



## Appeal Decision

Hearing Held on 19 November 2019

Site visit made on 19 November 2019

**by H Miles BA(hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 13 December 2019**

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**Appeal Ref: APP/E2205/W/19/3220880**

**Land at Lenacre Hall Farm, Sandyhurst Lane, Ashford, Kent**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Millwood Designer Homes Limited against the decision of Ashford Borough Council.
  - The application Ref 18/00413/AS, dated 9 March 2018, was refused by notice dated 31 July 2018.
  - The development proposed is the development of 21 new residential dwellings, access, drainage, car and cycle parking and landscaping.
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### Decision

1. This appeal is dismissed.

### Application for costs

2. At the Hearing an application for costs was made by Millwood Designer Homes Limited against Ashford Borough Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. Since the decision on the application to which this appeal relates was made, the Ashford Local Plan 2030 (Adopted February 2019) (the Local Plan) has been adopted. Policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), and the Tenterden and Rural Sites DPD (2010) referenced in the Council's decision notice have been superseded. Parties have had the opportunity to submit comments on the relevance of the Local Plan to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the Local Plan.
4. The Draft Boughton Aluph and Eastwell Neighbourhood Plan is referred to in the appeal submissions. I understand that a draft has been produced although this has not yet been submitted to the Council. Consequently, I am not provided with evidence that these policies will be adopted in the form that they are presented to me and as such I afford them very limited weight in my consideration of this appeal.
5. Revised plans were submitted within the appellant's evidence which were not before the Council at the time that it made its decision (Site Layout Plan 2722-2000/G, Planting Plan Sheet 1 of 3 4517-LLB-01-AA-DR-L-0001-P03, Planting Plan Sheet 2 of 3 4517-LLB-02-AA-DR-L-0001-P03, Planting Plan Sheet 3 of 3

4517-LLB-03-AA-DR-L-0001-P04, Proposed 21 Units Tree Protection Plan 4517-LLB-ZZ-XX-DR-Ab-0008-P09). These show the omission of a pedestrian footpath leading from the proposed development to Sandyhurst Lane. Based on the evidence before me I am satisfied that this revision would not prejudice any party. As such I have considered the appeal on the basis of these revised drawings.

6. A signed and dated agreement pursuant to section 106 of the Town and Country Planning Act 1990 was submitted at the hearing. This includes obligations relating to Accessible and Adaptable Dwellings and Affordable Housing, Allotments, Children's and Young People's Place Space, Health Care, Informal Natural Green Space, Libraries, Outdoor Sports, Primary Schools, Secondary Schools, Strategic Parks, Social Care, Youth Services and Community Learning. On this basis the Council confirmed that it would not pursue the fourth reason for refusal which relates to mitigation of the impact of the proposed development in terms of demand for services and facilities.
7. During the hearing the appellant referred to revised drawings which were described as showing the proposed vegetation along the western boundary of the site as being outside residential curtilages. For clarity these were not formally submitted and do not form part of the drawings I am considering.

### **Main Issues**

8. The main issues are:

- The effect of the proposed development on the character and appearance of the area.
- Whether the site is a suitable location for housing with particular reference to sustainable transport.
- The effect of the proposed development on biodiversity.

### **Reasons**

#### *Character and Appearance*

9. Policy HOU5 of the Local Plan allows for residential development adjoining the existing built up confines of the settlement subject to certain criteria. Of particular relevance to this main issue are criteria f) i)-iv) which can be summarised as requiring that development sits sympathetically in the wider landscape, preserves or enhances the setting of the nearest settlement, includes an appropriate landscape buffer and is consistent with local character and built form. Furthermore, together Policies SP1 and SP6 of the Local Plan require high quality design which responds to the character of the area, amongst other things and Policy ENV3a of the Local Plan requires new development to have regard to landscape characteristics of the site.
10. The appeal site comprises open fields with boundary vegetation. It is adjoined by the generally open sports pitches at Sandyacres Sports and Social Club (Sandyacres) on one side, an area of ancient woodland on the other and open fields to the rear and in the wider surroundings to the north. Sandyhurst Lane is on the southern side of the site and residential properties are opposite. Given its open and undeveloped nature the appeal site relates more closely to the mainly undeveloped land to the northern side of Sandyhurst Lane.

11. It is agreed in the statement of case that the site is allocated as being in the Hothfield Heathy Farmlands Landscape Character Area, falling within the Sandyhurst Farm Area. I understand that the condition of the area is summarised as a highly variable pattern of elements with discordant mix of farming, a business park and recreation giving a fragmented character. Nevertheless, even though the wider surroundings may be varied, the open nature of the site is an existing feature which is important to local landscape character.
12. Sandyhurst Lane provides separation between the built form which forms the edge of the settlement of Ashford on one side and open countryside land on the other. I note that Lenacre Hall and nearby buildings are located on the other side of the road, however these buildings are limited in number and are some distance from the site. Nevertheless, this break provides a clearly legible delineation resulting in an attractive and clearly defined setting to the settlement of Ashford in this location.
13. Sandyhurst Lane is characterised by detached dwellings on one side. These are generally traditional in construction and detailing, set back from the road and include a number of bungalows, and some two storey dwellings. There are also two storey dwellings at Lenacre Hall and more modern dwellings in Watsons Close, however these are located further along Sandyhurst lane and do not form the immediate context of the appeal site.
14. Development on this land would result in a change to the internal character of the site. The introduction of a number of substantial dwellings, along with the likely associated domestic paraphernalia and urban features of the development, such as roads and car parking, would introduce an urban land use to this currently open site. I note that the proposed development would not change the pattern of field boundaries. However, given my findings above that the local character of this site is associated with the mainly undeveloped open land which surrounds on three sides, it can be seen that the proposed development would not sit sympathetically in this landscape.
15. Furthermore, introducing development on the northern side of Sandyhurst Lane in this location would be harmful to the defined settlement edge described above and consequently to the setting of the settlement of Ashford.
16. I agree with the appellant's Landscape Statement that the design and layout of the Appeal proposals are not consistent with the character of the built form on the southern side of Sandyhurst Lane. Whilst their design may relate to the Kentish Vernacular, they are not inherently ugly and they may create a sense of place in their own right, I do not consider that the proposed development is consistent with the local character of the built form in Sandyhurst Lane.
17. Although long distance views would be limited, the appeal scheme would be visible in public views along Sandyhurst Lane and other points particularly in the winter months. The vegetation on the boundary would not be so dense that views would not be possible, particularly when trees are not in leaf. The development would also be visible along the proposed access road. Although in views from the nearby public rights of way there is an existing backdrop of housing, the proposed development would harmfully extend built form into this open landscape.

18. I am however satisfied that there would be an appropriate landscape buffer to the open countryside and I am provided with a mechanism for its maintenance. Nevertheless, the lack of harm in this respect would be a neutral effect and as such does not overcome the harm identified above.
19. For the reasons set out above the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in this respect, it would be contrary to the Policies of the Local Plan I find to be most relevant to this main issue: HOU5, SP1, SP6 and ENV3a, the aims of which are set out above.
20. Policy SP2 sets out the Council's strategic approach to housing delivery. Consequently, the policies listed above are more relevant to this main issue.

### *Accessibility*

21. In the direction towards the A251 Sandyhurst Lane is paved on one side, in the direction towards the A20 it is unpaved for the majority of its length. The road is generally unlit although there is some lighting to the crossing close to the entrance to Sandyacres. There is a pedestrian/cycle path which leads from Sandyhurst Lane towards the shops and services at Eureka Place, Goat Lees Primary School and bus stops on Trinity Road. This path is relatively wide, paved and is lit. There is planting on both sides which limits the natural surveillance of the route, however it is very close to residential properties and some first floor windows overlook the path.
22. I am not presented with substantive evidence that this path is subject to anti-social behaviour nor why the pedestrian/cycle path could not be used by mobility scooters. It is put to me that children from the new development are unlikely to attend Goat Lees Primary school as it has a very limited catchment area, and therefore access to school may not be on foot. Whilst there is not a facility for a 'weekly shop' in walking distance, I do not consider this to be a basic day to day service and 'top up shopping' would be available. Furthermore, I do not consider the distance to bus stops to be so great as to deter their usage.
23. Based on the evidence before me, the pedestrian/cycle path would be a suitable route for future residents to access basic day to day shops and services which would be in easy walking distance.
24. The location of this site would mean that sustainable transport options would be easily available to future occupiers. However it is not possible to control that due to personal preference, for example in inclement weather, some occupiers may still choose to use their car.
25. For the reasons set out above the appeal site would be a suitable location for housing with particular reference to sustainable transport. In this regard it would therefore comply with Policies HOU5 b) and d) and SP1 of the Local Plan which together require that new development is in an accessible location within easy walking distance of basic day to day services, and located where it is possible to maximise the use of sustainable transport to access services, amongst other things.

### *Biodiversity*

26. The appeal site is mainly covered by grass. It is accepted that the majority of this would be lost as a result of the development. However, this is a common habitat of low ecological value and as such would not comprise an important rural feature in this regard.
27. The vegetation on the boundaries of the site is of greater ecological importance. However, the proposed development would retain this vegetation. I do not have compelling evidence that the retained vegetation would be insufficient in terms of its width. I have been presented with a mechanism in the form of a condition which would secure the management and maintenance of this land and on this basis I am satisfied that these habitats would remain.
28. I am provided with detailed evidence which concludes there is no presence of Great Crested Newts on the site and I am not provided with substantive evidence which would lead me to disagree with these conclusions.
29. There are concerns relating to the effect of domestic cats on the ancient woodland. It is recommended that predator proof bird boxes be installed and this could be secured via condition. I also note that the woodland is opposite a residential area. Furthermore, taking into account the scale of the proposed development, I do not consider that it would have a significantly harmful effect on biodiversity in this regard.
30. It is also put to me that enhancements to biodiversity are proposed in the form of a new pond and the installation of bird and bat boxes. A condition has also been proposed in relation to lighting which would be a suitable mechanism to ensure light spillage would not have a harmful effect on biodiversity.
31. For the reasons set out above, the proposed development would not have a harmful effect on biodiversity. As such it would not be contrary to Policies HOU5e) and f) vi), ENV3a or ENV5 which, in part, seek to protect important rural features, wildlife habitats and the natural environment and enhance biodiversity interests on the site.

### **Other Matters**

32. I have considered the social, economic and environmental benefits of new housing. These include; the proposed development would provide 21 high quality dwellings with appropriate amenity space which would boost the supply of housing. The proposed development would provide an efficient use of land in an accessible location. Future occupants would be likely to contribute to the local economy and would sustain local services, and there would be job creation through the construction period. There would also be economic benefits from the new homes bonus and financial contributions in the planning obligation. Also, housing in this location would reduce pressure on more sensitive sites.
33. These are, in the main, benefits of the scheme. Although I note that any financial contribution in a planning obligation would need to be of a scale to provide mitigation for any adverse impacts only and as such could not be considered a benefit of the development. Nevertheless, the scale of the proposed development means that these benefits are somewhat limited and I note that these benefits are generally not specific to this proposed site or development. Consequently, they would not outweigh the permanent and

public harm to the character and appearance of the area, contrary to the development plan, identified above.

34. In coming to my conclusions I have considered all the evidence put to me including the comments from statutory consultees and the Planning Officer's report to committee.
35. Whilst I do not find harm in relation to biodiversity or the accessibility of the site, the lack of harm in these regards is a neutral factor which would not outweigh the harm in relation to the character and appearance of the area. Consequently, the development proposals do not accord with an up-to-date development plan and as such cannot be considered to be sustainable development in terms of the Framework.

### **Conclusion**

36. For the reasons set out above, this appeal should be dismissed.

*H Miles*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT**

Steven Brown BSC Hons DipTP MRTPI Wolf Bond Planning

David Edwards

Millwood Designer Homes

Julian Bore

Lloyd Bore

### **FOR THE LOCAL PLANNING AUTHORITY**

Chris Hawkins DHA Planning representing Ashford Borough Council

Emily Hadden DHA Planning

### **INTERESTED PERSONS**

Christine Drury Councillor – Westwell Parish Council

Jane Hall Bolton Aluph and Eastwell Parish Council

Bryan Hall Sandyhurst Lane Residents Association

Winston Michael Goat Lees Ward Borough Council

Spencer Phillips Chairman Bolton Aluph and Eastwell Parish Council

### **DOCUMENTS SUBMITTED AT THE HEARING**

1. Extracts from [www.parishplan.uk](http://www.parishplan.uk) : Boughton Aluph and Eastwell Neighbourhood Plan Survey Results, Footpaths and Access to the Countryside, and extracts relating to woodlands.
2. Signed S106 agreement dated 19<sup>th</sup> November 2019
3. Text of draft condition relating to a landscape and ecological management plan