
Appeal Decision

Site visit made on 20 September 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04.10.2023

Appeal Ref: APP/E2205/W/22/3310283

Hill Foxes, Ravensdane Wood, Charing TN27 0NJ

- 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 Lee Cooper against the decision of Ashford Borough Council.
 - The application Ref 21/02181/AS, dated 20 September 2021, was refused by notice dated 30 May 2022.
 - The proposed development is for the demolition of a dilapidated flat roof concrete barn, and unused garage. Construction of new part one storey, part two storey 4 bedroom dwelling to same footprint of barn and garage. Building to be SIP Panel construction clad with timber cladding to respect surrounding trees. New vehicular access to be created from road (or alteration of existing barn access). Land to be divided into two plots. Couple of trees to be removed for new patio area. New trees and bushes to be planted along new dividing boundary and along boundary with road, to provide privacy screening. Isolation and diversion of existing cess pit. New cess pit to be installed for Hill Foxes.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An application for costs was made by Mr Lee Cooper against the decision of Maidstone Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location and with regard to access to services and facilities.

Reasons

4. The appeal site comprises an area of land containing a derelict barn, lying to the north of the host dwelling at Hill Foxes. It is situated in a rural area surrounded by open fields and woodland.
5. The proposal would be in an area designated, in policy terms, as countryside, and development in the vicinity is generally sporadic in nature. The appellant states that the nearest settlement at Charing is around a 1.1 km walk in a broadly south westerly direction. This would be accessed in part via minor public roads which have no pavements and no lighting, and the A252 which is a busy arterial thoroughfare. An alternative route would involve a footpath across fields near Charing Windmill, again with no pavement or lighting.

6. I recognise that Charing contains public transport modes and shops. However, accessibility to these services, facilities and employment from the site other than by car would be poor, and it is likely that those occupying the dwelling would rely heavily on the private car as walking would not be practical on a frequent basis. Whilst I am aware that there is generally a greater reliance on the private car in rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. To my mind this weighs heavily against the development.
7. Paragraph 79 of the National Planning Policy Framework (the Framework) sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst the development would make a limited contribution to the local economy and social well-being of the area, these factors would not outweigh my concerns over the location of the proposal.
8. The appellant acknowledges that the proposed dwelling is in rural location and has therefore got limited access to day to day services. Whilst I appreciate this may be repeated for all existing dwellings that are on the fringes of the village of Charing and elsewhere, current policies seek to prevent further housing in such areas. In my view, to allow this appeal would be to set aside countryside strategy as the primary method of directing development within the Ashford Borough. This would potentially lead to similar arguments being made for other sites, which would diminish the relevance of the Council's countryside strategy, and would be the antithesis of sustainable development.
9. I am cognisant that an electric vehicle charging point could be installed with the new property, that the scheme would not result in an over-development of the land and new soft landscaping could be planted. Moreover, no objections have been raised with regard to any other factors including character and appearance, the Area of Outstanding Natural Beauty in which the site is located, living conditions, ecology, water efficiency and highway safety. However, these matters do not outweigh the harm identified above.
10. Paragraph 80 of the Framework states that the development of isolated homes in the countryside should be avoided unless certain circumstances apply. One such circumstance is where the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
11. Integrating a contemporary design of dwelling into a very rural landscape is a challenging design exercise, as the contrast between the built form and the landscape is very noticeable. Whilst the appeal proposal is an attractive building and would no doubt contain smart technologies, truly outstanding is a very high bar to reach. Having read the grounds of appeal, the paragraph 80 issue appears as an afterthought rather than the crux of the appellant's case; I am not convinced that sufficient evidence has been produced in this respect and that the scheme would be so remarkable or excellent as to pass the threshold of being a truly outstanding design.
12. It is not a matter of dispute that there is a shortfall relative to the Council's ability to demonstrate a deliverable five year supply of housing, with the evidence drawn to my attention suggesting a shortfall of around 0.2 years of

supply. However, the site is within the AONB, so paragraph 11(d) of the Framework is not triggered under footnote 7 irrespective of whether there would be an enhancement to the landscape setting.

13. I conclude on this matter that the proposal would not provide a suitable location for new housing. It would be contrary to Policies SP1, SP2 and HOU5 of the Ashford Local Plan 2030 (February 2019), which seek to focus development at accessible and sustainable locations. It would also be inconsistent with the Framework, which identifies that housing in rural areas should promote sustainable transport.

Conclusion

14. Given the foregoing arguments and all matters raised, the appeal is dismissed.

C Hall

INSPECTOR