



Appeal Decision

Site visit made on 16 July 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/E2205/W/19/3223377

Land South of Tilden Gill Road, Tilden Gill Road, Tenterden TN30 7BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for approval of details required by a condition of a planning permission.
 - The appeal is made by Mr Michael Maskew of Redrow Homes against Ashford Borough Council.
 - The application Ref 18/00448/AS, dated 16 March 2018, sought approval of details pursuant to condition No 1 of a planning permission Ref 14/01420/AS granted on 20 April 2016.
 - The development proposed is the erection of up to 100 dwellings, parking, landscaping, open space and associated works, with details of access.
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed and approval of the reserved matters is refused.

Procedural Matters

2. The application sought approval of details of the reserved matters, comprising access, appearance, landscaping, layout and scale.
3. The revised National Planning Policy Framework (the Framework) was published on 19 February 2019 and I have taken it into consideration in determining the appeal.
4. The Ashford Local Plan (ALP) was adopted on 21 February 2019, which has replaced the Local Plan 2000, the Core Strategy 2008 and the Tenterden and Rural Sites Development Plan Document.
5. The Council has advised that an alternative reserved matters application¹ has been submitted and considered by the Planning Committee, with a resolution to approve it. The Council has advised that it included three main amendments when compared with the application the subject of this appeal:
 - Flat blocks B and C have been relocated away from the boundary with the adjacent High Weald Area of Outstanding Natural Beauty (AONB);
 - The height of flat blocks A, B and C has been reduced to 2.5 storeys;

¹ Ref 19/00340/AS

- A wider buffer strip has been incorporated between the development and the Belgar Farm group of buildings, with no buildings proposed within the buffer strip.
6. In the light of this, the Council has set out its concerns in relation to this appeal. These relate firstly to the three storey height of the blocks of flats and their siting within the development, in relation to the character and appearance of the surrounding area and the adjacent AONB. Secondly, the width of the buffer strip in order to provide screening for the benefit of the new dwellings and the adjacent Listed Building at Belgar Farm, as well as benefitting protected trees.
7. The Council has also stated that the inclusion of three storey buildings means that the proposal does not accord with the parameters of the outline permission granted on appeal², as there were references in the supporting documents to the apartment blocks being 2.5 storeys and no higher than 11 metres to the ridge. However, this was not included in the description of the proposal, nor was it secured by a planning condition. In this respect therefore, the reserved matters the subject of this appeal do not go beyond the parameters of the outline permission.

Main Issues

8. It follows that the main issues are:

- The effect of the proposal on the character and appearance of the area, including on the AONB;
- Whether the proposal would preserve the setting of Belgar Farmhouse, a Grade II Listed Building.

Reasons

Character and appearance

9. The site is an irregular shaped area of open land which lies to the south of a residential area on the edge of Tenterden, and abuts the AONB at its eastern end. The adjacent housing is predominantly two storeys. The Inspector for the previous appeal took the boundary with the AONB to be the centre of the line of the track that runs along the eastern side of the site, and I have dealt with the case on this basis. The track is a public right of way that has wide views across the appeal site, and is separated from the adjacent AONB countryside by a tree belt. I observed on my site visit that the tree belt effectively screens much of the existing built up edge of Tenterden from the open countryside.
10. AONBs have the highest status of protection in relation to landscape and scenic beauty and great weight should be given to conserving and enhancing landscape and scenic beauty, in accordance with paragraph 172 of the Framework. The Planning Practice Guidance (PPG)³ makes reference to the statutory duty⁴ to have regard to the purposes for which such areas are designated, and states that the duty is also relevant in considering

² Ref APP/E2205/W/15/3032575

³ Paragraph: 039 Reference ID: 8-039-20190721 Revision date: 21 07 2019

⁴ Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000

development proposals that are situated outside AONB boundaries but which might have an impact on their setting.

11. Blocks B and C would be substantial three storey buildings set close to the track behind access driveways. I note that the existing trees would be retained and that landscape planting is proposed between the access track and the apartments, but due to the height of the apartment blocks they would nonetheless be apparent in views from the public right of way as well as from the adjacent countryside. In view of the two storey height of the surrounding development, and the substantial bulk and height of Blocks B and C, they would be unduly prominent and would not be harmful to the setting of the AONB.
12. There are views onto the site between the widely spaced pairs of semi-detached dwellings on this part of Tilden Gill Road, with the wooded nature of this part of the site providing a pleasant backdrop. Block A would be sited close to the rear of properties on Tilden Gill Road, separated from them by their rear gardens and the car parking to serve the apartment block. It would be readily apparent in views from the surrounding area, and would appear as a substantial block that would be taller than the existing dwellings. However, due to the distance from these dwellings and as it would itself be surrounded by two storey properties within the appeal site, it would not appear unduly prominent. Moreover, its design and external materials would be sensitive to the materials that appear on properties in Tilden Gill Road, so that it would not appear incongruous, despite its greater scale and height. I therefore do not find that this aspect of the proposal would be harmful to the character and appearance of the area.
13. Notwithstanding this, for the reasons set out above, I find that Blocks B and C would be harmful to the character and appearance of the area, including the AONB. The proposal would therefore be in conflict with Policies SP1, SP6, ENV3a, ENV3b and ENV5 of the ALP which seek, amongst other things, to conserve and enhance the natural environment with high quality design that promotes distinctive places, has particular regard to landscape characteristics, and protects public rights of way. It would also conflict with the Framework.

Heritage Assets

14. Section 66(1) of the Act requires that in considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of degree of harm. The significance of the asset is defined in the Framework as its value to this and future generations because of its heritage interest. The special interest of the building derives therefore not only from its age, history and appearance, but also its setting. Paragraph 194 of the Framework confirms that the significance of a heritage asset can be harmed or lost through development within its setting and sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification.
15. Belgar Farmhouse and the adjoining Barn are both Grade II Listed and are within a group of four dwellings that are sited towards the centre of the southern edge of the site, which surrounds them on three sides. Belgar

Farmhouse is described in the listing as a C15 or C16 timber-framed house, refaced in the C17. It is of two storeys with ground floor red brick and weatherboarding above and is now known as Belgar. The barn has been converted to two dwellings, known as Weavers Barn and Old Belgar Barn, and has group value with Belgar. A further building in the group is a converted oasthouse. These latter buildings are sited further away from the boundary in question and the width of the buffer would not affect their setting.

16. In allowing the appeal for outline permission for the development of the surrounding land, the Inspector noted in paragraphs 41 and 46 that subject to a suitably designed detailed layout, the proposal would not have a harmful effect on the significance of the Listed Buildings. The Inspector identified that Belgar was well screened from the surrounding fields, so that development of the surrounding fields would not adversely affect the way it is experienced or appreciated. I saw on my site visit that the garden of Belgar is separated from the appeal site by a hedge with some boundary trees, and my observations tally with the previous Inspector's conclusion.
17. As a result, the hedge and trees are particularly important in preserving the setting of Belgar, so that it retains its separation from the surrounding land. I note that the submitted drawings indicate a substantial landscape buffer between the new dwellings, gardens, garages and parking areas and the boundary with Belgar. This is particularly wide adjacent to Plot Nos 46 and 54, and would be sufficient to allow new planting to supplement the retained hedge where development is closest to Belgar. The buffer would not be consistent in width, but would taper as it moves away from Belgar. I have seen no detailed evidence to demonstrate that the longevity of the retained trees or hedge would be undermined. The buffer would therefore be sufficient to screen Belgar from the surrounding development and would preserve its setting. Taking into account that Belgar itself sits in a large plot and is set away from this boundary, I conclude that the proposal would preserve the setting of the Listed Building.
18. As a result, the proposal would not conflict with Policies SP1, SP6, HOU5 and ENV13 of the ALP, insofar as they seek to conserve and enhance designated heritage assets and the relationship between them and their settings. As I have not identified that any harm would be caused to the setting of the designated heritage assets, the proposal would not conflict with the guidance in the Framework.

Other Matters

19. A series of concerns have been raised by local residents, but as I am dismissing the appeal and they do not have any bearing on the main issues, I have not pursued these further.

Conclusion

20. The additional housing would make an important contribution to the supply of housing in the Borough, including affordable housing. However, these benefits do not outweigh the harm I have identified in relation to the AONB, that would be caused by the approval of the reserved matters.

21. Although I have found in favour of the appellant in relation to the second main issue, this does not override the harm I have identified in relation to the first main issue.
22. For the reasons set out above, the appeal is dismissed and approval of the reserved matters is refused.

N Thomas

INSPECTOR