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# Appeal Decision

Site visit made on 27 January 2020

**by O S Woodward BA(Hons.) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 February 2020**

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**Appeal Ref: APP/E2205/W/19/3238876**

**Land adjacent to Noakes Farm Barn, Ash Hill, Ruckinge TN26 6PF**

- 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 Mr Michael Lindsay against the decision of Ashford Borough Council.
  - The application Ref 19/00128/AS, dated 24 January 2019, was refused by notice dated 14 June 2019.
  - The development proposed is for a new house.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the impact on the character and appearance of the area, and whether or not the development is in an appropriate location for a new house.

## Reasons

### *Character and appearance*

3. The site is an area of grassland situated in the middle of a short row of houses and farm buildings running along the western side of Ash Hill. The neighbouring properties are fairly large but are set within even more substantial gardens, creating a domestic but rural character. The site is part of a much larger field and it is agricultural in nature.
4. The proposal is for a substantial four bedroomed detached house to be a mixture of stock brick, clay tiles, oak frame and lime render, a detached two-bay car port made from an oak structure and clay tiled roof, and a detached brick, timber and clay tiled roof boiler room, and associated landscaping including a shingle area providing access to the car port.
5. The development of the house, outbuildings and shingle area to the rear would undoubtedly change the character of the site from agricultural to domestic. It would lead to the loss of agricultural land. However, the development would complete a gap in domestic development along this side of Ash Hill. Development of this site for a house would, in principle, help to unify the existing street scene by infilling this gap. The traditional design approach and materials palette proposed would also be acceptable.

6. However, the house itself would be noticeably larger than the neighbouring houses, and therefore would be out of character with them. This is exacerbated by the combination of the house, large outbuildings and access to the car port on a relatively small plot size, which, whilst respecting the rearward extent of the gardens to both neighbouring properties, would be noticeably smaller than them. The site layout would be cramped, leading to an unattractive appearance out of character with the neighbouring properties.
7. The proposal would therefore harm the character and appearance of the area and the proposal fails to comply with the relevant parts of Policies SP1, SP6, and HOU5 of the Ashford Local Plan 2030 Adopted 2019 (LP), and Paras 127 and 130 of the National Planning Policy Framework (the Framework). Amongst other things, these policies seek development of high quality design that responds positively to the character, appearance and distinctiveness of the area.

#### *Development location*

8. The site is situated at a distance from, and clearly separated from, the small village of Ruckinge. However, the site is in-between two existing houses and in the middle of a small run of buildings, and therefore I do not consider the proposal to be for an isolated home in the countryside, and therefore Para 79 of the Framework does not apply. Policy HOU5 of the LP does apply, though, because this is more widely defined as development of housing in the countryside. The proposal does not provide any of the listed 'exception' factors in the policy and is therefore contrary to this policy.
9. The site is clearly in an unsustainable location. Access to Ruckinge is either by car or by walking along narrow, unlit country lanes. There are footpaths to the village, but these would still involve an element of walking along Ash Hill before then turning across fields and are unlikely to be used regularly in the winter months. Ruckinge itself is a small village with very limited services. There are no bus services within easy reach of the site. It is likely that the vast majority of journeys to and from the site would be by car.
10. The proposal is therefore for a house in an unsustainable location and would fail to comply with the relevant parts of Policies SP1 and HOU5 of the LP, and Paras 103 and 150 of the Framework. Amongst other things, these policies seek to direct development to sustainable locations, that limit the need to travel and are accessible by non-car based methods of transport.

### **Other Matters**

#### *Heritage*

11. Harrison House to the south is a grade II Listed 18<sup>th</sup> century house, made of brick with a tile roof. The house lies in a plot of land mostly surrounded by a substantial boundary including trees and hedging. The significance of the house largely derives from its innate architectural quality, but also from its setting in a pleasant, fairly large garden. As established above, the proposed house would have an unattractive appearance out of character with the neighbouring properties, harming the setting of the listed building. The proposal would therefore fail to comply with the relevant part of Policy SP1 of the LP, which seeks to preserve or enhance the settings of heritage assets.

12. Due to the separation distance, the substantial existing boundary features, and the fact the proposal does not intrude directly on the house or its garden, the harm caused by the impact would be less than substantial. There are minor public benefits from a new house, which would contribute towards the provision of housing in Ashford Borough Council and would provide minor economic benefits both during construction, and once occupied to local services. Although minor, I agree with the Council that they would outweigh the less than substantial harm caused to the heritage asset. The proposal therefore complies with the relevant parts of Policy ENV13 of the LP, and Para 196 of the Framework, which seek to weigh the balance between harm to heritage assets and public benefits.

*Other*

13. I have taken into consideration access, car and cycle parking, waste and recycling, drainage and flooding, and ecological factors. These matters are not in dispute and the detail of any necessary mitigation could be controlled by condition if the proposal were otherwise acceptable.
14. There are windows proposed in the flank elevations of the proposed house which would overlook the houses and gardens to the north and south. However, the distance would mitigate the harm from this. The upper floor windows have the potential to cause the most harm from overlooking, but these are to bathrooms and could be conditioned to be fixed shut and obscure glazed if the proposal were otherwise acceptable.
15. The appellant has submitted a revised drawing to change the materials of the first floor of the front elevation from a mock-Tudor oak frame and render style to clay tiles. I have not accepted this as part of the appeal but I note in any case that my decision would have been the same for the revised scheme, as the harm to character and appearance rests on the scale and layout of the proposal, not the detailed design.
16. The appellant sites a nearby site on Ash Hill as precedent for development in the area. However, this appears to be development in relation to prior approval for a change of use and would not therefore have been considered against the Development Plan. I have not been provided with any additional information on this site or its permissions to make any further judgement.
17. Letters have been written in support of the proposal, siting the design as in-keeping with the village, the benefits for local businesses, and the benefits of providing a new house to provide suitable accommodation for local people. As assessed above, I agree that there are minor public benefits from the proposal, including the provision of a new house and economic benefits, but I do not believe that these overcome the unsustainable location of the development or its harm to the character and appearance of the area.

**Conclusion**

18. The appeal is dismissed.

*O S Woodward*

INSPECTOR