane Farmhouse, Green Lane, Challock,	Erection of a single storey rear extension; alteration to first floor bedroom window	N/A - The proposal is not a qualifying		Delegated refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
		Ashford, Kent, TN25 4BL	(Resubmission of application 18/00916/AS)	development (i.e. it is not caught by Natural England's Advice).		
6	20/00006/AS	Green Lane Farmhouse, Green Lane, Challock, Ashford, Kent, TN25 4BL	Erection of a single storey rear extension; new openings at ground floor level; alteration to first floor bedroom window (Resubmission of application 18/00917/AS)	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).		Delegated refusal
7	20/01248/AS	2 Fleet Villas, Grosvenor Road, Kennington, Ashford, Kent, TN24 9PJ	Erection of two storey side extension, front entrance porch, dormer window and rooflights to facilitate loft conversion	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).		Delegated refusal
8	20/01225/AS	Mai Barn, Romden Road, Smarden,	Retrospective erection of an oak framed garden room in position of previously	N/A - The proposal is not a qualifying		Delegated refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
		Ashford, Kent, TN27 8QZ	approved garden room under planning reference 15/00743/AS.	development (i.e. it is not caught by Natural England's Advice).		
9	20/01680/AS	Elvey Cottage, Kingsland Lane, Westwell, Ashford, TN25 4JP	Retrospective application for amendment to the design and the size of the garage/home office approved under planning permission 17/00319/AS to include a residential annexe	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).		Delegated refusal
10	19/01386/AS	The Hollies, Pluckley, Ashford, Kent, TN27 0ST	Demolition of existing redundant buildings and to erect 4 no. dwellings with new access, hardstanding and associated infrastructure	N/A – The site is located outside of the Stour catchment.		Delegated refusal
11	20/00528/AS	Former Pig Research Unit, Amage Road, Wye	Demolition of 2No. Existing Agricultural Buildings and Conversion of 1No. Remaining Building to 1No. Dwelling with Associated	This site is located in the Stour catchment (see Inspector's summary below).		Delegated refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
			Access, Parking and Landscaping/Garden			
11 Cont'd	<p>The appellant proposed to provide soakaways and a package treatment plant.</p> <p>The Inspector took the view that as the appeal was being dismissed on other grounds there was no need for further consideration to be given to the provisions of the Conservation of Habitats and Species Regulations.</p> <p>The Inspector also goes on to state that although the technical note supporting the application claims that the redevelopment of the site would remove nitrates and phosphates from the Stour catchment and would improve water quality, the former use of the site ceased over 10 years ago and it is unclear what improvement, if any, would directly result from the proposal.</p>					
12	20/00959/AS	Applewood Farm, Pested Lane, Challock, Ashford, Kent, TN25 4BD	Erection of dwelling with associated ecological and landscape enhancements (revised scheme to Planning Permission 20/00238/AS) and erection of an Agricultural Barn (replacement building to that approved under a Deemed Consent 19/00771/AS) to switch the two approved buildings with each other.	N/A – The site is located outside of the Stour catchment.		Delegated refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
13	21/00805/AS	Magnolia, Sissinghurst Road, Biddenden, Ashford, Kent, TN27 8EQ	Erection of detached garage plus replacement of single storey rear extension	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).	Delegated Refusal
14	20/00530/AS	The Piggeries, Plain Road, Smeeth, Ashford, Kent, TN25 6RA	Lawful development certificate - existing - use of the site as B8 (storage/distribution)	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).	No decision made (Appeal on non-determination).
15	21/01786/AS	28 The Street, Kennington, Ashford, Kent, TN24 9HB	Proposed car port, driveway & vehicle crossover	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).	Delegated Refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
16	21/00370/AS	6 Quarry View, Singleton, Ashford, Kent, TN23 5WD	Second floor extension above existing first floor	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).	Delegated Refusal
17	21/00332/AS	The Stables, Blackberry Barn, Ebony Road, Stone, Tenterden, Kent, TN30 7JG	Change of use of holiday let to dwellinghouse	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).	Delegated Refusal
18	19/01435/AS	Land rear of Stourfields, Kinneys Lane, Kennington, Kent	Outline application for the Erection of 5 No. residential dwellings with associated access and parking with all matters reserved	The site is located in the Stour catchment (see Inspector's summary below).	Delegated Refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
18 Cont'd	<p>No details of mitigation provided. Consequently, the Inspector states “<i>there are no details of any proposed mitigation measures or any appropriate means to secure these before me</i>”.</p> <p>Furthermore, the Inspector took the view that as the appeal was being dismissed on other grounds there was no need for further consideration to be given to the provisions of the Conservation of Habitats and Species Regulations.</p>					
19	21/01460/AS	Pilgrims, Pilgrims Lane, Chilham, Canterbury, CT4 8AA	Extensions to existing bungalow to provide two storey dwelling; erection of ancillary annexe; erection of detached garage	The site is located in the stour catchment (see Inspector’s summary below).		Delegated Refusal
19 Cont'd	<p>The use of the extension as a dwelling is not referenced in the Inspectors decision. Instead, the Inspector clearly states that the appeal proposal before him relates to the extension of an existing bungalow to provide an annexe for a dependant relative together with the erection of a detached garage/workshop.</p> <p>An extension to provide an annexe is not a qualifying development (i.e. it is not caught by Natural England’s Advice). Consequently, the Inspector does not consider the Stodmarsh issue.</p>					
20	20/01738/AS	Land between Boughton Cottage and Millview Cottage, Mill Lane, Smarden	Erection of 3 detached dwellings together with all necessary infrastructure.	N/A – The site is located outside of the Stour catchment.		Delegated Refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
21	21/01067/AS	Blue Barn Equestrian Centre, Blue Barn Farm, Ashford Road, Great Chart, Ashford, Kent, TN23 3DH	Outline planning application with all matters reserved for future consideration for the redevelopment of previously developed land and the construction of a mixed-use development comprising 40 dwellings (c3) and 40 commercial units (e(g)(i)) together with 4 custom build plots	<p><b>NB</b> – This application and application 21/01335/AS below were considered together as Appeal A and Appeal B.</p> <p>Appeal site A and appeal site B are located outside the Stour catchment, but are caught by Natural England Advice (See Inspector's Summary below).</p>	Officer recommendation – refuse	Committee decision - refuse
21 Cont'd	If appeal proposal A and B were to connect to mains drainage the wastewater would drain to treatment works in Ashford, and so it is likely their wastewater would enter the Stour catchment.					

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
	<p>The appellant proposed an on-site package treatment plant. The Inspector noted that Planning Practice Guidance advises that package sewage treatment plants may only be considered if it can be clearly demonstrated that discharging into a public sewer is not feasible. The Inspector comments that he has been given conflicting evidence by the main parties on this point, with the appellant saying that the nearest public sewer is 100m away and that discharge to it is not practical, and the Council pointing to the new houses in Chilmington Green which connect to mains drainage.</p> <p>The Inspector goes on to state that although it is possible that the wastewater treatment solution proposed by the appellant is feasible, based on the information submitted that has not been clearly demonstrated.</p> <p>The Inspector concludes that the developments would be unacceptable for other reasons, and so it has not been necessary to seek additional information on the appellants approach, or carry out an appropriate assessment under the Habitat Regulations.</p>					
22	21/01335/AS	Blue Barn Equestrian Centre, Blue Barn Farm, Ashford Road, Great Chart, Ashford, Kent, TN23 3DH	Outline planning application with all matters reserved for future consideration, for the redevelopment of previously developed land (brownfield) and the construction of a mixed-use development comprising 25 dwellings and 25 commercial units (E)(g)(i)	See commentary related to #21 above.	Officer recommendation – refuse	Committee decision - refuse
23	21/00173/AS	Proposed Telecommunications	Prior notification for the installation of a new 20.00m	N/A - The proposal is not a	Delegated Refusal	

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
		mast south east of 20, Newtown Green, Ashford, Kent, TN24 0PE	monopole supporting 6 no. antennas with a wrap around equipment cabinet at the base of the column, installation of 3 no. new equipment cabinets and ancillary development thereto.	qualifying development (i.e. it is not caught by Natural England's Advice).		
24	20/01644/AS	Land West of 1 to 4 Thanet Terrace, The Street, Hothfield, Kent	Construction of two 1.5 storey dwellings and car ports including access, parking, landscaping and other associated works	The site is located in the Stour catchment.		Delegated Refusal
24 Cont'd	No details of mitigation provided. The appeal was dismissed on the grounds that the development would have the potential to cause harm to the Stodmarsh Lakes, and was in conflict with Local Plan policies ENV1 and ENV8.					
25	21/01567/AS	The Rectory, Ashford Road, Great Chart, Ashford, Kent, TN23 3AY	Erection of 3 detached dwellings	NA - Appeal withdrawn.		Delegated Refusal (Appeal Withdrawn)

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
26	21/00945/AS	Costa Cottage, Bromley Green Road, Ruckinge, Ashford, Kent, TN26 2EQ	Garage with storeroom over	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).		Delegated refusal
27	19/00709/AS	Land at junction of Romney Marsh Road and north of, Norman Road, Ashford	Development of 212 flatted units, in six blocks, new vehicular and pedestrian access, internal estate road, footpaths and car parking, earthworks, creation of a new section of active floodplain and floodplain compensation for the development, sustainable drainage systems, open space and hard and soft landscaping.	The site is located in the Stour catchment.  (see Inspector's summary below)		Officer recommendation – approve  Committee decision – refuse
27 cont'd	<p>This appeal resulted as a consequence of a committee overturn.</p> <p><b>Officer's recommendation</b> – In summary, officer's considered that the proposed development would boost the supply of housing, was sustainably located with integrated sustainability measures included, would not cause harm to residents</p>					

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
			<p>nearby, included acceptable mitigation in relation to ecology and the green corridor, would not increase flood risk, could provide acceptable car parking and safe access and egress, would not materially increase the risk of road traffic accidents or significant traffic delays, would provide unique and high quality design and make provision for on and off site open space as well as contributions towards other infrastructure. It was concluded that the benefits of the development significantly weigh in its favour, and that there are no other material considerations that indicate that planning permission should not be granted.</p> <p><b>Committee decision</b> – In summary committee refused the application on the basis that it would have an adverse impact Green Corridor including the following:</p> <ul style="list-style-type: none"> <li>The proposal would result in a detrimental change to the landscape character and visual amenity of this part of the Green Corridor. The proposal would give rise to a detrimental change in the ability of the site to continue to function as a wide undeveloped corridor supporting varied wildlife habitat, wildlife connectivity and biodiversity.</li> </ul> <p>The committee also considered that the proposal would result in unjustified residential development on land which is flood zone 3, the site is not a brownfield site and the proposal would not provide overriding planning benefits sufficient to outweigh the significant harms identified above.</p> <p><b>Inspectors decision summary</b> – The Inspector notes the scheme offers benefits in highways, social and economic terms. Some of these, most notably the provision of market and affordable housing in an area with demonstrable housing need, are very significant benefits. Others, for example the widening of the flood plain and storage capacity, are more limited benefits. However, the Inspector concludes that overall the harm to the policy and visual aspects of the Green Corridor provide a clear reason for refusing the development.</p>			<p><b>Stodmarsh</b></p>

## Information Report for Planning Committee – Appeal Decisions Received between 01 July 2021 and 31 May 2022

#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
			<p>The site is located within the Stour catchment and therefore the appeal proposed was caught by the nutrient neutrality requirement. The planning application was considered by Planning Committee in February 2020, a decision was subsequently issued prior to Natural England issuing their Advice. Consequently, the appellant was required to undertake nutrient calculations and provide details of nutrient mitigation during the course of the appeal process.</p> <p>The appellants proposed nutrient mitigation through the creation of a separate off-site wetland, in close proximity to the site. It was suggested that the proposed wetland would feed into the East Stour river. In terms of its size, the proposed wetland was less than 2 hectares - which at the time the appeal was determined was below the threshold set out in the November 2020 Natural England Advice. The 2 hectare threshold, the validity of Natural England's guidance and technical details were discussed in detail during the appeal hearings.</p> <p>Notwithstanding the detailed discussion, as the application was dismissed on other grounds, the Inspector concludes on the issue of nutrient neutrality by simply stating that the <i>"issue of nutrient neutrality need not be considered further. However, for clarity, if the outcome of the appeal were to have been the grant of planning permission, an Appropriate Assessment would have been necessary"</i>.</p>			
28	21/00343/AS	Newlands, Redbrook Street, Woodchurch, Ashford, Kent, TN26 3QR	Proposed new four bedroom two storey dwellinghouse	N/A – The site is located outside of the Stour catchment.		Delegated refusal
29	21/00143/AS	2 Wivenhoe, Kingsnorth, Ashford, Kent, TN23 5YL	Change of use of land to residential and erection of a fence	N/A - The proposal is not a qualifying development (i.e.		Delegated refusal

## Information Report for Planning Committee – Appeal Decisions Received between 01 July 2021 and 31 May 2022

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
				it is not caught by Natural England's Advice).		
30	20/01552/AS	Cullens Farm Buildings, Maytham Road, Wittersham, Kent	Demolition of existing buildings and erection of a detached three bedroom dwelling with associated parking and amenity.	N/A – The site is located outside of the Stour catchment.		Delegated refusal
31	21/00340/AS	Oaklands, Sandy Lane, Great Chart, Ashford, Kent, TN26 1JN	Erection of building for use as a double garage with additional living accommodation (revision to 17/00591/AS)	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).		Delegated refusal
32	20/01715/AS	Land north east of The Low House, Forstal Road, Egerton, Kent	Application for planning in principle for an entry level exception scheme in accordance with Paragraph 71 National Planning Policy Framework 2019 comprising	N/A – The site is located outside of the Stour catchment.		Delegated refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
			the erection of up to 9 entry level (discounted market sales) dwellings			
33	20/01731/AS	Lossenham Farm, Lossenham Lane, Newenden, Cranbrook, Kent, TN18 5QQ	Lawful development certificate - existing - Use of on farm water bodies for Angling, use of farmyard for Anglers' parking and shared use of farm WC facility	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).	Delegated	unlawful
34	21/00448/AS	This Ancient Boro, 3 East Cross, Tenterden, Kent, TN30 6AD	Installation of fixed awning	N/A - The proposal is not a qualifying development (i.e. it is not caught by Natural England's Advice).	Delegated	refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Level	Decision
35	20/01102/AS	Little Surrenden, Ashford Road, Bethersden, Ashford, Kent, TN26 3BG	Demolition of dwellings known as The Bothy, The Granary, The Stables, and The Workshop (approved as a dwelling), removal of lawful dwelling known as The Mobile Home, and replacement of these with 4No. new dwellings, and, extension and reconfiguration of The Dairy to form a larger dwelling	N/A – The site is located outside of the Stour catchment.		Delegated refusal
36	20/01493/AS	Garden land rear of, 237 Canterbury Road, Kennington, Kent	Erection of new dwelling	The site is located in the Stour catchment (see Inspector's summary below).		Delegated refusal
36 Cont'd	<p>No details of mitigation provided.</p> <p>The Inspector took the view that as the appeal was being dismissed on other grounds there was no need for further consideration to be given to the provisions of the Conservation of Habitats and Species Regulations.</p>					