

Information Report for Planning Committee – Appeal Decisions Received between 01 June 2022 and 31 December 2022

Appeals Report

This is the latest information report summarising appeal decisions received between 1 June 2022 and 31 December 2022.

The Department for Levelling Up, Housing and Communities (DLUHC) 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 over a rolling two-year time-frame. 29% of appeals were allowed within the reported timeframe and so, the Council currently sit well within the required threshold.

Date	No of Appeal Decisions	Withdrawn	% Withdrawn	Dismissed	% Dismissed	Allowed	% Allowed
01/06/2022 to 31/12/2022	28	1	3%	19	68%	8	29%

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
19/00505/AS	Greenacres Farm Fishery, Sissinghurst Road, Biddenden TN27 8EH	The development proposed is erection of new bailiffs cabin and siting of 4 holiday-lets on site	Approve – Refused at Committee	Allowed (See related Costs application)
Stodmarsh				
The proposal is not in the Stour catchment				
Brief Summary of Inspector's Reasons				
<p>The Inspector identified that the main issues were the effect of the proposed development on the living conditions of neighbouring occupiers with regard to noise and light.</p> <p>The Inspector concluded the noise arising from the occupants of the cabin would be unlikely to result in undue adverse effects on the living conditions of neighbouring occupiers.</p> <p>The Inspector concluded the future occupiers of the holiday lets would be unlikely to generate undue levels of noise. The Inspector stated it is unlikely the holiday lets would be used by large numbers of people intending to host parties and the use in connection with the fishery could be controlled via a suitably worded condition.</p>				

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The Inspector noted the use of the access from Sissinghurst Road would be intensified. However, the Inspector concluded the number of trips from the cabin is likely to be limited, particularly given the modest number of future occupiers. The Inspector also concluded the number of additional trips from the holiday lets would be limited given their modest size and the noise experienced at the access from the road would also be limited.

The presence of a bailiff together with a condition requiring the implementation of a management plan would also help mitigate against potential harm from noise.

The site does not lie within the Stour catchment.

An application for cost was made against the Council for unreasonable behaviour but this was dismissed in full by the Inspector.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
21/00811/AS	Herwish, Marten's Lane, High Halden, Ashford, Kent, TN26 3JP	2x mobile homes, 2x utility blocks, 2x caravans and parking for 4 cars.	Delegated refusal	Allowed

Stodmarsh

N/A – Not in Stour catchment

Brief Summary of Inspector's Reasons

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The Inspector identified that the main issues were the impact on the character and appearance of the countryside, whether the occupiers of the site are gypsies and travellers and whether any harm to the appearance of the countryside is outweighed by other considerations including the needs of the occupiers and their children and their human rights.

The Inspector concluded that there would be visual harm and that this would conflict with Policies ENV3a and HOU6. However, having concluded that the occupants were bone fide gypsies in planning policy terms and that there were health and educational needs which would be disrupted by a road-side existence, the Inspector considered that the needs of the occupants and the overall need for gypsy sites outweighed the visual harm which he considered to be at the “lower end of significant”.

Application reference	Location	Proposal	LPA's Decision Level	Appeal Decision
21/00887/AS	Lower Woolwich, Mounts Lane, Rolvenden, TN17 4NX	Proposed access driveway to serve Lower Woolwich, including change of use of associated agricultural land.	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

Permeable sub-structure beneath a grass and topsoil surface would minimise any contrast between the proposed driveway and the adjacent grassed fields; surface not built up above ground level and would conserve rolling topography; no indication of intended change to use/appearance of adjacent grazing land. Existing gates to be used; fields either side already enclosed with fencing of various design. Realignment of fencing/gates would have neutral effect. Visually subservient to historic track. Removal of small number of trees not a consequence. Proposed development would not have any adverse impact on the integrity of this tree group.

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or its contribution to landscape. Nearby PROW by the topography and by existing mature trees and hedgerows. Notwithstanding its length, the development would be neutral in landscape terms and therefore would not have any adverse impact on the purposes for which the AONB is designated.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision
21/01644/AS	Rock Hill Road, Little Houses, Egerton, Ashford TN27 9DL	17.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.	Delegated refusal	Allowed

Stodmarsh

N/A

Brief Summary of Inspector's Reasons

The Inspector concluded that the main issue was the potential visual impact of the proposed mast on the character and appearance of the area including the adjacent Egerton Conservation Area. In this regard she found no significant visual harm and allowed the appeal.

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Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision type/
21/01361/AS	Land North East of 74, North Street, Biddenden, Kent	Outline planning application (to consider access) for up to 50 dwellings (including 40% affordable housing), community orchard and allotments, informal public open space, sustainable drainage system, vehicular access point and associated ancillary works.	Officer recommendation – Non-determination	Hearing / 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 to be whether or not the development would be in a suitable location having regard to the scale of the development and the overall spatial strategy for the area; the effect of the proposal on the landscape and character and appearance of the area; the effect of the proposal on the setting and significance of heritage assets; and the effect of the proposal on trees.

The Inspector found that, notwithstanding other developments and allocations coming forward within Biddenden, the scale of the proposal would be a suitable windfall, proportionate to the size of the village, the service provision currently available, and commensurate with the ability of those services to absorb the level of growth. The Inspector found that the impact of cumulative growth would be moderated by the different timescales that committed developments would be delivered. The site was identified as being within walking distance of the village services, particularly when taken with works to widen the existing footfall into the village.

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Also, services could be accessed by bus, and the proposal included the provision of additional bus stops which would encourage travel by public transport, for both occupiers of the site and existing village residents. As such, the Inspector found that the proposal would not harmfully undermine the overall spatial strategy for the area and would accord with plan policy.

With regard to Landscape impacts, the Inspector found the change from an open field to a housing development, together with loss of hedgerow, would inevitably result in urbanisation and erosion of the rural character and appearance of the site and the setting of Biddenden. Whilst this harm would be localised and limited in extent, the Inspector nonetheless found harm to the landscape and character and appearance of the area contrary to Local Plan Policies SP1, ENV3a, ENV5, SP6 and HOU5.

In relation to heritage assets, The Inspector identified less than substantial harm to the significance of the Biddenden Conservation Area, and to the significance of The Laurels, 41 North Street and 66-68 North Street grade II listed buildings. The harm derives from the urbanisation of the rural setting. In each case, the harm would be less than substantial and contrary to Policies SP1, SP6, HOU5 and ENV5 of the Local Plan.

The site contains a large Tree Protection Order and a number veteran trees. The site boundaries also include fairly extensive tree cover. The vast majority of trees at the site would be retained and incorporated into the development and during the course of the appeal, a revised Illustrative Masterplan and associated Tree Retention Plan was submitted to demonstrate how development could be laid out without undue impact on trees. In view of this and the imposition of suitable conditions, the Inspector concluded that trees would not be unacceptably harmed by the proposal.

The appellant's Unilateral Undertaking (UU) included obligations made to the Council and Kent County Council that would meet the tests within the Community Infrastructure Levy Regulations 2010. This includes 40% on-site affordable housing, 20% of dwellings as accessible and adaptable dwellings meeting Building Regulations standard M4(2) and 5% of dwellings as self-build and custom build units. The UU also includes obligations that would secure the provision and future management and maintenance of on-site open space and allotments. Financial contributions were also secured towards healthcare, indoor sports, outdoor sports, strategic parks, play areas, footpath improvements, community learning, libraries, youth services, social care and a monitoring fee, as well as an informal natural green space contribution in the event that on-site open space provision had not been approved by the Council before development commences.

The Inspector found whilst there has been progression on the Stodmarsh mitigation strategy, the Council cannot demonstrate a 5 Year Housing Land Supply. As such, the proposal for up to 50 dwellings on the site would make an important contribution to reducing

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the deficit. Also, the provision of up to 20 affordable dwellings of a mixture of tenures would be an important public benefit of the proposal that was given significant weight by the Inspector. Other benefits identified included direct and indirect economic benefits, provision of bus stops, footpath improvements and biodiversity net-gain.

Taking account of all of the above, the Inspector concluded that the proposal would conflict with the development plan when it is read as a whole. Nevertheless, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development (tilted balance) set out in paragraph 11(d) of the NPPF therefore applies, and the Inspector found that material considerations would outweigh the conflict with the development plan.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision type/
21/01284/AS	Land off Front Road, Woodchurch, Kent	Outline planning application (to consider access) for erection of up to 40 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works.	Officer recommendation – Non-determination	Hearing / 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 to be the effect of the proposed development on the character and appearance of the area and whether the site would be a suitable location for housing with particular regard to the spatial strategy and its scale.

In relation to character and appearance, the Inspector found that the proposed development would introduce a large amount of housing and associated urbanising features such as roads, parking and domestic gardens into open rural land. This would be harmful to the characteristic sense of openness and rural qualities on this site and undermine the close relationship between Woodchurch and the countryside. The proposed development was considered to have a harmful effect on the character and appearance of the immediate site and surroundings. The Inspector also found that the scheme would introduce built development closer to Townland Farmhouse, a grade II listed building, and this would undermine the openness of its traditional farmstead setting and therefore would fail to preserve the setting of the Grade II listed Townland Farmhouse. Any harm to the setting of heritage assets, however, would be outweighed by the public benefits of the scheme including affordable housing. Nonetheless, the scheme would be considered contrary to Local Plan Policies Policy HOU5, SP1, SP6 and ENV3a.

With respect to the spatial strategy, the Inspector concluded the site would be a suitable location for housing with regard to the spatial strategy. It was considered that the scale of the proposal would be suitable particularly given the current service provision including, grocery shop, post office, primary school, village hall, recreation ground, pubs and church. It is also served by a bus service that provides regular links to Ashford and Tenterden. As such, the Inspector found that the proposal would not harmfully undermine the overall spatial strategy for the area and would accord with plan policy.

The appellant's Unilateral Undertaking (UU) included 40% affordable housing, with a split of 10% affordable rented and 30% shared ownership housing. As well as 5% of dwellings being self build and custom plots. The UU also includes obligations that would secure the provision and future management and maintenance of Healthcare, Primary Education contributions, Indoor Sports, Outdoor Sports, Play Area, Strategic Park, Informal Natural Greenspace, Community Learning, Library and Youth Services, Social Care. This was considered these were necessary, relevant and related in scale and kind in order to mitigate the impacts of the proposed development on these services. Given the various trigger points for obligations, the inclusion of the monitoring fee was considered proportionate and reasonable.

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The Inspector found whilst there has been progression on the Stodmarsh mitigation strategy, the Council cannot demonstrate a 5 Year Housing Land Supply. As such, the proposal for up to 40 new homes would be a significant social benefit that contributes to the government's target to significantly boost the supply of homes and address the needs of groups with specific housing requirements including affordable housing and people wishing to commission or build their own homes. Future occupants would also likely to contribute to the local economy and there would be temporary economic benefits of employment and investment during construction. Furthermore, the development would create a new area of public open space and recreational footpaths. Taking all the above into account, the overall benefits of the scheme would be considerable.

Overall, whilst the Inspector concluded that the proposal would conflict with the development plan when it is read as a whole, the moderate adverse impacts of the development would not significantly and demonstrably outweigh the benefits and the proposal was approved with conditions attached.

Application reference	Location	Proposal Summary	LPA's Decision Level	Appeal Decision type/
20/01473/AS	Planesfield, Pot Kiln Lane, High Halden, TN26 3HU	Change of use of land for a gypsy traveller site and the stationing of two static caravans, one touring caravan, the erection of stable block, hardstanding parking and turning areas and installation of subterranean sewerage biodigester (revision to planning permission 15/01374/AS).	Delegated – Refusal	Written Representations / Allowed

Stodmarsh

N/A

Brief Summary of Inspector's Reasons

In terms of planning history, the appeal site was first occupied by a gypsy and traveller family in 2010. A three year temporary permission was given on appeal in 2011 (Ref: APP/E2205/A/10/2142029). A further temporary permission was then given by the Council until 2018. A 2017 appeal decision granted another temporary period until September 2021 (Ref: APP/E2205/W/16/3155433). The site has now been sold to the appellant and is currently occupied. Permission is sought for an additional static caravan compared to the previous permissions and this has been stationed on the land. The proposal also includes a stable block which did not form part of the original permission and an enlarged parking/turning area.

Since the earlier appeals, there have been a number of changes in planning policy. In particular, the Planning Policy for Traveller Sites (PPTS) and the National Planning Policy Framework have been published and revised. Furthermore, the Ashford Local Plan 2030 was adopted in 2019.

The Inspector identified that the main issues to be the effect of the proposed development on the character and appearance of the area and whether any harm arising would be outweighed by other material considerations including the need for and likely future provision of sites for gypsies and travellers in the Borough.

With respect to character and appearance, the Inspector found that the site is well integrated into the surroundings and its presence within the wider landscape is discrete, even with though there is now an additional static home. Nevertheless, because the site is separated from other developments the impact of it on the rural character of the locality is magnified. Through the passage of time, the caravans may have become accepted visually into the local scene. But these were only expected to be temporary and the proposal intrudes into undeveloped countryside thereby detracting from it. There is, therefore, limited harm to the character of the area although this is not significant given the retention and supplementing boundary vegetation. Further, its residential use is consistent with the pattern of scattered development nearby. As such, subject to a landscaping condition, the Inspector found the proposal meets relevant criteria within Policy HOU16 and would not trigger a conflict with Policies SP1, SP6 and ENV3a.

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In relation to the need for future provision of sites for gypsies and travellers in the Borough, the Inspector found that the Council does not have a 5 year supply of sites as required by the National Planning Policy Framework - Planning Policy for Traveller Sites nor can it meet the identified need for sites now or in the foreseeable future. This inspector notes that this position has persisted for some time and therefore permitting a single pitch is a matter of substantial weight in favour of the proposal. This benefit, the Inspector reasons, outweighs the small negative effect on the character of the countryside.

Also, contrary to earlier planning decisions, the Inspector found that permanent planning permission is justified and, as a consequence, there is no interference with the appellant's human rights and, in exercising the public sector equality duty, the needs of the appellant would be met in so far as they are different to those without a relevant protected characteristic.

Therefore, for the reasons given, the proposal was considered acceptable and the appeal was allowed subject to conditions.

Application reference	Location	Proposal	LPA's Decision	Appeal Decision
20/00667/AS	Land adjoining The Paddocks and Orchard Cottage, Church Road, Sevington, Ashford TN24 0LD	Outline Application to consider access and layout for the erection of 3 buildings to provide B1 office space with associated parking	Officer recommendation – approve Committee decision – refuse	Allowed

Stodmarsh

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

This appeal resulted as a consequence of a committee overturn.

Officer's recommendation – In summary, officer's considered that the proposed development would be acceptable in principle in relation to Policy EMP1, layout, impact on the visual amenity, impact on neighbouring residential amenity, highway safety and the highways network, setting of neighbouring listed buildings and biodiversity.

Committee decision – In summary, the committee refused the application on the basis that it would be contrary in principle due to the sensitive rural location and EMP5, harmful to the natural character of the landscape, erosion of an important rural gap, significant adverse impact upon the amenities of local residents, harmful to the rural highway network, harmful to wildlife movements and adversely affecting local biodiversity and harm to the setting of three Listed Buildings.

Brief Summary of Inspector's Reasons

The Inspector identified that the main issues were:

1. Whether it is necessary for the proposed development to be located on this site.
 - The Inspector concluded that the proposal would comply with Policy EMP1 in principle.
2. The effect of the proposed development on the character and appearance of the surrounding area.
 - The Inspector concluded that the Council refused the application as contrary to Policy EMP5, however the proposal is compliant with Policy EMP1 as new employment premises in the rural area and is therefore acceptable in principle. The Inspector noted that whilst the proposed development would significantly alter the overall character and appearance of the appeal site from an undeveloped field to several commercial buildings with a substantial footprint and a significant amount of hardstanding for access and car parking, its commercial use and the level of built form would not be out of character with the surrounding area and the recent neighbouring developments.
3. Whether the proposed development would result in the loss of an important rural gap between the settlements of Ashford and Sevington.

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- The Inspector concluded that the surrounding developments have eroded the rural nature of Sevington and, as such, there is no clear distinction or gap between this village and the adjacent urban settlement of Ashford. As the two adjacent settlements of Sevington and Ashford have largely been combined, due to previous development, the proposed development would not result in the merging of two separate settlements. Also, a large proportion of the appeal site's green surroundings would remain as is.
4. The effect of the proposed development on the living conditions of the occupiers of the neighbouring properties.
 - The Inspector concluded that although the proposed development may be partially visible from the rear of nearby properties, it would be separated by a sufficient distance, whereby any impacts from the proposed development would be minimal. Due to the nature of the proposed development, it would not result in a significant or disturbing level of noise for the neighbouring occupiers.
 5. The effect of the proposed development on highway safety.
 - The Inspector concluded that regardless of the trips generated from the proposed development, due to the positioning of the appeal site, vehicles entering and exiting the appeal site would spend a limited
 - amount of time on the local highway network and would have a limited impact on its overall use. Additionally, HGVs could turn within the appeal site. Due to the location of the appeal site, vehicle movements would not have a significant impact upon the overall road network.
 6. The effect of the proposed development on local biodiversity.
 - The Inspector concluded there is no evidence to suggest the site's specific use as a corridor for wildlife. Whilst the level of open space would be reduced by the proposed development, ample space around the proposed development would remain for wildlife movement. Suitable recommendations are made within the submitted ecological appraisal to ensure the protection of any identified habitats and species from the proposed development, which can be secured by condition.
 7. The effect of the proposed development on the setting of the three grade

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II listed buildings, Ashdown Cottage, Orchard Cottage and Maytree Cottage.

- The Inspector concluded that due to the separation distance between the sites and their limited visual interaction, the proposal would not detract from the setting or significance of the three listed buildings.

An award of costs was sought against the Council for acting unreasonably however this was dismissed in full.

TABLE B: APPEALS DISMISSED OR WITHDRAWN

#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
1	20/00154/AS	Land to the west of Callywell Lane, Aldington	Erection of 33 dwellings including the creation of access, green space, a communal green and landscaped areas and associated infrastructure	This site is located in the Stour catchment (see Inspector's summary below).	Non determination appeal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
1 Cont'd	<p>The appeal was dismissed. The site comprised a windfall site as opposed to a site allocation in the local plan. The Inspector dismissed the appeal for the following reasons:</p> <ul style="list-style-type: none"> • Short term visual harm is significant, reducing over time as planting establishes. The proposal would be contrary to the development plan. • Harm to the significance of the conservation area and the setting of Nos. 1 & 2 Clap Hill (Grade II listed). The benefits associated with the scheme would not outweigh the less than substantial harm to heritage assets. <p>The Inspector considered a scheme of this size as windfall as there is no size definition in the Local Plan and that the scale of the development in relation to the village was acceptable. The development was locationally sustainable being within easy walking distance of day to day services.</p> <p>As the Inspector dismissed the appeal an Appropriate Assessment was not undertaken in respect of the impact on Stodmarsh Lakes.</p>				
2	19/00624/AS	Land south east of Bridge Close, Appledore Road, Woodchurch	Development of 31 dwellings, new access, parking and associated landscaping including 40% affordable housing and self build plot(s).	19/00624/AS	Land south east of Bridge Close, Appledore Road, Woodchurch

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
2 Cont'd	<p>The appeal was dismissed. The site is allocated in the Local Plan (Policy S62) with an indicative capacity of 30 dwellings. The application site was smaller than the site allocation omitting land to the south. Reasons for dismissal:</p> <ul style="list-style-type: none"> Proposal would create an overtly 'urban estate' appearance and insufficient landscaped buffer to the countryside resulting in visual harm. <p>The Inspector found the development to be acceptable in all other respects.</p>				
3	21/00795/AS	10 Eggringe, Singleton	Two detached two storey dwellings with associated access	N/A - The proposal is not a qualifying development (i.e. not caught by Natural England's Advice).	Delegated refusal
4	20/01852/AS	Home Farm, Hythe Rd, Smeeth	Prior notification for change of use of agricultural building and land within its curtilage to a flexible commercial use (storage/work shop).	N/A	Delegated refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
5	21/01866/AS	2 Blossom Lane, Ashford, Kent, TN25 4GE - Boughton Aluph, Kent	Change of use of amenity land to residential garden and erection of fencing	NA	Delegated refusal
6	21/01959/AS	Shipleigh Cottage, Ashford Road, Kingsnorth, Ashford, Kent, TN23 3EW	Vehicle crossover and hardstanding [re submission of 21/00317/AS]	N/A	Delegated refusal
7	22/00075/AS	Nutshell Cottage, Bethersden Road, Smarden, Ashford, Kent, TN27 8QF	Demolition of previous extension and erection of single storey rear extension	N/A	Delegated refusal
8	2101067AS & 2101335AS	Blue Barn Farm, Blue Barn Equestrian Centre, Ashford	2101067AS Outline planning application the construction of 40 dwellings and 40 commercial units	The site is located just outside the Stodmarsh Catchment	Delegated refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
		Road, Great Chart	(E(g)(i)) together with 4 custom build plots. 2101335AS Outline planning application for the construction of a mixed-use development comprising 25 dwellings and 25 commercial units (E(g)(i)).	area but, if connected to mains drainage would drain to Ashford WWTW within the Stour Catchment	
8	Update				
Cont'd	<p>It was previously reported that both appeals were dismissed.</p> <p>Following the Inspector's decision the appellant submitted a challenge to the decision to the High Court. The basis of the challenge related to the Council's 5 years housing supply position in that the Inspector failed to have regard to the extent of the housing land supply shortfall in his decision making. The High Court challenge was successful and the appeal decision quashed on 16 August 2023. The Inspectorate were ordered to re-determine the appeal, however before this could happen, the appellant withdrew their appeal, on 18 October 2023, stating that it was their intention to proceed with a revised proposals on the site.</p>				
9	21/00385/AS	Land between Old Watch House and Chi An Geltyon, 2A The Street,	Erection of dwelling with associated access and landscaping	N/A	Delegated Refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
		Appledore, Kent, TN26 2DA			
10	20/01794/AS	Twixus, Bedlam Lane, Smarden TN27 8PG	Proposed Replacement of an Existing Dwelling and Associated Out-buildings with a new Two Storey Dwelling with Garage including part Land Change of use from Agricultural to Residential at Bedlam House (Formerly Twixus)	N/A	Delegated refusal
11	21/00972	Holmwood, Cherry Orchard Lane, Bonnington TN25 7AZ	Erection of new dwelling	N/A	Delegated refusal
12	21/00126/AS	Land east of Ashford Road, Kingsnorth	Outline application for up to 15 dwellings, a replacement	The site is located in the Stodmarsh Catchment	Delegated Refusal

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
			Medical Centre and Pharmacy, together with all necessary infrastructure.	area (see Inspector's summary below)	
12 Cont'd	<p><u>Issue 1: The suitability of the appeal site for the proposed development having regard to the impact on character and appearance with particular regard to the 'green buffer', the 'Ashford Green Corridor', and potential coalescence.</u> The Inspector concluded that, with regard to the effect on the countryside, the green buffer and its characteristics, the separation of settlements and landscape and visual impacts, the development would result in moderate harm to the character and appearance of the area, in conflict with policies SP1, SP2, S4, SP6, EMP1, HOU5 and SP7 of the Local Plan. However, the Inspector found the impact on the Ashford Green Corridor to be limited, with any harm offset by the areas of open space proposed, therefore there would be no conflict with Policy ENV2 of the Local Plan. The Inspector was also satisfied that the proposal would largely retain important features within the site. The urbanisation of the site and loss of some hedgerow when set against the additional planting proposed would demonstrate regard for the landscape characteristics and significance of the site, in line with policies ENV3a and ENV5 of the Local Plan.</p> <p><u>Issue 2: The effect of the proposal on the provision of health care facilities within Ashford Borough.</u> The Inspector concluded that Kingsnorth Medical Centre does not appear capable of expansion to cater for the future growth of South Ashford. The pressing need to find a suitable site to accommodate an appropriate facility remains unfulfilled. The Ashford Infrastructure Delivery Plan fails to provide firm proposals to cater for the future growth envisaged in the Local Plan. The alternative sites explored are unsuitable for a variety of reasons. The proposal would provide a new medical centre to serve existing and new patients, allowing for improved care and treatment. It would not undermine the delivery of health facilities within Ashford Borough. The Inspector therefore attributed the benefits of the healthcare facilities proposed substantial weight.</p> <p><u>Issue 3: The effect of the proposal on the integrity of designated Habitats Sites (Stodmarsh).</u></p>				

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
	<p>The Inspector allowed the appellant to update their Nutrient Strategy during the course of the appeal hearing to reflect up to date guidance (2022) from Natural England. The appellant's revised position was that the development would be nutrient neutral. The Inspector had considerable doubts over the adopted land use classification across the entire site such that the pre-development nutrient calculation carried out by the appellant cannot be relied upon. As a result, the Inspector concluded that the development would have the potential to adversely affect the integrity of Stodmarsh. The proposal would conflict with Policies HOU5 and SP1 of the Ashford Local Plan 2013 and paragraph 180 of the NPPF.</p> <p><u>Conclusion / Planning Balance</u> The Inspector noted that the Council is unable to demonstrate a five-year housing supply, however, the presumption in favour of sustainable development does not apply as the proposal would harm the integrity of Stodmarsh habitats sites. The Inspector applied significant weight to the new homes proposed to boost housing supply and the additional employment opportunities provided by the new medical facilities, as well as related education and training. The Inspector concluded that there would be some conflict with Local Plan policies, mainly relating to the scheme's green buffer location, and the impact on character and appearance, and conflict with the development plan overall. When weighed against the combined substantial benefits including the Council's housing land supply position this harm would be outweighed by the benefits. However, the scheme would adversely affect the integrity of Stodmarsh habitats sites and this provides a clear reason for refusing the development. Therefore, the appeal was dismissed.</p>				
13	21/00927/AS	Land to south of Hookstead Green, Ashford Road, High Halden	Erection of up to 28 dwellings together with all necessary infrastructure.	N/A – outside the Stour Catchment	Hearing: dismissed. Important decision and summary of Inspector's 3 main findings below
13 Cont'd	<p><u>Issue 1: whether the appeal site is a suitable location for housing, having regard to local and national policies?</u> ALP allocation site (S33) for 35 homes in High Halden (HH). Inspector noted the 62 further 'windfall' dwellings had been approved since ALP adoption via Policy HOU5. With the appeal proposal, that would equate to 90 additional dwellings.</p>				

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#	Application reference	Location	Proposal	Stodmarsh	LPA's Decision Level
	<p>With the allocated S35 site, that would give a total of 125 new homes in HH in a short period of time. Inspector considered this a 'very significant' increase in the size of HH village and its population. Limited services near to HH village green so, in practice, a long walk from the site via narrow footway alongside busy A28 (Ashford Road). Limited bus services to HH. Overall, Inspector concluded HH not a suitable location for the additional residential development proposed by the appellant citing conflicts with ALP Strategic Policies SP1/SP2 as well as Policy HOU5.</p> <p><u>Issue 2: the effect of the proposed development on the character and appearance of the area</u> Site contributes to the rural character of HH village, which is formed by the surrounding countryside that can be seen around and beyond the development along the A28 (Ashford Road). HH has clearly had on-going infill development over time. However, the appeal site is the last significant gap between development in the village. The loss of this gap, and the views into the countryside that it affords, would cause harm to the rural character of HH village. Inspector considered the proposal harmful finding it would be 'uncommonly intensive' and having a 'suburban' residential appearance/layout extending substantially rearwards from the A28 (Ashford Road)</p> <p><u>Issue 3: housing land supply / Stodmarsh / planning balance</u> The Inspector accepted the significant impacts of nutrient neutrality following ALP adoption in terms of issuing planning permissions in the Stour Catchment area and that, at present, the Council cannot demonstrate a deliverable 5 year housing land supply with the figure lying somewhere between 4.54 and 3.5 yrs. Progress with the Council's strategic mitigation solution to Stodmarsh noted. Planning balance: planning benefits (28 new dwellings boost to housing land supply and construction phase economic benefits) would not outweigh planning harm (disproportionate enlargement of HH given scale of development since 2019 ALP and location of site not being well located to the limited services that exist).</p>				
14	21/01469/AS	The Little Black Dog, The Street, Great Chart,	Change of use of building from former public house to form a single dwelling house,	The application lies within the Stour	Delegated refusal

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		Ashford, Kent, TN23 3AN	with off street parking and garden area; alterations to fenestration.	catchment (i.e. caught by Natural England's Advice).	
14 Cont'd	<p>The main issues were consideration of the effects on the host non-designated heritage asset and whether the proposal would preserve or enhance the character or appearance of the Conservation Area (CA); and the loss of an existing community facility.</p> <p>The Inspector was of the opinion that the proposal had not demonstrated that harm to the host non-designated heritage asset building would not occur and that the character or appearance of the CA would be preserved or enhanced. Consequently, the proposal was considered to conflict with Policies ENV13 and ENV14 of the Ashford Local Plan 2030 that require, amongst other matters, proposals to preserve or enhance the heritage assets of the Borough and the character and appearance of the CA.</p> <p>In respect of the loss of the community facility, the Inspector noted that the history of this public house with low level of use, its size and its poor infrastructure points to the premises not being a commercially sustainable enterprise either now or in the future. Consequently, it was concluded that the loss of this existing community facility would be unlikely to be avoided irrespective of those objectives of the Framework that seek to retain accessible local services and community facilities.</p> <p>In respect of the adverse impacts of the development on the Stodmarsh Lakes European Designated Nature Conservation Sites, this has not been considered fully as the appeal was dismissed for the reason stated above.</p>				
15	20/01782/AS	Rear of Poplar Farm, Poplar	Erection of up to 23 dwellings together with	N/A	Delegated refusal

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		Road, Wittersham, Tenterden TN30 7PD	all necessary infrastructure on land at rear of Poplar Farm, Wittersham		
15 Cont'd	<p>The main issues were the effects of the proposed development on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB); the effect of the proposed development on the setting of listed buildings; whether the proposal is in a suitable location, and; financial obligations.</p> <p>The Inspector stated that the proposed large residential development would be relatively dense on the space available with a wider access from Poplar Road. Moreover, although the dwellings would be set away from the site edges with non-urban type boundaries the scheme would nevertheless extend across the breadth and depth of the site which extends some way into the AONB. The unfettered appeal site provides a gentle and tranquil transition with the adjacent buffer zone to the countryside beyond which can be appreciated not only from the surrounding dwellings but also glimpsed from the nearby footpaths. The simple and expansive beauty of the appeal site would be eroded by the proposed suburban-style development and its enlarged access and other hard-surfaces in this semi-rural-type location. It was therefore concluded that the proposed development would harm the spacious beauty of the AONB. New landscaping in addition to retention of existing trees, hedges, pathways and a re-built access wall would not be adequate mitigation. Accordingly, the proposal in respect of the character and appearance of the area including the AONB, is contrary to Policies SP1, SP2, SP6, HOU1, HOU5, HOU6, ENV3B, ENV13 and IMP1 of the ALP, and Paragraphs 130 and 176 of the Framework.</p> <p>In respect of the harm to the setting of the listed buildings, the Inspector concluded that the appeal proposal would cause harm to the setting of listed buildings contrary to Policy ENV13 of the ALP which is clear that development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh harm or loss.</p>				

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			<p>In respect of the sustainability of the location, following the assessment of the facilities and services available in Wittersham, the Inspector concluded that given the distances involved it is likely that those day to day services would be accessed by a private motor vehicle rather than by public transport. Indeed, the limited availability of public transport in this location would inevitably result in a dependency on private motor vehicles by future occupiers of the new dwellings in respect of access to the day to day services in nearby villages. As a result, in respect of a suitable location, it was recognised that the proposal would fail to meet the aims of Policies SP1, SP2, SP6, HOU1, HOU5, HOU6, ENV3B, ENV13 and IMP1 of the ALP, and the Framework when read as a whole.</p> <p>Finally, the Inspector considered the Council's 5 YHLS situation and acknowledged that the tilted balance would normally be engaged in such situations. However, regard was had to Paragraph 11 (d)(i) of the Framework which states that where harm to areas and assets of particular importance such as the AONB and listed buildings provides a clear reason for refusal, the 'tilted-balance' does not apply. It was therefore concluded that there were no considerations of such weight as to warrant a decision other than in accordance with the aforementioned development plan policies and the Framework.</p>		
16	22/00138/AS	Castweazel Oast, Fosten Lane, Biddenden, Kent, TN27 8EW	Two storey rear extension	N/A – The site is located outside of the Stour catchment.	Delegated refusal
17	21/00745/AS	Pilgrims, Pilgrims Lane, Chilham, CT4 8AA	The development proposed is the erection of detached 4-5 bedroom live-work dwelling and detached	The application lies within the Stour catchment (i.e. caught by	Delegated refusal

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			double-garage (with all matters reserved).	Natural England's Advice).	
18	19/00228/AS	Herwish, Marten's Lane, High Halden, Ashford, Kent, TN26 3JP	Lawful Development Certificate – Use of wooden shed as a separate dwelling	N/A – No bearing on a LDC	Delegated Refusal
19	21/00783/AS	Old Elmstone Cottage, 98 North Street, Biddenden, Ashford, Kent, TN27 8AE	Outline planning permission to consider access for the erection of a detached 2 storey dwelling	N/A - withdrawn	Withdrawn