



Appeal Decision

Site visit made on 13 May 2024

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th May 2024

Appeal Ref: APP/E2205/W/3324812

Land to the West of Forge Hill, Bethersden, Ashford, Kent TN26 3AF

- 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 Ms Katy Jarvis against the decision of Ashford Borough Council.
 - The application Ref is PA/2022/2513.
 - The development proposed is for the erection of 4 No residential homes and 2 No bungalows, associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. A Hearing was the appellant's preferred procedure for determination of the appeal. However, having reviewed the evidence, I am satisfied that the appeal can be dealt with by means of written representations.
3. For certainty, the address of the appeal site given above replicates that given in the Council's submitted evidence.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. For the purposes of this decision I have referred to the latest version of the Framework. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
5. The appellant has brought my attention to a scheme¹ in the CA in support of her case. However, I have limited details of that scheme before me. Therefore, I have considered the proposal on its own planning merits.

Background and Main Issues

6. The Council has given three reasons for its refusal of the proposal on its decision notice. However, the third reason is inextricably linked to the first and second main issues.
7. Therefore the main issues in this appeal are:
 - whether the proposal would preserve or enhance the character or appearance of the Bethersden Conservation Area (CA); and,
 - the setting of the surrounding listed buildings.

¹ 16/01271/AS

Reasons

Character and appearance

8. The appeal site is a sloping L-shaped field located in the CA that is accessed from an unmade opening on Forge Hill which is surrounded by trees and hedges.
9. As the proposal would be in a Conservation Area, I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The same Act also requires that special regard should be paid when assessing proposals for development that affect listed buildings and their setting.
10. The special character and significance of the CA in this specific location is typified by a slice of open/green space that is found between Bethersden Village Hall and the Grade II listed properties on 'The Street', including Beacon House, Melville House, Jasmine House, Jasmine Cottage, Elizabeth House, Prospect Cottages, St John's Cottages and Luton House. The space is made up of a number of ancient agricultural fields which have recorded historic connections to Bethersden's origins as a rural settlement.
11. Accordingly, the appeal site helps to maintain a historic spatial link to the listed dwellings and also combines with other green spaces, such as Georges Field, to provide a visual transition to the countryside beyond, including Thorne Farm. Therefore, whether maintenance of the appeal site has been neglected or not, I am in no doubt that the site retains more than just a 'strand' of significance to the historic core of the village. Additionally, the unfettered appeal site provides a verdant break from the more contemporary dwellings to the south. Consequently, there can be no doubt that the appeal site makes a positive contribution to the CA.
12. Changes made to a previous proposal² for the site following advice from Historic England (HE) are noted. The revised scheme is for 6 new pitched roofed dwellings that would have traditional Kentish black weatherboard and brick elevations with grey aluminium windows and doors. Four of the proposed dwellings would be sited on the sloping and/or lower part of the site behind the village hall, while the lower height dwellings would be positioned on the higher ground to the north. There would be a wildflower meadow, a community orchard and other new planting. Two areas of the field would remain undeveloped, and a new public footway would be provided that would run east to west across the site towards the centre of Bethersden.
13. However, while the scale of the proposal has been reduced in comparison to the previous scheme, there would be built form where currently there is none. Indeed, the relatively wide spread of the scheme across the site would reduce the overall green space in this historic location. As such, whether any areas of the site would be 'village green' type spaces or not, the proposal would represent a stark visual change to the spaciousness and general character of the unfettered open field.

² 18/01493/AS (withdrawn)

14. Moreover, notwithstanding the existing Public Right of Way (PROW), the engineered appearance of the scheme would erode the natural and verdant transition to the surrounding countryside. The scale of the proposal would also diminish the unmade site as an important 'visual buffer' between the development to the south. Therefore, while the new public footway would be likely to increase footfall across the site, I am not persuaded it would lead to greater appreciation of the historic core of Bethersden or its rural agricultural heritage. I conclude therefore, that the proposal would detract from the prevailing character and appearance of the CA.
15. Consequently, the proposal would fail to preserve or enhance the character and appearance of the CA and hence be contrary to Policies HOU3a, ENV13 and ENV14 of the Ashford Local Plan, 2019 (ALP) which say, amongst other things, that development and alterations in the CA should respect the historical and architectural character, and for similar reasons, the Framework when read as a whole.

Listed buildings

16. The listed dwellings along 'The Street' are typical of the early built form in Bethersden and are examples of linear Kentish development. Indeed, notwithstanding that there are other routes available to the historic core of the village, it is clear from the submitted evidence that there is a tangible historic and agricultural connection between the green open space of the site and the surrounding listed buildings. For example, part of the appeal site belonged to the previous owners of Beacon House and references to the site as ancient fields is recorded on historic tithe maps, even if an economic dependency related to agricultural use by the owners of those dwellings cannot be precisely established.
17. The development would be set back from the northern boundary behind a wildflower meadow and other planting. However, given the topography of the site, it would be possible to glimpse at least part of the proposed development between and from the properties on 'The Street'. My opinion is reinforced the submitted visual 'mock-ups', which clearly show that the roofscapes of some of the dwellings on the higher ground to the north would be seen. For example, between Beacon House and Melville House. The scheme would also be seen in part when travelling along from Forge Hill and the PROW that runs along some of the site boundary. Nonetheless, the appellant asserts that the appeal site has been ringed by development for a significant period of time and that the proposed roofscapes of the scheme would be similar to the existing dwellings within the village. However, while rural in appearance, the darkly coloured development would have an access road and parking spaces that would appear as incongruous additions in this remaining historic agricultural space. Therefore, the proposal would demonstrably harm the historic significance of the unfettered appeal site which, as set out above, has a notable agricultural connection to the nearby listed dwellings. Given my findings above, I conclude that the proposal would harm the setting of the surrounding listed buildings.
18. It follows then, that in respect of the setting of listed buildings, the proposal does not meet the aims of Policies HOU3a, ENV13 and ENV14 of the ALP, which are clear that development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings. Similarly, the proposal would not accord with Section 16 of the Framework.

Planning Balance

19. Paragraph 205 of the Framework states that great weight should be given to a heritage asset's conservation, and that this is irrespective of whether harm is substantial or less than substantial. I have found that the proposed development would fail to preserve or enhance the character and appearance of the CA. It would also have a harmful effect on the significance and setting of the nearby listed buildings on 'The Street'.
20. In accordance with Paragraph 209 of the Framework, I am required to assess the extent of such harm. In the context of both the CA and listed buildings, I find that the harm would be 'less than substantial'. Where a development proposal will lead to less than substantial harm to the significance of designated heritage assets, Paragraph 208 of the Framework is clear that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
21. As such, the proposal would include local employment opportunities connected to the construction of the development. As these opportunities would be short-term, I can only attribute this limited weight.
22. The Council cannot demonstrate a 5 Year Housing Land Supply (HLS). However, as the development would be located in the CA, the 'tilted balance', is not engaged. Even if this were to be otherwise, I only ascribe minimal weight to the construction of a relatively low number of dwellings against the Council's overall HLS. For similar reasons, only limited weight can be given to the fact that the new dwellings would be 'low carbon' homes with heat source pumps.
23. The proposal would be likely to reduce potential opportunities for fly-tipping and increase natural surveillance of the site. However, this attracts minimal weight as I have little evidence before me to suggest that fly-tipping or security issues have ever been an issue with the privately owned site.
24. The proposed development would have a number of biodiversity enhancements that would include bird and bat boxes, hedgehog hotels, a community orchard, and new planting, including a wildflower meadow. As these features could be appreciated by the occupiers of the new and surrounding dwellings as well as people using the new footway, I attribute these benefits moderate weight.
25. The scheme would include a new east-west public footway that would enable the general public to traverse an area that was previously in private ownership. The route would also provide a pedestrian link to the countryside and other walking routes, including a north-south footway. I attribute this benefit sizable weight.
26. However, in accordance with the balancing exercise contained in Paragraph 208 of the Framework, I conclude, even when considered in combination, that the benefits of the proposal do not outweigh the 'less than substantial harm' to the CA or the significance and setting of the listed buildings.

Other Matters

27. I acknowledge that the appeal site was put forward as a potential allocation for housing in a Neighbourhood Plan (NP) for Bethersden. It has also been brought to my attention that HE has no objection to the construction of housing on the site. However, the NP has yet to be adopted and the plan making process has stalled. Moreover, HE found the specific scheme before me to be unacceptable.

Conclusions

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

J E Jolly

INSPECTOR