



Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2024

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

an Inspector appointed by the Secretary of State

Decision date: 13th December 2024

Appeal Ref: APP/E2205/W/24/3345699

Amage Farm, Amage Road, Wye, Kent TN25 5Df

- 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 Mrs Welch (Hobbs Parker Property Consultants LLP) against the decision of Ashford Borough Council.
 - The application Ref is PA/2022/3118
 - The development proposed is for a part retrospective application for the creation of a new access to Amage Road and erection of a gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12th December 2024. However, I am satisfied that any changes to the Framework have not prejudiced any party in this case. Consequently, in reaching my decision I have therefore had regard to the new Framework published in December 2024, and any reference to Paragraph numbers are to this version.
3. Although the appellant considers communications with the Council during the application process to be less than ideal, this is a matter for the parties and not for my consideration as part of this case.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area, including the scenic beauty of the (NL).

Reasons

5. The appeal site is located in the NL to one side of Amage Road, which is a single-track lane that is lined by hedges and trees. The northern-eastern side of the lane is also typified in this section of Amage Road by high banks of vegetation. The rolling hills, fields and scattered woodland of the NL can be seen in the wider views.

6. Subsequent to a previous scheme for the site that was refused by the Council¹, an access has been created on the appeal site. The access road rises up along a part made track with new tree planting on both sides and leads to the agricultural buildings beyond. However, to create a visibility splay for a vehicular access on this side of Amage Road that would be acceptable to Kent County Council Highways department, the appellant proposes to clear the brambles/thicket and further re-grade the existing high banks on either side of the appeal site.
7. I acknowledge that there are other access ways to dwellings nearby. However, a number appear to be of some vintage. Therefore, I cannot be certain if they were permitted under the same development plan as the proposal before me or not. Moreover, others are located elsewhere or are found on the other side of Amage Road² where the topography is of a different nature. Consequently, I have considered the proposal on its own planning merits.
8. As such, the proposed development would be in the NL, and therefore, for planning purposes would be located in the countryside, to which I give great weight. The appellant argues that the effect of the proposal on the character and appearance of the area would be neutral, However, I find to the contrary.
9. Notwithstanding the proposed replacement native tree and hedge planting or the established built form nearby, the engineered development would not only erode the natural slope and contours of the bank but be in stark contrast to the rural feel of the lane on this side of Amage Road. Indeed, even if the new landscaping would eventually thicken and mature, of which I cannot be certain, the proposed combination of hard surfaces, the metal gate and new fencing would still draw the eye to the relatively wide access gap in the bank.
10. As such, given my findings above, I conclude that the development would be an alien addition on Amage Road, and hence harm the verdant and natural beauty of the NL in this very specific location.
11. Accordingly, the proposal would not meet the aims of Policy WNP8 of the Wye Neighbourhood Plan, Policy ENV3b of the Ashford Local Plan 2030 (2019), as supported by the Kent Downs AONB Management Plan, and Paragraphs 187 and 189 of the Framework, which say, amongst other things, that all new development will respect the qualities of the NL.

Other Matters

12. The Grade II listed Amage Farmhouse lies directly adjacent to the appeal site and Roadside Barn is a Grade II listed building which is found to the southeast of the proposal. However, as the development would be relatively distant to these dwellings, I conclude that the proposal would have a neutral effect on the setting of these listed buildings.
13. It has been brought to my attention by the appellant that the proposal would create a larger access to the agricultural buildings for the movement of modern farm vehicles and large equipment than existing arrangements. Moreover, that the agricultural buildings will be offered to local farmers for rent. While this is noted, these benefits do not outweigh the substantial harm to the NL I have found above.

¹ 19/00280/AS

² PA/2024/0881, 21/01203/AS

Conclusions

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

J E Jolly

INSPECTOR