



Appeal Decision

Hearing Held on 8 October 2024

Site visit made on 7 October 2024

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 October 2024

Appeal Ref: APP/E2205/W/24/3344130

Land off Front Road, Woodchurch, Kent TN26 3SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission.
 - The appeal is made by Cala Homes (South Home Counties Ltd) against the decision of Ashford Borough Council.
 - The application Ref NOT/2023/2160, dated 27 November 2023, sought approval of details pursuant to condition No 1 of an outline planning permission Ref 21/01284/AS, granted on 3 November 2022.
 - The application was refused by notice dated 5 March 2024.
 - The development proposed is the erection of up to 40 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works.
 - The details for which approval is sought are; Appearance, Landscaping, Layout and Scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance, landscaping, layout and scale, details submitted in pursuance of condition No 1 attached to planning permission Ref 21/01284/AS, dated 3 November 2022, subject to the conditions set out in Schedule 1 of this decision.

Preliminary Matters

2. The Council refused the application for 2 reasons, the second of which related to car parking. Since then, the appellant has sought to satisfy the Council's concerns and has submitted revisions to the scheme. The Council has stated that the revisions to the scheme are acceptable to them. I have considered the nature and scope of the revisions and consider them to be relatively minor in nature. Taking account of the principles established in the *Wheatcroft* case and more recently in the *Holborn Studios Ltd* case, I am satisfied that the amendments do not fundamentally alter the nature of the proposal and that no-one would be prejudiced if I were to accept these amendments. In these circumstances, the Council has confirmed that their second reason for refusal is withdrawn. I shall determine the appeal on the basis of the revised scheme.
3. Some of the submitted objections relate to the effects of the access to the proposed development. Planning permission was granted for the access at the outline stage and this is not a matter contained within the application and

appeal before me. Accordingly, I will not seek to address these matters within this decision.

4. I undertook an unaccompanied visit to the area prior to the Hearing. It was agreed by all those present that it would not be necessary to undertake a further, accompanied visit to the locality.

Main Issues

5. The main issue in this appeal is the effects that the reserved matters have on the character of the site and the surrounding area.

Reasons

6. A description of the appeal site is contained within the agreed Statement of Common Ground (SOCG). For the sake of clarity, I rely on this description. The site measures approximately 2.25 hectares and is located on the western edge of the settlement of Woodchurch. The site is located directly adjacent to but outside of the Woodchurch settlement boundary. It comprises the majority of an irregular shaped field to the west of Front Road, which is currently used for pastoral grazing.
7. Existing built development adjoins the northern and south eastern boundaries, and the site forms a gap between the ribbon development along Front Road. The village of Woodchurch extends to the north, east, and south of the site, with the village centre to the north. The village and its environs are identified as lying within the Woodchurch Undulating Farmlands Landscape Character Area, which is described as an area of mixed farmland with a varied field pattern, strong sense of enclosure with woodland, field ponds and stream corridors.
8. Woodchurch Conservation Area comprises the village centre and green, and extends to the residential building on the north eastern side of Front Road, adjacent yet outside of the site. It contains the All Saints Church, two Grade II* Listed Buildings and buildings dating from the 13th Century. Woodchurch village provides local services and facilities including a convenience store, post office, and coffee shop, a primary school and GP surgery. The site is located an approximately 8-minute walk from the centre of Woodchurch.
9. Outline planning permission (as referred to in the main heading of this decision) was granted for up to 40 dwellings. The frontage part of the site is the subject of an allocation (S40) within the Ashford Local Plan 2019 (LP) and referred to in Policy P40, for 8 dwellings. Permission has previously been granted by the Council for 10 dwellings along the frontage part of the appeal site.
10. I shall divide my consideration of the proposal into those broad areas identified as being in dispute, within the SOCG; these also reflect the discussions at the Hearing.

Effects on Character and Landscape

11. The appeal site has a boundary to Front Road between numbers 82 and 120. It has a mature hedge along this boundary with one small gap forming the entrance to the site. There is a view available into the site and to the countryside beyond, but this is limited by the hedge and the narrowness of the

gap. The residential properties on either side of the frontage have generous rear gardens but the appearance of normal domestic gardens introduces an element of domesticity beyond the built forms.

12. The proposal would seek to retain some of the frontage hedge but much of it would be removed in order to accommodate a safe access to the site. However, replacement planting, as well as new trees, would provide a similar effect. The proposed houses here would be set well back from Front Road. The proposed access road (taken from the already approved access point) would allow views through the site to the countryside beyond, albeit framed to some extent by new houses, but also with the proposed road-side greenery.
13. The topography of the wider area means that Woodchurch is visible in longer views but the site has limited visibility. The proposed housing would extend into the countryside but its form and height would mean that it would have only a limited effect. Furthermore, the built form would extend no further than the adjacent residential curtilages and the westernmost part of the appeal site would contain the open space and pond.
14. In relation to these matters, it was recognised by my fellow Inspector when considering the Outline proposal that some harm would arise in relation to these matters but that harm would be localised and limited. Importantly, it was also concluded that the limited harm (and other harm) would not be sufficient to outweigh the benefits of the scheme. In my consideration of the details before me, I am satisfied that the level of harm would be limited and consistent with that envisaged by the Outline scheme's Inspector. The effects of the proposal now before me would give rise to only limited and localised harm in relation to this issue, which are outweighed by the scheme's benefits.
15. The Council allege that the proposal would result in an unacceptable and suburban form of development. I accept that the proposed design and layout would represent a marked change in the character of the appeal site. Its current open, pastoral nature would be replaced by housing. However, there are a number of examples of suburban style housing with the locality, including one directly opposite the appeal site. In my view, it cannot be argued that the suburban layout that is proposed would be in some way alien or out of character with the area as a whole. Clearly, there are examples of development within the area that do not conform to a suburban style but, importantly for my consideration, there are a number of areas within the locality that do. The proposed development has taken elements found locally and incorporated them into the proposal. Therefore, I do not find that this would have an unacceptable effect on the area as a whole.

Density and Layout

16. The density of the proposed development is very similar to many other areas within the wider locality, as demonstrated by the appellants' submissions. Again, these examples include regularly spaced dwellings in a suburban style and I find no conflict with this arising from the proposal.
17. The houses at the southern edge of the proposed layout would face onto an access way and then onto the proposed open space area which includes the pond. The appellants indicate that this was done to prevent the occurrence of higher rear garden boundaries abutting the open space and also prevents a potential problem of unauthorised encroachment of gardens into the open

space area. Whilst this approach does bring the built form of the houses closer to the open space, I can see some merit in the appellant's arguments and the addition of planting along this section of the site would prevent an unacceptable dominance of the houses here.

18. Proposed Units 9-16 would be served by a parking court containing spaces on either side of an access way. The appellant refers to this being a reflection of a 'farm courtyard' typology which has been identified as being present within the locality, sometimes where similar forms of development have been subsumed within later development. In my view, this area would reflect this aspect of local character and would have no unacceptable effect on the area.
19. In relation to the driveways and forecourts, the Council considers that a number of these are excessively wide and would have a harmful effect on local character. From what I saw at my visit to the area, the proposal would be entirely consistent with other forms of existing housing in the area in this respect.

Public and Private Spaces

20. The proposed play-space would be located within a swathe of land adjacent to the main central drive and separated from the adjacent houses at Units 17-19 by their drive way. The Council are critical of this aspect of the proposal as they see it as poorly integrated and indicates that it gives rise to an excess of hard surfacing around it. The appellant states that the swathe of land is intended as a link running through the main drive within the site, which leads to the open space at its rear. The play area is designed as a low level, informal feature which would add to the value of this open area. It would be separated from the road by a landscape bund and the level of the features involved would not present any visual intrusion, in my judgement. I consider that it would not detract from the positive contribution of this open area and its likely intensity of use would be low, due to its size, and so would not give rise to any unacceptable disturbance to those nearby residents.
21. In relation to the front garden areas, along the main drive, these would be enclosed by low hedges in the main part and is reflective of the contents of the Village Design Statement (VDS). Plots 25,26 and 40 would have a front boundary defined by low shrubs. In my judgement the front areas would be appropriately enclosed, in line with the VDS and these aspects of the proposal would not give rise to the harm suggested by the Council.
22. The pond which acts as the SUDs basin would be sited within the rear of the site at its most southern part. It has been placed here partly due to it being the lowest point in the site and also in order to enhance the open area, visually and in relation to biodiversity. In my judgement, it seems entirely logical that it should be placed at the lowest part of the site. Additionally, the appellants' intention to place the open areas of the site adjacent to the open areas outside the site would have a beneficial effect in relation to developing this site, so that it helps to blend with the surroundings.
23. The Council suggest that sustainable drainage features, such as swales, should be incorporated within the body of the development, rather than relying on the proposed basin/pond. The appellants proposal includes some features within the proposal to allow surface water drainage and suitable filtration, but these would be beneath the hard-surfaced areas. Additionally, the inclusion of

swales would involve wide areas (suggested as being a minimum of 8m wide) and numerous engineering features to accommodate the gradient on the site. Having considered the contents of the discussions at the Hearing, I am satisfied that such features have been justifiably excluded from the proposal. I also consider that there is an additional benefit of the scale of the pond and open space being provided as a whole being greater than a number of small features, dispersed throughout the site, as suggested by the Council.

Affordable Housing Design

24. The Council have accepted, in part within the SOCG, that the distribution and clustering of the proposed affordable units is acceptable and that the architectural treatment, materials and detailing are acceptable (being 'tenure blind'). It is also accepted that the numbers, tenure and mix of dwelling sizes for the affordable units are acceptable. However, the Council maintain that the proposed affordable units would have a visible distinction with the remainder of the proposal and would have a basic form of design and their size and plot size would set them aside.
25. The affordable units have been designed to meet the size requirements for affordable housing locally. Therefore, a number are provided as smaller units. Some of these have been provided in what the appellant refers to as the 'workers' cottage' typology. These are reflective of similar forms of development found within Woodchurch. The appeal site as a whole has been designed intentionally with different character elements but elements which reflect forms found within the locality. I accept that this is a feature of the development but, given that these units would be indistinguishable in relation to the quality of design and materials, I consider that they are acceptable and would appear as integrated within the development as a whole.

Boundary/Edge Treatment

26. The Council is concerned that the boundary on the north-west side of the site would provide insufficient visual separation with the land beyond. The land beyond this boundary is formed by the residential curtilage of No 82 Front Road, beyond which is the boundary with Woodchurch Conservation Area. At its closest, the Conservation Area boundary sits on the opposite side of Front Road.
27. The north-west boundary of the site is formed by a substantial hedge and some trees, assessed as being around 5m in width towards the rear and reducing in width at the front section. The proposal would be to retain the boundary planting (as far as it exists within the appeal site) and to plant an additional understorey of plants so that its screening and separating function would be augmented here. Even though much of the existing hedge is of deciduous plants, it would still provide a visual break between the appeal site and the neighbouring property.
28. The appeal scheme shows that a management strip of land would exist within the appeal site, running the length of this boundary. This would seek to ensure that the plants here are not cut back in an unmanaged way (as could happen if the garden areas were to abut this boundary) and so the screening and separating function of the hedge could be ensured.

29. At the Hearing the Council raised the relationship of the appeal site with the open countryside in respect of this aspect of the development. However, the boundary here is with a neighbouring residential property and I see no direct effects on the relationship with the open countryside.
30. Overall, I consider that the intention to retain and strengthen the planting on this section of the boundary would be sufficient to provide a suitable boundary between the appeal site and neighbouring land. Furthermore, although not raised by the Council, I consider that it would be sufficient to protect the neighbouring resident from any intrusion from the appeal scheme.
31. In relation to the pumping station, the appellant explained that this related to the foul drainage of the site and it needs to be separated from the nearest residential property by at least 15m. Therefore, its integration with the remainder of the built development would be near impossible. The Council are concerned that the built form, the associated hard-surfacing and its enclosure would have a damaging visual effect on the area.
32. The appellant has responded that the hard-surfaced area would incorporate a grass-crete style of surface and given that it is likely that it would be used on only a very few occasions, that the appearance would be of a green surface. The pumping station area would be screened from the open area by hedging and the SOCG agrees that the pumping station itself would be located underground with minimal equipment visible above ground. The SOCG also acknowledges that it has been sited to minimise any impact on the usable open space and incorporates landscaping to prevent views from the open space. In this context, I consider that there would be no unacceptable effect arising from the location or design of the pumping station.

Architectural Composition

33. The Council identify specific points in relation to the predominant use of red bricks and to uniformity of the roof design and lack of variation in roof height and style as having an unacceptable effect on the character and appearance of the area.
34. The proposal includes houses which incorporate red bricks, painted weather-boarding and facing tiles. In relation to the weather-boarding and facing tiles, some of the houses have this on most of the elevations and some with it restricted to just one elevation or to features such as projecting elements and porches.
35. Within the area, it is agreed that these are all features which are found and are characteristic of the area and I observed a number of properties and groups of properties which are of entirely red brick elevations. I have taken account of the proposed mix in the materials used and also of the other elements of the design of the properties. I consider that the proposed mix is acceptable and the development would not contain an unacceptable reliance on red bricks.
36. The proposed roofs would contain gable ends, hipped roofs and projecting elements with a variety of roof forms. A number of the roofs would have ridges running parallel to the roads with end gables. However, many of these would be broken by projecting elements. Many of the buildings would have hipped roofs whether on the main roof or over projecting sections of the

buildings. These and the incorporation of porches and tiled bays would add variety to the roof forms.

37. In relation to the height of the buildings/roofs, there is some variety in the heights but also 'natural' variation would be brought about by the, not insignificant, ground level variation on site. I consider that these factors would mean that the alleged harmful uniformity would not arise.
38. In relation to the wider allegation raised at the Hearing, that the proposal would appear bland and anonymous, I consider that the proposal has taken suitable elements within the locality and used them as reference points for the design and detailing of the houses. The typologies used are reflective of some found within the area and the use of materials and other details is appropriate within the local context. Therefore, I consider these aspects of the proposal to be acceptable.

Conditions

39. The appellant and the Council submitted a jointly agreed schedule of proposed conditions for my consideration. I have taken account of the advice in the NPPF and PPG in relation to the use of conditions and I have also corrected any typographic errors and also amended the reference to the correct and most up to date General Permitted Development Order, where necessary. A condition identifying the approved plans/documents is necessary so that the approved form of development can be ensured. So that the proposal has an acceptable appearance it is necessary to include a condition which approves suitable materials.
40. In order to promote sustainable forms of transport and to aid air quality I shall include a condition which requires electric vehicle charging points. So that provisions for parking and cycle storage are provided in a suitable and timely manner conditions ensuring such provision as approved are included. So that the parking provision is suitably used, it is necessary to require the approval of a car parking management plan (accordingly, I have removed the plan No 2308049-05 from the approved plan schedule).
41. So that the development has an acceptable landscaped effect on the locality, it is necessary to require the implementation of the approved scheme in a timely manner. In order to protect the character of the area, I consider that the circumstances of the development justify removing permitted development rights for various extensions to the houses and also to maintain privacy, I shall include a condition which prevents the insertion of additional windows at various positions within the development. So that the car parking provision remains available for parking, I agree that a condition preventing the enclosure or conversion of the car ports (without consent) is justified.

Conclusions

42. For the reasons set out above, I conclude that the details of the appearance, landscaping, layout and scale of the development of the site for 40 houses should be approved.

T Wood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

C Hawley
L Hill-Wood
S Willett
P Allen
M Davey
K Holland

FOR THE LOCAL PLANNING AUTHORITY:

B Kachchhi
M Chaplain

INTERESTED PERSONS:

C Stafford

SCHEDULE 1, Conditions

1. The development shall be carried out in accordance with the approved plans/documents as listed below:

- 30827C_10 Rev P5 Proposed Site Plan REV B
- 30827C_12 Rev P5 Fire Strategy REV B
- 30827C_13 Rev P5 Refuse Strategy REV B
- 30827C_14 Rev P5 Parking Strategy REV B
- 30827C_15 Rev P5 Garden Distances REV B
- 30827C_16 Rev P5 Tenure Plan REV B
- 30827C_17 Rev P5 Storey Heights Plan REV B
- 30827C_18 Rev P5 Material Plan REV B
- 30827C_20 Rev P5 Sustainability Plan REV B
- 30827C_19 Rev P5 Boundary Treatment Plan REV B
- 30827A/30 Rev P1 Proposed Floor Plans and Elevations – (Plot 1)
- 30827A/31 Rev P1 Proposed Floor Plans and Elevations – (Plot 2)
- 30827A/32 Rev P1 Proposed Floor Plans and Elevations – (Plot 3)
- 30827A/33 Rev P1 Proposed Floor Plans and Elevations – (Plot 4)
- 30827A/34 Rev P1 Proposed Floor Plans and Elevations – (Plots 5 to 8)
- 30827A/35 Rev P1 Proposed Floor Plans and Elevations – (Plots 9 to 11)
- 30827A/36 Rev P1 Proposed Floor Plans and Elevations – (Plots 12 to 13)
- 30827A/37 Rev P1 Proposed Floor Plans and Elevations – (Plots 14 to 16)
- 30827A/38 Rev P1 Proposed Floor Plans and Elevations – (Plot 17)
- 30827A/39 Rev P1 Proposed Floor Plans and Elevations – (Plot 18)
- 30827A/40 Rev P1 Proposed Floor Plans and Elevations – (Plot 19)
- 30827A/41 Rev P1 Proposed Floor Plans and Elevations – (Plot 20)
- 30827A/42 Rev P1 Proposed Floor Plans and Elevations – (Plot 21)
- 30827A/43 Rev P1 Proposed Floor Plans and Elevations – (Plot 22)
- 30827A/44 Rev P1 Proposed Floor Plans and Elevations – (Plot 23)
- 30827A/45 Rev P2 Proposed Floor Plans and Elevations – (Plot 24)
- 30827A/46 Rev P1 Proposed Floor Plans and Elevations – (Plot 25)
- 30827A/47 Rev P2 Proposed Floor Plans and Elevations – (Plot 26)
- 30827A/48 Rev P2 Proposed Floor Plans and Elevations – (Plots 29 & 30)
- 30827A/49 Rev P2 Proposed Floor Plans and Elevations – (Plot 32)
- 30827A/50 Rev P1 Proposed Floor Plans and Elevations – (Plots 33 & 34)
- 30827A/51 Rev P1 Proposed Floor Plans and Elevations – (Plot 36)
- 30827A/52 Rev P1 Proposed Floor Plans and Elevations – (Plot 38)
- 30827A/53 Rev P1 Proposed Floor Plans and Elevations – (Plot 39)
- 30827A/54 Rev P1 Proposed Floor Plans and Elevations – (Plot 40)
- 30827A/55 Rev P1 Proposed Floor Plans and Elevations – Single Carport
- 30827A/56 Rev P1 Proposed Floor Plans and Elevations – Double Carport
- 30827A/57 Rev P1 Proposed Floor Plans and Elevations – Double Hipped Carport
- 30827A/58 Rev P1 Proposed Floor Plans and Elevations – Double

Carport with Walkway
30827A/59 Proposed Floor Plans and Elevations – (Plots 27 & 28)
30827A/60 Proposed Floor Plans and Elevations – (Plot 31)
30827A/61 Proposed Floor Plans and Elevations – (Plot 35)
30827A/62 Proposed Floor Plans and Elevations – (Plot 37)
2307071-0800 Rev A Drainage Details Sheet 1 of 2
2307071-0801 Rev B Drainage Details Sheet 2 of 2
2307071-0500-01 Drainage Strategy REV C
R01-1cawoo-DS15.07.2024 Drainage Strategy Report
0633/23/B/22B Landscape Planting Plan
Issue 4 OPT Play Area Proposals Issue 4
MMA18170/001 R3 Proposed Lighting Strategy - Design Layout - R3
R3 18170 Private Lighting Impact Assessment R3
MMA18170/001 R3 Proposed Lighting Strategy - Area Calculation - R3
StA 3160 AIA AMS AI AMS Land off Front Road Rev 2
1378_R01_Rev C_EcIA Ecological Impact Assessment (ECIA)
Issue 4 Landscape and Ecology Management Plan (LEMP) Issue 4
Issue 4 LEMP Annex 1
Issue 4 LEMP Annex 2
Issue 5 OPT - Part 1 Landscape Character Masterplan Part 1
Issue 5 OPT - Part 2 Landscape Character Masterplan Part 2
Issue 5 OPT - Part 3 Landscape Character Masterplan Part 3
Issue 5 OPT - Part 4 Landscape Character Masterplan Part 4
0633/23/B/22B Landscape Planting Plan
Energy and Sustainability Statement Part 1
Energy and Sustainability Statement Part 2
Travel Plan (R03)
TN01 Highways Technical Note.

2. Prior to above ground works taking place, details (including source/manufacturer and colour) and samples (where required) of all materials to be used on the external surfaces of the buildings and surfaces, as indicated by the Proposed Materials Plan (30827A_18 Rev P5) and Hard Landscape Plan (as shown on Landscape Character Masterplan Issue 5) including but not limited to brick, tiles and cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

3. Prior to the first occupation of the dwellings, at least one All Electric Vehicle charger point shall be provided per dwelling to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles. Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list.

4. The areas shown on the approved parking strategy (including visitor and unallocated spaces) as shown on the submitted plan (30827C_14 Rev P5) as vehicle parking spaces and turning areas shall be provided, surfaced and drained in accordance with the approved details prior to the first occupation of the dwellings hereby approved and shall be retained for the use of the occupiers of, and visitors

to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

5. The approved cycle storage shall be provided as shown on the approved plan (30827C/14 Revision P5) prior to the occupation of any of the dwellings hereby approved and shall be retained and maintained as such thereafter for the lifetime of the development.

6. Prior to the first occupation of any of the dwellings hereby permitted, the car parking management plan as currently shown on the submitted plan (2308049-05) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be managed in accordance with the approved parking management plan.

7. The approved landscaping [as shown on the Landscape planting plan - 0633/23/B/22B] shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A to E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no windows, or similar openings shall be constructed in the ground/first/second floors of the side elevations of plot nos 1, 2, 3, 4, 5, 8, 9, 10, 13, 16, 17, 19, 25, 33, 34, 37, 38, 39 and 40 other than as hereby approved, without the prior written consent of the Local Planning Authority.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no car ports are to be enclosed, or converted into garages without prior written consent of the Local Planning Authority.