



Appeal Decision

Site visit made on 10 November 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2023

Appeal Ref: APP/E2205/W/23/3318503

Beult Barn, Ashford Road, Great Chart, Kent TN23 3DH

- 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 Jones of Silson Properties Ltd against the decision of Ashford Borough Council.
 - The application Ref PA/2022/2929, dated 15 November 2022, was refused by notice dated 16 February 2023.
 - The development proposed is the erection of three dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the site is suitably located for housing with regard to the policies of the development plan, and (ii) the effects of the proposal on the Stodmarsh nature conservation site.

Reasons

Location for Housing

3. The appeal site lies outside any settlement boundary. Policy HOU5 of the Ashford Borough Local Plan 2019 is therefore applicable, and relates to residential windfall development in the countryside. It lists settlements where residential development adjoining or close to the existing built up confines will be acceptable, and then lists further criteria which should be met. This includes that the site should be within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services, and, located where it is possible to maximise the use of public transport, cycling and walking to access services.
4. The appeal site is in a rural location but new development of Chilmington Green is underway to the south and this will deliver a number of services and facilities as part of the Chilmington Green Area Action Plan. The road outside the appeal site does not have any designated footpaths or lighting, and I observed traffic to be travelling fast along this stretch of the road. Future occupants of the proposal walking towards Chilmington Green would need to walk on a grass verge, which narrows in its width and is partially sloped where the road approaches the junction with the A28. Designated footpaths and space for cyclists exist on the A28, and there are crossings into the new development. However, to reach these would require pedestrians to experience the above conditions on Ashford Road, which are not conducive to a safe pedestrian

environment and would be particularly unattractive to those with children or mobility impairments and during dark hours.

5. Great Chart lies to the north east of the appeal site, which also includes some services and facilities, including bus connections. However, similarly, the route from the appeal site to those facilities lacks any footpath or lighting on the highway. The grass verge is wider and more consistent when walking to Great Chart, however traffic travels fast on this relatively straight stretch of road when leaving the 30mph zone of the village.
6. While bus services may pass the site, there is not a bus stop close to the appeal site which would not involve walking along the grass verge. While school services may offer a hail and ride service, there is not sufficient evidence to demonstrate that this would be the case as a reliable alternative to private car use. In combination, the above attributes would lead to a heavy reliance of future occupiers on private cars, rather than using more sustainable methods of transport.
7. In conclusion on this main issue, even if the site were considered to meet the first part of Policy HOU5, it would not comply with each of the remaining criteria. Consequently, the location of the site would not be suitable for new housing and would conflict with Policy HOU5 overall. The National Planning Policy Framework (the Framework) at paragraph 79 states that rural housing should be located where it will enhance or maintain the vitality of rural communities. Given the above attributes and poor connectivity to the nearest settlements, it cannot be established with certainty that future occupiers would support the nearest rural communities, rather than travelling further afield by car. As such the proposal would also present conflict with the Framework.

Stodmarsh Nature Conservation Site

8. The Council assert that the proposal could discharge waste water to a treatment works in Ashford, which would be within the River Stour catchment, which in turn can have effects on the Stodmarsh water environment. Based on the evidence, Stodmarsh is a Special Protection Area, Special Area of Conservation, Site of Special Scientific Interest and a RAMSAR site and as such is afforded protection under the Habitat Regulations¹. Wastewater from housing sources is thought to be a source of nitrogen and phosphorous inputs entering the Stour catchment, and affecting its qualifying features.
9. The main parties agree that the appeal site lies outside the catchment area of the River Stour. The appellant has provided a statement regarding nutrient neutrality which states the proposal would use a private drainage system on site, particularly as there is no mains connection. Together with the site's location outside the Stour catchment, and particularly given the absence of substantive evidence to suggest otherwise, I am satisfied that the proposal would not be likely to have a significant effect on the internationally important interest features of the site, alone or in combination with other plans or projects.

Planning Balance

10. The Council accept that it does not have a 5 year housing land supply. As such the provisions of paragraph 11d) of the Framework apply to the appeal. This

¹ The Conservation of Habitats and Species Regulations 2017

states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11. The proposal would contribute three new homes towards the Council's housing supply. This would contribute towards the national objective to boost the supply of homes and is of particular importance given the agreed position on the housing land supply. Moderate weight is ascribed to this benefit, given the scale of the development and as the contribution would be small. The adverse impacts arising from the site's location would be significant and long lasting, and would give rise to conflict with the Framework as set out. As such, the adverse impacts here would significantly and demonstrably outweigh the benefits, having considered the Framework as a whole. The proposal would not benefit from the presumption in favour of sustainable development.

Other Matters

12. The first reason for refusal refers to the site being isolated. Notwithstanding the findings above regarding the accessibility to services and facilities, I do not consider the site to be isolated for the purposes of paragraph 80 of the Framework given the presence of other homes nearby and the geographical proximity to settlements.
13. The site benefits from planning permission granted in December 2020² for provision of four light industrial units within two blocks. While the appellant has concerns for the impacts of that scheme on neighbouring properties, the effects arising from the location of that development would not be the same as the appeal scheme.
14. The Moat, which is a Grade II listed building and scheduled ancient monument, lies to the south west of the appeal site and is a medieval moated manor which derives its significance from its aesthetic interest. I note that the Council's officer report states there to be less than substantial harm to that asset and this is not discussed further. Given the nature of the existing structures on the appeal site, the scale of the proposed buildings together with the intervening structures and boundary treatments, I find the proposal would preserve the setting of the heritage asset.

Conclusion

15. The proposal would conflict with the development plan as a whole and there are not other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

² 19/01438/AS