



Appeal Decision

Site visit made on 11 September 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2024

Appeal Ref: APP/E2205/W/24/3346791

Boniface House, Shawlands Lane, High Halden, Kent TN26 3JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Frank King against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/0451.
 - The development proposed is the erection of a two-storey detached dwelling house and garage utilising existing vehicle access for Boniface House.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are: -
 - a) The effect of the proposed development upon the character and appearance of the countryside; and
 - b) Whether the proposal is an appropriate location for new residential development with regard to over-reliance on travel by private motor vehicle.

Reasons

Character and appearance

3. There is a small cluster of residential development located on the east side of the lane and other residential properties located on the opposite side of Shawlands Lane. However, open countryside prevails to the north and east of this site, of which this field forms part. As such, the site is located in the open countryside, although close to the edge of the High Halden.
4. Criteria e and f of Policy HOU5 seek to conserve and enhance the natural environment and require development (and any associated infrastructure) to be of a high quality design.
5. The proposal, by virtue of creating a dwelling, together with garage, hard surfacing and associated domestic paraphernalia would introduce an urbanising development in this countryside location. Although existing vegetation around the site would screen the development to some extent, the development would be visible through the vegetation and would be clearly visible from the public right of way that runs along the northern boundary of the site and from the wider countryside to the east.

6. The proposal, although of good design taken in itself, would project built development into the countryside and would result in a diminution of the rural character and appearance of this location. The proposed development would be out of keeping within this rural setting and would be inappropriate to its rural context. The proposed development would be harmful for this reason. The fact that the dwelling would be seen from the public right of way against the backdrop of existing residential development does not obviate the harm to the countryside.
7. To some extent a native hedge that could be planted along the southern edge of the public right of way could screen the proposed development. Such planting could be secured by a suitably worded planning condition. Augmented landscaping along the road frontage could also reduce visibility of the proposed development from the public highway. However, screening the proposal would not obviate the harm to the character of the countryside by creating urbanised development within it. As such, additional planting would not obviate the harm arising from the proposed development.
8. The appellant contends that planning permission has been granted for a new dwelling on land to the south of the appeal site (Boniface Farm) and to the south-west (Beale Lands Farmhouse). The Council has advised that Beale Lands Farmhouse was granted prior to the adoption of the current Ashford Local Plan in February 2019 and, therefore, was subject to assessment against the development plan that was in place at the time. Unlike the site before me, the Council also draws attention to those other dwellings being on smaller sites within the residential garden areas of existing dwellings. This site is a managed field adjoining the residential property and garden of Boniface House. The proposal before me can and should be considered on its own individual merits.
9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the countryside. The proposal would, therefore conflict with Policies SP6, HOU5 and ENV3a of the Ashford Local Plan to 2030 adopted 2019 and the provisions of the National Planning Policy Framework (the Framework). These policies seek, amongst other matters, development to conserve and enhance the natural environment.

Location

10. The site is located to the north of High Halden village. Policy HOU5 is broadly permissive of minor residential development which adjoins or is close to the existing built-up confines of settlements, including High Halden, so long as a number of criteria are met. Criterion b states *"the site is 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."* Criterion d states *"the development is located where it is possible to maximise the use of public transport, cycling and walking to access services."*
11. Paragraph 116 of the Framework prioritises pedestrian and cycle movements and facilitating access to high quality public transport.
12. The proposal would share the vehicular access of the adjacent existing property of Boniface House. As such, the walking and cycling distance to the services and facilities within High Halden would be the same as that for the occupiers of Boniface House. Boniface House is a recent development that was considered

under the same development plan, including that of Policy HOU5. Whilst the Council is correct to take into consideration Policy HOU5 the fact that the proposal would make use of an access in which a previous development was found to be acceptable to the Council is a material consideration.

13. The occupiers of the appeal property would have exactly the same connections (walking and cycling routes) to and from the village, as well as access to the nearby bus stops, as the existing occupiers of Boniface House. In this case I consider a consistent approach should be taken given there would be no difference in accessibility.
14. For these reasons, I conclude that the proposed site would be an appropriate location for new residential development as the occupiers would not be overly reliant upon travel by private motor vehicle. The proposal would, therefore not materially conflict with Policies SP1, SP6 and HOU5 of the Ashford Local Plan to 2030 and the provisions of the Framework. These policies seek, amongst other matters, development to be focused at accessible and sustainable locations.

Other Matter

15. There is some local support for the proposal and no objections were raised to the proposal by consultees. Whilst this may be so this does not overcome my above concerns or justify the proposed development.

Planning Balance

16. The Council cannot demonstrate a 5-year housing land supply of deliverable housing sites and has failed the Housing Delivery Test. As such, the provisions of paragraph 11d) of the Framework should be applied.
17. The proposal would represent a windfall site boosting the supply of housing and could provide a high quality family home. However, even if the housing shortfall is substantial, the benefits associated with a single dwelling would be small. Also any economic benefits during construction would be temporary and limited.
18. The adverse impact of the proposed development on the character and appearance of the countryside attracts substantial weight and therefore significantly and demonstrably outweighs the benefits when assessed against the policies of the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

19. Whilst I have found in favour of the appellant in terms of the second main issue, this does not overcome the identified harm in relation to the first main issue.
20. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR