



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: 24 May 2024

Appeal Ref: APP/E2205/W/3327089

Land South of Thornden Lane, Rolvenden Layne, Cranbrook TN17 4PS

- 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 Robert Hoad against the decision of Ashford Borough Council.
 - The application Ref is PA/2022/2355
 - The development proposed is for the change of use of land to provide 1 No single storey detached dwelling with amenity garden, garage and parking (self-build).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From 22nd November 2023 Areas of Outstanding Natural Beauty (AONBs) in England and Wales are to be referred to as 'National Landscapes' (NL). Therefore, while the legal designation and policy status of AONBs are unchanged, all references to the High Weald AONB in this appeal will reflect that change.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. Accordingly, 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.
4. The appellant has brought my attention to other schemes in support of his case¹. However, I have limited evidence of those developments before me, some of which are in a different location altogether. Moreover, given the relative vintage of some of the schemes, I cannot be sure if they were permitted under the same development plan as the proposal before me or not. Therefore, I have considered the proposal on its own planning merits.

Main Issues

5. The main issues in this appeal are:
 - whether the proposal would be in a suitable location; and,
 - the effect of the proposal on the character and appearance of the area, including the scenic beauty of the NL.

¹ 21/2206/AS, 18/01549/AS 21/00201/AS, 21/00217/AS 19/01025/AS, 19/00667/AS, 21/00002/AS, 21/00865/AS, 19/00941/AS, 20/00304/AS, 20/00092/AS, 17/01420/AS, 18/00989/AS, 19/00816/AS, 21/00665/AS, 10/01137/AS, 83/00076/AS, 16/00386/AS, 10/00428/AS, 10/01028/AS, 08/01256/AS, 12/0310/AS and 22/00477/AS.

Reasons

Suitable location

6. The proposed development would be approximately 1.3km from the settlement of Rolvenden where there are a limited number of day-to-day services such as a village store, a public house, a village hall, a primary school, a hairdressers, a garage, and a church.
7. More comprehensive services, such as supermarkets secondary schools and leisure facilities are found further afield in the towns of Tenterden and Ashford. The site is served by a nearby bus route on Maytham Lane which offers wider connections to Ashford where there is a rail link for the purposes of longer journeys and leisure trips. There is also a Public Right of Way (PROW)/bridleway² to the north of the appeal site which links a number of foot and cycle ways.
8. The main parties agree that the proposed dwelling to the south of Thornden Lane would be located outside the recognised settlement boundaries of Rolvenden and Rolvenden Layne. Even so, Thornden Lane provides a made route by foot to the services of Rolvenden.
9. However, while traffic moving along the single-track lane would likely to be restrained by its highway signage, the lane rises towards Maytham Road and is partially lit. Therefore, it is likely that it would be less attractive to some pedestrians at certain times of the day and during the colder and wetter months of the year. As such, given the nature of the lane and the frequency of the bus services nearby, the wider range of shops and facilities of Tenterden and Ashford would be more likely to be accessed by the occupiers of the new dwelling using a motor vehicle.
10. Nonetheless, the additional number of journeys along Thornden Lane generated by one new dwelling would likely to be relatively modest and similar in volume to other properties nearby, including those that were previously located beyond a settlement boundary³. Increased pressure on local services by a single dwelling would also be minimal. Overall, I conclude that the proposal would be in a suitable location.
11. In view of my findings above in respect of a suitable location, the proposal would accord with Policy HOU5 of the Ashford Local Plan, 2019 (ALP) and Section 9 of the Framework when read as a whole.

National Landscape

12. The appeal site is a sloping, tree and hedge-line, paddock type field with a modest timber store⁴ to the north boundary which is found to the south of Thornden Lane where the built form is limited to a pair of detached dwellings. To the north of the lane there is a mix of traditional and converted agricultural style buildings, including Thornden Court. An access road to the west of the site leads to a water treatment works.

² 0212/AT66/1

³ 18/00974/AS and 21/00894/AS

⁴ 11/01438/AS

13. The main parties agree that the proposed development would be in the NL, and thus for planning purposes in the countryside. As such, irrespective of the ownership of the surrounding land, the development must conserve and enhance the natural and local environment as required by Paragraph 182 of the Framework, to which I attach great weight.
14. I note changes to the proposal from a larger scheme⁵ for the site that was withdrawn and that there would be a remaining parcel of paddock land to the south of the new dwelling. However, the prevailing pattern of development on this side of Thornden Lane is typified by limited built form which creates a sense of spaciousness in the surrounding area and provides a soft transition to the countryside beyond. Therefore, whilst there were previous agricultural type structures on the site, in comparison the proposed development would be an extensive pitched roof residential dwelling with a separate car barn and hard standings. Therefore, notwithstanding that the proposal would be constructed in muted, natural style materials and built to a Kentish design, it would appear as a bulky and incongruous addition to the paddock type space.
15. Moreover, even though the sloping field is partially shielded by a protected hedge and trees, the proposal would be highly prominent from the new access way when walking, cycling or driving along Thornden Lane to the north. At certain times of the year when leaf coverage is less dense, it would also be seen from the access road to the water treatment works to the west. Additional landscaping would not be adequate mitigation.
16. Consequently, the scale and mass of the proposal would be at odds with the character and appearance of the NL on this side of Thornden Lane, which is typified by sparse development and open pasture type fields.
17. However, the appellant contends that the site is poor grade land with non-native hedges, electric, gas and water connections, a concrete pad, a disused chicken run and a timber store, which therefore would be more suited to a residential dwelling as it is too small for commercial farming purposes.
18. Nevertheless, in comparison to the relatively unfettered field, the new dwelling would have substantial scope for the introduction of a large range of additional domestic features and paraphernalia. For example, but not limited to, seating and patio areas, barbeques, washing lines, and additional sheds/store buildings. Hence, the intrusive nature and domestic features associated with the proposal would fail to conserve or enhance the scenic beauty of the NL.
19. I conclude therefore, that the proposal would harm the character and appearance and scenic beauty of the NL.
20. Accordingly, in respect of the character and appearance of the NL, the proposal would be contrary to Policy ENV3b of the ALP which says, amongst other things, that the Council shall have regard to the purpose of conserving and enhancing the natural beauty of the High Weald NL, and Paragraph 182 of the Framework, which requires that great weight should be given to conserving and enhancing landscape and scenic beauty.

⁵ 22/00189/AS

Planning Balance

21. The Council cannot demonstrate a five-year housing land supply, as such Paragraph 11 (d) of the Framework is engaged. Therefore, the economic, social and environmental benefits must be weighed against the adverse impacts of the proposal.
22. The economic benefits of the proposal include the provision of one new self-build dwelling that meets M4 (2) requirements on a smaller windfall type site, thereby contributing to the Council's Housing Land Supply (HLS). Moreover, whether the proposal would be proportionate in respect of the Council's local housing need requirement or not, the appellants existing dwelling would be returned to the local housing supply. Given the Council's HLS, this affords moderate weight.
23. The proposal would be a self-build scheme that would contribute to overall national targets for self-build homes. However, whether the Council have allocated sites for self-build homes or not, I have limited evidence before me to substantiate whether the need for this particular type of development would be acceptable to the Council in this location or not. I afford this minimal weight.
24. There would be employment opportunities connected to the construction of the dwelling and the patronage of local shops and services by its future occupiers. I afford these economic and social benefits limited weight, particularly as the employment opportunities are likely to be short-term and the patronage of services small-scale.
25. Additionally, notwithstanding the PV panels and grey-water system of the low-energy homes, the new landscaping, biodiversity and ecological elements associated with the scheme, I give minimal weight to the environmental benefits of the proposal as the development is limited in extent.
26. I acknowledge the personal circumstances of the appellant who is a long-standing resident of Rolvenden. However, while I understand the appellant's rationale regarding his future housing choices, as these matters are a personal choice and no specific need has been substantiated, I afford this minimal weight.
27. Overall, while there are some economic, social and environmental benefits associated with the proposal, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.

Other Matters

28. I note the presence of some listed buildings nearby. However, as they are relatively distant to the proposal it would have a neutral effect on their setting.

Conclusions

29. Whilst I have found in favour of the appellant on the first main issue, this does not justify the harm identified on the second main issue. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR