



---

# Appeal Decision

Site visit made on 8 October 2024

**by A James BSc (Hons) MA MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> November 2024**

---

**Appeal Ref: APP/E2205/W/23/3331061**

**Land to the West of By The Way, Frith Road, Aldington TN25 7DB**

- 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 & Mrs and Mr & Mrs J C and M C Burnham and Burnham against the decision of Ashford Borough Council.
  - The application reference is PA/2022/2574.
  - The development proposed is described as 'full planning application for the erection of a detached dwelling including re-positioned access.'
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As the appeal site forms part of the setting of a number of listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. I have taken account of the consultation draft on the National Planning Policy Framework. Given its current status, it carries very limited weight. I am satisfied that the consultation draft does not fundamentally affect the substance of the matters under appeal. As a result, I have not sought further comments from the parties on this matter.

## Main Issues

4. The appellant has submitted a Unilateral Undertaking as part of this appeal, which covers the provision and maintenance of visibility splays. As a result, the Council considers that the issue of highway safety can be adequately dealt with by condition. Consequently, the main issue is the effect of the proposed development on the character and appearance of the area, having special regard to the setting of the conservation area and nearby listed buildings.

## Reasons

5. The appeal site lies at the edge of the settlement and primarily consists of grass and shrubs, with a small area of hardstanding. The appeal site lies within the Greensand Ridge Landscape Character Area and abuts the Aldington Clap Hill Conservation Area (CA). There are far reaching views available from the appeal site of the surrounding landscape.
6. The CA has a high concentration of historic buildings within a relatively small area. The significance of the CA insofar as is relevant to this appeal is derived

from the high quality historic buildings within it; the use of locally distinctive materials, including ragstone on boundary walls and chequered bricks on the building facades; and, the open and verdant, rural landscape that surrounds it.

7. The appeal site lies adjacent to a Grade II listed building, known as 'By the Way' (List Entry No: 1184361). 'By the Way' is a two storey, timber framed dwelling, which dates back to at least the 17<sup>th</sup> century. Based on the evidence before me and my site visit, I find that the listed building's special interest, insofar as is relevant to this appeal derives from its historic and architectural interest, as an illustration of domestic architecture from around the 17<sup>th</sup> century. The building's two storey form, with distinctive chimney and its use of traditional materials make important contributions in these regards.
8. On the opposite side of the road is a Grade II listed building, known as 'Clap Hill House Harold Cottages' (List Entry No: 1071216). These listed cottages are two storeys high and date back to the 18<sup>th</sup> century. They are constructed of red and blue brick and have a plain tiled roof. Based on the evidence before me and my site visit, I find that the listed building's special interest, insofar as is relevant to this appeal derives from its historic and architectural interest as an illustration of 18<sup>th</sup> century, domestic architecture. The building's traditional form, fenestration and materials, and its elevated position within the landscape contribute to its special interest.
9. To the west of the appeal site is a historic farmstead, which consists of two Grade II listed buildings, known as 'Poulton Farmhouse' (List Entry No: 1071220) and 'Oast House about 50 metres west of Poulton Farmhouse' (List Entry No: 1300148). 'Poulton Farmhouse' is a large, timber framed, 15<sup>th</sup> century dwelling, which has a hipped, plain tiled roof and traditional fenestration. The Oast House dates back to the mid-19<sup>th</sup> century and is constructed of red brick, ragstone and weatherboarding. It has a slate roof and tiled roundel cone. Insofar as is relevant to this appeal, I find the significance of these listed buildings derives from their high quality architecture, use of traditional materials and association with the social and agricultural heritage of the locality.
10. Given the appeal site's elevated position and location at the edge of the settlement and CA, the appeal site is visible from the surrounding landscape and to those travelling in and out of the CA/settlement. I appreciate that the appeal site previously formed part of the landholding for the adjacent dwelling, rather than part of the agricultural landscape. However, the appeal site provides an important transition site between the settlement and countryside. I acknowledge that the soft landscaping within the appeal site is somewhat overgrown. However, I find that the open and verdant character of the appeal site makes a positive contribution to the setting of the CA and nearby listed buildings. Although 'By the Way' is largely screened from the public realm by the existing boundary treatment and soft landscaping, the appeal site by reason of its open and verdant character makes a positive contribution to its setting.
11. The proposal seeks to construct a new dwelling, which would be in a contemporary style. The proposed dwelling would utilise some traditional materials that are found in the area, including ragstone and clay hung tiles. However, the proposal would also include a shallow pitched zinc roof, large expanses of glazing and a corten steel picture frame window. The use of

modern materials and large expanses of glazing would harmfully discord with the more traditional materials and fenestration found within the locality.

12. The proposal seeks to respond to the change in levels by having a lower ground floor. However, it is clear from the sectional drawings before me that a significant amount of excavation would have to take place to construct the new dwelling. The altered landform would harmfully disrupt the existing sloping topography of the area.
13. The proposed dwelling would extend across a significant portion of the site. The extent of built form and hardstanding to the front of the proposed dwelling would have a harmful urbanising impact on the locality. The proposal would erode the verdant and open character of the site and harm views as one enters and leaves the CA and settlement.
14. Given the relatively low height of the proposed dwelling and the fact that the appeal site lies on lower level land than the development along the ridge, views would be retained above the appeal building to the historic development within the CA, including to 'By the Way'. Nevertheless, for the reasons set out above, I find that the proposal would cause harm to the character and appearance of the area and fail to preserve the setting of the CA and the setting of the Grade II listed buildings, known as 'By the Way' and 'Clap Hill House Harold Cottages'.
15. I appreciate that the appeal site lies some distance away from the historic farmstead, which includes Poulton Farmhouse and the Oast House. Furthermore, post-war housing has been constructed along the ridge, which is visible from the historic farmstead. However, I do not find that the existing post-war development justifies the harm I have identified within such a sensitive area. In addition, the post-war housing is sited further away from the historic farmstead than the appeal site and therefore its relationship is materially different.
16. The proposal would fail to preserve the setting of the CA and the settings and therefore the special interest of nearby listed buildings. The harm to the designated heritage assets would be less than substantial, but nevertheless of considerable importance. In accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
17. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply. The proposal would provide one new family sized dwelling, which would make a small contribution to the supply of housing within the borough, which I afford limited positive weight. There would be a small economic benefit from the proposal during the construction phase of the development, which I give limited weight in my decision as a public benefit.
18. The proposal includes biodiversity enhancement measures, including new planting, bat and bird boxes, insect houses and a green roof. The proposal would also include renewable energy technologies, rainwater harvesting and utilise locally sourced materials. However, there is limited evidence before me that the proposal would be anything more than policy compliant in respect to its environmental and ecological credentials. As a result, I give these public benefits very limited weight in my decision.

19. Overall, the proposed public benefits carry limited weight in favour of the development. As a result, there are no public benefits of sufficient weight to outweigh the great weight, which I am required to give to the less than substantial harm that would arise from the development.
20. For the reasons given above, I conclude that the proposal would be harmful to the character and appearance of the area and would fail to preserve the setting and therefore the significance of the CA. The proposal would also fail to preserve the setting and therefore the special interest of nearby listed buildings. Consequently, the proposal would fail to satisfy the requirements of the Act and the historic development policies of the Framework, including paragraph 203.
21. The proposal would also conflict with Policies SP1, SP6, HOU5, ENV3a, ENV13 and ENV14 of the Ashford Local Plan 2030, adopted February 2019. These policies among other things require that proposals preserve or enhance the character and appearance of the area, including heritage assets and the setting of the nearest settlement. These policies also require that development conserves and enhances the natural environment; that the scale and design of development respects the historical and architectural character, proportion and massing, including roofscapes of the area; and, that development does not prejudice important views into or out of the CA.

### **Other Matters**

22. The Council advises that the appeal site lies within the Stour River catchment, which feeds into Stodmarsh Lakes; however, this is disputed by the appellant. There are several internationally protected sites within the lakes including a Special Protection Area, Special Area of Conservation, Ramsar Site, and Site of Special Scientific Interest. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. However, in this case, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, or to consider this matter further.

### **Planning Balance**

23. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework advises that planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
24. The proposal would harm the setting of designated heritage assets and there are no public benefits of sufficient weight to outweigh the harm that I have identified. Consequently, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. As a result, the presumption in favour of sustainable development does not apply in this case.

## **Conclusion**

25. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

*A James*

INSPECTOR