



Appeal Decision

Site visit made on 17 December 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2025

Appeal Ref: APP/E2205/W/24/3350204

Knoll Hill House, Knoll Hill, Aldington, Kent TN25 7BZ

- 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 Tim Parrett against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/0044.
 - The development proposed is a change of use to single residential dwelling incorporating an extension and detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. There are no changes to the relevant sections that are material to the scheme before me, thus no further comments were sought by parties. Consequently, I have determined the appeal having regard to the revised Framework, and any references are to this version.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular regard to whether it would conserve and enhance the natural beauty of the Kent Downs National Landscape; and
 - whether the proposal would be a suitable location for housing, having regard to the Council's spatial strategy and the provisions of the Framework.

Reasons

Character and appearance

4. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which has the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations. It continues, that the scale and extent of development should be limited to avoid or minimise adverse impacts in these areas. SP1 and ENV3a of the Ashford Local Plan 2030 (ALP) adopted February 2019, also seek to conserve and enhance the Boroughs natural environment including landscapes and ensure that development would enhance the special qualities, distinctive character and tranquillity of the Kent Downs National Landscape

5. The Kent Downs National Landscape is made up of diverse special characteristics and qualities, which are set out in the Kent Downs AONB¹ Management Plan 2021 – 2026. The appeal site is located within the Lympne Greensand Escarpment Landscape Character Area, sub-area². The landscape character assessment identifies the key characteristics of this area as a landform dominated by a sloping south-facing escarpment with a strongly patterned and textured landscape, including woodland, scrub, grassland and watercourse showing the variations in different parts of the area. There are occasional isolated residential properties, usually set back from the road and surrounded by grounds and woodland. From the top of the scarp there are spectacular views across Romney Marsh and the English Channel.
6. The appeal site consists of a modest modern groundkeepers outbuilding located within the curtilage of Knoll Hill House in Aldington. The surrounding area has a strong rural feel with undulating verdant fields interspersed by wooded areas and scrub. The immediate area consists of a dispersed pattern of built development, with large properties in generous plots, reflecting the spatial nature of the area. The site occupies a distinctly peripheral location outside of the settlement of Aldington and consequently, is in the countryside for planning purposes.
7. The proposed development would have a considerably larger footprint in order to provide appropriate accommodation for the proposed dwellinghouse. At approximately 173m² the proposed development would be significantly larger and longer than the existing groundkeepers outbuilding (47m² approx.) thus increasing the degree of built development and permanence within the rural setting. The proposal also includes a detached garage in close proximity to the dwellinghouse, adding a further structure in this location and increasing the spread of development.
8. The appellant highlights that planning permission³ has been granted for further development on the site, including a dance studio which could still be constructed, given the permission remains extant. From the information before me this consists of an additional structure, in a similar design to that proposed under the appeal scheme, located further east along the access track. This represents a realistic fallback position and would provide a further increase in the quantum of built development, creating a cluster of new buildings in this area, thus increasing visual harm through the sprawl of development.
9. Were I to allow the appeal, the dance studio could be constructed prior to this scheme, given its extant nature. This development in combination with the proposal would further increase the harm to the immediate setting. I have not been presented with a mechanism, such as a planning obligation, which would prevent the building approved under the consent from being constructed, in addition to the appeal proposal, thus there is no certainty that both schemes would not be built out. In such circumstances there would be a greater impact on the National Landscape in terms of the scale and degree of built development to the detriment of the rural appearance and its scenic beauty.
10. I appreciate that public views along Knoll Hill would be effectively screened along the roadside boundary, given its single storey nature, flat sedum roofs and the

¹ On 22 November 2023, all Areas of Outstanding Natural Beauty in England and Wales became National Landscapes.

² Landscape Character Assessment Update of the Kent Downs AONB (2020)

³ Ashford Borough Council Planning Ref: 20/00653/AS

existing gated boundary treatment. Furthermore, care has been taken in regard to the overall design, providing a contemporary appearance, whilst incorporating natural materials and green credentials such as photovoltaic panels, providing a high standard of design. I also acknowledge that supplementary planting could be incorporated within the scheme, in an attempt to further screen the development. However, any additional planting would take time to become established, where it would afford the significant structure any degree of screening given the scale of the development.

11. The appellant refers to similar developments in close proximity to the appeal site⁴. I am not aware of the full circumstances and/or planning history associated with these cases, but it is evident from the limited details presented that they turned on their own particular merits. I therefore give these examples moderate weight, as I cannot be certain that these are directly comparable. In any case, each scheme must be considered on its own merits. While consistency in decision making is important, ultimately, each scheme needs to be determined in the light of the specific circumstances and context of each case.
12. Overall, the scale of the built development proposed would be at odds with the character of the area, and thus would significantly diminish the existing special qualities which positively contribute to this part of the Kent Downs National Landscape. As a result, I conclude that the scheme would conflict with Policies SP1 and ENV3a of the ALP, which collectively seek, amongst other things, to provide the highest quality of design which conserves and enhances the special quality, distinctive character and tranquillity of the National Landscape. The scheme would also conflict with paragraphs 135 and 189 of the Framework which collectively seek, amongst other things, development that is sympathetic to local landscape character; and planning decisions that contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.

Spatial strategy

13. The Framework, amongst other things, advises that housing development in rural areas should be located where it will enhance or maintain the vitality of rural communities and identify opportunities for villages to grow and thrive, especially where this will support local services. The Framework also seeks to promote alternative forms of transport other than the private car. Policies SP1 and SP2 of the ALP seek to focus development toward sustainable locations to utilise existing infrastructure, facilities and services, which reflects the aims and objectives of the Framework in regard to sustainable transport.
14. Given its peripheral location, journeys to Aldington to access local facilities would be via narrow country roads which do not have pavements and are predominantly unlit. The lack of footpaths or streetlighting would make it less attractive for people to walk, especially for small children going to school. The likelihood is that most journeys would be undertaken by private car. Whilst trip lengths would be relatively short, given the modest distances involved, the proposal would conflict with the spatial policies SP1 and SP2, which seeks to direct development to settlements where the need to travel can be reduced.

⁴ Appendix 4

15. Nevertheless, Policy HOU5 of the ALP directs that development can be permitted in the open countryside outside the existing built-up confines of settlements, where it would accord with one of the specified exceptions. These include accommodation for an essential rural worker; optimal viable use for a heritage asset; the re-use of redundant or disused buildings; buildings of exceptional design or quality; or a replacement dwelling. This is generally consistent with the exceptions listed under Paragraph 84 of the Framework. However, given the appeal sites physical and spatial proximity to nearby buildings, I do not consider this to be an isolated site in terms of the Framework.
16. The appellant cites bullet point 3 of HOU5 as the relevant exception, which is the re-use of redundant or disused buildings which lead to an enhancement to the immediate setting. Supporting paragraph 6.62 of the ALP provides guidance when considering this exception, stating that *'proposals will need to demonstrate that the existing buildings have been on site for a number of years and are no longer needed for their current or previous use. The building shall be maintained and not allowed to fall into disrepair as a prelude to suggesting an enhancement to the setting of the area.'*
17. The groundkeepers outbuilding is a relatively recent addition at Knoll Hill House, having been granted planning permission in July 2020⁵. At the time of my site visit the modern flat roofed development was in a good state of repair and appeared to be finished to a high standard of design, thus could not be considered disused. Nevertheless, the appellant has submitted a viability appraisal report⁶ that indicates due to personal circumstances and a reduction in the Knoll Hill House estate, the existing use as a groundkeepers outbuilding is surplus to requirements, thus could be considered as redundant. The viability appraisal report further concludes that the most suitable use is for residential purposes. The report highlights that studio accommodation would be most appropriate, having discounted retail, office, annexe accommodation and use as a holiday let as alternatives.
18. Even if, I was to accept that the residential use of the building was the most suitable, the second limb of the policy requires the re-use to lead to an enhancement to the immediate setting. As stated above, the re-use of the property would require the addition of significant extensions to the existing groundkeepers outbuilding in order to provide suitable accommodation. These extensions, coupled with the proposed garage and extant dance studio, whilst of a high standard of design would increase the levels of built development within the rural landscape, which would not enhance its immediate setting.
19. For completeness the proposal would not meet any of the other exceptions in policy HOU5 of the ALP in that it would not provide an essential need for a rural worker; is not in connection with the optimal viable use of a heritage asset; has not been considered exceptional design as it has not been referred to the Ashford Design Panel; nor is it a replacement dwelling.
20. Consequently, the proposed development would be contrary to the relevant provisions of policies SP1, SP2, HOU5 and HOU10 of the ALP, insofar as they seek to direct development to accessible and sustainable locations, to restrict development in the countryside, and to protect the existing character and

⁵ Ashford Borough Council Planning Ref: 20/00653/AS

⁶ Prepared by Lambert and Foster Ref: PS02.017.2869

appearance of the countryside. The development would also conflict with paragraph 110 of the Framework which seeks to maximise sustainable transport solutions. As such, I cannot conclude that the proposed dwelling would be located where it would enhance or maintain the vitality of rural communities as envisaged by paragraph 83 of the Framework and it would not be the sustainable development that it seeks to promote in rural areas.

Other Matters

21. The Council cannot demonstrate a 5-year housing supply (4.39 years of housing supply as of September 2024). The appeal scheme would make a modest contribution to Ashford Borough Council's housing undersupply. As such, this attracts moderate weight in favour of the development.

Planning balance and conclusion

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
23. It is common ground that the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites (FHLS) and therefore the policies most important for determining the application are considered to be out-of-date, commonly referred to as the tilted balance. However, as I have found harm to the National Landscape, in accordance with paragraph 11.d) i. of the Framework (including footnote 7) the application of policies which protect the National Landscape, a designated area, provide a clear reason for refusing the development and the tilted balance does not apply. Accordingly, the presumption in favour of sustainable development does not apply.
24. I have found the development would offer potential benefits in terms of providing a new dwelling to the Council's housing stock, given that this is a small site and could be brought forward relatively quickly. It would also have environmental and economic benefits, through potential energy efficiency measures and employment opportunities during the construction phase of the development. I have attached moderate weight to these factors in favour of the proposal.
25. However, the weight attributable to these matters is not sufficient to outweigh the harm that I have already identified above in respect to the character and appearance of the area and the Kent Downs National Landscape, and the unsustainable location.
26. Taking all of the above into account, the extent to which there would be adverse impacts of granting planning permission would significantly and demonstrably outweigh the above benefits of the proposed development, when assessed against the policies in the Framework taken as a whole. Therefore, the appeal is dismissed.

Robert Naylor

INSPECTOR