



Appeal Decision

Site visit made on 4 May 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/E2205/W/21/3266995

Land south of 63 The Street, Wittersham

- 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 Simon Hoskyns against the decision of Ashford Borough Council.
 - The application Ref 20/00541/AS, dated 24 April 2020, was refused by notice dated 16 July 2020.
 - The development proposed is erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with approval being sought for access, layout and scale. Matters relating to appearance and landscaping have been reserved. I have dealt with the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on: -
 - a. The character and appearance of the area and the High Weald Area of Outstanding Natural Beauty (the AONB); and
 - b. Whether there would be an over reliance on private travel to access services and facilities having regard to the location of the site.

Reasons

Character and appearance

4. Policy HOU5 of the Ashford Borough Local Plan (the Local Plan) supports residential development that adjoins or is in close proximity to the existing built-up confines of defined settlements which includes Wittersham, providing the proposal meets specified criteria. The location of the site would be close to the built-up confines. Amongst the criteria, development is required to conserve and enhance the natural environment.
5. The site is located south of the village of Wittersham. Sheep were grazing at the site at the time of my visit and I saw that the tennis court at the centre of the site has become mostly vegetated. There is dense vegetation along the north eastern and north western boundaries where the site abuts an existing

- dwelling and the adjoining highway. To the south west and south east the land is open countryside. Apart from the linear residential development along the east side of The Street that leads from the village, the site is surrounded by predominantly open countryside.
6. There is a clear change in character to the landscape south of the north eastern boundary of the site where the mature vegetation provides a buffer between the existing linear development and the open countryside. The appeal site is situated within the open land south of the village and its undeveloped green character exhibits all the attributes of the countryside that is designated AONB. In its current form its open and rural character makes a positive contribution to the AONB.
 7. The proposed dwelling would maintain a similar building line to that of the existing linear properties along the east side of The Street where dwellings are situated within large plots. Furthermore, the height of the proposed dwelling would be less than that of No 63 The Street, adjacent the appeal site. It has been suggested that the proposed scale of the dwelling would reduce the impact of the development on both openness and views, noting the northern section would be recessed into the contours of the site. Nonetheless, the erection of a large two-storey dwelling of substantial footprint, whether of contemporary or traditional style, would domesticise the appearance of the site and would change how the land would be used.
 8. By creating a development of urbanised appearance, this would substantially alter the character and appearance of this undeveloped site. The creation of a dwelling and urbanisation of the site would substantially diminish the rural characteristics of the site and its visual contribution to the AONB landscape. The proposal would, therefore, be harmful to the character and appearance of the area and the AONB.
 9. I note that the AONB designation washes over the village and that the AONB Management Plan identifies human settlements as an important element of the AONB. Although the National Planning Policy Framework (the Framework) does not prohibit development in the AONB it requires great weight to be given to conserving and enhancing the landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to these issues. The proposal would fail to safeguard the natural beauty and open countryside characteristics of the site and would, therefore, not preserve or conserve the AONB landscape.
 10. The mature evergreen hedgerow along the frontage of The Street gives the site a sense of enclosure in views from The Street. Boundary hedging and trees could be retained and a planting and landscaping scheme could, to some extent, assist in screening the site in views from The Street and from the wider landscape where there are Public Rights of Way (PROW). However, I do not consider this would soften the visual impact of a two-storey development within this countryside landscape. I note that landscaping is a reserved matter. Although additional planting could strengthen boundary vegetation around the appeal site, this would take time to establish so there would be initial to medium term harm.
 11. The AONB designation limits the extent of permitted development rights for the erection of ancillary buildings and incidental structures and other permitted development controls could be used to resist other elements of development at

the site. Whilst this may be so, this would not obviate the harm to the AONB that creating a development of urbanised appearance would have upon the character and appearance of the AONB landscape.

12. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area and the AONB. The proposal would, therefore, conflict with Policies SP1, SP2, SP6, ENV3b and HOU5 of the Local Plan and the Framework that seek, amongst other matters, development to conserve and enhance the natural environment and the AONB.

Travel

13. The appeal site would not be isolated given its proximity and siting at the edge of the village. Wittersham hosts a village store, post office, primary school, bus service, church, village hall, car garage, sports field and public house. I have been advised that, the centre of Wittersham would be an approximate 9-minute walk from the site and the bus service from the village provides a 2-hourly bus service to both the towns of Rye and Tenterden. These settlements provide access to a larger range of services, facilities, rail transport and school bus services.
14. Whilst walking to Wittersham is possible future occupiers would have to walk along the edge of the rural road with no street lighting where the speed limit is up to 60 mph to reach the footpath further north along The Street. Given the proximity to the village vehicles are unlikely to be travelling at the maximum speed limit when approaching or leaving the village. Nonetheless, whilst parking on both sides of the highway within the village may restrict travel speeds, vehicular movement in the vicinity of the appeal site is likely to exceed that of the village's 30 mph speed limit.
15. I saw that there are bends in the highway that limit forward visibility of on-coming traffic. Grass verges at the side of the highway would allow walkers to step off the highway. Nonetheless, even if the highway is lightly trafficked, fast moving vehicles would make walking along the vehicular highway feel unsafe and an extremely unattractive option for this reason, particularly for elderly occupiers of the proposed development or those with young children. Whilst there may be no record of accidents along the section of The Street where there is no footway, this does not obviate my highway safety concerns for walkers.
16. I acknowledge that future occupiers could alternatively make use of the PROW east of the appeal site to access the village as an alternative to walking along The Street and that it would be possible to cycle to the village. However, these options may not be an attractive for elderly occupiers or those with young children.
17. Consequently, I find that future occupiers would, therefore, be reliant upon private travel to access services and facilities.
18. I have been referred to 3 appeal decisions where location and walking accessibility to settlements were considered by Inspectors. I have not been provided with the full details of those cases that would illustrate the nature of the highways, speed limits and distance of those sites to the settlements that might enable me to consider what similarity, if any, those cases would have to that of the proposal before me.

19. For these reasons, I conclude that having regard to the location of the site the occupiers of the proposed development would be overly reliant on private travel to access services and facilities. The proposal would, therefore, conflict with Policies SP1, SP2, SP6, ENV3b and HOU5 of the Local Plan that seek, amongst other matters, development to encourage as much non-car based travel as possible to promote healthier lifestyles and that require sites to be within easy walking distance of basic day to day services in the nearest settlement, and/or have access to sustainable methods of transport to access a range of services.

Other matters

20. The Council has published the latest outcome of the Housing Delivery Test which indicates that the Council has an identifiable 4.8 year supply of housing land, or a shortfall of 0.2 years. Paragraph 11 d) i of the Framework indicates that where a five year supply of deliverable housing sites cannot be demonstrated the development should be granted (footnote 7), unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 identifies AONBs to provide a clear reason for refusing the development proposed.
21. I have found that the proposal would cause harm to the scenic beauty of the AONB and this carries great weight and importance given that such landscapes have the highest status of protection. This brings the proposal into conflict with development plan policies. As a result, the presumption in favour of sustainable development does not apply. Whilst the nitrates and phosphate issue within the Ashford district has potential to curtail the delivery of housing sites within the district, this does not justify the harm to the AONB that provides clear reason for refusing the proposed development. Added to this is the conflict with the development plan in terms of future occupier's over reliance on private travel to access services and facilities.
22. The proposed development would not affect heritage assets in the locality or the living conditions of existing neighbouring occupiers. Measures could be put in place to mitigate and enhance ecology on the site and the green/brown roof would enhance biodiversity and water attenuation. The proposal would not generate a significant volume of traffic and would satisfy parking requirements. Whilst these are merits of the proposed development, they do not outweigh my concerns relating to the main issues or justify the proposal.

Conclusion

23. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. I appreciate that pre-application advice has been sought from the Council in this case. Nonetheless, having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR