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# Appeal Decision

Site Visit made on 19 May 2021

**by Rory MacLeod BA (Hons) MRTPI**

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

**Decision date: 09 July 2021**

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**Appeal Ref: APP/E2205/W/21/3268274**

**Orlestone Rise, Ruckinge Road, Hamstreet, TN26 2NW**

- 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 & Mrs Grant & Sue Scamell against the decision of Ashford Borough Council.
  - The application Ref 20/00665/AS, dated 1 June 2020, was refused by notice dated 26 August 2020.
  - The development proposed is erection of 3 detached dwellings with associated car barns and landscaping and creation of a new vehicular access.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal benefits from a pre-application submission in which the Council raised no objection to the principle of residential development but commented that 3 dwellings would be an overdevelopment of the site.

## Main Issue

3. The main issue is the effect on the character and appearance of the area in relation to the edge of settlement location and associated loss of trees.

## Reasons

4. Orlestone Rise is a detached house set to the rear of a large plot in a wooded setting. Access is gained via a private track that also serves two other detached dwellings, Squirrels Wood and Bankside. Much of the garden to Orlestone Rise comprises a central and roughly level grassed area with trees to the periphery. At the southern end adjacent to Ruckinge Road land levels fall steeply on an embankment of brambles and ground cover set amongst trees. The appeal site encompasses the southern embankment and part of the adjacent garden.
5. The site is adjacent to the eastern edge of the settlement of Hamstreet where there are shops, a medical practice, a primary school and other facilities. Hamstreet has grown over time and has several character areas. Adjacent to the western boundary to the appeal site, and on much lower ground, is Carter's Wood, an area of housing with open space developed in the 1970s. The Hamstreet Village Design Statement (adopted as supplementary planning guidance) comments that the open areas of Carter's Wood "*contribute positively to both the open character of the area and the woodland setting behind*". Also, that "*The trees in this area help soften the transition from the built area to the countryside at the edge of the village*".

6. The proposed access road and buildings would require the removal of several trees and the regrading of land levels. Many of the trees are of poor quality with limited life expectancy and replacement trees are proposed. Whilst other existing trees to the eastern and southern boundaries are shown to be retained, the extent of tree loss and the array of buildings and hard surfaces, would adversely impact on the present woodland setting to the edge of the settlement.
7. Ruckinge Road rises steeply beyond the open areas of Carter's Wood and is overhung by trees from both sides. There is no footway to either side and as the road is relatively narrow and has fast moving traffic, it is not suited to pedestrians. The proposal includes provision of a footway from the vehicular access along the near side to Ruckinge Road. This would pass close to trees shown to be retained on the plans; given the proximity of these trees to the land to be excavated for the footway, I am not persuaded that all would necessarily survive the construction work. The plans show the footway continuing beyond the site boundary alongside an open area at Carter's Wood where there is no footway. Provision of a footway here too would assist future occupiers of the development access facilities in Hamstreet by foot but there is no proposal before me to secure such provision beyond the application site.
8. Orlestone Rise and neighbouring dwellings are not readily visible from Hamstreet or from Ruckinge Road due to their wooded setting beyond the built up area. The proposal would result in a more compact and conspicuous form of development in a more open setting that would significantly erode the sylvan character of this raised area of land marking the settlement edge.
9. Policy HOU5 of the Ashford Borough Local Plan 2030 (adopted 2019) allows for residential windfall developments adjoining or close to the existing built up confines of identified settlements, including Hamstreet, provided specified criteria are met. The site is within easy walking distance of services offered within Hamstreet, but the proposal would not satisfy criterion f) in that it would not sit sympathetically within the wider landscape and would erode the existing landscape buffer to the open countryside at the edge of the settlement. As such, the proposal would also conflict with Policy HOU10 on residential garden development, which references Policy HOU5, and with Policy ENV3a in that the proposal does not demonstrate sensitive regard to landform, topography and the pattern and composition of trees and woodland as relevant landscape characteristics at the site. There would also be conflict with strategic policies SP1 and SP6 in not conserving or enhancing an undesignated landscape and in not providing a positive response to the present character and distinctiveness of this edge of settlement locality.
10. The appellant points out that the density of development would be low and that the design of the buildings would be high. But the layout would nonetheless be compact and suburban in character, not reflective of the sparse dwellings in woodland setting beyond the settlement boundary. The site is regarded as 'excess' land of little amenity value to the current owners. Whilst the proposal would make more *"effective use of land in meeting the need for homes and other uses"*, in accordance with Paragraph 117 of the National Planning Policy Framework, it would not accord with the remainder of this clause which states, *"while safeguarding and improving the environment"*.

11. The appellant has submitted a Landscape Visual Impact Assessment (LVIA) which contends that *"the enclosed nature of the site allows the development to include the three plots without altering the village edge character"*. But my findings are that the nature of the proposal with its associated tree loss would be of greater significance from immediate viewpoints than indicated in the LVIA even if it would not be significant in longer range views.

#### *Housing need*

12. The proposal would result in the development of part of a large garden site for housing with the benefit of 3 additional dwellings. These would be of satisfactory size and in a reasonably sustainable location on the edge of a residential area not far from facilities. It would make a small contribution towards the general need for additional housing in accordance with the Government's objective at Paragraph 59 of the Framework to significantly boost the supply of homes.

#### *Planning balance*

13. Whilst the Council raises no objection to the principle of development of the site for housing, the benefit of 3 additional dwellings would be outweighed by the harm to the character of the area. There would be conflict with specified policies in the ALP and with the development plan as a whole.
14. The Council admits that it cannot currently demonstrate a five year housing land supply, having only a 4.8 year land supply as of 31st July 2020. It is the Council's view that the proposal for 3 dwellings, would not greatly assist in meeting the 0.2 year shortfall of 295 dwellings. The shortfall may not be substantial in the context of the borough as a whole, but the tilted balance at Paragraph 11(d) of the Framework should nonetheless apply. But in my judgement, the adverse impacts of the proposal in relation to the character and appearance of the area, would significantly and demonstrably outweigh the proposal's benefits when assessed against the policies of the Framework taken as a whole.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no material considerations before me to indicate that the decision on the appeal should not be taken in accordance with the development plan.

#### *Other Matters*

16. I have noted the representations against the proposal in relation to highway safety regarding the proposed access but have no reason to disagree with the findings of the local highway authority in this respect.

#### **Conclusion**

17. For the reasons given above I conclude that the appeal should be dismissed.

*Rory MacLeod*

INSPECTOR