



Appeal Decision

Site visit made on 17 December 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/E2205/W/19/3236275

The Old Railway Station, Headcorn Road, Biddenden, TN27 8JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs P Hammond against the decision of Ashford Borough Council.
 - The application Ref 18/00518/AS, dated 28 March 2018, was refused by notice dated 9 August 2019.
 - The development proposed is outline application for development of up to 9 dwellings on former Railway Station and part residential garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was amended to reduce the number of houses from 15 to 9 in the course of the planning application that led to this appeal. This is reflected in the description of development, which was taken from the Council's decision notice and is also the description used by the appellant, on the appeal form.
3. Outline Planning Permission is sought with all matters reserved except for access. I have dealt with the appeal on this basis. An indicative layout plan is provided showing how 9 units could be set out across the site. I have had regard to this plan in my consideration of the appeal.

Main Issues

4. These are the effect on the character and appearance of the area, including designated and non-designated heritage assets on and around the site; and on protected species.

Reasons

5. This is an irregularly shaped plot of land. Part of it comprises infrastructure associated with a disused railway station. The old platform is visible on the site and the former route of the track is clearly discernible, appearing as an informal path surrounded by trees. The station building, which sits outside the appeal site, is now a residential dwelling with its own garden that also encompasses part of the former track bed. The remainder of the site appears as a large field, albeit one that is currently used in connection with a residential property and not for agricultural purposes.

6. The site falls within a predominantly rural area to the north of the village of Biddenden. The surrounding land appears as irregularly shaped fields interspersed with trees and ponds. Within this broad context, the former station forms part of loose linear development facing the Headcorn Road. By contrast, the part of the site that has the appearance of a field is typical of the surrounding countryside.
7. To the north of the old station building is Northstreet Farm which is a Grade II listed building. This is a well preserved 18th century farmhouse with a number of outbuildings in its garden, which appears contiguous with the field which forms part of the appeal site. The open, undeveloped appearance of this land helps to provide a distinctively rural setting for the main building, which is reflective of its historic use as a farm. In this respect, its setting contributes to the special character and significance of this designated heritage asset.
8. The indicative plans show that 6 of the dwellings would be built on land to the rear of Northstreet Farm. In consequence, the existing open, farmland like setting for the farmhouse would be lost and replaced with residential development. Consequently, the proposal would fail to preserve the setting of this designated heritage asset.
9. The construction of housing to the rear of Northstreet Farm would also depart from the existing predominantly loose linear character of built development facing this part of the Headcorn Road. In this respect, it would appear as the encroachment of built form into undeveloped countryside. Consequently, the proposal would have a suburbanising effect on this part of the village, detracting from its predominantly rural character and appearance.
10. Concern is also raised about the effect of the proposal on the setting of Old Curteis, which is also Grade II listed. This is also a well-preserved rural building. However, it is set away from the site, further to the north. The built development associated with the proposal would be set an adequate distance away from this building to avoid harm to the setting of this designated heritage asset.
11. The indicative plans show that the old station platforms could potentially be preserved, along with most of the former track-bed of the railway and the trees that surround them. As such, the development could be carried out in a manner that does not lead to harm to this non-designated heritage asset or its setting. The indicative small terrace of 3 residential dwellings would replace an existing building on an area that has historically been developed and sits broadly parallel with the allotments due west of the site. As such, this part of the scheme would not read as a significant encroachment into the countryside. However, it represents a small proportion of the total extent of built development shown on the indicative plans.
12. By contrast, the change of use of a large part of the field to the rear of Northstreet Farm as clearly envisaged on the indicative plans would result in significant harm to the character and appearance of the area. The harm in this respect relates to the principle of residential development and could not be overcome through landscaping or other details advanced at the reserved matters stage. Considered as a whole, the proposal conflicts with policies SP1, HOU5, HOU10, ENV3a and ENV13 of the Ashford Local Plan 2030 (2019) ("Local Plan") which seek, amongst other things, to conserve and enhance the natural environment and preserve heritage assets in the locality. Having regard

- to the National Planning Policy Framework ("the Framework"), the harm to the setting of the Grade II listed building at Northstreet farm would be less than substantial. This must be weighed against the public benefits of the proposal.
13. Up to 9 new dwellings would be provided. It is suggested that some of these would comprise affordable housing. The dwellings would be aimed at young families and those over 55, which has been justified by reference to the Biddenden community led plan of 2013. The housing could be designed in a way that achieves a high standard of amenity for its future occupants, and a safe and suitable access would also be achieved which would represent an improvement over the existing position. I further note the reference to local support for the proposal.
 14. The site is located close to the village of Biddenden, which has a range of services including public transport links within reasonable walking distance of the site. As such, the location of the site is reasonably accessible. The provision of such housing would contribute to the total amount of windfall development envisaged in the Local Plan. The proposal would therefore help achieve the objective, set out in the Framework, of delivering a sufficient supply of homes. As a small site, it could proceed quickly if planning permission is granted. These are considerations that weigh in favour of the proposed development, attracting a moderate amount of weight in the planning balance.
 15. I have already found that the development could be carried out in a way that does not result in harm to what remains of the former railway station and the infrastructure associated with it. It is further suggested that the works would restore or enhance the railway heritage of the site, which could potentially be achieved in the plans submitted at reserved matters stage. There would also be a net gain for biodiversity. These benefits also attract a moderate amount of weight.
 16. However, the public benefits in favour of the development, as outlined above, do not even cumulatively outweigh the less than substantial harm to the setting of the grade II listed building at Northstreet Farm. Furthermore, there would also be harm to the predominantly rural character and appearance of the area. In this respect the proposal would fail to achieve the objectives, set out in the Framework, of achieving well-designed places that conserve and enhance the natural environment. Whilst the site does not form part of a designated protected landscape and public views of the development would be limited, this does not justify the development in the face of the unacceptable harm that has been identified. The presumption in favour of sustainable development, as set out in the Framework, does not apply.

Protected species

17. The fourth reason for refusal refers to harm to protected species. The ecological surveys indicate bats and great crested newts may be present on the site, so the development would be likely to disrupt their habitat. However, the Council's specialist ecological advisor accepts that, subject to mitigation to be secured through planning conditions, the proposal would not be detrimental to maintaining the population of these protected species at a favourable conservation status in its natural range.
18. However, the Conservation of Habitats and Species Regulations 2017 require that a license will only be granted for such works where the proposals are

necessary to preserve public health or public safety, or other imperative reasons of overriding public interest; and that there is no satisfactory alternative. In this case the proposal would lead to unacceptable harm to the character and appearance of the area and is not justified in planning policy terms, for the reasons set out above. Consequently, there are no imperative reasons of public interest that justify the proposal.

19. On the evidence before me granting planning permission for the proposal in its current form would therefore conflict with one of the legal tests that apply in such cases. Consequently, it would also conflict with policy ENV1 of the Local Plan, which seeks, amongst other things, to conserve habitats. The proposal is therefore unacceptable in terms of its effect on protected species.

Other Matters

20. Reference is made to planning permission being granted for other residential development around the site. However, this case must be decided on its own merits, and in light of the current planning policy position.
21. There are also objections to the proposal from interested parties, citing other issues to those discussed above. However, these do not materially add to the harm identified in this appeal.

Conclusion

22. The proposal conflicts with the development plan and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR