



Appeal Decision

Site visit made on 16 October 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/E2205/W/23/3321600

Land to the north east of Kirkwood Avenue, Woodchurch TN26 3SE,

- 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 C S Developments (Sussex) Ltd against the decision of Ashford Borough Council.
 - The application Ref 21/02142/AS, dated 7 December 2021, was refused by notice dated 15 March 2023.
 - The development proposed is the erection of 3 x 3 bedroom bungalows and the provision of new public amenity space, together with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023. The amendments to the Framework do not have any bearing on the matters in dispute in this appeal.
3. It is agreed that the Council is unable to demonstrate a five year supply of deliverable housing sites, as required by the Framework. I return to this matter in my Planning Balance and Conclusion section, below.

Main Issue

4. The main issue is the effect on the character and appearance of the area, including whether the proposal would preserve or enhance the character or appearance of the Woodchurch Conservation Area (CA).

Reasons

5. The appeal site is located within the Woodchurch Conservation Area, which encompasses the historic core of the village. It includes many traditional and historic buildings which are centred around The Green, and which are set within an open rural landscape. Its significance stems from the large number of well-preserved buildings and spaces that reflect the historic development of the village over time. Development within the CA has a linear form, with open land visible behind the housing along the main roads. The appearance and layout of the traditional buildings, many of which are listed including the prominent church and windmill, also contribute to its significance.
6. The appeal site forms part of a collection of enclosed fields to the rear of existing development fronting the main roads, which characterise the centre of Woodchurch along with The Green. The openness of the L-shaped field

contributes to this character, typifying the open land to the rear of the linear development of the main roads.

7. Adjacent to the site is development at Kirkwood Avenue, which consists of detached bungalows fronting the road in a typically linear form with generally open frontages. Although the bungalows have been altered, there remains an architectural rhythm and consistency in material finishes. Development to the side, fronting Lower Road, comprises modern two-storey dwellings in a linear pattern, reflecting the prevailing character of the street scene.
8. The development would result in the loss of part of the field, reducing the network of enclosed fields and eroding the openness of the centre of Woodchurch, which form part of the special character of the CA. The buildings would be visible behind the new dwellings at Lower Road and would reduce the open character of the area to the rear of the established linear pattern of development. The proposal would be highly visible from Kirkwood Avenue and would serve to urbanise the area, including the addition of the wide road with pavements and areas of hardstanding.
9. The dwellings would be positioned adjacent to 14 and 15 Kirkwood Avenue, which are either side of the turning head. The dwellings would have a loose and irregular arrangement, fronting the access road. However, the dispersed layout of the dwellings would jar with the tighter, more regimented layout of development at Kirkwood Avenue. The provision of a comprehensive landscaping scheme would help to soften the visual effect of the development, however the subdivision of the site into residential plots would harm the verdant and undeveloped character of the fields to the centre of the CA.
10. The harm to the significance of the CA would be less than substantial and must therefore be weighed against the public benefits of the scheme, in accordance with paragraph 202 of the Framework. The scheme would provide three bungalows, making a positive contribution to housing supply within walking distance of services and facilities. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. There would also be associated social and economic benefits during the period of construction and once the dwellings are occupied, and biodiversity enhancements would be delivered. However, the contribution of three dwellings to meeting housing need in Ashford and the associated benefits would be limited by the scale of development proposed.
11. The appellant has offered land adjacent to the site to be used as public open space. The Council and the Parish Council have rejected that offer. Whilst I note that an appeal at Front Road¹ included the provision of public open space, this was part of a range of benefits referred to within the Inspector's decision and was also required for drainage purposes. That site was also partly allocated, which is not the case here. There is no substantive evidence before me to indicate that there is a deficit of public open space in Woodchurch and there is no mechanism before me to ensure that the open space would be delivered and retained for such purposes. The route to it would also be convoluted, and it would therefore be unlikely to be widely used. I therefore attach only limited weight to this purported benefit.

¹ APP/E2205/W/21/3289039

12. I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA and the public benefits, even when taken together, would not outweigh this harm. On this basis, the proposed development would conflict with Policies SP1, SP6, ENV3a, ENV4, HOU5, ENV13 and ENV14, which collectively require proposals to be of high quality design, preserve or enhance the CA and be consistent with local landscape character and built form. It would also be at odds with guidance in the Framework relating to designated heritage assets.

Planning Balance and Conclusion

13. The Council concedes that it is unable to demonstrate a five year supply of deliverable housing land. Paragraph 11 d) i) of the Framework states that in these circumstances permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. Footnote 8 clarifies that this applies, amongst other things, to policies in the Framework relating to designated heritage assets.
14. Given that the proposed development would have a harmful effect on the CA, which would not be outweighed by the public benefits, the application of the policies in the Framework provide a clear reason for refusing planning permission. The proposed development therefore does not benefit from the test set out in paragraph 11 d) ii) of the Framework.
15. The proposal would conflict with the development plan as a whole and there are no material considerations, which would indicate that a decision should be made otherwise. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR